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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 14, 1994*

The House met at 10 a.m.

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

Breathe into us, O gracious God, the breath of life, that spirit of faith and hope and love that overcomes our doubts and gives the assurance of all good things. Lift us, O God, from any self-righteousness or arrogance, so we see more clearly the steps we should take and the paths we should follow. May Your good word that comes new every morning forgive us, bless us, lead us, heal us, and follow us all the days of our lives. 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 gentleman from Indiana [Mr. VISCLOSKY] come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 2206. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes;

S. 2207. An act to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes;

S. 2209. An act to authorize appropriations for fiscal year 1995 for military construction, and for other purposes;

S. 2210. An act to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes; and

S. 2211. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 15 requests per side for 1-minute statements.

AN "A" FOR DEMOCRATS IN CONGRESS

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

Mr. VISCLOSKY. Mr. Speaker, the midsession economic review is in and I am happy to say that the economic plan put forward by President Clinton and passed by the Democrats in Congress got an "A."

Unemployment for the month of June is at 6 percent—down more than a full percentage point from last year. Now, 6,398 private sector jobs are being created every day. In the first 17 months of the Clinton administration, 3.8 million jobs have been created, compared to only 2.4 million jobs during the entire previous 4 years.

The deficit is down and continuing to fall. The deficit is projected at 2.5 percent of gross domestic product in 1997, down from 4.9 percent in 1992. And, for the first time since Harry Truman was in the White House, the deficit will be cut 3 years in a row.

Government spending has been cut, and the Government work force will be reduced by over 200,000 jobs.

Mr. Speaker, under the Democratic policy the people are clearly better off today because of the economic plan. We must now build on that success and pass real health care reform that providers universal coverage and controls costs.

HEALTH CARE REFORM

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

Mr. THOMAS of Wyoming. Mr. Speaker, national columnist Robert Samuelson had this to say about the drive to reform health care in Congress:

The best thing Congress could do now on health care is to start over next year. The most important social legislation in a quarter century should not be approved as a last-minute, poorly-understood patchwork. From the start the debate has suffered from Clinton's wild promises that they could achieve universal coverage with very little extra cost. This has produced five inconsistent congressional bills that all, in one way or another, fantasize a health care future that will never happen.

I have been one who believes and continues to believe that we need fundamental reform in health care. We need fundamental reform that leaves health care, one-seventh of the economy, in the private sector for delivery.

I am one who believes that we could do this in Congress. However, if it is the Democrats' position to politically insist, and their political insistence keeps us from curing the ills of the health care system without killing the patient, the Democrat partisanship that kept a bipartisan solution from reaching the floor. I think we should have fundamental reforms. If President Clinton is going to insist on his way or the highway, then Mr. Samuelson may be right. Nothing will be done. I hope that is not the case. We need fundamental reform for a private care system that stays in the private sector.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MORE ON HEALTH CARE REFORM

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

Mrs. CLAYTON. Mr. Speaker, as we move forward on health care reform, I want to remind my colleagues to be particularly sensitive to the special needs of improving the health care in underserved communities, both in rural and inner cities.

The main problems that need to be addressed in order to improve rural health care are: The shortage and underpayment of primary care providers; the need for capital to upgrade rural facilities; and the problems faced by serving fragile, at-risk patients, especially the elderly.

The director of the North Carolina Office of Rural Health, and my dear friend, Mr. James D. Bernstein, recommends that to work toward solving these problems we must first develop programs that will ensure that rural health care practices offer a package of incentives and a positive practice environment to attract the providers they need.

Also, we need to provide both long-term and short-term work force strategies, such as scholarships and loan repayment as well as long-term financial and reimbursement incentives. We must ensure that our rural health care facilities receive the funding they need for physical upgrades and guarantee rural citizens that their health care will not be second class.

Any health care reform that does not address the needs of rural America will not serve or benefit those hard-working families that made our country great.

POSSIBLE INVASION OF HAITI

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

Mr. GILLMOR. Mr. Speaker, President Clinton is considering a military invasion of Haiti. That would be a mistake and the answer to that idea should be just plain no. There is no doubt that the current dictatorship of Haiti is a brutal dictatorship, but there are brutal dictatorships all around the world. Are we supposed to invade every one of them? The answer is clearly no. We cannot be the world's policeman in every instance.

American lives should be put in harm's way only if there is a clear national interest in doing so and that is not the case with Haiti. Apparently, the reason for this invasion would be to restore to power the person who held power briefly before. When he did, his regime committed human rights abuses similar to the current dictatorship. If we restore him to power by military force and he does it again, does that make the United States an accomplice to these human rights abuses?

If we want to keep him in power and try to prevent the abuses, how many years will our troops have to stay there and how many American lives will be lost.

Bill Clinton's foreign policy has been a continual series of embarrassments and disasters for the United States. This administration's foreign policy is like a foreign policy conducted by Abbott and Costello. We do not need to make another mistake by invading Haiti.

SUCCESS OF THE DEMOCRATS' ECONOMIC PLAN

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

Mr. GEPHARDT. Mr. Speaker, 1 year ago, the Democrats in this House fought for an economic plan to reverse the economic decay and decline that had plagued our Nation for 4 years—by cutting Federal spending, slashing the Federal deficit, and giving tax breaks to working people.

The Republican Party, for all their talk of fiscal responsibility, refused to lift a finger to help us. They called our plan a job killer—even though it has created more than 6,000 private sector jobs every single day.

They said it was a one-way ticket to a recession—a subject the Republicans know a thing or two about, since they plunged our Nation into recession during the Bush years.

But now the verdict is in. We have more than twice the economic growth of the Bush years. New jobs are being created all over the country—more in 18 months than during the entire Bush administration. More new businesses are being incorporated than ever before in our history.

There is a story behind those statistics. When you walk through my own town of St. Louis, you see Help Wanted signs in shop windows. There is so much new construction taking place, they have issued a nationwide call for construction workers, because there are not enough to meet the demand.

We still have a long way to go—more jobs to create, more businesses and families to help.

But as we move toward this November's elections, the American people have to ask themselves a serious question:

Can we really trust a party that played politics when we were trying to make serious economic policy?

If the Republicans still think the Democratic economic plan is a job killer, then let us face it: the jobs they are talking about must be their own.

□ 1010

TIME TO DO SOMETHING ABOUT AN OVERSIZED GOVERNMENT

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

Mr. BOEHNER. Mr. Speaker, the majority leader just outlined for us the plan for the largest tax increase in American history. We all wonder why Americans had to work until July 10, Sunday of this past week, to pay for government, because that was the cost of government day. The average American had to work until July 10 to pay for all of the cost of government at every level. Fifty-three percent of the Nation's income is going to pay for government, and yet President Clinton and the majority leader and other liberal Democrats wanted to impose government-run health care.

Mr. Speaker, part of that plan requires an employer mandate, which is nothing more than a payroll tax. If that plan goes into effect, next year the cost of government day will not be on July 10, it will be on August 15, August 15. Americans will have to work all year until then to pay for the cost of government.

Mr. Speaker, we all know government is too big and spends too much. It is time to do something about it.

THE SUCCESSFUL DEFICIT REDUCTION ACT

(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, last year critics of the 1993 Deficit Reduction Act disparaged the plan, claiming it would increase the deficit and ruin the middle class. Nevertheless, ever since its passage, we have heard nothing but good news as the deficit shrinks and the economy grows.

Today, there is more good news for supporters of the package. Coupled with the strengthening economy, the Deficit Reduction Act has become even more of a success than anticipated.

For the first time in two decades the deficit has decreased 2 years in a row. As a percentage of the gross domestic product the deficit is down to 2.4 percent, half its previous level.

Projections indicate a deficit for 1994 $85 billion less than previously hoped for. However, we can do better. Our job is only half done. Passing a health care reform act will hammer the lid down on the deficit and ensure the economy's growth and the middle class' stability.

DEMOCRAT HEALTH CARE PLANS DESTRUCTIVE TO SMALL BUSINESS

(Mr. DOOLITTLE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, Americans know this country is in trouble, and it is interesting to hear all of these great confessions of success from the other side today. It is interesting that the President's standing and the Democrats standing continues to drop in the polls as people get more and more worried about the future of this country. I must say, the country does not seem to share this euphoria about the success of the President's economic plan.

Today, Mr. Speaker, the National Federation of Independent Businesses issued a bulletin: "How many employers provide health insurance?" It says, that a Federal law, such as that proposed by President Clinton and Congressional Democrats, requiring all employers to provide coverage to all employees, including part-timers, will have a significant, destructive impact on all small firms.

Elsewhere in this bulletin it observes that less than half—40–45 percent—the employers provide health insurance of any kind to any portion of their employment force. Therefore, the reality, as the NFIB observes, is that the Democrats' health care plans, including the President's plan, will be highly destructive to small businesses because it will raise their costs of doing business. Businesses will have to cut costs in response, and this response will include job cuts. So the very jobs the Democrats claim President Clinton has created with his economic plan will be wiped out by his health care plan—a plan which analysts project could cost up to 1 million jobs.

Mr. Speaker, we need to reform health insurance to make it more affordable, but we do not need any more taxes laid on the backs of business or the American people. They are suffocating from taxes and regulation as it is.

THE CIA'S PINOCCHIO SYNDROME

(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, the CIA said Frank Olson committed suicide 40 years ago. The Frank Olson family said the CIA murdered their father. Now documents prove that Frank Olson was an unknowing participant in a secret LSD experiment at the CIA. All we know is he turned erratic. The CIA said he jumped out a window, committed suicide, but they never found any glass fragments, and the hotel night manager said Frank Olson did not commit suicide 40 years ago. Whom do we believe now, Mr. Speaker?

The CIA said we did not mine the harbors in Nicaragua, we did not publish a death threat manual, we had nothing to do with the Chilean coup, we knew nothing about Panama 103. Who do we believe, Mr. Speaker? I say the CIA, if there is any truth, is suffering from a Pinocchio syndrome, and their nose now stretches from Langley to Casablanca, all the way to Disney World, to the Congress of the United States.

Mr. Speaker, I want to know. I want to know what happened to Frank Olson. I am asking for a congressional investigation. Is the CIA responsible for that death? It is time we find out about that agency.

HAITI: A WAYWARD POLICY OR A POLICY IN SEARCH OF A WAY?

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

Mr. KNOLLENBERG. Mr. Speaker, lately I have picked up the morning paper wondering if I would not be reading about a United States invasion of Haiti. Such an expedition would of course be understandable. Who could blame us with all the international embarrassment this dreaded Caribbean super power has brought us.

Naturally, Mr. Speaker, I am being sarcastic. What American could possibly enjoy watching their country take a fourth policy flip-flop in no less than 2 years.

And for those colleagues of mine who disagree, I would point out that our record, as a House, is very clear. In fact one might even argue that it is transparent, maintaining the status quo at the expense of our Armed Forces, our international reputation, and our principles.

We need a policy, such as Mr. Goss' Haitian Safe Haven Program, that is based on conviction of beliefs, rather than the latest poll.

Mr. Speaker, I ask you to join me in urging the administration and my colleagues in calling on the administration for a sound Haitian policy. This is fair to the people of both Haiti and the United States. Poorly thought out positions are not.

BULLDAWG STATEMENT ON HEALTH

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

Ms. McKINNEY. Mr. Speaker, I rise today in support of the hard-working, taxpaying, middle class.

I rise in support of strong health care reform.

The "Just-Say-No Club" tells 37 million Americans who have no health insurance, and the millions more who are dangerously underinsured that we need to "slow down" on health care reform. They tell us that our current health care system works just fine—there is no need "fix something that isn't broken." Well, the gridlock gang is at it again.

Their leaders tell the American people that they are for bipartisan reform, though its on their terms. Then they instruct their Members to vote against any idea put forth by a Democrat. There is a great deal of partisan politics holding up health care reform, but it ain't the Democrats.

It is time for the American people to remind those right-wing, ever publicly uttering baloney, "Just-Say-No Club" who they work for.

I rise today to tell the hard-working American taxpayers that we are fighting for you—not the monied special interests.

URGING MEMBERS TO COSPONSOR THE MEDICAL MALPRACTICE FAIRNESS ACT OF 1994

(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, I wonder if anyone at the White House has noticed that none of the health care reform bills reported out of committee in the House has any meaningful medical malpractice reform.

I wonder if the First Lady and the President noticed that their 1,300 page blueprint for Government-run health care had a huge omission in it—no meaningful medical malpractice reform.

Is it not interesting, Mr. Speaker, that the White House claims that special interests are holding health care reform hostage? On the contrary, I contend that it is the White House and the Democrat leadership being held hostage by special interests. These special interests would lose out if serious medical malpractice reform is enacted.

Serious medical malpractice reform would save consumers billions of dollars each year, in particular it would reduce the cost of the typical hospital stay by an estimated $500 or more, reduce the rate of defensive medicine, and reduce the cost of liability insurance.

The Medical Malpractice Fairness Act of 1994, which I will soon introduce will bring about these savings. Many provisions in this bill have the strong support of former Vice President Dan Quayle, a vigorous advocate for serious tort and medical malpractice reform.

I strongly urge my colleagues to help free the White House and Democrat leadership from the vice-like grip of the special interests by becoming original cosponsors of the Medical Malpractice Fairness Act of 1994 and ultimately passing this desperately needed legislation.

□ 1020

ECONOMY STILL GROWING

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

Mrs. MEEK of Florida. Mr. Speaker, there is good news on the economic front. Unemployment is down, Federal spending is down, the deficit is down, and the economy, well, it is still growing.

New deficit estimates show that the President's economic programs are a remarkable success, reducing the deficit 2 years in a row for the first time in two decades. And, the projected deficit for fiscal year 1994 is now $220 billion, $85 billion less than was projected prior to the President's economic plan, and even $15 billion lower than was projected this February. Mid-year projections show that the 1995 deficit is expected to decline $167 billion, some $135 billion less than projected.

The President's economic policies are moving America forward and putting people back to work. Nearly 6,398 private sector jobs a day are being created, more new jobs have been created in the last year than in all of the previous 4 years.

Yet and still, we hear all of the talk from the naysayers on the other side of the aisle who say that this President is headed in the wrong direction, and that our economy is on the wrong track. I say, tell that to the 6,398 people who find new jobs in the private sector each day. Tell that to all of the people who have come off unemployment and found work in the last year.

Oh, no, our economy is headed in the right direction all right, it is headed up. It is still growing.

Let us hear it for the Democratic administration.

COST OF GOVERNMENT DAY

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to mark Cost of Government Day as July 10, 1994. This is the first day of the year that the average American worker has earned enough gross income to pay off his or her share of the cost of Government including taxes, borrowing, regulations, and mandates. Although we celebrated our national independence on July 4, Americans could not celebrate their independence from Government until July 10.

A constituent of mine, Mr. Bobby Resh of Hagerstown, MD, is the owner of Richardson's Restaurant and has told me over and over again how burdensome regulations have stifled the growth of his small business. Specifically, the Family and Medical Leave Act, although it is well intentioned legislation, has impeded him from expanding his company and caused him to keep his number of employees under 50.

In addition, the threat of employer mandates being included in health care reform had also caused him great concern. He fears that he will not be able to afford this added cost to his business. In fact, the group Americans for Tax Reform Foundation estimates that passage of a Government-run health care system will push Cost of Government Day to August 10.

The Federal Government is too big and it spends, taxes, and regulates too much. The American people are sick and tired of spending over half of the year working for the Government and I think the November election will underscore this fact.

WELFARE REFORM CAPS

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

Mr. BARCA of Wisconsin. Mr. Speaker, Wisconsin has prided itself on our efforts to reform our welfare system because we accept the goal of making it so that people would always be better off by working than not working. We are proud that another Wisconsinite, Secretary Donna Shalala, is leading the effort for the administration.

President Clinton has put forward a very solid road map that we can build on. He has set forward the goals of making work pay, the goals of curbing teen pregnancy, to try and put an emphasis on prevention and having teenagers live with their parents rather than in their own apartments; to collect child support to ease the burden on taxpayers so that they do not have to raise other peoples' children; to put time limits on the system so that we can turn a welfare check into a paycheck.

Mr. Speaker, I applaud our chairman of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS]. He has indicated he is going to try and move this bill forward and I say let us move it forward, pass it, work together and get it done.

REQUEST DENIED FOR FEDERAL GOVERNMENT HANDBOOK CAPS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the gentlewoman asked a few moments ago what the American people want from this President. I think the answer is simple. We want competence.

Mr. Speaker, the concern I have this morning is that the Clinton administration is once again stonewalling. In this case one of my constituents has been unable to attain a simple personnel handbook used to train and orient new schedule C or political employees from the U.S. Office of Personnel Management.

My constituent requested the material to review as a part of his academic graduate studies. He has contacted the personnel offices in all 50 States with very positive responses and had hoped to include the Federal Government's handbook.

After several months, several letters, several phone calls and several requests for the handbook, he was told to file a Freedom of Information Act request with OPM's general counsel. After learning that OPM could not comply with the 20-day time period required by law. He was told he could file a court suit against the Federal Government to get he handbook.

Two months after he filed the FOIA, he received an OPM final determination for his request, a denial, get this, for a draft handbook.

Mr. Speaker, why will not the Clinton administration share their personnel handbook which is to train and orient new political appointees? I wonder what is in that book that makes them stonewall on this one?

GOOD NEWS ON DEFICIT REDUCTION

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

Mr. PRICE of North Carolina. Mr. Speaker, this week the House of Representatives passed the 13th of 13 appropriations bills, on budget and on time, and the Office of Management and Budget released its midsession review on the economy. This review contains good news for those who care about deficit reduction and about the health of this economy. The 5-year budget plan passed last year will produce $692 billion in deficit reduction, and it achieves $135 billion in deficit reduction in 1995 alone. As a percentage of the gross domestic product, the 1995 deficit will be 2.4 percent. That is less than half of the 4.9 percent of 1992, and it is the lowest level of any year since before Ronald Reagan's budget-busting Presidency.

The 218 Members who voted for last year's budget deserve credit for getting past the posturing on deficit reduction and making responsible budgeting a reality again. The economy continues to respond well, showing once again how far off base the prophets of doom and gloom have been. Unemployment is down, and we have created 3.5 million private sector jobs since January of last year. That is twice as many as were created in the previous 4 years combined.

Mr. Speaker, those 13 appropriations bills contain some good news, too,

showing the importance of not only spending less but also spending what we do spend in a more intelligent and targeted fashion that pays off for this economy in the future.

We have come a long way, Mr. Speaker, but we have a great deal more to do, particularly in the area of health care reform. Health care costs still threaten to undo the progress we have made on the deficit. In the coming weeks, we have got to pass a reform bill that covers all Americans and gets those costs under control.

INTRODUCING COST OF GOVERNMENT DAY 1994 RESOLUTION

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

Mr. DELAY. Mr. Speaker, while July 4th was Independence Day—the day we celebrated our liberation from Great Britain—it was not until July 10 that Americans were liberated from their own Government. July 10th marked the second annual Cost of Government Day, the day when Americans earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation.

According to Americans for Tax Reform, Federal regulatory costs are estimated—conservatively—at $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it does not show up on any sales or paycheck receipts.

Our economy cannot bear the burden indefinitely. However, President Clinton wants to impose a health care reform plan on us that would push Cost of Government Day back 31 days—the single greatest jump in the cost of Government in our Nation's history.

As chairman of COGD, today I am introducing a resolution establishing July 10, 1994, as "Cost of Government Day." Additionally, at 11 a.m. today I will hold a press conference to discuss Cost of Government Day, and in particular the burden of regulation on the restaurant industry. I invite my colleagues to join me.

The Government is much too big and much too burdensome. If Americans are to succeed in today's highly competitive economy, we must break the chokehold of regulations around the neck of every budding entrepreneur and let them breathe—and therefore compete—freely.

INTRODUCTION OF SENSE OF CONGRESS RESOLUTION CONCERNING RURAL HEALTH CARE

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

Mr. STUPAK. Mr. Speaker, this morning we have heard much on health care, and let me remind my colleagues that our Nation's citizens in rural communities must receive the same quality health care as their counterparts in the cities. Twenty-seven percent of our Nation's population reside in rural communities and nearly one-third lack adequate primary care. Recruitment and retention of primary care providers in rural areas are vital to true health care reform.

Rural hospitals are experiencing financial shortfalls and many are going broke. In addition, rural communities have a disproportionate share of transportation dependent individuals, yet do not receive their fair share of Federal transit revenues.

I have introduced a sense-of-the-Congress resolution, House Concurrent Resolution 69, which states that rural health care concerns should be addressed in any Federal health care legislation. Mr. Speaker, I urge my colleagues to cosponsor this legislation and provide rural residents with the adequate health care access and services they need and deserve. End the injustice to rural America and cosponsor House Concurrent Resolution 69.

PROTECT THE AMERICAN FAMILY

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

Mr. CALVERT. Mr. Speaker, this week, Americans are celebrating their freedom.

By July 10, the men and women of this country had earned enough for the year to pay their State, local and Federal taxes and the costs of Government regulations.

That leaves a little less than half of the year for most families to earn enough money to pay for their homes, food, automobiles, maybe a family vacation if they are lucky, and possibly some savings for their kids' college education.

Is there any question why our society has so many problems when it now takes most families two incomes to make the equivalent after-tax income of a family with one income in the 1950's?

Mr. Speaker, if we really want to solve America's problems, we have to enlist the help of America's families.

And, the only way to enlist their help, is by freeing them from many of the burdens that the Government has put on them.

A great jurist once said, "the power to tax is the power to destroy."

If we want to protect the American family, we must cease destroying it by taxing it to death.

THE CLINTON ECONOMIC PLAN IS WORKING

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

Mr. MILLER of California. Mr. Speaker and Members of the House, 1½ years ago, President Clinton stood before this House and said that we had some tough decisions as a Nation to make. The most difficult one was to get a handle on the deficit that was soaring out of control, and it has soared out of control for the past 12 years.

He asked the Congress of the United States to join him in an effort to reduce the deficit by over $500 billion over the next 5 years. We made the decision to support his economic plan. Unfortunately, the Republicans would not join in that effort.

But that plan is now in place, and we are starting to see the results, and they far exceed what anybody had anticipated, with lower inflation and greater job growth, with the fact that the deficit reduction now may almost approach $700 billion in that same 5 years.

We have taken the deficit premium out of the interest rates. People once again can afford mortgages. The affordability of houses is greater for the American family now than at any time in 20 years. Businesses have been able to refinance their debt, to pay off debt and to start reinvesting in job-creation investments within our communities. We start to see the homebuilding industry again come alive as people start to look for new homes. As people have been able to refinance their homes and to pay off debt, we see that again consumer confidence is at an all-time high.

The fact is that the Clinton economic plan is working, and it is working for America. America's families and America's businesses are reaping the benefits of the decisions that were made in this Congress to support the President's economic plan. We have to stick with that plan. We have to encourage it, and we have to get the country to understand the difficulties of those reductions, but the benefits that they have given to the country.

MORALE IN OUR MILITARY AT AN ALL-TIME LOW

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

Mr. DORNAN. Mr. Speaker, on Thanksgiving, I took two of my grandchildren to the roof of the Capitol. They helped me fly 196 flags for the 30 men killed in action in Somalia and the 166 who were wounded.

This July 4, just a few days ago, I went back to the Capitol and flew flags for the families of Michael Durant's helicopter crew and the two senior sergeants who went to their rescue, sacrificed their lives, and won the Medal of Honor for their heroic action.

There was a Medal of Honor ceremony at the White House on May 23 for these two deceased heroes. Both of their fathers considered not shaking the President's hand. One of them actually did refuse to shake his hand. After a long discussion, this father told the President that he was not qualified to lead a military operation, that he did not feel he had the experience to be Commander-in-Chief, and that he, as a father, was personally offended that Mr. Clinton flew Mr. Aideed, the warlord killer of his son, down to Kenya using Marine guards and an Army airplane.

Mr. Clinton said, "We are not in the business of assassinating world leaders." Aideed, a world leader? And the father asked, "But it is all right for my son and 18 other Rangers and Special Ops guys to die?"

Then the father told the President he had nothing more to say to him.

The New York Times knew that story and spiked it. USA Today spiked it. CNN spiked it. And I intend to find out why.

I spoke to this father just a few days before I flew a flag for his son. And, yesterday I spoke to a naval officer who felt humiliated that he was asked to carry hors d'oeuvres and finger sandwiches at the White House during a partisan, political reception.

This is about the 11th incident directed against the military topped off this last break by Mr. Clinton sending condolences and referring to a Communist dictator Kim Il-song, as a great leader, who upon his death the world cheered, the world of liberty that is.

Mr. Speaker, the morale in the military is at an all-time low, and I will later do a 5-minute special order and document the specific reasons why.

WHAT THE AMERICAN PEOPLE EXPECT OF CONGRESS

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

Mr. DURBIN. Mr. Speaker, former heavyweight boxing champion Joe Lewis used to say to his opponents, "They can run, but they can't hide."

My Republican friends today have taken to the well to argue about the good old days of Republican leadership, the good old days of Reagan and Bush. Well, I happened to be in Congress during those so-called good old days: runaway deficits which our kids will continue to pay off for decades to come, broken promises time and again about the so-called new economic order, gridlock here on the floor of the House of Representatives so nothing could be done, excuses after excuses and pious speeches about balanced budgets and fiscal responsibility. Those were the so-called good old days of Reagan and Bush.

The American people remember what happened during Bush's Presidency. We had the slowest economic growth in 50 years in this country, the slowest job creation since World War II.

So last year President Clinton had the guts to stand up and say, "We are going to do something about the deficit, and I will take the heat if necessary. I need Members of Congress to stand behind me to get the deficits created by Reagan and Bush under control."

The President could not get one Republican vote to support that effort. But the American people now know that those Members who stood behind the President and voted for that plan are people who can take credit for an economy that is starting to turn around.

Think about yourself and your neighbors who have been able to refinance your home mortgage and save literally hundreds of dollars a month; 5½ million American families have been able to do it. Think about the fact that in my home State of Illinois we have the lowest unemployment this month that we have had in 15 years.

Sure, there is a lot more to be done, but working together on a bipartisan basis to solve our economic problems, standing behind the President to really address these serious economic challenges is what the American people expect of Congress.

STOP! DON'T SHOOT!

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

Mr. HASTERT. Mr. Speaker, Stop. Don't shoot.

That is the message Republicans are sending to President Clinton regarding the employer mandate on small businesses.

The President's employer mandate is a gun aimed at the heart of many struggling small companies in America. And despite the President's assurances, the mandate will not even achieve the goal of universal coverage.

Some experts now refer to triggers as a possible solution to the employer mandate problem. But a trigger is a mandate at a later time. Instead of shooting small businesses today, the trigger would shoot small businesses some time in the future.

Mr. Speaker, the employer mandate is a bad idea. It means an 8 percent payroll tax for each employee. It will kill at least a million jobs. And it will hurt economic expansion.

I urge the President to discard his employer mandate and work with the Republicans towards a common sense approach to health care reform. Don't shoot our small businesses, with or without our finger on the trigger.

SUPPORT HEALTH CARE COVERAGE FOR ALL AMERICANS

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

Mr. HAMBURG. Mr. Speaker, some say we can compromise on the basic goal of universal health care coverage, that covering most Americans is good enough.

But who are the millions of American men, women, and children who would be left out? The people who will be left out are middle-class Americans. They are hard-working people with modest incomes who are unable to afford the full cost of covering themselves and their families. They are working Americans who do not have health care coverage through their employers and who do not qualify for subsides.

Well-off Americans will always be able to afford health care. The poorest in our society will continue to be covered. But it is middle-class Americans who will lose if we pass health care reform that only tinkers around the edges. It is time to support health care coverage for all Americans.

□ 1040

CONGRESS LOVES TO SPEND

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

Mr. LEWIS of California. Mr. Speaker, Members and colleagues, I had not planned to address the House today, but I stood here in fascination watching Democrat after Democrat come to the well displaying charts that suggest the lowest spending pattern in 15 years in this country. A colleague from the Committee on Appropriations came to brag from the fact that we are doing so much to reduce the deficit.

Well, friends, we ought to remember the American public is not fooled easily and the American taxpayer knows a lot better. The reality is that there have been some reductions in spending. They have all been in our defense systems. Every other program in Government is spending more money this year than they were last year. The entitlement programs have expanded. Let us not kid anybody. People know the impact Government is having upon their lives. Somebody who comes and suggests that the Congress, one way or another, should take credit has really got to be kidding. I did not rise to praise or condemn this President or past Presidents. It is the Congress that is to blame. The Congress loves spending. Our committees expand their programs. They have yet to see a program they just do not love. So every year they add to the deficit by expanding Congress-led spending. It is time that Congress led the change to reduce the deficit.

DISCRETIONARY SPENDING IS WAY DOWN

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

Mr. HOYER. Mr. Speaker, I did not know my colleague on the Committee on Appropriations was going to precede me. My colleague surely knows, surely knows that discretionary spending is plummeting. Here is the chart: 1953, 18.3 percent of gross domestic product spent on discretionary spending. That is down to 8.2 percent in 1994.

Gridlock has ended and action has begun; that is the difference.

The economy is growing. The economy is creating jobs. The economy is growing at a faster rate than it did under Ronald Reagan and certainly under George Bush, which had the lowest level of economic growth and job creation in the past half-century.

Ladies and gentlemen of this House, you and I both know that as a result of actions taken in this Congress we are creating 6,000 jobs per day in America. When I pointed out just a second ago about the economic growth, yes, let's talk facts. Here are the facts, not the rhetoric that we have heard, but the facts that exist, and why consumer confidence is up, why business confidence is up, why interest rates are remaining down and job growth is over 3.7 million new jobs, 90 percent in the private sector just over the last 18 months.

Economic growth of 1.5 percent under the previous administration in the 4 years; 3.2 percent, higher than Reagan, higher than Carter, higher than Ford, higher than Nixon. Not until you go back to Johnson and Kennedy do you get the same kind of economic growth.

Let us keep on track, create jobs, and make life better for all our citizens.

DEFENSE SPENDING IS NOT DISCRETIONARY SPENDING

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

Mr. STEARNS. Mr. Speaker, I would just like to say to the last speaker that he has, in his charts, defense spending. He is calling defense spending discretionary spending. So the question is, if you do away with all defense spending, of course discretionary spending will come down. Republicans do not believe defense is discretionary. We believe it is important that we have defense. And so does the Constitution.

WHOSE AGENDA IS IT ANYWAY?

Mr. Speaker, no mandates, no abortion coverage, no price controls, and no restrictions on the right to choose their own doctor. This is what the American people want. Yet, the administration remains steadfast in its efforts to push through a bill which has all these features.

The crime bill is bottled up in conference. We must pass a tough crime bill which will ensure that more prisons are built, that repeat violent offenders are locked up for life, and that the death penalty is given as a sentence if the crime committed warrants it.

Let's listen to our constituency and have both of these tremendously important pieces of legislation reflect the will of the American people.

I believe we can pass a health bill which has no mandates and no new taxes but provide increased access and affordability.

We can deliver a tough crime bill which is balanced and fair.

Mr. Speaker, I do not know about the rest of the country but I know the people in the Sixth District want Congress to listen to them.

TRIBUTE TO LT. COMDR. NANCY S. FITZGERALD

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to recognize a truly outstanding naval officer, Lt. Comdr. Nancy S. Fitzgerald, U.S. Navy, who is completing a distinguished tour of duty as a liaison officer at the department of the Navy's Office of Legislative Affairs. It is a privilege for me to recognize several of her many outstanding achievements.

Originally from Plantation, FL, Lieutenant Commander Fitzgerald received her undergraduate degree from the U.S. Naval Academy, Class of 1983. Following her commissioning as an ensign, she reported to flight school in Pensacola, FL. In January 1985, then Ensign Fitzgerald achieved a significant milestone by earning her wings signifying her qualification as a naval aviator.

Lieutenant Commander Fitzgerald's first tour of duty following flight school was flying EC-130Q aircraft supporting TACAMO missions in the Pacific. She qualified as an aircraft commander in the EC-130Q and logged over 1,500 hours on TACAMO missions. These flights were a crucial component in maintaining the submarine leg of the Nation's nuclear triad. In addition to her flying duties, Lieutenant Commander Fitzgerald also served as public affairs officer and manpower officer for her squadron. She was instrumental in the transition from the EC-130Q aircraft to the E-6A as the squadron special projects officer.

In July 1988, Lieutenant Commander Fitzgerald reported to the Naval Training Support Unit in Waco, TX, as a flight instructor for the E-6A aircraft. In this role, she was responsible for training and qualifying numerous pilots in the E-6A to continue the vital TACAMO missions. Following this tour, Lieutenant Commander Fitzgerald was selected to return to her alma mater as a company commander at the U.S. Naval Academy. In May of this year, the plebes she first guided in 1990 graduated and were commissioned ensigns and second lieutenants in the U.S. Navy and Marine Corps.

Due to her outstanding performance at the Naval Academy, Lieutenant Commander Fitzgerald was hand picked to report to the Navy Legislative Affairs Office. During her tenure Lieutenant Commander Fitzgerald's trademarks have been her tireless efforts and cordial professionalism in resolving congressional inquiries. She is now going back to provide direct support to our naval forces in a crucial position on the staff of the Commander in Chief Atlantic Fleet.

A naval officer of Lieutenant Commander Fitzgerald's integrity, commitment and talent is rare. While her expertise will be genuinely missed, it gives me great pleasure to recognize her before my colleagues and wish her "Fair Winds and Following Seas."

ENTITLEMENT EXPENDITURES EXPLODING THROUGH THE CEILING

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

Mr. COBLE. I thank the Speaker.

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

Mr. COBLE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

I just think a couple of points probably need to be made, based upon the Democratic leadership effort to try to defend the President's economic program.

They suggest, for example, that discretionary spending is going down. What they fail to point out is the fact that they have converted a lot of discretionary spending over the years into welfare entitlement spending. Food stamps used to be discretionary spending; they have made that now into an entitlement program. So naturally they can show discretionary spending going down but entitlement expenditures are exploding through the ceiling.

So the charts are a little bit misleading.

Second, they are bragging about the fact that they have brought down the deficit numbers. The fact is that the deficit numbers that they are bragging about are higher than the highest point of the Reagan administration. That is not exactly success, in this gentleman's book. I thank the gentleman for yielding.

MAKING NEEDED FINANCIAL MANAGEMENT CHANGES IN DOD

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

Mr. HUTTO. Mr. Speaker, the Federal Government is big, complex, and inefficient. We find this in all departments and agencies. But since I am involved with defense through my chairmanship of the Readiness Subcommittee on Armed Services, I want to take a moment to express appreciation to Secretary of Defense William Perry and DOD Comptroller John Hamre for their commitment to improving financial management. Our subcommittee has been hammering at this for years. The lack of computer standardization and modernization, poor record keeping, and financial mismanagement in the Department of Defense can no longer be tolerated. In this time of funding shortfalls for our military, it is imperative that every dollar is properly accounted for. I look forward to working with Secretary Perry and Comptroller Hamre in making needed financial management changes in DOD.

□ 1050

CONGRESS SHOULD DEBATE AND DECIDE IF HAITI IS TO BE INVADED

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

Mr. MAZZOLI. Mr. Speaker, I just returned from a meeting at which we in attendance were advised authoritatively that, at least as of yesterday afternoon, the administration would not pledge to seek prior approval from the Congress with regard to an invasion of Haiti and that, likely, no such prior approval would be requested.

Now, regardless of one's view on invasion of Haiti, and I myself am opposed to it very forcefully, and just looking back to history shows that that would be a futile act, at least the American people deserve, because it is their daughters and sons who will be put in harm's way in the event an invasion takes place, the American people are entitled to have all of this issue and all of its nuances debated here on the floor of the House.

I happen to agree with yesterday's New York Times editorial entitled "No Good Reason To Invade Haiti." But once again, regardless of one's views on the issue of invasion, I do hope that the administration will, in fact, seek approval from this Congress for the purpose of putting United States troops in harm's way in an invasion of Haiti.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

□ 1053

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 13, 1994, the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of, and title VII was open to amendment at any point.

Are further amendments to title VII?

AMENDMENT OFFERED BY MR. THOMAS OF WYOMING

Mr. THOMAS of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of Wyoming: Add the following:

SEC. 801. Within one year of acquiring any non-Federal land or interest therein for any purpose of this Act, the Secretary shall dispose of all right, title, and interest in and to a quantity of Federal lands equal in value to the non-Federal land or interest acquired, as determined by the Secretary. The Secretary shall not dispose of any wilderness areas, wilderness study areas or lands owned by the National Park Service for the purposes of this section.

Mr. THOMAS of Wyoming. Mr. Chairman, I am presenting this amendment in behalf of the gentleman from Texas [Mr. DELAY] who had it prepared and, I think, presented it at previous times. I also have had a bill that would do exactly the same thing. It is quite a simple proposition actually. It says, if we are to acquire additional Federal lands, that we ought to dispose of nonessential Federal lands in equal value, and it seems to me to make a great deal of sense.

In the case of the California wilderness, Mr. Chairman, it has application. There is in the bill a field of, perhaps, $100 to $300 million that would be needed for the acquisition of land; a substantial amount of land would be acquired, mostly inholdings within the proposed acquisitions by the Federal Government. Some 700,000 acres of private land and private holdings would need to be acquired to accomplish the mission of the park as now set forth in the wilderness area.

Actually, Mr. Chairman, 28 percent of the property, real property, in this country belongs to the Federal Government; in the case of California, some 44 percent belongs to the Federal Government. Certainly in the West, in my home State of Wyoming, some 40 percent. These, of course, are not all lands such as Yosemite or Yellowstone National Park. These are lands that are, for the most part, managed by the Bureau of Land Management. They are lands that are residual lands that were left after the homesteading was taken up, and, as a matter of fact, the early organic act of the Bureau of Land Management said specifically that the bureau was to manage them pending disposal. It was never the notion that these lands were to be held. They have no particular unique characteristics such as wilderness, such as parks, which are not involved in this tradeoff.

So, Mr. Chairman, the hope here of this amendment is that, when lands need to be acquired to accomplish the goals of this particular, that lands of equal value that are not set aside or withdrawn could be disposed of, and that, No. 1, it would have something to do with the cost. It would reduce the cost, which I think is quite necessary in that we do have $7 to $9 billion of unfulfilled needs in the parks and in the Federal lands that we have now. I think it is also a concept that is acceptable. These lands are not there for any particular purpose, and there is no arguable reason why the Federal Government should maintain them.

So this amendment would simply say that when private lands need to be acquired to accomplish the goals of this particular bill, Mr. Chairman, that Federal lands of equal amount would be disposed of, and I appreciate this opportunity to explain the amendment.

Mr. MILLER of California. Mr. Chairman, I wonder if we might get a unanimous-consent agreement to limit the time of debate on this amendment to 15 minutes which would give us each 7½ minutes after the author of the amendment has spoken.

The CHAIRMAN. Does the gentleman's unanimous-consent request to limit the time for debate on this amendment include the amendment and all amendments thereto?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Chairman, reserving the right to object, we have no objection to the gentleman's proposal. But may I ask, who would control the time on this?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, the time would be equally divided, 7½ minutes to be controlled by myself and 7½ minutes to be controlled by the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I will draw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER] for 7½ minutes.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wyoming [Mr. THOMAS] because I think it is a bad amendment, and it is for this reason:

We should not be making decisions on the disposal of the acquisition of land unevenly balanced out. What this amendment says is that for equal amount, an equal amount of land that we would acquire, we would dispose of that land somewhere else, and I assume that that has to be done in the same timeframe. What that means is that, when we are ready to acquire land, we would have to wait until disposal of land somewhere else takes place.

Also this does not limit this to the State of California. This means, if we were to go out and acquire 100,000 acres in the State of California, we could require that this amendment would require the disposal of land, of maybe a hundred thousand acres in Wyoming, or 25,000 acres in Wyoming, 25,000 acres in Oregon, without regard to the interest of those individuals in that area. We are already hearing from numerous communities that do not want this land back because they cannot police the land, they cannot take care of the land, but, if we acquired a hundred thousand acres in the Mojave, we could dump a hundred thousand acres onto other communities in other States and other areas without regard to those communities because we deem it important to be there. The fact is also that this has nothing to do with the acquisition powers, priorities or the power. This is an amendment that was rejected overwhelmingly last year by a vote of 379 to 49 because it simply does not make sense on its face.

Mr. Chairman, we just completed some hearings in the West where people were concerned about what would happen if we started to pull out of these lands. Who would patrol them? Communities do not have the police force. They do not have the health and sanitation facilities. They are not able to cope with these lands, and all of a sudden they would be within their county jurisdiction and in the State jurisdictions. Who would they be ceded to in that kind of authority? To say that we are going to cede these lands because we have a high priority acquisition in the Everglades, or anywhere else, or in the east Mojave, or Yosemite, or any of these other areas, is simply a mindless approach to the disposal of Federal land. That does not mean that we should hold onto all Federal land. That does not mean that we should not reconsider the classifications of Federal lands and whether or not decisions that were made 5 years ago, 10 years ago and 100 years ago we ought to be living with today. But we ought not to say that the acquisition of lands, perhaps to save it from some detrimental use, that that should force the disposal of lands somewhere else, because the two acts are not equivalent acts, and I think that is why the House overwhelmingly rejected this amendment the last time out, and I find it interesting that this disposal could take place anywhere else, and yesterday amendments were offered to reject these kinds of actions only to California.

I also do not know if this means, if we acquire land by acquisition, as opposed to an outright, willing seller/willing buyer purchase.

□ 1100

So the amendment is poorly drawn. It is ambiguous. But, more importantly, it has nothing to do with the real world of trying to acquire and dispose of lands. Both of those are very controversial acts, and what this is an effort to try to keep the acquiring portion from taking place because some other community or some other part of the country will raise an objection to getting land dumped onto them, with the cost of that acquisition, and thwart efforts to try to acquire lands for the protection of the Mojave and other Federal assets.

Mr. LEHMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEHMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point this out. Maybe some Member on the other side could clarify this, but as I read the amendment, if someone were to offer property for park purposes to the Government as a gift, in order to accept that gift, we would then be required to surrender Federal landholdings somewhere else. So it would in effect inhibit that kind of transaction from taking place. It certainly should not apply in circumstances like that, but that is the manner in which the amendment is drawn at the present time.

Mr. MILLER of California. Mr. Chairman, the gentleman makes a very good point, because it is a simple acquisition of land. It is not acquisition by purchase. It is acquisition by apparently gift or exchange. So if somebody has a time problem and they want to get rid of a property in an estate or they want to make a gift before they die, or what have you, we could lose the access to those assets because we do not have the ability to trade out a like value in a like piece of property. It would be a terrible mistake and a squandering of the opportunities this Government has to protect some of the most vital natural resources in the country.

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

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is interesting. It is interesting that there is a basic concept here—and the gentleman from California defends this idea—that the Federal Government is the only one that should own and control land, the only one that has the ability to manage. It is just very interesting to me that the Federal Government has the only people we can imagine who can manage these kinds of BLM lands. It is amazing to me.

The other point is that it does not matter how it is acquired, if you believe that maybe there ought to be some limit to the amount of Federal ownership. Now, of course, if one's notion is that the Federal Government ought to own everything, then that makes it quite different. But regardless of how it is acquired, if you believe in the concept that there is a limit to how much the Federal Government ought to own, then this does make sense. If you do not, then, of course, it does not make sense.

Mr. Chairman, let me yield 3 minutes to my friend the ranking Republican member, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague's yielding time to me.

Mr. Chairman, as a Member who represents both Inyo and San Bernardino counties in California, let me say that Inyo has in excess of 95 percent federally-owned land, and, much of the land in San Bernardino County, well over 80 percent, is federally owned land.

So it strikes me as rather strange to have territory that involves just in my desert area alone enough territory to put 4 Eastern States in. Yet, as the chairman of the committee suggests, there is not very much land we can afford to get rid of.

It was not so long ago that the Federal Government had signs out by the roadside asking people to come and take sections in 40-acre parcels of land. They recognized that they cannot manage these millions of acres they are controlling.

The arguments of Chairman MILLER and, I presume, of the author of this odious measure, the gentleman from California [Mr. LEHMAN], would suggest that this amendment would result in the selling of cherished national treasures like the Shenandoah National Park in Virginia, the Rocky Mountain National Park in Colorado, or even the Great Smoky National Park in Tennessee.

This amendment is designed in a fashion to be very careful about that. It does involve land that would be wilderness land or wilderness study areas or parkland. That would not be covered by this amendment. Instead, it suggests to the Secretary that somewhere within that huge inventory of millions

and millions of acres we ought to be getting rid of as much property as we are arbitrarily taking in.

There is a philosophy around here reflected in our committee and, I am afraid, reflected by this Secretary that more is better, the more land the Federal Government controls and owns, the better. We are suggesting that perhaps it would be simply a good idea, as people are about the process of trying to expand the Federal largesse, that there ought to be a trading of equally valued lands so we can get it back on the property tax rolls, so we can support government in a way that makes sense instead of continuing to build a national deficit.

This amendment is a very sensible, very logical amendment, and it is about time the Congress took back some authority and gave some direction to that Federal bureaucracy that wants nothing but more and more and more from our American property owners and taxpayers.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, my colleague touched very briefly on what I consider to be a critical element of this ownership aspect of government.

In Riverside County, approximately 65 percent of the total land mass is owned by the Federal Government or by some other government on a level at which they do not pay taxes.

Now, in California the State and local governments—and we know about the Federal Government—are having all kinds of problems meeting their debts and meeting their obligations to the people. Now we are saying, "All right, let's continue to increase the stock of Federal land at the expense of State and local governments," the prime source of their revenue being related to land values and land taxes in the form of property that is improved or not improved.

I have a lot of problems with this, I must say, the fact that we continue to absorb property and continue to absorb these obligations.

Another point that I would like to make is that these properties are a direct financial drain upon the Federal Government in that, in Riverside county and other counties where there is a large percentage of National Forests, or other Federal lands, the Federal Government compensates the local county for the loss of tax revenue on that land. Now, if we continue to add to this land, we continue to reduce what it is that people in these jurisdictional areas can receive in the way of property tax, and we increase what the Federal Government then pays these localities for what these Federal lands are worth.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am one of the fortunate Members from California whose district is not owned by the Federal Government. I, like the chairman of the Committee on Natural Resources, have a district that is very low in Federal ownership. But we are at the point right now where over half of California is owned by one government agency or another, and I strongly support this concept that if the Federal Government is going to take over more land, they should have to divest themselves of land to make up for it, for a number of reasons, the main reason being that I think the Federal Government owns too much land already.

Constitutionally, the Federal Government is limited as to what land it can own, and when other States were brought into the Union after the original Thirteen, they were guaranteed the same rights that the original Thirteen States had. One of those rights was that the Federal Government would divest itself of its large land ownership. Somehow that was forgotten when we got west of the Mississippi because most of the land west of the Mississippi is land that the Federal Government owns.

Mr. Chairman, I think it would be a very important and a very good idea to force the Federal Government to give up as much as it is buying so that we can maintain private property in this country.

Mr. THOMAS of Wyoming. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wyoming [Mr. THOMAS] has 1 minute remaining, and he has the right to close debate.

□ 1110

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, this is not about whether or not we believe the Federal Government should own more lands or less lands. This is once again whether we want to impose on the Federal Government the kinds of restrictions we would never impose on the private sector.

We have all heard from our constituents, "Why don't you run the government like a business?"

Let me tell Members, no real estate firm worth its salt, no family worth their salt would say, if we acquire a duplex, we have to get rid of something else here. They would say, let us figure out how we can get the best deal for ourselves.

In this case how do we get the best deal for the taxpayers? We have to be able to dispose of land on an orderly basis. We ought to be disposing of land. We ought to be able to acquire land on an orderly basis and to try to get the best deal. If people know that we have to get rid of this, the price goes down. The advantages that we seek, the exchanges that we can bring about, it changes the entire marketplace.

None of my colleagues would suggest this for their local government, for their State government, for the private sector. But somehow they do not care what happens to the Federal Treasury.

When we have got to get rid of Federal assets, we have to put them in a forced sale because people know that time is running out on this end of the bargain or somebody wants to give us land so we have got to get rid of this, what does the buyer say, "Come to me; lower your price; maybe I will take it off your hands."

We would never do that in the private sector. That is how we create deficits. We keep operating in a fashion where we buy high and sell low. We keep operating in a fashion where we force onto the market assets that we do not need to get rid of.

We just went through this with the S&L's. We have gone through this time and again with the management of these properties.

We owe it to the taxpayers to try to get the best deal at any given time and not have forced upon us the disposal of or the management of assets beyond what the marketplace will dictate and what the needs of the various parties dictate.

This is an artificial move to get rid of land without regard to the taxpayer, because we cannot take advantage of any situation that comes up anywhere in the country unless we can immediately get rid of the same amount of land.

This also suggests that the Department should never get rid of any land until it does have an acquisition. So they cannot independently go out and dispose of that land base because it does not make sense anymore. They better hold on to it until sometime when they can work it to their advantage.

We have to reject this amendment as we rejected it last year. We rejected it overwhelmingly in the last Congress because it simply makes no sense for the Treasury. It makes no sense for land management. It makes sense for the Department and for the acquisition of valuable natural assets in this country.

I hope that we would reject the amendment.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself such time as I may consume.

I just have to say, the gentleman makes an eloquent statement. I do not disagree with him. The only fact is that it does not work.

We have gone on all these years and not disposed of anything. We can talk

all we want to about it. The fact is that we keep acquiring more.

Mr. Chairman, I yield the balance of my time to the gentleman from Utah [Mr. HANSEN].

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] is recognized for 45 seconds.

Mr. HANSEN. Mr. Chairman, this Nation was founded upon the idea that there is a whole big nation here and nobody owns any ground. The thirteen Colonies came along and others came along and started saying, this is ours, and they decided it is up to the States. And before long did we find any Federal ground in Massachusetts? Did we find any Federal ground to speak of in New York or any of these Eastern States? Nothing to speak of, infinitesimal amounts in these States.

Yet as we went West all kinds of Federal ground was there. We did not have any people out there so little by little we can ask ourselves this question, where did the Federal ground go that was back here? It all seems to be in the West; 28 percent of America is owned by the Federal Government.

We know how Oklahoma got theirs. They have somebody shoot off a gun and the man that had the fastest horse got the best land.

Now, all we are saying is, instead of buying more ground out there and more regulation and more problem, we are asking that it be limited. I think the gentleman from Wyoming came up with an excellent amendment.

Mr. Chairman, I thank the gentleman for yielding time to me, and I ask support of this amendment.

Mr. VENTO. Mr. Chairman, I rise in opposition to this amendment.

The amendment is neither necessary nor desirable. It would require the United States to dispose of lands equal in value to any lands or interests acquired for any purpose of the California Desert Protection Act.

The amendment does not specify that disposals would be of lands in California, so evidently they could be of any Interior Department lands in any State.

The amendment is not workable. It says that "within one year of acquiring any * * * lands or interests * * * the Secretary shall dispose" of any equal value of lands. What happens if that cannot be done within that timeframe? Does that mean that a disposal must be completed, or merely a contract for a disposal has been concluded?

The amendment would prohibit disposals of wilderness or wilderness study lands, or lands owned by the National Park Service. Of course, the National Park Service does not own lands—they manage some of the lands owned by the American people, that are Federal property—but I assume that the meaning is that there are to be no disposals of lands that are managed by the National Park Service.

However, the amendment does not protect other categories of Federal lands. So, presumably, the amendment would require disposals of lands from the National Wildlife Refuges or BLM-managed public lands, or possibly national forest lands as well.

And, the amendment does not require that these disposals be by sale—so, ready strictly, the amendment might require that Federal lands be given away in order to satisfy the disposal requirement—even if in fact tax dollars had been spent to acquire the lands.

So, this is a very badly thought-out and very unwise amendment.

It is unnecessary. If the amendment is supposed to be a solution, it is a solution in search of a problem.

The amendment seems to reflect a concern that the Federal Government in recent years has been acquiring more and more land.

In 1992, the subcommittee looked into the question of whether there had been a significant increase in Federal land ownership. We found that in fact the extent of Federal land holdings has not been increasing—it has been going down.

We reviewed the information on Federal land ownership that is regularly compiled and reported by the Bureau of Land Management. The BLM's reports show that in fiscal 1979 the National Government owned about 32.48 percent of the land in the United States, but by fiscal 1989—the most recent data available—the total had decreased to about 29.15 percent.

The data for individual States are similar: They show that over the decade—Alaska went from over 89 percent Federal ownership to about 68 percent; Nevada went from over 86 percent Federal ownership to about 82 percent; Idaho went from over 63 percent Federal ownership to about 62 percent; Oregon went from over 52 percent Federal ownership to about 48 percent; Colorado went from over 35 percent Federal ownership to about 34 percent; and, Montana went from over 29 percent Federal ownership to about 28 percent.

It is true that there were some increases in other States, including California—but obviously that is not the concern of the author of the amendment, since the amendment would not require disposals of lands in California or any other particular State. Obviously, the gentleman's concern is a national concern—and, nationally, there has been no net increase in Federal land holdings.

So, Mr. Chairman, this amendment is unworkable, unwise, and unnecessary. It should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. THOMAS].

The amendment was rejected.

The CHAIRMAN. Are there other amendments to title VII?

AMENDMENT OFFERED BY MR. LEHMAN

Mr. LEHMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN:

Page 69, after line 23, add the following:

TITLE VIII—PROTECTION OF BODIE BOWL

SEC. 801. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

SEC. 802. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the Western United States.

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic building, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 803. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 804(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, wiling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 804. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau

of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination within respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under section 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 805. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 806. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

Mr. LEHMAN (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 California?

There was no objection.

Mr. LEHMAN. Mr. Chairman, I rise to offer an amendment to H.R. 518 that would protect the integrity of a very important landmark in the Bodie State Park and the surrounding Federal lands.

This amendment is identical to H.R. 240, the Bodie Protection Act, as the bill passed the House. This bill has passed the House BLM twice under suspension of the House rules and is supported by the State of California, and major environmental and historic preservation organizations, among others. Bodie, a former gold mine district and preserved authentic ghosttown was designated a national historic landmark in 1961 and a California State Historic Park in 1962. The National Park Service listed Bodie as a priority No. 1 endangered national historic landmark in its fiscal year 1990 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and every year since then, and recommended protection of the Bodie area.

The 19th century Bodie mining district is located east of the Sierra Nevada Mountains in Yosemite National Park, CA. Today over 200,000 tourists visit Bodie every year to see the 100-plus buildings still standing in the West's oldest mining town. At Bodie, visitors can see firsthand how people lived in the mining camps that cropped up throughout California in the aftermath of the discovery of gold at Sutters Mill in 1848; a discovery that gave rise to the world famous California gold rush. While Bodie stands as testament to the mining days of old—and despite its status as a national landmark and State park—the area is in jeopardy from the threat of modern-day mining activities. In order to extract and process the gold and silver believed to be in the area surrounding Bodie, large-scale mining techniques, such as strip mining, heap-leach piles, cyanide spraying and waste ponds, most likely would be required.

The 450-acre Bodie State Historic Park is closed to mining. However, the area adjacent to the State park and under BLM jurisdiction is open to mining and as such poses a threat to the historic district. In recognition of this danger, the BLM has recently designated the Bodie Bowl as an area of critical environmental concern and—consistent with this legislation—is recommending that the area be closed to mining. H.R. 240 would provide some additional protections to Bodie in order to preserve its historic and visual integrity. The pending amendment would put the nearly 6,000 acres of public land within the Bodie Bowl off-limits to mining under the general mining laws.

Mining on valid claims would be allowed to proceed under rules designed to protect the area's important historic and cultural resources. In addition, mining claims could not be patented in the Bodie Bowl except where rights had been vested by January 11, 1993.

Finally, the amendment would require the Secretary of the Interior to review possible actions to preserve the cultural and natural values of the Bodie Bowl and report back to Congress within 3 years.

Mr. Chairman, I urge immediate passage of this very valuable amendment.

The CHAIRMAN. Is there further debate on this amendment?

If not, the question is on the amendment offered by the gentleman from California [Mr. LEHMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

MODIFICATION OF AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to make a technical correction to the amendment that was printed in the RECORD for section 703. The language of this modified amendment deletes the language "for their highest and best use," and it is designed to clear up confusion regarding the meaning of highest and best use versus their market value in determining the value of private property.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. TAUZIN: Strike out "for their highest and best use".

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the amendment, as modified, offered by Mr. TAUZIN is as follows:

At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

Mr. TAUZIN. Mr. Chairman, the amendment we offer involves the question of the appraisal of property that is purchased pursuant to this act from private property owners to enlarge the land area protected under the act.

Under the law of this country, when the government acquires property from private landowners for a public purpose, be it a road, a bridge, a hospital, a wilderness preserve or a park, the landowner is entitled to compensation under the fifth amendment of the Constitution.

I want to quote the fifth amendment precisely for my colleagues. The fifth amendment, in its last concluding statement, says, "Nor shall private property be taken for public purposes without just compensation."

It does not say simply "without some form of compensation" or "a little compensation" or "somewhat compensation." It says, "just compensation."

The question that is before the House with this amendment is what is just or fair compensation when private property is taken for public purposes, in this case for wilderness protection.

The problem that this amendment addresses is a problem that many Americans face across this country when the government places a restriction on the use of property prior to acquiring it.

Here is the situation. In this case, the government comes along and says that "Your property is now subject to a critical habitat restriction."

□ 1120

"We have decided that in order to protect some plant, bug, bird, or mammal that may be threatened or endangered, that you can no longer use your property the way you used to use it or the way you might propose to use it. We are going to restrict the use of your property. In some cases you may not be able to use it at all, because it is now an important critical habitat of some threatened or endangered species of plant or animal."

Here is the problem. The government says a week later, "I will tell you what we are going to do. We are going to buy your property now, but we are not going to pay you the value of your property before we restricted your use. We want to pay you the value of your property after we have destroyed your ability to use the property."

Let me give some real number kinds of examples. You might have bought property at $20,000 an acre, intending to build a home on it, intending to use it as farm land, intending to sell the timber on it as forest, only to find out the next week that the government has declared your property a critical habitat. In Texas this week, for example, the Fish and Wildlife Service announced a 20.5-million-acre critical habitat proposal for something called the golden throated warbler. Twenty-three counties of Texas would be affected by this immense declaration of critical habitat.

When that habitat declaration is made, if it goes through, as many such habitat declarations have already gone through in areas with the spotted owl, for example, the value of your land tumbles. Who wants to buy a piece of property you cannot see? Who will take the property from you and pay you that $20,000 you spent for your property? Obviously, no one in the marketplace would do that, so the government has literally taken away the value of your property when it declared it a critical habitat.

Two weeks later then the government comes along and says, "No problem, we are going to pay you just compensation under the Constitution." You say, "What am I going to get?" They say, "We are not going to pay you $20,000, we are going to pay you $500 instead, because that is all it is worth now."

The government will have taken your property from you and then refused to pay you the fair market value of the property before the government use restriction hits your property. Is that a real case scenario, Mr. Speaker? I promise that it is.

In my home State of Louisiana, on the West Bank of New Orleans in the parish known as Jefferson Parish, we are trying to build a hurricane protection levee to protect that enormous population from the storms and ravages of hurricanes when they hit the Gulf Coast. To build the hurricane protection levee, we had to get a Corps of Engineers permit.

The Corps said, "You cannot build it out on the wetlands, you have to build it on the high ground in Jefferson Parish." That high ground had been valued at $20,000 an acre.

When the levee board went to acquire it from the landowners, they said. "We do not have to pay you $20,000 an acre. All we have to pay you is $500 an acre."

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 5 additional minutes.)

Mr. TAUZIN. They said, "All we have to pay you is what it is worth now, because the government has condemned it as wetland property. All we have to pay you is $500 an acre."

The landowners are in court today. The original court decision, and it is on appeal, said, "No, you cannot do that, government. The Constitution says you cannot take property from people without paying them just, fair compensation, and fair compensation is what the land was worth before you devalued it, before you came along with your new regulations, your new restrictions on use."

Mr. Chairman, that is all this amendment does. This amendment guarantees that for property owners who will lose their property to the government by virtue of an eminent domain taking, that they will get their fair, just compensation. They will not get paid what the property is now worth because the government has devalued it with a critical habitat declaration. They are going to get a fair appraisal of the property based on market value without regard to that designation.

Mr. Chairman, if we do not do that, we will literally be allowing the government to take people's property from them without fair or just compensation as required in the fifth amendment.

The courts of our land have been looking at this question. They have been looking hard at it.

In the Florida Rock decision issued in March of this year, the Court of Appeals here in Washington, DC, the court looked squarely at that issue. It said very succinctly, very clearly, that the landowner who is affected by a regulatory decision like a wetland or endangered species declaration must be paid the difference in value from the market value prior to that decision to what it is worth today, after that decision.

Mr. Speaker, in effect, when the government devalued the property in a wetlands declaration, in that case it owed the landowner the difference in value before and after that declaration. That is what the courts are saying.

In addition to that, the Supreme Court looked at the case of private property rights in a decision rendered just a couple weeks ago entitled "Dolan versus City of Tigert," a case arising out of the Northwest. In that case a city government tried to force a landowner to give up part of that property, in that case for a bike path and a green area, in return for the right to get a building permit.

The court in that case said something very profound. It said that the fifth amendment protection of private property and the requirement to pay just or fair compensation for it when the government takes it is as sacred in this country as are the protections of free speech, the free practice of religion, freedoms of the press, freedoms to assemble in this country, the freedom to be protected in due process from unlawful search and seizures.

In fact, Mr. Chairman, it said it is as sacred as any provision in the Bill of Rights, and that the government in the city of Tigert could not compel that land owner to give up its property just to get a building permit.

In effect, our Supreme Court is increasingly recognizing what all of us believe to be the law in this land, which is that private property is pretty sacred to our economic institution, to the institution of our government and our society in America. It is what separates us from the systems that have fallen apart in Eastern Europe, the communist systems of communal ownership.

If we are to protect the rights of citizens under the fifth amendment to fair and just compensation, this amendment is necessary. It is critical. If people's property will not be appraised fairly and justly before the government devalues it with its regulation, we will be allowing the government to take private property without fair or just compensation. That is what this is all about.

If Members believe, as I do, and as the courts are increasingly saying, that the right to own private property is pretty doggone sacred in America, and that the government cannot take it from you without paying for it one way or the other, then you must support this amendment. It simply says that in the appraisal of private property, when it is taken by the government, the government must pay the fair compensation, the market value before the government devalued your property with a regulatory process called critical habitat or wetlands designation.

If Members believe in that, as I do, then I urge them to support this amendment.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the gentleman's amendment, as I understand, though, upsets the Park Service and other land management agencies. He is obviously addressing this only to the Government in an instance where we may have occasion to purchase land, is that correct, in those terms, or to sell it?

Mr. TAUZIN. Mr. Speaker, I am sorry, I do not understand the gentleman's question.

Mr. VENTO. If the gentleman will continue to yield, Mr. Chairman, this amendment is directed to and of course affects, it is directed only to the Government agencies or entities that would be purchasing or selling land, is that correct?

Mr. TAUZIN. That is correct.

Mr. VENTO. That is all this is directed to. If the gentleman will yield further, the point is that the gentleman says the Park Service and others are directed to pay fair market value, and what the gentleman's amendment does is to define what constitutes fair market value.

In other words, normally this is not something that is written in statute. There are many facets to fair market value. This is, of course, contained in an interpretation of the law with regard to the fifth amendment of the Constitution.

Mr. TAUZIN. The gentleman is not defining fair market value. In fact, by unanimous consent I have amended the amendment so it did not refer to highest and best use or any characterizations of market value.

Reclaiming my time, the gentleman's amendment merely says that in the appraisal of property, you cannot deduct it, you cannot lower the value, because of the critical habitat designation under the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. VENTO and by unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, what the gentleman merely does is to begin to interject actions on the floor here in the legislative body in the law as to what constitutes fair market value. While he says he is not doing that, he is qualifying it and saying you cannot consider this fact and you can consider another.

Would it not also be true and possible under this particular procedure, then, to begin to put things into the law that would devalue the land? In a sense, just as the gentleman says you cannot consider this factor, but you can consider this factor, you are down a slippery slope here with the gentleman's proposed policy.

□ 1130

Mr. TAUZIN. Reclaiming my time, I am on no slippery slope. If there is a slippery slope in America, it is the slippery slope on which the Government comes along, devalues your property, then tries to acquire it at the lower value. The bottom line is that Government ought not to be doing that to private citizens. If the Government is going to devalue property before we purchase it, we are not being paid fair compensation.

Mr. Chairman, all we are doing in this amendment is saying that when the Government buys property, it ought to pay the fair market value before the Government devalues it for regulatory taking.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman from Louisiana did a super job in explaining this extremely important amendment. He talked about the fifth amendment which talks about the right that people will be justly compensated if their ground is taken.

Many of us in this body have come out of the State legislature and many of us have served in city councils. Having spent 12 years on the city council of my little hometown of Farmington, UT, from time to time as we expanded our water system, roads, or whatever it may be, we had to practice eminent domain.

What is eminent domain? When we have to take over some property, we had to establish the value of that private property, and then we would go about a legal procedure. Out of that, the city ended up paying for that ground. We paid what was the fair market value of that property.

In the State legislature, as Speaker of the House, I saw where our department of transportation had to do it,

where the natural resources had to do it, and that is sacrosanct in America and has been around since the Constitution was written. Then in 1973 came along the Endangered Species Act, and we may talk about the Wetlands Act. I do not know if we will have time to do that.

Mr. Chairman, we find people all over America that somebody says, "This particular species is endangered." Did they then go to the person who may have owned the ground since the 1800's? No, they did not go to him and say, "We're going to pay you for this." They said, "If you move this animal, if you hurt this animal, you are going to find yourself in jail, you're going to find yourself with a big penalty."

Is this fair? We have seen houses burned down because of a rat. We have seen problems come about because of a fly. We may ruin the whole Colorado River drainage because of four fish that 30 years ago we called trash fish, and we tried to kill those trash fish and we tried to kill them with rotenone, and now we are going to maybe ruin the whole Colorado River compact because of this Endangered Species Act.

We look through this and we say, "Is this fair and equitable to individuals in America?" The resounding answer is "no."

Mr. Chairman, I could stand up here for 2 hours and give names to Members of citizens of the United States of America who have lost their land and had it devalued, people who have been there, fourth and fifth generation ranchers and owners and developers who wanted to do something with their ground.

Down in Cedar City, UT, the Secretary of Interior, Mr. Babbitt, came in and made this statement. He said: "We are going to value the property with the species on it." These people owned that property long before the 1973 Endangered Species Act. It is totally unfair to these folks to say, "Great, now, you're not going to get the value of your ground." This may be the inheritance for your entire family, but instead of being worth $20,000 an acre in that growing area of Washington County, St. George, which has more retirees go to it than anyplace in the West, they are now going to get $200, $300 an acre for it. It is totally unfair to those people.

In Washington County, we have a group of people who have tried their best to come up with a habitat conservation plan to protect the desert tortoise. We have had all sides together on the thing. After 4 years of working on this, after millions of dollars and thousands of man-hours, the Department of Interior wants to give them 25 percent of the value of their land.

Why should people have to put up with this? I think if I have ever seen an amendment in the last little while on this floor that makes eminent good sense, it is the amendment of the gentleman from Louisiana. I am happy to join with him on that particular amendment and would urge that Members of the body vote in support of this amendment.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 40 minutes, with the time to be divided equally.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Chairman, reserving the right to object, I would object to that request. We have a number of Members who want to speak on this particular amendment and who feel very strongly about it.

Would the gentleman agree to a request for an hour on each side? Is that too much for him?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I would not agree to an hour on each side, no. I thank the gentleman, and I withdraw my request.

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the desert bill is symbolic of problems we are having in California. This magnificent State which at one time had a great deal of Federal ownership because it was a U.S. territory before it became a State is now occupied by 32 million people. The issues that are driving California are essentially the management of that population, where it is growing, and how it is going to utilize the resources upon which it lives.

Mr. Chairman, California has got a definite supply of water, a definite supply of air, and as we impact on those, we begin thinking about how we are going to manage the open spaces. That is what this desert act is all about.

What we are flirting with in this amendment is government manipulation of property values. It is a very, very dangerous precedent. Property values are not an exact science. In fact, if we see what really drives up property, it is property that is near open space, it is property that has views, it is property where there is clear air and clean water. In fact, it may be driven up because we have declared the habitat surrounding it as habitat for endangered species. If we begin manipulating these prices, we are going to put serious detriment into land use values, not only in California but in the entire United States.

Mr. Chairman, I served in local government as well as the distinguished gentleman who spoke before me. I served in the State government, have been involved in coastal zone management planning in California, a very regulated process, probably more regulated than any area in the United States. What has come out of that is higher property values. Why? Because the resources are being managed very meticulously and it increases property values.

Mr. Chairman, this amendment, I think, slaps a big burden on trying to determine what indeed those values are and in many cases may drive down from the willing seller the value.

There is a question raised about eminent domain. I do not know of any property that has ever been taken in the United States for habitat protection by eminent domain. Those who have familiarity with it know that eminent domain is usually used in highway procedures where they are trying to drive a road through some property. There is also a liability in using eminent domain because if the government backs out of the agreed upon price, there are treble damages and government oftentimes has to pay more than anyone ever expected for land if they do enter eminent domain.

I would like to point out that a lot of the land in California, people are talking about Federal ownership. Seventeen percent of the State is owned by the Bureau of Land Management. The BLM land is land that nobody wanted in California, and today many people, it cannot be given to them. There is no water, no roads, no access, no good soil. It cannot be mined, it cannot be grazed, it cannot be farmed, it cannot be used. Yet we say, "OK, the Federal Government owns too much land." In fact, they ought to look at what we own.

Lastly, I would like to say that this amendment, I think, is probably well intentioned by those who think we are going to protect property values, but indeed I think we are going to destroy the ability to determine what is real fair market value in California and in other States by adopting this amendment. It is a dangerous precedent. I urge a no vote on the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield on that point?

Mr. FARR of California. I yield to the gentleman form Minnesota.

Mr. VENTO. Mr. Chairman, as I perceive the correspondence dealing with the process of land appraisal, the point is made from the code of professional ethics adopted by the Appraisal Institute, one of the leaders is the appraisal industry, prohibits accepting an assignment based on ignoring things like endangered species. Ethical rule 3-3 states, "It is unethical to accept or perform an appraisal assignment if the assignment is contingent upon reporting a predetermined analysis or opinion."

The fact is that the OMB and the various agencies involved have the uniform rules with regard to 18 Federal land management agencies that function. They have adopted these guidelines. They are forced to pay a fair market value for whatever they purchase. This issue that there is some

conspiracy theory, that somehow the Federal Government specifically is the root of all evil and that they somehow are designing in passing these laws and this legislation, whether it be clean air, the Endangered Species Act or wetlands delineation with the idea of somehow taking away from the citizens of this Nation something for less than fair value I think is frankly a very flawed logic.

I can understand that people may be very suspicious, but this gets beyond suspicion and into a conspiracy theory, as I said and should not be the basis for our vote or policy decision today.

□ 1140

I think such conjecture and allegations are not helpful to the debate. The law and the Federal policy is required payment of fair market value. If this Congress can in some way qualify or limit what the Government can look at or consider, they can also exclude other factors that would result in less than fair market value going to people for their property.

So I would just suggest we avoid this pitfall—this slippery slope—and oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the gentleman's amendment.

Mr. Chairman and Members, I am just fascinated by this debate and the discussion by my colleagues who come largely from the urban center about what they think about our desert territory. My colleague, the gentleman from California [Mr. FARR], who is a dear friend from the urban center of northern California, says there are no roads, no water, powerlines and aqueducts; nobody would buy this stuff in the first place.

To suggest that is to say he has never really visited my desert. You know, Palm Springs is not the only part of the desert, I say to the gentleman from California [Mr. FARR]. The lack of understanding about this issue is really unbelievable.

The east Mojave is filled with fantastic values. There are thousands of miles of roadway. There are endless channels of aqueducts and utility corridors. Those elements are factors that would never be considered to be part of a park, yet, they want to take millions of acres, and say every one justifies park consideration.

In the east Mojave there is a fantastic mix of potential value that would be limited by this committee and, indeed, by this debate. It is incredible that people do not understand the values that exist there today and are to be found there tomorrow.

Just in the last couple of years a spot in the eastern Mojave Desert would be just inside this proposed park by less than 8 miles, one of our prospectors discovered a new mine. It just happened to be a minor item. Who worries about marble in the United States? It is a major deposit of marble that is of quality higher than the best marble to come out of Italy. I have no idea what its future value is. But it is tremendous.

It would not have been available for even access if this bill had passed 8 years ago when the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] would have had it.

It is very important to know the thrust of the gentleman's amendment specifically. To put values on land that involve an endangered species, designated or to be designated, could have a tremendous negative effect upon landowners, property owners in this country.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN, Mr. Chairman, I thank the gentleman for yielding.

I think we need to really focus on exactly what this amendment and this debate is really all about.

The gentleman came up previously, the gentleman from California [Mr. FARR], and talked about manipulating value. It is the Government in this case that manipulates value against the landowner.

When the Government comes in and says, "You cannot use your property anymore because we decided it is critical habitat, and then tomorrow we are going to buy it from you but only at the lower value," who is manipulating value? The Government has. The Government has literally taken your private property without paying you for it.

That is forbidden in the Constitution. We ought to forbid it in this act. That is what the amendment is all about.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague's contribution as well as his amendment.

The point he makes is emphasized by the following point: It was not very long ago that the gentleman from California [Mr. MCCANDLESS] and I shared territory in Riverside County. I will never forget the issue of the fringe-toed lizard coming to my attention.

Suddenly a newly designated endangered species was impacting territory in and around that area that is Palm Springs, CA. Over time it became very apparent if the Department had its way they would take most of the open land left north of Palm Springs and put it in some kind of preserve.

What eventually had to be done, because there was a designation of the fringe-toed lizard as an endangered species, we actually had to create a preserve; several hundred acres of otherwise extremely valuable property owned by private citizens would have been somehow essentially taken over in terms of its relative value by this Department. That is precisely what the gentleman is trying to get to, that the Government should not be able to manipulate the value of people's property long held or otherwise because they decide to designate "X" endangered.

In my territory, another minor extension, I think expansion, of the original intention of Congress is as it relates to endangered species, the wooly star. I am sure that maybe even the gentleman from Minnesota [Mr. VENTO] has not heard of the wooly star. But it is a cactus-like plant, an ugly little devil, I must say, but for about 3 weekends a year it develops a very small little purple flower, and it grows in watersheds, sandy territory.

Now, frankly, that partially describes much of my desert. Right now it is located in the watershed near the Santa Ana that is very, very valuable property. It is the production point of sand and gravel that leads to building houses and roads, less expensively.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, if one were to broaden that definition, pretty soon there would be no sand and gravel for building houses and roads for southern Californians.

The kangaroo rat: Now, I do have a lot of empathy for endangered species, but the kangaroo rat is not on my list, and it is about to drive low-cost housing opportunities out of the Inland Empire in southern California. Young people already, including my kids, are having difficulty buying homes because of what Government is doing.

My colleague from Louisiana is essentially saying we should not have the Government, by these mechanisms, manipulating the value of property.

Mr. MCCANDLESS. Mr. Chairman, will the gentleman yield?

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

Mr. MCCANDLESS. Mr. Chairman, I must express some concern about the logic I heard from the other side of the aisle relative to the appraisal process.

Having spent some time on the Committee on Banking, Finance and Urban Affairs, and going through the savings and loan debacle, assessments and how appraisals and everything are arrived at became a very important part of the legislation coming out of the dark ages there and bringing these things to light.

One of the things that we must understand is that the value of that land is based upon what that land has to offer in the way of development or esthetic value, or whatever else may be involved that the owner and the buyer

wish to trade. If there is a "slippery slope" or however else you may wish to define it, that is a part of the actual land in question. The designation of this land for purposes of the Endangered Species Act totally ignores, totally ignores what is the value of the land, and places a cloud over that value that is not representative of what the land actually represents to its owner.

Now, my experience in this has been rather extensive.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Louisiana.

Mr. HAYES. Mr. Chairman, I was formerly commissioner of financial institutions for the State of Louisiana, although I do not serve on the Committee on Banking, Finance and Urban Affairs.

My question to you is: If there is a $200,000 mortgage on a piece of property, and it is subsequent to that determination by a financial institution that it was a fair property value to use for that mortgage, and subsequently there occurs a listing under the Endangered Species Act; subsequently to that there is a purchase offered by the United States for $20,000. Is the gentleman simply saying that both the individual who will lose 180 and possibly the board of directors of the financial institution have liability to revalue all of their collateral assets in that institution which were given under one criterion and devalued under another?

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. HAYES. To make it a simple question: What happens to prior mortgaged land?

Mr. McCANDLESS. If the gentleman will yield further, I believe the statement the gentleman made eloquently outlines a framework of the real problem here of a third party, an intangible aspect of the activities around this issue.

Mr. HAYES. If the gentleman will yield further, what is the legal responsibility of the members of a board of directors of a financial institution under title IV of the United States Code if they know for a fact land is worth less than they are holding it on their books even though the devaluation would bust the bank? What is their legal obligation with criminal penalties if they do not act?

Mr. McCANDLESS. We are kind of involved here in the desert. If I may, I believe the obvious response is that many of the criminal actions addressed through the Resolution Trust Corporation and other Federal agencies involved in the savings and loan debacle have reflected the very things that you are talking about here, improper evaluation of property and what goes on as a result of that.

Mr. HAYES. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, with the balance of my time, if I might, I mentioned earlier a gentleman who had found a deposit of marble in my district.

□ 1150

Mr. Chairman, my staff has brought to my attention something I did not realize. The Government has already driven Rick Domingo, a native American, out of business. He went to the Bureau of Land Management to attempt to lay the foundation for the creation of this mine, putting in the investment and the like, and because BLM was unsure of the future, they said, "Hey, you had better go talk to your congressman." Well, then they could not get any security as to the future potential use of this property because of the debate in the House. His investors got shaky and Rick Domingo has gone belly up as a result of it. This is an illustration of the problem of excessive Government, wanting too much of our lives. Indeed, in this case even wanting to place a value on our property by their own arbitrary formula.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from California [Mr. McCANDLESS].

Mr. McCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, my reason for getting up was to talk a little bit about this fringe-toed lizard and what kind of impact that had on the community that I represent and actually live in.

It is a 14,000-acre preserve now I believe, paid for by the Federal Government, paid for by local government, paid for by county government, paid for by the building industry and those who represent it in a consortium of involvement and a payment over a period of time.

It is important to note that for a length of time, which we are still recovering from, that the adjacent properties and the assessments on those adjacent properties to pay for this have substantially reduced the value of that property, whether it be for farming, whether it be for development, or for whatever other purpose.

We briefly mentioned the kangeroo rat. The kangeroo rat has demoralized the county of Riverside, and has reduced values of property far less than what anybody would conceive of if a fire came through or a flood came through and reduced its overall worth or value to an assessment or an evaluation.

The Endangered Species Act has been the most dynamic force in reducing property value below whatever it should be, according to a fair market and other factors, because it is not developable. If the county of Riverside were to say you can put 1 house on every 10 acres and that is the zoning of the property, if the K-rat was eventually found on that property then you could not put the 1 house on that 10 acres, because the county of Riverside would not issue that permit because you would be in violation of the Endangered Species Act.

I had a constituent who wanted to add one bedroom to his house because he had another child. He could not add that one bedroom to the house on the 5 acres that he owns because of the Endangered Species Act.

This is the problem that we are talking about. My colleague, Mr. TAUZIN, his amendment addresses that.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. VENTO. Mr. Chairman, reserving the right to object, is there some agreement that we could gain on time in terms of the extension that are going on? I would suggest that there has been some over 25 minutes of debate on one side by the proponents of the amendment and 5 minutes by the opponents of the amendment. Is there some agreement we could get, even on an unequal basis, so that we could conclude this is a timely manner, say 35 minutes, for instance for Mr. HANSEN and 25 minutes by Mr. MILLER.

Mr. VENTO. I reserved the right to object, and I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would suggest that this is by far the most significant amendment remaining on the bill before us today. It involves people's property. I am very hesitant to lightly restrain the time. But I would certainly yield to the gentleman who is the author of the amendment.

Mr. VENTO. Renewing my reservation, under my reservation: The issue is that I am suggesting an additional hour on top of the half-hour, spending an hour and half on this; is there any suggestion on the part of the gentleman?

Mr. LEWIS of California. I do have a suggestion. I suggest to the chairman that there are other amendments that I may very well choose not to take up today. It is very conceivable.

Mr. VENTO. Mr. Chairman, under my reservation, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, we understand the gentleman has a whole series of amendments and that he can continue to drag out this bill. That is certainly his right under the rule that I sought that allows him to do that. The question is whether or not we can have a reasonable time limit on debate here so that we can move on either to the consideration—the gentleman's rights continue no matter what we do here—protecting the rights of all Members who are here on the floor, if we had 40 minutes, Members would have 5 minutes to spend on the amendment.

Mr. VENTO. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I must say that I would take the leave of the author of this amendment in connection with a specific amendment. But indeed we would not have the number of amendments on the floor that we have today if the committee had originally been halfway responsive or even consulted with Members who are elected to represent the desert.

Mr. VENTO. Reclaiming my time, Mr. Chairman, the issue is here. I seek a reasonable time to consider the amendment before us in terms of this issue, which has been debated repeatedly here on the floor. The issue here is tangential, at best.

Under my reservation——

Mr. LEWIS of California. Mr. Chairman,——

Mr. VENTO. Mr. Chairman, I continue my reservation of objections.

The CHAIRMAN. There is one unanimous consent request on the floor.

Mr. VENTO. And I reserved my right to object under it. I am yielding to the gentleman from Louisiana.

Mr. McCANDLESS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCANDLESS. Mr. Chairman, my colleague asked for an additional 2 minutes, which the gentleman in question took exception to under the unanimous-consent request.

Mr. VENTO. I reserved my right to object. Under my reservation, I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, let me point out that we have not had long debates on this issue. This is the first time we have ever had a chance to bring this issue of property rights and compensation before this body. And to suggest that we have had a lot of time to debate it is wrong. Many Members are just now getting the messages in their offices right now who will want to come to the floor and debate it. I would be very, very careful about limiting time on this debate with Members just now being alerted to this very serious question.

I think we ought to see who is coming to debate it first, and let us have a good debate.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Under my reservation, I yield to the gentleman from Louisiana.

Mr. HAYES. I thank the gentleman for yielding.

Mr. TAUZIN sponsored the amendment. The gentleman mentioned two lawsuits earlier today. One was Florida Rock, and the other was Dolan. Have not both of those been going on for over 20 years and are not, in fact, one of the original plaintiffs now deceased?

Mr. VENTO. I cannot give the answer.

Mr. Chairman, I yield to the gentleman from Louisiana to respond to the gentleman from Louisiana.

Mr. HAYES. We are speaking of time here. We will have nothing but dead plaintiffs left while we have wasted time in not enacting legislation to give people their rights.

Mr. VENTO. Mr. Chairman, reclaiming my time, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

I just want to correct the record here.

The fact is that this amendment and all other amendments could have been offered in committee, and they were not offered in committee. So they have chosen to offer this amendment for the first time in this forum to continue the debate.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman briefly.

Mr. TAUZIN. I point out that this Member does not serve on Mr. MILLER's committee. I would love to have served on this committee. I do not serve on this committee.

Mr. Chairman, this committee is the Committee of the Whole House. This is my chance to get this amendment to the floor and get it debated, and I would like to have a full debate on it.

Mr. MILLER of California. Mr. Chairman, the point is that the gentleman from California [Mr. LEWIS] suggested somehow this is the only place you could consider this amendment because in fact the committee did not allow that. The bill was considered, and any member of the committee could have offered any amendment. The members of the committee on the other side and on our side chose not to offer this amendment. The gentleman is perfectly right.

Mr. VENTO. Mr. Chairman, I withdraw my reservation of objection and let the gentleman [Mr. LEWIS] have his 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LEWIS]?

There was no objection.

Mr. LEWIS of California. I thank the chairman for being so kind with his time. I must comment to the chairman's remarks: It happens to be unfortunate that not one Member who is elected to represent the desert, out of the five, serves on the committee. They were not consulted at all by the committee. And were dealt with in an arbitrary manner by the committee, in this Member's judgment.

Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. McCANDLESS], a Representative of the desert.

Mr. McCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, I would like to make one other point regarding evaluation of property. In a recent wildfire in my district, 39 homes were burned down to the ground. Prior to that wildfire, one of the owners of one of these homes asked for a permit to build a tractor shed. That permit was requested and re-requested, but refused by the county because it said, "Your property is on the Endangered Species List." That house and 38 others burned down because the Endangered Species Act did not permit the disking of the property which they owned, around their dwellings and other structures. And as a result, the wildfire came directly through, burning the grass up to and including the house.

□ 1200

My point here is that the Endangered Species Act, whether applied to improved or unimproved land, has been a substantial detriment to the value of the property in question, and so I take exception with those who say that the Endangered Species Act has no impact or should not have any impact upon the assessments of property as it relates to purchase by a Federal agency.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, let me mention that I started these remarks by discussing the fact that one of my constituents, Rick Domingo, has essentially been put out of business by government. I know that not too many of my colleagues may care about that native American who now is essentially out of work and has lost the potential value of his claim. I had hoped that the House would at least care about the 70 employees he was planning to hire from Baker, CA.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

Mr. Chairman, there has been a lot of discussion already in terms of the Endangered Species Act. The truth of the matter is, and, of course, this amendment affects the fundamental process of arriving at a fair market value; but the issue here is of whether or not we are going to begin to legislate different qualifications in terms of what fair

market value is for at least some of the land management agencies in the context of this bill.

We are talking about, in this case, the BLM management of land, and the Park Service management of land principally. As I said, there are 18 different and acquiring agencies in the Federal Government which, under the uniform standards, would prohibit such practices as being inappropriate and would result in something less than what fair market value is, and proponents suggest that we are not affecting such standards. We, in a whole host of both national and State laws and zoning laws, have as impact on what the value of land is whether it is zoned for commercial development, residential development, other types of limitations and extensions that the State or national government may place on it, whether it has harmful deposits of toxic materials on it, whether it has other types of value associated with the land in terms of naturally occurring minerals, some obviously semiprecious or high value like gold. All of these factors enter into the fair market value.

Congress has, Mr. Chairman, when attempting to interfere with that, has been put down on the basis of what the constitution provides in the fifth amendment, which is a good protection, and most recently my colleagues quoted cases, the Rock case, the Dolan court case, in which local governments, national governments, the Federal Government, may have taken action or attempted to disallow certain factors or impose certain conditions which reduce the fair market value.

The proponents are intent upon legislating, in this instance and if the Congress can do so and passes laws that limit value and that say, "You can't look at a specific factor or factors; you have to be blind with regard to endangered species," I would suggest one could be blind with regard to certain mineral values on land. One has to disallow that particular value which would, indeed, bring us down a policy path where we would take away this particular function from the courts, form the professional appraisals, and take it upon ourselves to qualify property value judgments.

Now, Mr. Chairman, we pass a whole host of laws if we disagree with the Endangered Species Act, or for that matter, with the toxic waste deposits that are on land or other factors. We can change those laws with regard to that. I do not think in a sense that we should, but, Mr. Chairman, nevertheless we can, and there are some problems that would then be resolved.

One constituent explained that stated it well regulation, zoning land classification is really the hand of the State, local, and national government on the landscape of this Nation. That really is what the power and responsibility of government is, regards land use shaping such uses and limits some take about unfunded mandates. I say, "If you're going to begin to define the context of what is and isn't considered a reduction in property value, you're going to really paralyze both State/local governments, the national land management agencies, in their ability to do fulfill their role, and I mean that job runs the gamut of the 18 land management agencies we have at the Federal level and every State and local government in the country. This would be the granddaddy of all unfunded mandates that one could imagine. It's a way to paralyze the government."

I would say that it is, I think, out of sight to consider the fact that the government somehow has an intention to impose certain conditions on land and private property so that it could take away property from individuals in this instance without payment of a fair value. This amendment, while perhaps well intended in pointing out a problem, is really inappropriate for the National Government to, in fact, not pay fair market value for any land it purchases.

There are problems in these areas because, as we talked about, the fringe toed lizard, and the kangaroo rat, and the woolly cactus that occur in these lands, that simply shows that the likelihood of entire ecosystem in stress; that is, a serious problem, and we are losing those rare species, hopefully we would find solutions to get ahead of the curve, as Secretary Babbitt has articulated in directing the Department of the Interior with regard to the host of fauna and flora that are under stress in the desert and other critical habitats in this Nation, and that we would not take this particular one-sided approach to action or move in the direction we have before us today.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I think on the discussion when we are talking about the Federal Government, and then we are comparing it to the local governments, I think respectfully there is a difference. In local government we have a board of adjustment. In local government we have an appeal process. In this all we have is the courts, and we can go to the court, I am sure, but it would seem to me that it is not really the kind of comparison we would want to look at because in a local government and on the State basis we have boards of adjustment, people one can go to.

The gentleman talks about Secretary Babbitt. In my home State——

Mr. VENTO. Reclaiming my time, Mr. Chairman, I do not think it has to do with whether we have a court.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, I am going to yield to the gentleman from California [Mr. MILLER] in one moment, but my point would be that we are not talking about whether there is an appeal process, whether it is through a court or formal board. We are talking about what the rules are that govern or the values are that govern the value of the land; in essence, what is going to be paid or what is going to be compensated by adjusting that, and what is being suggested. Irregardless of whether there is an endangered species on the land that has an impact in how it can be used; that is the case when we talk about water rights on land. That is the case when we talk about whether there is an air pollution problem or whether there are certain types of mineral deposits on land. We are dealing with the fundamental value that is there, sometimes defined and regulated by reasonable law and Government actions.

There is no difference between two plots of land at a local level except that they zone one for commercial and one for residential, and that is what we are dealing with. We are dealing with changing or structuring in Congress, such value in this amendment not depending on the marketplace, but structuring those.

Now it is true that sometimes laws locally, nationally, federally, statewide, have an impact in terms of what the value of land is. I yield that particular point. But the fact is that you are proposing that Congress mix into such issue—we are not changing the fundamental law. We are saying, "Disregard what the value is and pay that notwithstanding the Endangered Species Act in this instance, and you can do that with any one of the rules or any one of the laws that I just spoke to in the same vein.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I just want to say, as my colleagues know, the strong suggestion is somehow this is going to relieve the endangered species problems on lands, and the fact is it is not. The fact is what the Government would do in this case, I guess if this was the land, the gentleman was going to force the Government to pay a higher price in spite of the reality on the land. The Government will come along, and they will make a determination, as they make today, about habitat, about land, that there is an endangered species problem. If, in fact, there is one, they will have to support that and go on about their business. And guess what? That landowner will have that land at that market rate, and they can then deal with

anybody in the private sector they want, and the Government can just stand back and watch that because the fact is there will then be 404 permits, there will be clean water requirements, there will be endangered species, and that is fine.

Now the question is whether or not we then want to, because basically what we are doing here is we are prohibiting the Government, we are prohibiting the Government from going in and acquiring that land if, in fact, they have made an endangered species determination because what we are saying to the Government is they must pay a higher value for that land than the land is really worth out in the market.

□ 1210

So they can let that landowner sit out in the market and determine what it is worth with these requirements, because let me say that if you are a developer, if you are a homeowner, or you are a rancher, and you want to buy that land, you are going to ask, "Is there a species problem?"

They may say, "Yes, this an endangered species habitat, and there is a wetlands problem here." So you are going to say, "Well, I am going to have to pay you a little less because I would have to get a permit. I would have to go through these processes, and I have to wait to see if that gets cleared up."

But you do not want to reserve that right to the Government. So the fact is that what this amendment dictates is that the Government goes ahead and makes its finding and they know that that land is going to be treated in accordance with the Clean Water Act, and so forth.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Mr. Chairman, I continue to yield to the gentleman [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the point is that the Government really does not then have to deal with these lands because they will treat these lands as they can under the existing laws.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. No; I cannot yield. The gentleman has the time, and I have asked him to yield to me. I have not completed my statement, and the gentleman has spoken several times on the amendment already.

Mr. Chairman, the point is this: that the Government does not have to assume the burden because it already has, under existing laws that are not subject to this legislation, the ability to go out and to define whether or not various lands have habitat and species problems and whether various lands have wetlands problems, if it already comes to that, and that will continue. The only thing we have done here is we have taken the Government out of the market as to whether or not they choose to acquire those lands, and in this case most of the lands are not going to be a threat to the Federal reservations. We would like to acquire them for management purposes. A number of people may be there who would like to leave these lands to the Government because they want the Government to acquire them. But what you are simply saying is that if you are going to force this on the Government, a land manager cannot say, "I am going to pay an artificially high price for these lands," because I think in fact we are working to an end which most of us would suggest we do not want. But that is fine because that classification of endangered species problem will be out there and the free market can deal with it, and you will find in fact the free market would treat this as would the Government but for the amendment, because we would be considering whether or not this is in fact a fair market value.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

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

Mr. McCANDLESS. Mr. Chairman, I appreciate the gentleman's yielding.

The issue here that started this spark was that the Endangered Species Act does not have an impact upon the appraisal of the property based upon the outline that the gentleman read with respect to professional assessments of property.

Mr. VENTO. Mr. Chairman, if the gentleman will let me reclaim my time, I would be happy to share the statement with the gentleman. I read a portion of it.

I did not imply nor did I mean to imply, nor does the statement, I believe, imply that the Endangered Species Act has no impact. I believe we all know that it does, just as other types of laws have an impact, whether they be toxic waste laws or other types of laws, have an impact.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield further for just one more point?

Mr. VENTO. Yes; I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, if an area is designated by the Fish and Wildlife Service as an endangered species study area or if it is determined that this area is in the Endangered Species Act requirement, no county in the State of California and, I would assume, other States can issue a building permit for any type of structure, be it commercial, residential, or the improvement of an existing structure, since that cloud has been emplaced upon the property. That is my point. That dramatically reduces the value of the property.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. TAYLOR of North Carolina. Mr. Chairman, reserving the right to object, this would be based upon the fact that my watch keeps up with everybody else's watch.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, let me inquire, has the gentleman from California concluded his statement?

Mr. McCANDLESS. Yes, I have, Mr. Chairman.

Mr. VENTO. Mr. Chairman, let me suggest that I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, let me just say that what we have heard on that point is just not so. The fact is that people have endangered species on tracts of land and they engage in mitigation plans with Fish and Wildlife or with the corps, or whatever the agency is. Because they are both involved in this. We have some of the most valuable golf courses in America that are built across endangered species habitats because mitigation plans were put forth and the species continued to strive and the value is there, and the people still built the course and they are commercially successful. Let us not pretend that that is the end-all. In fact, that has enhanced the value of lands around them.

So this amendment should really read either way. The point is that in fact the setting aside of habitat and the setting aside of wetlands also accrues to the value, and if we are honest about this amendment, we should also say that we should not be able to account any value that was added by governmental action, such as a county road down the front, a freeway down the front of it, a national park along the side of it, or a water project that brought water to the property.

Why is it that the Government always has to take the losers and they never let us share in the values that are increased because of governmental action?

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. VENTO. Mr. Chairman, I think that points up one of the problems. I am almost out of time, and I do not want to continue to extend my time

because other Members may want to speak.

But the point is, very simply, that if we are looking at something in a community or a city having some special species or plants, or other amenities on it, that can be a desirable feature. In fact, the park designations themselves have had the characteristics of increasing the value of lands around the parks. People want to live by national parks and by local and State parks.

The point is this, Mr. Chairman, I would conclude by saying that if there is a demonstration that there is collusion between the Government designation of an endangered species and then coming back and purchasing the land cheaply, I think obviously in any court they would take action to rectify that situation. That is the Doland case where the local government was determined to overstep its lawful authority.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say to my colleagues that what we have here is essentially an issue of the process around here. The gentleman from Louisiana [Mr. TAUZIN] and others have tried for sometime to get Endangered Species Act questions on the floor of the House. He has a bill, and the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Massachusetts [Mr. STUDDS] has another bill. The issues are well understood by Members of the House, but we have had really no opportunity here on the floor to debate these issues or discuss the important parts of it, and I think what we are seeing here today is a real frustration over the ability to get the significant issues in full debate before the House and find out where the votes are as far as amending this act is concerned.

It would certainly be preferable at this point to debate an issue like this in the context of the entire Endangered Species Act, with those problems before us, so the House could act, but since we do not have that opportunity, I think the gentleman from Louisiana [Mr. TAUZIN] is going the only thing he can do here, and that is to try to use this opportunity to bring at least one issue connected with this before the House. This is not a perfect proposal by any means that the gentleman from Louisiana [Mr. TAUZIN] has, because it only affects the Federal acquisition of these lands, and certainly in the private sector between two parties the discount necessitated by the Endangered Species Act application would have to be factored in. But at least here he has made an attempt to deal with this issue.

I would point out that the real tragedy here is that the individual whose land is impacted by the decision, whether that decision is right or wrong, under the existing process has no opportunity for public input into that process that affects his or her land, has no guarantee and in fact has no right to bring the economic issues that are at the core here to the table under the existing act. As to the very issues we are talking about, that person who owns the property has absolutely no possibility to get to the table in the discussion either in the decision to list the species or in the subsequent discussion of the mitigation.

Finally and most egregious, if there is a decision to list, there is no right to go to court on the part of the property who opposes and challenges that decision. Only if there is a failure to list is there a right to go to court. The only instance here in which someone can exercise their right to go to court is under a takings process that could cost hundreds of thousands of dollars and a lot of time, and most people are not in a position to do that.

So my sympathies here lie with what the gentleman from Louisiana [Mr. TAUZIN] is attempting to do. I would hope that a strong vote on this today would send a clear message that we ought to be dealing with this entire issue here on the floor of the House and find out where the votes are. Certainly there is a need for some change.

But in this instance I think there is real injury here to a party that has no opportunity to defend themselves unless they have enough money to go to court and take the appeals process up on a taking.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to my friend, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I want to thank my friend for his excellent statement, because that is what is at stake here. What is at stake here is not private manipulation of values or taking advantage of the Government.

□ 1220

What is at stake here is the Government taking advantage of small property owners who can not afford to spend 10 years in the court of claims or the court of appeals, all the way to the Supreme Court, to prove that the Government took their property by devaluating first before they acquired it in an eminent domain situation, where the party did not have a chance to complain and address the issues in advance.

The gentleman is so correct. If we do not adopt this amendment, what we are left with is a situation where the Government can take advantage of small property owners who cannot afford to go to court and fight the Government, the Justice Department, to get justice in America. This amendment says to every small property owner, when your land is taken, you are not going to get some artificial value. You are going to get the real value before the Government took an action to devalue your property, and then tried to acquired it. It is so essential that we establish that in law for small property owners.

Mr. LEHMAN. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. I think we have the basic question of fairness. I wish we could deal with it in the larger context. I would suggest to Members listening, until we are given that opportunity here on the floor, we are going to continue to see this type of frustration, and maybe a clear vote here will send the right signal.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support for the Tauzin amendment. I think my colleague has laid out a strong case for this amendment by detailing the Florida Rock case. There is another reason for supporting this amendment, and this debate shows the direction we are moving in. It talks about fundamental fairness for the American people.

It is unfair for anyone, especially a government green shirt, to come on to a person's land and declare that individual's land invaluable because of the government regulations that are placed upon it.

You know, we used to prosecute people in this country for devaluing land and running those types of scams, and then trying to come on and buy it at the lower prices. I believe HUD has regulations against that even today as we speak. And here is the Federal Government doing much the same thing.

The people of this country become wary of what the government does in the name of environmental protection. It is precisely because of this type of maneuvering that the public is concerned. If the government is going to pass strong environmental laws, it should pay the price.

Now, we have before us a bill cosponsored by the gentleman from Louisiana [Mr. TAUZIN] and myself, which lies at the desk under a discharge petition, that would allow us to debate this. It would allow us to have a debate on the whole question of takings and how the public is to be compensated.

You know, one of the Members previously mentioned that because of the pressures of population gains, that there is going to be more and more need for the Federal Government to be taking properties, there is going to be more and more pressure for government management and control.

It is precisely because of that that we need to adhere to the protections of the Constitution more strongly than we do today. The fourth and fifth Amendments are going to become more and more important to protect the people of this country.

The Constitution and the Bill of Rights was passed not to protect us

from foreign power, but to protect us from just this type of onerous hand of government. And that is why we as, 435 Members of Congress, ought to be the champions of constitutional rights for the people of this country, not thinking up ways to undercut it, not thinking of ways we can get a cheaper dollar for the government, not thinking of ways we can abuse those rights, but be the champions.

If we are going to err, let us err on the side of the people, not on the side of the bureaucrats.

Now, I served on the board of transportation and in the State legislature as the gentleman from Utah did, and I know there are times when condemnation needs to be used. We tried to find alternative ways.

When I first came to this Congress, we took up a bill in the subcommittee that I sat upon to take a farm that had been in a family's hands for hundreds of years, to provide a view shed for a corpse. Under condemnation of this government, we did that. Now, I do not consider that in an area of highest and public health and safety, which we ordinarily try to use condemnation for.

We know that in many types of legislation, we have reform systems, such as in our State, where the court got its fees from deciding cases. So, naturally, it had to find a lot of people guilty in order to get the funds to operate the court. We abolished that system years ago. Yet we are talking about the same system here.

The government, by pulling from its case a regulation that will devalue your property, can buy that property for a fraction of its value had it not applied those regulations. So it has an incentive to always find a regulation to devalue in order to deprive that person of his fair market value and enable the government to buy it at a lower price.

This kind of chicanery should not be in any system that we have, and it is why we should pass the gentleman's amendment.

Mr. ORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. I share the concerns of the subcommittee chairman that we not attempt to dictate in statutory language a specific fair market value. I also understand and share the concern of the chairman of the full committee that an amendment ought not to be just one way.

In fact, I do not believe this amendment is just one way. If we read the exact wording, it says lands and interests and lands acquired pursuant to this act shall be appraised without regard to the presence of.

It has nothing to do with just ignoring it if it devalues the land, but not ignoring it if it increases the value of the land. So it really does go both ways. I do not think the amendment is at fault in the language of the amendment.

I believe that one of the very strongest principles in this country protected by our Constitution is the right of ownership of private property. That has been defended in the courts. In fact, recently, a few years ago, in the Lucas case, as this body is well aware, the Supreme Court ruled that when the Government, whether it be Federal or local, when the Government acts through something such as a zoning ordinance, which the subcommittee chairman mentioned may lower the value of land, that that in fact is a taking, even though it is not a condemnation, even though it is not taking all of the rights of ownership of the property; that the very restriction of use through zoning or such ordinances can in fact be a taking which is compensable, which the Government must compensate.

Now, I believe that. In my opinion, the enlisting of endangered species or critical habitat is a similar taking, which must be compensated. I believe, in my opinion, that is in fact a taking.

I would encourage the Supreme Court that when that case appears before it, to find that similarly, under Lucas, to be a taking. I would encourage those people who have the money to pursue this to the Supreme Court to in fact do so, so that we can get a ruling under the court.

I would encourage this body to take up the Private Property Rights Act, so that we can deal with this in substance beyond just the Desert Protection Act, beyond just the Endangered Species Act, so we can deal with this issue of Federal Government action which lowers the value of property being a taking.

I believe it is. It must be under the Constitution, and it should be compensable. But until someone takes that to the Supreme Court, or until this body acts to pass the Private Property Rights Act, we should adopt this amendment so that specifically we are saying that the government cannot benefit by or that we cannot take away the person's property value.

The argument has been made very clearly by both the committee chairman and the subcommittee chairman that the listing of an endangered species or a critical habitat may very well, and often does, lower the value. Yet that is not being compensated.

So what this does is seek in this particular bill to say we are going to compensate them because we are not going to appraise considering the listing of that species. We will appraise it without consideration of the listing of the species.

So I think it is a very good amendment, and would urge adoption of it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the gentleman raised the Lucas case. I have not read all the details. But the suggestion that if you have a zoning limitation and you reduce the value of the land regarding a zoning the gentleman, Mr. ORTON, suggests that in that practice today for local governments, for State governments, in essence, is compensable and that they are or should be paying compensation.

Mr. Chairman, one of the critical elements I think missing in the discussion here is a black and white argument sort of being portrayed today, the issue of reasonableness. That is exactly the case of the Dolan legal case. So what we are entering into, of course, is not a question of whether it is a reasonableness in terms of use here with regard to this amendment and this very narrow use, but, obviously, we are arguing on a broader ban. But the proponents of the amendment are avoiding the issue of reasonableness, which is at the heart or core of what the courts actually decide, and we are putting in place and substituting our judgment by saying if it is an Endangered Species Act, you cannot consider it as to reducing that value the Federal Government pays for such property.

□ 1230

Indeed, while I suggest and I think the chairman suggests that the Endangered Species Act could reduce the value of land because of limitations that are inherent in the use of it, it also may enhance it. I may want to have the Houston toad in my backyard. To me that may have something of value and I think to other individuals as well.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(By unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. ORTON. Mr. Chairman, in response to the comments of the subcommittee chairman, indeed the Lucus case is a fairly narrow issue. But the concept that was identified in the Lucas case is that in order to be a compensable taking, you do not need to take the entire rights in the property, that a restriction such as a zoning restriction can in fact be compensable under the Constitution, under the takings clause. I think that is the point that I am raising.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I think the question is one of reasonableness. Of course, it is not the operative function of our local governments, every time they have a reclassification, whether it increases or limits the use of the land, to either collect money on the increase or to pay money back on the decrease. In fact, that is a common activity, in fact, a major function of local and State government.

Mr. ORTON. Mr. Chairman, I appreciate the comment.

The point we are making is, I think, one in fact of reasonableness. The Supreme Court has said that the action, something less than taking the entire rights of the property, is in fact compensable under the Constitution. I am saying that we ought to take that case to the Supreme Court to determine if this is compensable. I believe it is, in my opinion. Until that is done, I think it is very reasonable to say that when listing an endangered species or critical habitat which then clearly is a lowering value, it is reasonable for us to state that we are not going to reduce that property value through appraisal.

Mr. TAUZIN. Mr. Chairman will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, first of all, let me thank the gentleman for his fine statement in support of the amendment, particularly the argument that if every landowner has to go all the way to the Supreme Court to find out if the Government has taken his property, what awful mess we are in. How small landowners will be denied justice in America.

I hope Members appreciate the strength of that argument. The gentleman is correct. The court, in the Florida Rock Decision, said that zoning cases must in fact be judged on their reasonableness, but were there is shared benefit and burden, there is no taking. But if the burdens fall on the small class of landowners and the benefits fall to the public at large, under Florida Rock that is a taking.

That is what we are talking about here. We are talking about endangered species designation so that the public at large gets the benefit of environmental protection but a single small landowner has to lose the value of his property.

What we are saying in this amendment is, when the Government makes that kind of a decision, it ought not take advantage of that landowner by paying him the smaller degraded value. It ought to pay him the market value before the Government made the decision for the public good.

I also want to thank the gentleman for his support and point out that yesterday or the day before I stood up in support of eminent domain to say the Government does have a right to buy property for wilderness protection. What we are saying today is, when it does it for wilderness protection, it pays real market value, not an artificial value determined after the Government regulates it to death.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has again expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want the attention of the gentleman from Louisiana, because I do not think there is any disagreement that if, indeed, the Federal Government were to be classifying something as an endangered species or putting some other type of limitation on land through its regulatory role and laws that we pass lawfully doing this, that in essence that they ought to be doing so with the intent of actually devaluing or reducing the value of the cost. In fact, the entire impetus of the Federal Government and the 18 land managers we have is to pay fair market value.

I think, as a matter of fact, I would say that very often that results in a higher cost, could result in a higher cost to be paid. We cannot pay less nor more than fair market value. So if there is a demonstration that there was actually an intention on the part of the Park Service, the Forest Service, any land management agencies to reduce the value and to take advantage of a citizen, I think that we would all be in the forefront seeking payment. I do not think there is any demonstration or intention to do that. There is no design to use the law to achieve such objective, as I said earlier there is no conspiracy.

I find such suggestion not helpful in terms of this sensitive policy issue.

Mr. ORTON. Mr. Chairman, reclaiming my time, I do not know of anyone saying that that is the basis of this amendment, that there is some bad action on the part of the Park Service in doing so.

I would simply suggest that I agree with many of the goals of the Endangered Species Act. We do not want to eliminate species from Earth. But we ought to recognize that if it is important enough for this country and this country's laws to protect that species, it is important enough for us to belly up to the bar and pay for it.

Why should one landowner have to bear the brunt of protecting that species? If it is important enough for us to do it, let us pay for it. If we have to raise taxes to pay for it, raise taxes to pay for it. But we should not be imposing these requirements on individual landowners. That is the whole point of this argument.

By devaluing the property and then appraising it and purchasing it at lower value, we are placing the burden of protecting that species on one landowner and not on the public at large. If it is important enough for the public at large to do it, then pay for it.

I would urge the committee to adopt this resolution.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to say, hallelujah.

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Thank goodness we have finally gotten to the heart of the debate in terms of this particular amendment—private property rights. I think it is ironic and it shows the gulf of the perceptions between two sides in terms of the dialogue that just occurred.

First of all, we are talking about the Endangered Species Act, an act which expired 2 years ago but which is being kept on life support because, frankly, if the Endangered Species Act were here on this floor, a similar debate would be taking place. And I believe a number of Members, especially the chairmen of both the committee and the subcommittee, would be hard-pressed to defend the Endangered Species Act as it is currently written. Why? Because there is no economic impact statement required in the Endangered Species Act. What is society doing when it requires an individual not to be able to use their land for legitimate purposes because there are endangered species on it? That land is taken. How much does that cost the individual? The value of the land and its uses.

The Tauzin-Hansen amendment goes to the heart of it, because it in fact shows what the economic expense would be. And that is, if you have a piece of private property and an endangered species is found on it, it is worth zero. The Tauzin-Hansen amendment is absolutely correct in requiring the Government to value the land on the basis of its market value without considering the Endangered Species Act. The difference between that property, its market value without considering the endangered species, and the zero worth of that land if you considered the Endangered Species Act, is the economic impact of the Endangered Species Act. So let us get honest here.

The reason the opponents of this amendment are scared to death of this amendment is because it truly shows the cost of the Endangered Species Act. The Endangered Species Act does not require a determination of the economic impact of a decision under the act, but the Tauzin-Hansen amendment would require the Government to own up on the actual societal cost of the Endangered Species Act.

I love the chairman's example of the golf course or his example of living next to the park and how valuable that makes the property and how we are not only living with mitigation today, but how mitigation helps people enhance the value of their land.

Let me tell my colleagues what is going on in my district. In my district we do not deal with golf courses for mitigation.

What do we deal with in my district? I represent an area which historically

has the Tulare Lake. That was a lake formed by the Kern River, which ran down the Kern Canyon every year, one of the major white water rivers in the United States.

□ 1240

That land would be flooded, and then when the sun came out, as it does in the Central Valley, the lake would shrink, sometimes almost drying up. The next season it would flood again. Then it would contract, and it would flood and contract in God's design.

Man came and built a dam, and the flow of that river was stopped or regulated by the dam. I have property owners who are attempting to release water on old Tulare Lake land to allow it to percolate back into the underground as it did historically, and the Government has said, "You cannot run water on that land." Why? Because there are endangered species on that land.

Wait a minute, wait a minute, before man ever came and built a dam, these endangered species were living where the lake had contracted, and then, guess what, when the water rose, what did the endangered species do? Ask where is Government to protect us? No. What did they do? They went to higher ground. Believe it or not, the kangaroo rat knows that when its hole is flooded and it ought to go to higher ground.

However, if somebody today tries to release water on what used to be the Tulare Lake basin and there is an endangered species there, they are fined by the Government. They are not allowed to use the land for what was its historic purpose.

Let me give another example, which is not a golf course. The United States has decided to build a Federal prison. We were building it on the west side of Kern County. Some of the land not used for the Elk Hill's Oil Preserve was appropriate land that is federally owned. We went to take a look at it for purposes of building a Federal prison. We could not build it there. Why? Because there are all kinds of endangered species there.

Interestingly enough, the count of endangered species on military reservations, on other Government property don't exist for purposes of a species count. If we have a Government reservation that is absolutely loaded with endangered species, but somebody has 10 acres just the other side of the Federal boundary, the person on the other side of the Federal boundary has to pay mitigation regardless of how many endangered species are on the Government side.

Now we try to build a Federal prison. We cannot do it because we have endangered species on the land. Where can we build a Federal prison? Thank goodness, Chevron Corp. had a 300 acre plot of land that they plowed religiously, did not plant anything there, but plowed it religiously, spring and fall, so that there would be no endangered species on it, and we were able to work a very reasonable deal for the taxpayer to acquire private property to build a Federal prison because we could not build it on Federal property. There was no determination of the actual cost to society on that decision because of the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from California [Mr. THOMAS] has expired.

(By unanimous consent, Mr. THOMAS of California was allowed to proceed for 3 additional minutes.)

Mr. THOMAS of California. Mr. Chairman, let met give one more example which is not a golf course, in terms of how wonderful this mitigation operation works. We have a gentleman who is an immigrant. He purchased some land. He wanted to engage in farming. The land was sold for farming purposes.

He went into hock to get a tractor to be able to pursue the American dream of the yeoman farmer in tilling the soil to produce the crop for market. As he tilled that soil, 42 Federal agents descended upon him. This gentleman, and it is very difficult for him to speak English, he tried to understand what was happening to him.

The Federal agents fanned out across the property, picked up pieces of fur, because he was disking the property for purposes of planting it, and he was arrested. Not only was he arrested, but his tractor was confiscated, just like the drug lords get their houses and their boats confiscated, because the Feds said it was a murder weapon.

The fellow who owned the tractor had the tractor held by the Feds. He could not get the money for it. This poor fellow is now subject to all kinds of fines and imprisonment because he tried to till the soil. He might have been able to pay hundreds of thousands of dollars to the Government to be able to till the soil, he might have been able to do it. This is not mitigation, it is blackmail.

What really bothers me the most is these folks talking about the fact that, gee, why will we not let Government do this, because then your property next to it will be more valuable. No, it will not. If you have that piece of property next to a park and there are endangered species on it, unless this amendment passes, your property is worth zero. Worse than it being worth zero, it is worth zero and you cannot do anything with it.

That ultimately is the biggest problem with this bill and with the Endangered Species Act without the Tauzin-Hansen amendment. It is the small landholder who is carrying 100 percent on their backs, the society's desire to protect endangered species. If society thinks it is important, society ought to pay for it.

What is the cost? What is the economic cost of paying for it? We do not know, because the Endangered Species Act does not require an economic impact statement. If the Tauzin amendment is passed, you will have it, what is the market value of the land versus zero, and the difference between the market value and zero is the economic impact of the Government's decision.

Mr. Chairman, all we are asking for in the Tauzin-Hansen amendment is for Government to own up to the societal cost of the Endangered Species Act; that if Government wants it, they ought to pay the market value for it.

If the Government believes preserving endangered species on the property is higher than the private use of the private person, then Government ought to pay for it. If we are honest, society ought to say that preserving endangered species is more important than the economic value that the land brings in use, society ought to pay the market value for it, because society says that preserving species is more important than the private use of the land.

However, I have a hunch that once society finds out exactly how much it costs, they are going to say no way. Pass the Tauzin-Hansen amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my friend, the gentleman from California [Mr. THOMAS], who just gave a great analysis of what has happened in the extreme, and I think I read the same case that he is referring to. I believe it was rats that the farmer was accused of murdering, and the tractor and disk were in fact confiscated.

Let me just say, as a Member who was doing some other things today and thought I had a few other places I had to be, I saw a piece of this debate on C-Span and I thought it was important to come down and participate in it, because I think this is a very important debate for this House to take up.

One of the most precious rights we have in this country is property rights. We have had a number of speakers who have alluded to it and talked about it. That is what Americans fought for, that is what people lined up by the thousands in land rushes in the last century to be able to get a piece of land that they could call their own, that they could build a home on, that they could farm. Property rights are a key to our society. They are a key to our prosperity. They are a key to our freedom.

Against that backdrop of a very important right, we have the necessary evil of condemnation. The problem with what we are doing in applying condemnation to property rights, in this case, and I want to speak strongly in favor of the Tauzin-Hansen amendment, is we are taking a necessary evil, that is, condemnation, and we are compounding it.

We are taking an agency in the Federal Government that has the power to devalue private property, and that means take a guy who is a plumber or a carpenter or another middle-class worker, who has put his weekly paycheck every year for the last 10 or 15 years at 8 or 9 or 10 percent interest to buy a piece of land at $50,000, and he finds that Government has taken away the value of his property, lowered it down to $20,000. In this case, in this particular bill, that same Government that devalued his land will now profit from that devaluation. That is bad policy, Mr. Chairman.

Mr. Chairman, we are a House that puts checks and balances in place to keep one part of the Government from getting too much control over people's lives. That is bad policy.

Mr. Chairman, obviously property owners who are going to be affected by this desert protection bill come from all walks of life. There are people that have little bitty homesteads out there where they put what is known as jackrabbit houses on them. Those are houses that working people in Southern California put up with $5 and $10 and $15 saved each week to be able to have a piece of property. They could not afford a piece of property, maybe, in urban San Bernardino or Los Angeles or San Diego County, so they go out to the desert and they own a piece of property out there.

Now the Government comes along and finds an endangered rat, in the case of California, and puts limitations on the use of that property, if they have not already built a house on it or built a structure on it, and now the same Government is going to profit from the devaluation it put in place. That is bad, and it is happening not just in California, but it is happening in farmland across the country.

It is happening everywhere where young Americans are going out and trying to save a few bucks every week and buy a piece of land, and find that their piece of land cannot be built on, it cannot be disked up. The only right that we are leaving our private property owners is the right to pay taxes. That is the last right that Government reserves to them.

I want to thank the author of this amendment, the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from Utah [Mr. HANSEN], who also cosponsored this amendment, for their insight and for their advocacy for working people in this country who want to be able to use their property.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

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

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me go through some of the things, and why most of us are opposed to this bill. If we take a look at the whole agenda, we call some of the environmentalists Nazi environmentalists, and let me say why.

There are some that are very, very good, working for the good, working with business, working with the military. However, the agenda of some of these groups is total no growth.

□ 1250

We had an amendment on this floor to where these environmentalists could come on to property without permission and check out things. That is private property rights.

In San Diego, there are areas in which we cannot build. We own our own land but we cannot build on it.

We purchase it, we have bought it, whether our home is on it or we have bought it for the future, but we cannot build in many cases because of the endangered species.

We had a fire in San Diego, a bad fire. Every summer the grass grows up and some of the people wanted to cut down weeds and grass in front of their homes. Because of the Endangered Species Act, they could not cut the grass. It was on national television. One guy said, "The heck with you. I'm going to cut it down." He did. He is the only guy with his house left that did not burn. The rest of them that did not because of the rule lost their homes. This is how degrading and this is how demeaning that this whole environmental movement has become in some directions.

There are some groups that are trying to work and not to extremes.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, you were in the Hanoi Hilton and you spent some time as a POW. There you had no rights.

This is what is happening to American citizens. The Government is taking over their rights and using endangered species, parks and recreation, and so on, and that is not right, Mr. Chairman. I think you would agree with it. Would you want somebody to come into your home and be able to check it out, devalue it and say, "We are going to take your land. By the way, we are not going to give you fair market price, we are going to devalue it," something that you have invested in for your future. That is wrong, Mr. Chairman.

I have some other things that I will speak on my own time, but I know the gentleman from California wanted to yield to another gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, let me just say that north of my district, in Riverside, CA, we have what is known as a rat fund. A rat fund is the money that is put aside, I think there is something like $100 million in it now, and it comes from every young couple that wants to buy a piece of land and build a house. The rat fund is metered out to about $1,500 per lot. That means a young working couple who comes up and wants to buy a piece of land, they are going to pay interest on $1,500 for the next 30 years to support the rats.

Mr. Chairman, that may play well with those people that are so-called purists with respect to the Endangered Species Act, but what it has done in most of Southern California is it has made it so that 82 percent of our citizens do not have the economic wherewithal to buy the average home. One other driver of that price, of course, is the $5,000-increase in lumber per home that comes about as a result of protecting the spotted owl and closing off large areas of lumber supply.

Mr. Chairman, there is an encroachment on basic rights, basic centerpieces of the American dream, like home ownership, that is created by the acts that we have passed, including the Endangered Species Act, that are environmentally oriented. We have not inserted enough balance into these particular acts, and the Tauzin-Hansen amendment is one that inserts some balance. It says that the same Government that cuts your property in half cannot profit from that reduction. That is an important policy for us to pass and it is right for us in the House of Representatives to pass that policy.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. I can give one of the best examples. A fellow named Bowles in Texas who was in court for 10 years because he bought a subdivision lot in Missouri County, TX. His neighbors had houses on their lots. He was told in 1984 he could not build on that lot because of a Government decision.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(On request of Mr. TAUZIN and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. Mr. Chairman, if the gentleman will continue to yield, in 1984 he applied for a permit to build his house. The Government said, "No. We have decided that land is now wetland. We are going to protect it under environmental laws."

Mr. Bowles went to court. It took him 10 years. The Government argued

that they ought to pay him only $4,500, which was the value of the lot after they said he could not use it. He argued in the court of claims, through the appeals court, back to the court of claims 10 years that the Government owed him the real value of his lot.

The court finally awarded him $55,000, the value of his real lot and punished the Government with interest, compounded daily since 1984. And the court pleaded with the Congress to make some law in this area, not to make every citizen spend 10 years in court to get justice. That is what this amendment is all about.

Mr. Chairman, we believe in the Endangered Species Act. We simply think when it devalues property that the Government ought not take advantage of that devaluation. When it purchases property, it ought to pay the real value before it devalues the property.

Mr. HUNTER. I thank the gentleman.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of the Tauzin amendment.

Mr. MILLER of California. Mr. Chairman, I would like to inquire as to whether or not there is an ability to get a time limit. I think we have been on this amendment about 1½ hours.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto end in 40 minutes.

Mr. HAYES. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, may I inquire of the manager of the amendment, is there any interest in arriving at a time limit?

Mr. TAUZIN. Mr. Chairman, the problem is, as I pointed out earlier, Members are just coming to the floor now. Members want to debate this who are not members of the committee. Members of the committee have a preferential right to debate. If we put a time limit on, all we are going to do is to hear a debate by the members of the gentleman's committee and not the other Members of the House. I would only urge the gentleman to allow a few other Members of the House at large to speak first and then perhaps we can talk about a time limit.

Mr. MILLER of California. The gentleman would be allowed under any consideration to manage the time and to give it to whomever he would like.

Mr. TAUZIN. I suggest the gentleman heard an objection by a Member of this House who does not serve on the committee the gentleman chairs. My concern is that they have a chance to speak too, and if we can assure them of a chance to speak, then perhaps we can reach an agreement. I see a lot more Members coming to the floor as this debate begins to catch their attention.

I would only urge, perhaps, that we go a little longer and see whether Members are getting a fair shot at debating.

The CHAIRMAN. An objection has been heard.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we certainly heard a number of horror stories here and that raises some concern. Let me relate a story on the other side of the issue. It involves both zoning by Government and the mining law.

In my district, some speculators from the State of Washington filed a claim in the Oregon Dunes National Recreation Area which predated the actual enactment of that as a recreation area. They followed this claim through after 20 years or so of litigation for sand as a scarce raw material given the judgment of one now-dead Forest Service geologist that it was rare sand as opposed to common sand. They got the land for a few thousand dollars from the Federal Government. They have got a couple of problems. The State of Oregon has zoned it as natural resource land, which does not allow any consumptive use such as mining, so they have got a zoning problem there. Beyond that, they got it for a few thousand dollars from the Federal Government. The value of the land is recreational. Now they want the Federal Government to pay them tens of millions of dollars to buy back that which they bought for a few thousand dollars which certainly questions whether they ever really had any intent of mining this scarce sand resource.

What is being proposed here as the gentleman who preceded me, a couple before me in the well, he talked about the highest and best use under the Tauzin amendment. The highest and best use in this case would overturn the State zoning in this situation and would give these speculators tens of millions of dollars for a piece of Federal land in a recreation area for which they paid a few thousand because of a sand claim.

Beyond that, let us think. Let the American people think. What would we like our neighbor to do?

I come from a State where every acre of the State is zoned, but we are ready to grow and it is zoned fairly and people get just compensation when they are deprived of any beneficial use. That is required under the Federal Constitution. The issue is, what is highest and best use? Under this gentleman's proposal, highest and best use, I own a few acres of land, I think that my land—even though it is on the edge of a residential neighborhood, on the edge of the city—would make a really dandy low-level nuclear waste site.

The Government by edict has told me I cannot have a low-level nuclear waste site in the city of Springfield. I have been deprived of hundreds of millions of dollars of value for my acres of land because of edict by the Government and under this sort of legislation I would demand compensation.

□ 1300

We are taking this to the point of overturning all States' rights, all capabilities of States to zone, when you go to this highest and best use, and you take it to its absurd lengths.

Let us get this debate back in context. The debate here really is, and there are a few well-intentioned people coming before us who truly have a concern here, and they have some horror stories to relate, and those should certainly be looked at, we have got to question the actions of the courts or the State legislatures in some of those areas, and that should be looked at.

But in this context with this debate without any prior consideration by committees, what we see is an attempt to derail a park which will benefit the future of the greatest State, the largest populated State in this country, and other people in the West who want to see some of these desert lands preserved for future generations. That is what is going on here. It is an attempt to derail the bill with an amendment many find objectionable.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, obviously I know the intentions of the sponsor of the amendment with regards to the Endangered Species Act. One of the suggestions that came up in the debate was that you had to go all the way to the Supreme Court in order to deal with the modification of what is fair market value or just compensation, in other words, if there is a taking, and the reason for that is of course, that is the law of the land. That is where these decisions emanate from. You cannot change that in a lower court. An appeal process cannot change that. You have to go to the Supreme Court, because that is where the decisions are made. That is the law of the land.

We do not look to the statutes necessarily to define what is fair market value, so what you have and what is being suggested here in a modest way obviously, in a very narrow way, but obviously an expansive debate because of the dynamics of this issue, what is being suggested here is that we begin to rewrite those rules in this House floor and in this body and write them into law. But there is not general consensus on that, and obviously no one here, I do not think, would argue any of the laws we have passed, whether it is wetlands, whether it is clean water, whether it is the Endangered Species Act, or a host of other legislation dealing with toxic waste and so forth, that these laws are perfect, that they are

not flawed. Indeed, they are and need to be modified. We do not want to enshrine certain values and certain conditions into what fair market value is, a decision that has emanated from the Supreme Court under the fifth amendment of the Constitution.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to spend just a minute, and I am going to yield to my friend, the gentleman from Louisiana [Mr. HAYES].

But let me tell you about some rights that have been violated in the past. We have gone through these.

Sludge in Colorado: I hunt, and I have been through those mountains, and it is terrible the pollution that mining companies have left in Colorado. It is terrible. Yes, you here me right, I say to the gentleman from Minnesota [Mr. VENTO]. That is a right, and it was violated

The Great Lakes and the pollution it went through that was a violation of rights, people's rights to enjoy the environment, and I agree with you on those things. It probably took some pretty strong-willed people to make sure over businesses interests and the rest of it to clean up those lakes.

There are property rights that were taken away, and even the military by putting in single-lined fuel tanks, it is costing us millions of dollars now to reclaim our Earth and so on. Those are legitimate things and things that I want, and I know the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] want to do the same thing.

This amendment, to me, goes to the middle of the road in taking care of people's rights that if I own a home or property and the Government says, "I want to take it," that is fine, under our existing laws, but where I draw the line and think it is wrong, and it is a Nazi tactic to come in and take it without giving me that compensation that that valuable land is worth, and the Government comes in and says, "I want to devalue that land, and then I want to pay you for it." That is where, to me, it is wrong.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I only have a little bit of time, and if they will give me extra time at the end, because I promised the gentleman from Louisiana I would give him time.

Mr. VENTO. We are under the 5-minute rule.

Mr. CUNNINGHAM. If you will not object when I ask for additional time, I will be happy.

That is the heart of this whole crunch, I think, is that the people that want to concrete the earth, the people that want to cause the sludge problems in the mining, and I agree with you, there are a lot of violations in our country, and I think we can work.

But to give someone compensation, to keep someone from their property rights without access to a road, to keep somebody from hunting on land that we have hunted since the stone age time, those are the things that come to the heart of the agenda of the groups that are proposing this bill to stop property rights.

Now, there are some good things in the bill, and the gentleman from California [Mr. MILLER] and I have talked about that, and so has the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I take the time to correct the record.

I will not let anyone stand in the well of the House and say that my intentions are to thwart the movement of this bill. That is not true.

Our intention is to get this issue debated and voted on, and we have been trying to get it debated and voted on for many, many, many months. This is the first time we have had that chance.

Second, our intention is not to damage or hurt or do anything to the Endangered Species Act. Nothing we say here changes the rules or the protection. We simply say that when the rules of the Endangered Species Act operate to devalue a person's property and then the Government comes in to buy it, they ought to pay the value first, not last, pay the real value, not the phony value created by the regulations.

Let me, if you will, read what the court said in the case of Bowles versus the United States, in answer to my friend's argument, and we will get him some time, in answer to my friend's argument that everybody ought to go to court to get an answer to this question. This is the court speaking:

> The case presents in sharp relief the difficulty that current takings law forces upon both the Federal Government and the private citizen. The Government here had little guidance from the law as to whether its action was a taking in advance of a long and expensive course of litigation. The citizen likewise and little more precedential guidance than faith in the justice of his cause to sustain a long and costly suit in several courts. There must be a better way to balance legitimate public goals with fundamental individual rights.

We passed the civil rights law in this body to guarantee that every child, white, black, Hispanic, no matter what, had a chance to go to school in America, to sit wherever they wanted on a bus, to eat at a lunch counter, and we passed the civil rights law even though we had a constitutional protection. We did not say to every child in America, "You have got to go to court to find out whether you can go to school." We did not say to every person in America, "You have got to go to the Supreme Court to find out if you can eat lunch with the rest of us." We did not say in this Congress, "We are not going to vote on the civil rights law. We are going to leave it up to the courts to decide what our individual liberties are."

We are talking about the most important property-right vote we are going to face probably in this Congress.

Do we respect property rights enough to say the Government cannot take your property without paying for it? That is what this amendment is about. We ought to pass a law. The courts are begging us to pass a law, not to leave it to every poor citizen to have to go to court to find out what his rights are.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes, and I will not ask for any additional time, and I will yield to my friend.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I am very reluctant to object. We know the leadership has additional legislation that they would like to bring to the floor, and I reluctantly object.

There are other Members who have not spoken, and maybe they will yield time.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I understand. I am just trying to get time for the gentleman from Louisiana [Mr. HAYES].

Mr. MILLER of California. If we can get a time limit, Members could use the time however they want.

The CHAIRMAN. Objection is heard.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

What existing law has provided, and would continue to provide under this bill, is that when land is taken for a public purpose, Government must pay the owner at full market value.

This amendment would take us away from that principle. It would say the owner should be paid at market value as adjusted to reflect an estimate of what the market value would be if conditions were different than they are.

This would take us down a potentially dangerous road. Fair market value under existing conditions is something that is clear and well understood. Fair market value as adjusted for this or for that takes us into very speculative areas, very subject to dispute and litigation and delay.

For example, what if the property value is higher because of something Government has done, such as build a road nearby, or create a popular park. Should landowners' be paid less than fair market value because Government has raised the value higher than it would have been without Government action?

Furthermore, this amendment would require compensation that in many instances would create an unjustified windfall. In a case where someone buys land at low prices because ESA or any other law depresses that value, they could under this amendment turn around and sell it to the Government at a much higher price than they paid for it, reaping a large windfall at the expense of the taxpayers. That's not fair to the taxpayers.

These are the kinds of problems you get into once you depart from the longstanding principle of compensating landowners at fair market value.

I would urge my colleague not to send us down this slippery slope. I urge a "no" vote on the amendment.

□ 1310

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to my colleague in the neighboring district, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I hope everybody listened to the gentleman's very cogent and accurate statement. I think most of us are watching with interest the confirmation proceedings, going on in the other body, of Judge Breyer, who is the President's nominee for the Supreme Court vacancy.

Judge Breyer was asked the day before yesterday what his interpretation of the fifth amendment's clause is which provides for compensation when the Government takes your property. Judge Breyer answered in the accurate historical way that the founders intended, which has been the law for 230 years and which now our friends on the other side are attempting to overturn. He said that this clause of the fifth amendment that says that the Government must pay for property that it confiscates or condemns is not an absolute right like freedom of speech or freedom of the press. Of course it is not; otherwise you would bankrupt Government. Second, Government would not be able to protect where we live.

You and I, the gentleman from California [Mr. MINETA], are on the San Francisco Bay, one of America's treasures. Before Government wisely intervened and limited the development and destruction of the San Francisco Bay more than one-third of it had been filled.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

Mr. MINETA. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I must reluctantly object. I hate to do it to my colleagues, but I have objected when Members on the other side of the aisle have asked for additional time, and I must be fair.

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to talk in support of this amendment and to talk a little bit about the debate that has been going on here this morning.

The statement that just came from my colleague, the gentleman from California, about the Supreme Court nominee's interpretation of the fifth amendment is very interesting. I did not see anywhere in the Constitution where they rank which rights were important and which ones took precedence.

I happen to believe that the fifth amendment and the protection of private property is just as important as the first amendment in the protection of free speech. There is no difference between the importance of either one.

We have heard a lot of interesting debate this morning and this afternoon on this topic. I heard one of my California colleagues speak earlier about the California Coastal Commission and how sometimes their actions cause the value of property to increase. Well, that is true. Sometimes their actions do cause the value of those that they decide can build, it causes their property values to increase dramatically. But those who are not so fortunate, who end up in the area that cannot build, their property values immediately go to zero. Those are some of the tough decisions that local government is forced to make. That is some of the tough decisions I had to make as a city councilman before I came here, with respect to land use decisions.

What this amendment is attempting to do is not to overturn land use decisions, the State's rights or the individual's rights. What this amendment is attempting to do is to rein in the regulatory body that we have created called the Federal Government, because what is currently happening in this country today is the Federal Government is designating land critical habitat and then going out and buying it, then deciding that they are going out to buy it.

We have heard a lot about conspiracies. One of my colleagues made the comment that he did not believe that there was anything going on between the Government making a decision of what they were going to buy and then going to find an endangered species to fit it. Well, I happen to believe that that is going on, that they are making a calculated decision in finding endangered species that fit the areas in which they decide that they want to buy. In my home State of California you cannot find 1 square foot of that entire State that is not suitable habitat or habitat for an endangered species which is listed or is on the list of candidates. That is happening today.

The reason that we need this amendment, the reason that we need this amendment to pass, is because there are a number of property owners within the desert whose property is being devalued by the Federal Government and then the Federal Government is going to step in and purchase it at a reduced price. I believe they are doing it on purpose in this instance, and I believe that they have done this throughout this country. It is an incredible situation that needs to be rectified. This is our ability to step in and try to make a difference. This is our ability.

You know, the first day of session of the House of Representatives, we stand up and raise our hands and swear to uphold the Constitution of the United States. That is the inherent right of every one of us to make decisions based on what we feel the Constitution of the United States means. We have a responsibility as Members of this House to uphold the Constitution of the United States, which means protecting the fifth amendment as well as the first amendment and protecting peoples' private property rights .

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. POMBO. Mr. Chairman, I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, one of the previous speakers, our good friend, the gentleman from California [Mr. EDWARDS], pointed out a statement by Judge Breyer, who is attempting to become a member of the Supreme Court, regarding the fifth amendment.

Let me read to you what a majority opinion of the Supreme Court just said a couple of weeks ago on that very point regarding the sanctity of the fifth amendment protection:

> We see no reason why the takings clause of the fifth amendment, as much a part of the Bill of Rights as the first amendment or the fourth amendment, should be relegated to the status of a poor relation in these comparable circumstances.

In short, the Supreme Court said the fifth amendment is as important as free speech, free practice of religion, press, assembly, and due process.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

It is entirely inappropriate and arbitrary to isolate and remove a single factor—presence of endangered or threatened species—in appraising a property's value.

What about the Government investment and subsidies that greatly increase the value of private property? I will give examples of these givings:

Federally funded highways and bridges that provide easy access to otherwise inaccessible areas; tax benefits for farmers farming lands zoned exclusively for farm use; federally backed flood insurance that protects people who build in shoreline areas; federally acquired parks that provide an economic benefit for adjacent landowners; huge western water projects which provide low-cost water to irrigate otherwise unfarmable land.

The list of the givings goes on and on. But no property owner has ever paid compensation to the Federal Government for those taxpayer-funded Government investments that really amount to nothing less than private windfalls.

□ 1320

Let us be consistent.

If the American taxpayers are going to be asked to pick up the full tab for the protection of endangered species on private lands, than let the American taxpayer be compensated for the taxpayer-funded investments that increase private property values. Our Federal Treasury, our Federal deficit, and our taxpaying constituents nationwide can afford nothing less.

Mr. PACKARD. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, has the gentlewoman thought of who pays for those public services, the bridges, the roads, that increase values? Those are taxpayers, and, when they do not increase the property values, there are ways of taxing that increase so in fact it is not the Government which is providing these services, it is the taxpayers.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the point is that in fact, yes, there is $8 billion of unpaid cost to the Central Valley project, that it goes to the direct benefit of farmers in the Central Valley, and, when the Federal Government has to come along and buy that land, they want to sell us that land counting all of the value delivered there by the Federal Government. That is the point, and so there is no accounting system, and these properties that we are worried about under this act, they have country roads punched through, they have State highways punched through, they have Federal park lands and BLM roads, and without those the values of those lands are greatly diminished, but the gentleman does not say, "Isolate that." He does not say, "Isolate that," when we are considering that, that we do not have to count the value. The landowner comes in and says this is an inaccessible piece of land, but the gentleman says, "Yeah, but it's a county road, it's a BLM road, it's got fire suppression policy on it."

That is the point the gentlewoman is making. The gentleman only wants the Government to take the losers. He does not want the Government to recoup its costs, to recoup the benefits that it has bestowed upon these lands by governmental actions. He only wants the Government here to pay an artificially inflated price for the land.

I think the gentlewoman from Oregon [Ms. FURSE] makes exactly the point. There is billions and billions of dollars that go into these lands throughout the country, throughout the country by virtue of Federal action, by virtue of Federal action. We clean up the sewage. We build the highways. Yet nobody here is suggesting that the Government should have the ability to recoup those lands.

Mr. PACKARD. But if the gentlewoman would continue to yield—

Ms. FURSE. Reclaiming my time, Mr. Chairman, what we have to do is we have to balance takings with givings. That is the point. We have got to be consistent in the way we value Federal action.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to congratulate the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Utah [Mr. HANSEN]. Certainly they have been in the vanguard of the property rights amendment in this House.

I would encourage my colleagues to read two things before they come to the floor to vote on this particular amendment, Mr. Chairman. First of all, I would ask that they read the 34 words of this simple amendment. I say, "Just read 34 words before you come to the floor."

Those 34 words are these:

> Lands and interests in lands acquired pursuant to this act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

Mr. Chairman, that is all this amendment says, 34 words.

Then I would ask my colleagues to read 12 words, just 12 words, in the fifth amendment to our Constitution, and those 12 words are these: "nor shall private property be taken for public use without just compensation."

What we are really arguing about today, Mr. Chairman, is what is just compensation. It is not just compensation if the Federal Government makes a decision and in essence takes a person's property, denies that private property owner of their use of that property by declaring an endangered species.

Now, if people think that will not happen, that argument was made in the Florida Rock case where the Government came forward and said because a property was going to be designated or would fall under the wetlands designation, "You had to account the value based on the private landowner not being able to use that particular private property."

So, Mr. Chairman, there is a reason for this amendment, a sincere and real reason for this particular amendment.

Now, if my colleagues wonder why some of our colleagues oppose this amendment, something that is so simple on its face, particularly after they read the amendment, and then they read those 12 words in the Constitution, the answer is we have some colleagues in this House who put the Endangered Species Act, the Clean Water Act, wetlands, other Federal agency decisions, about the Constitution, and they are afraid of the ramifications, that the Government has to pay the real value of property that is denied to the private landowner.

Now for those who might think that there are no more horror stories, just this week in Texas we found out that the U.S. Fish and Wildlife Service is prepared to designate 33 Texas counties as critical habitat for the endangered golden cheek warbler. That is 20.5 million acres in the central and southwest regions of our State. That would be three times as big as the protected home of the Northwest northern spotted owl.

But I think it is really compelling to look at what was said by the biologist in this particular instance, Mrs. Carol Beardmore. She said the regulations would have little effect on private landowners. She said for the private landowner it is more just a means of education, telling them that habitat within this area is essential or considered important for the recovery of the species. She went on to say that is major effect would be to require all Federal agencies within that 33-county area, the 20 million acres, to consult with the Wildlife Service on activity that might harm the species of that habitat. It is that naive thinking; that is, that type of taking, that we are attempting to address today with what is a simple amendment.

I will close with this, Mr. Chairman. The Tauzin-Hansen amendment is essential. It is egregious to think that the true value of property, that compensation would not be paid. Without looking at the real value there is no just compensation, and I am going to close with this sincere admonition to my colleagues. I say:

> Woe to the colleague who votes against this amendment because they're saying to each property owner and their district that the government can take their private property without paying just compensation.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the most extraordinary thing that has occurred today is

a fundamental positioning on those who will vote for and against this amendment. Despite the individual instances in which specific references were made, it really boils down to what one believes is government and what one believes is people.

Over two centuries ago, Mr. Chairman, in the first year, the first Congress, Mr. Madison carried to New York the papers for Mr. Jefferson which included 12, that became finally 10, amendments. The question to be decided here today is whether Government derives its power from people or whether Government somehow is above and elevated beyond people. I suggest to my colleagues that the message of that First Congress, those who knew people who had fought and died to make the country free and to whom the name "America" was not new was that the individual people granted to Government its powers.

Now contrast that to young Wayne Dominque in my district who is told by Government and an agency that he cannot on his own land put crawfish, and water, and rice together because he violated an obscure 20-year-old permit process under a Clean Water Act intended to do an entirely different thing, or those under an Endangered Species Act who find a survey made by Fish and Wildlife in order to reduce the value of their property because they wanted it for 20 years, and now they found a way.

□ 1330

I hearken back to Mr. Wayne Dominque, who realizes that if, instead of crawfish and rice in the back of that yard, he was growing marijuana and selling crack, the Government would have had a giving for him. They would have given him a free lawyer; they would have given me an exhaustive remedy in the process; they would have given him a free library if he went to jail; they would have given him years of appeals. But instead, he has no rights, no remedy, and he is told he has one thing he can do—go to the courts, seek the fifth amendment, and pay what is an average of $250,000 per American.

In other words, the message that government gave him was that his country stands for rich people, and "If you have the money, then we'll give you some rights. If you don't then we won't, and we will simply knuckle and muscle you under." That combination of arrogance and ignorance has led to the floor debate here today.

So those with a vengeance have seen the individual disasters and indeed onerous consequences of mindless bureaucracy without any humanity or thought whatsoever, watching foreclosure and losses, watching financial institutions not knowing how to value a dime of property, or watching those who want the legislative authority to "pull the bill under endangered species with a national biological survey and instead do it only through an appropriation bill with no legislative authority."

What we are saying today is the consequence of when a minority of the whole is a majority of one party and they tried to force a minority interest down our throats with a vote, and within a few minutes we are going to have one.

I wish those who believe so much in freedom of democracy and representative government would notice the outcome of that vote and have a few more votes. That is what the people want, and that is what Government does not want. They can decide now what they represent, either the people or an entity which no one can any longer be willing to embrace.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I rise in support of the Tauzin amendment.

Mr. GILCHREST. Mr. Chairman, I yield to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in strong support of the Tauzin-Hansen amendment.

Land devalued because of meddling Government action and enforcement of extreme environmental laws is being extorted from hard-working taxpaying citizens by the Federal Government.

In my district I can give you several recent examples of Government violating the rights of private property owners: 121 acres of most beautiful property in Dana Point valued at over $1.5 million an acre is being taken from a property owner because of the discovery of 39 pocket mice, an animal on the endangered species list. Years of planning for the use of this land had to be abandoned. The owner even offered to set aside four acres of his land just for the mice, about $150,000 per mouse, but the Government said that wasn't enough and wanted more.

In another instance, a property owner was on the verge of selling his property in escrow for several million dollars, then the city declared it wetland. He was then offered $1 an acre for this useless wetland. This is a travesty.

The city of Carlsbad, in its quest to relieve congestion of a local highway, was thwarted in its plan to enlarge and improve the highway when a gnatcatcher was seen darting in front of a car. Construction was halted immediately.

My colleague from California, Mr. BILL THOMAS, just illustrated the plight of the poor farmer who ran over the kangaroo rat with his tractor. The laws protecting this rat resulted in lost homes to fire when homeowners were prohibited from cutting the brush near their homes.

These examples illustrate the assault on private property rights. You can't sell it, you can't build on it, but you must continue to pay taxes on it—and that is confiscation. If the Government is going to confiscate your land, they must reimburse you the fair market value for that land. I encourage my colleagues to support the Tauzin-Hansen amendment.

Mr. GILCHREST. Mr. Chairman, I would like to start by saying this is the people's house, this is where we debate, and this is where we reflect the Nation's wishes, and I want to make the comment that I know a number of people who want this Government to create laws and regulations that will in fact preserve the quality of life for ourselves and for future generations. In my judgment, that means a vote against this particular amendment.

I also want to make this comment: The gentleman from Texas [Mr. FIELDS] read Mr. TAUZIN's amendment, and I will not read it again, but basically it says that "Species listed as threatened or endangered" cannot be considered as far as the value of the property is concerned when the Government is going to compensate.

Does that mean that if the endangered species actually increase the value of that land, then the Government cannot take the increased value into consideration?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I will yield after I have finished.

Mr. Chairman, I think that has to be taken into consideration. A basic law of real estate is that property is like owning a bundle of sticks. Property can be used for a variety of things. The emphasis is on the entire bundle, not just on one stick.

A number of Members have referred to the Florida Rock case. In the Florida Rock case, there was an individual who bought a piece of property for $1,900 an acre. He could have sold that for $4,000 an acre, which is what I think is a considerable profit, but he wanted to sell it for $10,000 an acre to put a rubble field there right over a wetland. And we understand the value and function of the wetland. The court did rule in his favor, but that is still circulating in the Federal courts. I think $4,000 is a considerable amount of profit that he could have made.

There are two more points as far as Supreme Court decisions are concerned dealing with the takings law. No. 1, there is no absolute right of use, and the Supreme Court has said: "No one has an absolute right to use his property in a manner that may harm the public health or welfare, or damage the interests of neighboring landowners or the community as a whole."

No. 2, reasonable return or use: "Property owners have a right to a reasonable return or use of their land, but the U.S. Constitution does not guarantee that the most profitable use will be allowed."

Mr. Chairman, I want to bring in another dimension to this debate, which

is something for people to consider. In 1790 the entire population of the United States was 4 million people. In 1890 the population was 76 million. In 1990 the population was 250 million people. What will it be in the year 2090?

The quality of our existence depends upon our ability to manage our growth. We talk a great deal about the wise and frugal use of our resources. We debate here very often and very passionately about the Federal deficit and why we have to use the taxpayers' money wisely. Land use and our resources, including the full range of species, should be managed to preserve the quality of life for us today and for future generations.

Mr. Chairman, I ask the Members to please take these things into consideration. I respect my colleague, the gentleman from Louisiana [Mr. TAUZIN], but I urge a "no" vote on his amendment, and I yield now to my colleague, the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding.

The agreement we have is that the gentleman is yielding and I might close on the amendment and then we might go to a vote.

Let me first thank all the Members for what I think is an excellent debate on the point.

The issue before us is not whether we believe in the Endangered Species Act, whether we like it or dislike it. I happen to believe in it. I think we could reform it to make it better.

The issue is the most important one we are going to face on property rights in this session of Congress, and that is whether or not people will be compensated fully and fairly for the value of their property when it is taken under eminent domain for this park, and that is the eminent domain that I supported just a few days ago. The right of the Government to take the property for purposes of the park is in the bill. What we are now saying is that the right of the owners of the private property to be fully compensated should also be in the bill.

Let me make it clear. Current law does not let that owner get enhanced value because of the Endangered Species Act. Our amendment does not do that. Our amendment simply says the owner should be fully compensated without regard to the devalued property because of the application of the Endangered Species Act.

Mr. Chairman, I think the agreement was that I would close on the amendment, and so I urge a "yes" vote on the amendment, the most important property rights amendment in this session of Congress.

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, the amendment offered by Mr. TAUZIN is another in a line of recent attempts to bankrupt the Federal Treasury and reinterpret the fifth amendment. I resent the suggestion that Government regulation is a primary force in diminishing the value of either public or private property. This country is more than a collection of individuals. We are a community and all of us must make some sacrifices to make this work.

Without the input of Federal funds and regulations, we would not have the agricultural fields that we now have throughout southern California. By providing water to the desert the Government has indeed manipulated the value of land in southern California and it has increased it substantially with input of funds that were collected from citizens through this country.

The courts will and should continue to mediate any disputes that arise if a landowner feels that he or she has been treated unfairly. This amendment has no place in this desert bill or in any other bill offered in the House.

This bill does not keep private landowners from utilizing their land. This bill will increase the present and long-term value of this land for individuals and for the citizens of this Nation.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Louisiana [Mr. TAUZIN].

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

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 148, not voting 10, as follows:

[Roll No. 325]

AYES—281

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fazio
Fields (TX)
Fish
Flake
Fowler
Franks (CT)
Frost
Gallegly
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—148

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Byrne
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Goss
Greenwood
Gutierrez
Hamburg
Hastings
Hinchey
Hoagland
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Klug
Kopetski
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Pickle
Porter
Rangel
Reynolds
Richardson
Ros-Lehtinen

Rostenkowski	Skaggs	Unsoeld
Roybal-Allard	Slaughter	Velazquez
Rush	Smith (NJ)	Vento
Sabo	Snowe	Visclosky
Sanders	Stark	Waters
Saxton	Stokes	Watt
Schenk	Studds	Waxman
Schroeder	Synar	Weldon
Schumer	Thompson	Woolsey
Scott	Torres	Wyden
Serrano	Torricelli	Wynn
Sharp	Towns	Yates
Shays	Tucker	Zimmer
Shepherd	Underwood (GU)	

NOT VOTING—10

Bishop	McCurdy	Slattery
Carr	Obey	Smith (TX)
Conyers	Romero-Barcelo (PR)	Washington
Gallo		

□ 1357

The Clerk announced the following pair:

On this vote:

Mr. Smith of Texas for, with Mr. Conyers against.

Messrs. DE LUGO, JEFFERSON, and DURBIN changed their vote from "aye" to "no."

Mr. INSLEE, Mr. FISH, and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of H.R. 518, the California Desert Protection Act. Chairman MILLER and Representative LEHMAN are to be commended for their hard work in bringing this important legislation to the floor. I urge my colleagues to support this landmark conservation effort.

The California Desert is one of our most precious natural resources. The 25 million acres which comprise the desert are home to the world's largest Joshua-tree forest, more than 90 mountain ranges, and over 2,000 species of plant and animal life, many of them threatened or endangered. The desert also serves as a sanctuary for the almost 20 million residents of southern California seeking refuge from expanding cities and growing pollution.

The desert's proximity to one of the world's largest urban areas is, however, a mixed blessing. Low annual rainfall and highly variable temperatures make the desert extremely fragile and the damage done by encroaching developers and irresponsible campers almost impossible to repair.

For this reason, it is critical that legislation like H.R. 518 be enacted into law. The almost 9 million acres set aside by the bill as protected areas represent a crucial step in the preservation of a national treasure. For the first time, new mining and mineral leasing claims would be prohibited, as would increased levels of livestock grazing. The new Mojave National Park, as well as the expanded Joshua Tree and Death Valley National Parks, will provide us with the unique opportunity to safeguard a priceless and irreplaceable asset.

I urge my colleagues to join me in this effort to give the California desert the protection it needs and deserves.

Vote "yes" on H.R. 518.

Mr. PACKARD. Mr. Chairman, I rise in opposition to H.R. 518, the so-called Desert Protection Act. This bill is an ill-conceived piece of legislation threatening National Park Service operations throughout the country.

H.R. 518 epitomizes the Federal Government's inclination for bigger bureaucracy by creating three new national parks in a system which is having trouble sustaining its current operations. The National Park Service's own estimates show shortfalls of up to $9 billion. The 367 existing units of the National Park System already struggle with deteriorated facilities for visitors, poor roads, and personnel shortages.

So where is the money going to come from to create these three brand new parks with total acreage exceeding two Yellowstones? The answer—funds will be siphoned away from the park in your area. Secretary Babbitt has stated over and over that no new money will be provided for the new parks. Instead, these new parks will be absorbed into the National Park Service's already overburdened budget.

Furthermore, I ask my colleagues to consider the parks in their area. How much farther down on the list will it fall for construction and maintenance projects when the Park Service is saddled with the burden of sustaining three new parks.

As a Member serving on the Appropriations Subcommittee charged with funding the National Park Service, I am acutely aware of the current fiscal crisis facing the National Park Service. During the fiscal year 1994 appropriations hearings, officials lamented the fact that there already exists a backlog of $2.1 billion in National Park Service construction—projects, already approved, still awaiting funds to get started.

The new parks created in H.R. 518 will only draw scarce funds away from the maintenance of parks in your area. What good are national parks if they cannot be maintained at a level which makes them accessible.

Mr. Chairman, I hope my colleagues will keep in mind that the consequences of the California Desert Protection Act are not limited to California's borders. They will reach into every national park in the country. Vote to defeat the California Desert Protection Act.

□ 1400

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. PETERSON of Florida, 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. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4600, EXPEDITED RESCISSIONS ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consider ation of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 seconds to the gentleman from Glens Falls, NY [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 467 provides for the consideration of H.R. 4600, the Expedited Rescissions Act of 1994. The resolution allows up to 1 hour of general debate, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The resolution provides that after general debate the bill will be considered as read, and makes in order only those amendments printed in House Report 103-565 accompanying the resolution, to be considered in the order and manner specified in that report.

The amendments in the report are: First, a technical amendment offered by Representative SPRATT or DERRICK or a designee, debatable for 10 minutes equally divided and controlled by a proponent and an opponent; second, an amendment in the nature of a substitute offered by Representative STENHOLM or a designee, debatable for 30 minutes, equally divided and controlled by a proponent and an opponent; and third, an amendment offered by Representative SOLOMON or his designee as a substitute for the Stenholm amendment, also debatable for 30 minutes equally divided and controlled by a proponent and an opponent.

The amendments are not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole, and all points of order against the amendments are waived.

Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, shortly after taking office President Clinton outlined his plan to restore the American dream for us and our children.

The President's economic and deficit-reduction plan called for drastic change from the status quo. The President rejected the policies and practices of the past which quadrupled our debt in 12 years and left many Americans believing their Government doesn't work.

Today, nearly 17 months after the President offered his economic plan, and 11 months after its enactment by Congress, things have changed dramatically for the better. Our economy is strong. Employment is up. Unemployment is down. Confidence is up. Wages are up. Industrial production is up. Housing starts are up. Inflation remains low.

Mr. Speaker, most relevant to the measure I being to the House today, the Federal budget deficit is down—way down. The entitlement cuts, revenue increases and 5-year freeze on discretionary spending enacted last year have slashed a deficit that topped $290 billion in fiscal 1992 down to a projected $200 billion or less this year, according to private economists and the Congressional Budget Office.

For the first time since the administration of Harry Truman, America is on the verge of enjoying 3 consecutive years of declining budget deficits. That is no mean feat, and it comes thanks to the tough medicine administered to the budget by the President and the Democrats in this Congress.

Although the deficit is falling and indications are that it will continue to fall in coming years, Americans clearly want us to take additional deficit-reduction action. This is why we are here today.

The legislation made in order by this rule would give the President one of the key deficit-reduction tools he sought last year, and which I believe we desperately need: A modified line-item veto.

Mr. Speaker, wasteful spending sometimes occurs because individual items escape scrutiny by being submerged in large appropriations bills.

Under current procedures a President cannot strike out individual items in appropriations bills. He must sign or veto the whole bill, whatever the consequences. H.R. 4600 would give the President an option he does not now have.

Under H.R. 4600, within 3 days of signing an appropriations bill the President could send the House a message and bill proposing to rescind, or cancel, individual spending items in that bill.

The President's proposal would be referred to the Appropriations Committee. That committee would have to report it to the floor without amendment within 7 days. The House would have to vote, up or down, on the President's bill within 10 days, and during this time the funds could not be spent. If the bill passed the House, it would go to the Senate for expedited consideration there, and if passed by the Senate, on to the President for his signature.

To avoid the chance a President might use this process not to reduce the deficit, but instead to promote his own pet projects, H.R. 4600 would allow the House Appropriations Committee to report to the House, simultaneously with the President's bill, an alternative. To qualify for expedited consideration, the committee's bill must propose to cancel spending from the same appropriations act the President drew his rescissions from, and it must propose to cancel an amount of spending equal to or exceeding the President's total.

If the committee reported an alternative, the House would first vote on the President's bill; if adopted by majority vote, the President's bill would go to the Senate for expedited consideration and the alternative would not be in order. If the House rejected the President's bill and passed the alternative, that bill would go to the Senate instead.

The Senate Appropriations Committee could also report an alternative bill. But it would not be in order to consider anything but the President's bill until the Senate first voted on and rejected the President's bill. The President is thus guaranteed a vote on his proposal.

If both Houses ultimately passed an alternative bill, then those funds would be canceled. Thus, under H.R. 4600, if either the President's bill or an alternative bill passed both Houses, spending will be cut and the American taxpayer would be the winner.

Mr. Speaker, H.R. 4600 is identical to a bill the House passed last year, H.R. 1578. That bill reposes in the two Senate committees to which it was referred over a year ago. We hope that the House passing another such bill will encourage friendly Senators to overcome powerful opposition in that body and pass this important deficit-reduction measure promptly.

Mr. Speaker, the President supports H.R. 4600. he believes with a modified line-item veto millions and maybe even billions of dollars might be saved. These are dollars which taxpayers sent to Washington to finance essential government activities, not to be squandered on low-priority projects which may lack broad support.

Quite simply, H.R. 4600 will create accountability. No longer will a President be able to sign an appropriations act containing wasteful items and claim he was powerless to block them.

No longer will Congress be able to force upon the President the dilemma of vetoing an entire act and shutting down the Government, or signing the whole thing, pork and all.

If Congress wants to indulge in pork-barrel spending, then a majority of either House need only stand up and be counted. If the President does not want to sign pork into law, then he has the responsibility to send it back. It is that simple. I believe it will work and it deserves our strong support.

The rule also deserves our strong support. In addition to a technical amendment by Representative SPRATT or myself, the rule makes in order a substitute for the bill by Representative STENHOLM and a substitute for the Stenholm amendment by Representative SOLOMON. The rule protects the minority's prerogative to offer a motion to recommit with instructions. I urge all Members to support the rule and the bill.

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

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

Mr. Speaker, we are often told around here that there is too little time to do this or that; or that we must have restrictive rules because the session is drawing to a close.

But today we are being told something quite different, even though there are less than 40 legislative days left in this session. We are being told that we have enough time to consider a bill that is identical to one we passed just last year and that is still pending over in the other body.

And the reason we are doing this, according to the Rules Committee majority report, is that we want to impress on the Senate how important we think this issue, and action on it, is.

The average taxpayer might think it would have been cheaper and less time-consuming to have the Speaker send a strongly worded letter to the Senate

majority leader asking them to take up and pass our first bill. But then, that would be too easy; it makes too much common sense.

Mr. Speaker, the real reason we are here again today on the same bill is that the majority leader announced a couple of weeks ago that the House will consider a variety of budget process reforms as an alternative to the A to Z real spending cut plan. That's how it was announced.

Instead of A to Z real spending cuts, we are going to have C-Y-A process reforms. We will give you this transparent fig leaf to hide behind and hope nobody notices you are not really cutting spending.

Mr. Speaker, I can understand the reluctance of the Democratic leadership to enter into an open amendment process to cut spending and instead agree to almost anything else to keep Members off of the A to Z Discharge Petition No. 16, although I am a supporter of A to Z. But I don't understand the need to recycle old bills that are still pending in the other body.

However, we have decided to make the most out of this baffling situation by giving Members a chance to vote on two things they and the American people really want.

And believe me, my constituents in upstate New York and your constituents across this great Nation are not clamoring out there for something called expedited rescissions.

What the people really want is to give the President line-item veto authority to cut wasteful spending—something candidate Clinton said he was for during the 1992 campaign. It's something that 43 Governors already have. And it's something many of you pledged to support back in your last campaign. Now's your chance.

This rule will give Members an opportunity to vote on a real line-item veto in the Solomon-Castle-Cooper-Quinn-Blute substitute that will ultimately require a two-thirds vote to override the President's spending cuts and his repeal of special interest tax breaks.

The other thing the American people really want is for this Congress to reform itself—to change it's way of doing things, make the laws it passes applicable to itself, and become a more representative, responsive and open body.

Unfortunately, that's something this rule does not now provide for. But we will give you a chance to change that by voting down the previous question and supporting an amendment to the rule making in order the joint committee's congressional reform bill under an open amendment process.

That bill has been stalled up in the Rules Committee for 5 months now with only hearings and no action. The time has come to act.

Our colleague, Mr. DREIER, has an amendment that will allow you to consider that bill as a further amendment to the expedited rescission bill, and to offer amendments to it. So vote "no" on the previous question if you want real reform of this Congress.

In conclusion, Mr. Speaker, we can still reform this Congress by voting down the previous question and making in order a bipartisan reform bill under an open rule. And we can still turn this sow's ear into a pork-buster by voting for the true line item veto embodied in the Solomon amendment.

Mr. Speaker, I include for the edification of Members the following documents:

MOTION AND ROLLCALL VOTES IN THE RULES COMMITTEE ON MARKUP OF H.R. 4600, EXPEDITED RESCISSIONS ACT, THURSDAY, JUNE 23, 1994

1. Dreier Motion to Table and Substitute—Motion to table H.R. 4600 and consider and report instead H.R. 3801, the Legislative Reorganization Act of 1994. Motion ruled not in order by Chair.

2. Drier Motion to Table Bill—Motion to table H.R. 4600. Rejected: 3–5. Yeas: Solomon, Quillen and Dreier. Nays: Moakley, Derrick, Frost, Gordon and Slaughter. Not Voting: Beilenson, Bonior, Hall, Wheat and Goss.

3. Solomon Substitute—Motion to substitute text of H.R. 493 as introduced by Rep. Michel, a legislative line-item veto for appropriations and targeted tax benefit. Rejected: 3–5 Yeas: Solomon, Quillen and Dreier. Nays: Moakley, Derrick, Frost, Gordon and Slaughter, Not Voting: Beilenson, Bonior, Hall, Wheat and Goss.

4. Derrick Motion to Report—Motion to favorably report the bill to the House with the recommendation that it pass. Adopted: 5–3. yeas: Moakley, Derrick, Frost, Gordon and Slaughter. Nays: Solomon, Quillen and Dreier. Not Voting: Beilenson, Bonior, Hall, Wheat, and Goss.

VOTES IN THE COMMITTEE ON RULES TO MOTIONS ON THE RULE FOR H.R. 4600, "THE EXPEDITED RESCISSIONS ACT OF 1994" TUESDAY, JUNE 28, 1994

1. Hamilton or Dreier Amendment to Bill—Motion to make in order an amendment to be offered by Rep. Hamilton or Mr. Dreier, or their designees, that would be made in order at the end of the bill, consisting of three new titles which are the text of H.R. 3801, the "Legislative Reorganization Act of 1994." The amendment would be considered as base text for the purpose of further amendment under the five-minute rules, i.e., under an open amendment process. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Bonior, and Gordon. Not Voting: Frost, Hall, Wheat and Slaughter.

2. Michel Amendment to Base Bill—Motion to make in order an amendment by Rep. Michel, or a designee, to the base bill, providing for presidential authority to repeal targeted tax provisions subject to the same approval process as H.R. 4600. The amendment would not subject to amendment but debatable for 30-minutes equally divided between the proponent and an opponent, and waiving all points of order. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Bonior, and Gordon. Not Voting: Frost, Hall, Wheat and Slaughter.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

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

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

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

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A		
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti-Redlining in Ins	N/A		

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

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of the rule and in strong support of the Stenholm Penny-Kasich substitute to the bill.

Last year, the House approved enhanced recission authority for the President. Unfortunately, that legislation never went further. The Stenholm-Penny—Kasich substitute, made in order under this rule, is a bipartisan compromise that streamlines the process, allows the President to designate recission savings for deficit reduction, and makes the President and the Congress more accountable regarding questionable spending items and tax provisions.

This Congress has shown itself to be committed to reducing the deficit. Tough choices were made to bring the Federal deficit down to the $220 billion projected for this fiscal year. It is not enough, however. If we are serious about reducing spending and eventually balancing the budget the Stenholm, Penny, Kasich approach is the strongest and most reasonable vehicle for cutting waste out of our annual appropriations process.

I urge my colleagues to support the substitute when it comes up for a vote.

□ 1420

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Claremont, CA [Mr. DREIER] a member of our Committee on rules, but also the vice chairman of the congressional reform committee that you and I had the privilege of serving on with him.

Mr. DREIER. Mr. Speaker, I thank my friend, the ranking member of the Committee on rules, the gentleman from Glens Falls, NY, for yielding me this time.

I would like to say what a great addition he was to the Joint Committee on the Organization of Congress.

Mr. Speaker, with this rule, the House leadership is attempting to bring to the floor a regurgitated, enhanced rescission bill that already passed the House last year and has virtually no chance of being considered by the other body.

If our colleagues are serious about enacting an enhanced rescission package, one that can be passed by both Chambers and signed by the President, it must be done as part of a broader reform package. This is why I am going to urge, as my friend, the gentleman from Glens Falls, NY, has said, our colleagues to vote "no" on the previous question. If the previous question is defeated, I intend to offer an amendment to the rule that would provide for the consideration of a further amendment at the end of H.R. 4600 relating to the issue of congressional reform.

With a very few legislative days remaining in this session of the 103d Congress, defeating the previous question provides one of the best opportunities to bring about real congressional reforms this year to the budget process as well as reforms to an antiquated committee system, legislative procedures, administration of the House, and legislative branch personnel.

In contrast, separating budget reform from the broader congressional reform

package is a tactic designed to kill an enhanced rescission bill, and it substantially diminishes the prospect for any meaningful congressional reform this year.

Mr. Speaker, there is no reason to delay the issue of congressional reform. The Joint Committee on the Organization of Congress held 36 hearings and 4 days of markup last year. The Committee on Rules has completed its hearings, and the Committee on House Administration has also held several hearings.

As my good friend and counterpart, the gentleman from Indiana [Mr. HAMILTON], said in a June 30 letter to the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], "This is a meaningful package that will allow Members to claim credibly they have taken serious steps to enhance the effectiveness and institutional integrity of Congress."

We cannot make that same claim, Mr. Speaker, about H.R. 4600, the enhanced rescission bill.

I urge my colleagues to move the process of congressional reform along. Join the gentleman from Indiana [Mr. HAMILTON] and me by attempting to defeat the previous question so that we can keep the process of reform, which the American people and I believe a majority of this Congress wants to have, going.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in strong support of House Resolution 467, the rule before us today which allows for the consideration of H.R. 4600, the Expedited Rescissions Act.

Let me extend high praise to the Rules Committee and our leadership for the rule that has been reported on this bill. Although I am a Member who occasionally must rise in opposition to rules which I feel do not allow a proper airing of major issues relevant to a bill, I also want to be quick to express my appreciation for rules which meet a fairness test. This rule does.

Let me also commend JOHN SPRATT and BUTLER DERRICK for introducing H.R. 4600 so that we can once again focus attention on this issue. I supported this legislation when it was passed by the House last year, and continue to believe that it will make a significant step forward in the accountability of the budget process.

That notwithstanding, I believe there are several areas in which this legislation can be improved. It was in this spirit that TIM PENNY, JOHN KASICH, and I developed the expedited rescissions title to H.R. 4434, the Common Cents Budget Reform Act. Our amendment is similar to H.R. 4600, but includes several differences which will substantially strengthen the legislation. I will elaborate on those differences later in this debate, but at this point I would like to focus specifically on the rule.

There are a number of Members who believe that we should grant the President line item veto authority, that is to say, the ability to eliminate spending items with the support of one-third plus one of either the House or the Senate. That opinion will be ably represented today by my colleagues on the other side of the aisle, Minority Leader MICHEL and Representative SOLOMON.

While I disagree with that approach, I believe it is perfectly reasonable for any Member to think otherwise and I feel this body should express its will on the proper approach to take on this issue. That is also why I went to the Rules Committee asking that the Michel-Solomon amendment be made in order.

Furthermore, that is why I did not object to the structure of this current rule, even though the structure means that if Michel-Solomon passes, the language of my amendment will not even be voted on. Members should not come to the floor expecting to be able to vote for every amendment offered in order that the last one might prevail. This is not a king-of-the-hill rule. It is not a closed rule. It is more like a single elimination rule which, if biased in any way, is biased toward the initial amendment, the Michel-Solomon amendment. I did not object to this bias; in fact I argued for it with Rules Committee members. And I say right now to my colleague, the gentleman from New York, "if your amendment passes, I will support it on final passage," because it definitely strengthens the will of the House regarding this particular issue.

Again, I commend the Rules Committee for bringing to us today this rule. I urge my colleagues to support this rule and, later in the day, I hope they will support the Stenholm-Penny-Kasich amendment as being the most serious approach which can muster majority support.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Bellevue, WA [Ms. DUNN], another valuable Member of this House, a freshman Member, and a member of the congressional reform task force that you and I served on, and who has been so valuable in trying to bring about reforms in this House.

Ms. DUNN. Mr. Speaker, I rise to urge my colleagues to do the right thing: Defeat the previous question so that we can bring real congressional reform to the House floor without any more of the dilatory tactics that have been deployed thus far.

This rule represents a clear effort to approach reform in a piecemeal manner, rather than consider a comprehensive package. As most Members are aware, the esteemed House chairman of the Joint Committee on the Organization of Congress, Mr. HAMILTON of Indiana, has called for rejection of the piecemeal approach so that the House may consider a comprehensive package of reforms.

And make no mistake, this rule today is the first step toward piecemeal and minimalist reforms. The Expedited Recission Act to which this rule applies was only one of the hundreds of reforms considered by the Joint Committee. So, regardless of any rationalizations, Mr. Speaker, it is clear that this effort today splinters the reform effort.

Is watered down reform what the taxpayers desire? No. In 1992, exasperated taxpayers sent a clear signal for institutional reform. The Congress responded with formation of the Joint Committee on the Organization of Congress. Then voters sent a huge new class of freshmen to Congress to institute wide-ranging reforms. The Joint Committee, on which I was privileged to be the only freshman, built a hearing record of unprecedented proportions.

Now, the fix is in. Slow down, water down, limit the reforms.

Mr. Speaker, taxpayers want bold reform. This vote today is our chance to give it to them.

Let us defeat the previous question; let us consider a reform package under an open rule; let us do the right thing.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD], another valuable Member of this House who has served on the joint committee to reform the House with you and me.

□ 1430

Mr. ALLARD. I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I rise to urge my colleagues to vote "no" on the previous question because we need to have real reform come before the House. This rescission bill passed the House last year, then the Senate defeated a similar rescission bill. I believe its fate will be the same again.

The Senate insists on true reform, why should we settle for anything less in this body?

If the Members of this House are ready to discuss serious reform, they need to reject weak efforts such as this and focus on substantial issues. I believe that the best place for us to begin our journey toward actual reform is exactly where the Senate has, with the recommendations of the Joint Committee on the Reorganization of Congress, as specified in H.R. 3801.

Not only does this include budgetary reform but also committee structure, congressional compliance, proxy voting, and administrative reforms. Why should the House waste time on minor, shallow changes when there is a comprehensive reform package ready now?

We know Members from both parties are in favor of it; our colleagues in the other Chamber want it, and our constituents demand it. It is time for the rhetoric to stop and for the Congress to act.

Again I urge vote "no" on the previous question so that we can have a chance to consider real congressional reform and, hopefully, with an open rule.

Mr. DERRICK. Mr. Speaker, I have just one Member left to speak at this time.

Mr. Speaker, I reserve the right to close.

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

I will just recall to the membership what happened in January 1993 when this 103d Congress convened. At that time over 100 new Members, who now have reached, I think, 112 or 113——

Mr. DREIER. If the gentleman would yield, it is 117.

Mr. SOLOMON. There are 117 new Members to this House. Almost every one of these Members on both sides of the aisle, both Democrats and Republicans, came here having been elected on a platform to try to fix what is wrong with this House. Gridlock and other problems have reduced the House to the lowest level of respect, according to the polls, at any time in the history of the United States.

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

Mr. SOLOMON. I yield to the vice chairman of the joint committee which was formed after a meeting in the office of the Speaker. Both the Republican and the Democratic leadership set up a committee that would bring about true reform in this House.

I yield to the vice chairman of that committee, the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank the gentleman for yielding.

I would like to follow on in a statement the gentleman made in his opening remarks; that here we are dealing with an issue that this House has already voted on, the issue of the rescission. Once again we are facing that issue and it is a priority item, very important for us to proceed with. Yet we are too busy to deal with the issue of congressional reform. That is what we continue to hear from this leadership. My friend said that in his opening remarks. It seems to me to be a real tragedy that as we go through a question we have already resolved, that now we are doing this. My friend is absolutely right; the Joint Committee on the Reorganization of Congress was established in the wake of the post office and the House bank and restaurant problems that we have had here, and it was virtually unanimous—that is, the establishment of this committee—and during calendar year 1993 this committee put together the largest compilation of information on this institution, both the House and the Senate, that has ever been gleaned. And what a tragedy that as we look at all the work that was done we are talking about breaking it into bits without really moving forward with congressional reform as was promised last year. Unfortunately, we were in a position where they have said that, "Yes, we want to do it," but they only want to look at the issue of congressional compliance.

This issue of budget reform is a very important aspect of congressional reform, entitlement review; all of these items are encompassed in H.R. 3801, legislation which has been reported out.

We have had hearing after hearing in our subcommittee on rules of the House, and we have had hearings in the Administration Committee. It is a real tragedy that the American people and, I believe, a majority of the membership of this institution who want to see congressional reform proceed, are being blocked by these attempts by the leadership to do that.

You know, when you look at the work that my friend, Mr. SPRATT, and Mr. SWIFT and Mr. SOLOMON and so many of the rest of us put into it in calendar year 1993, 243 witnesses came before our committee, 37 hearings. It was the first bicameral, bipartisan effort in nearly half a century. Not since the Monroney-LaFollette reform came forward in 1947 have we seen the kind of effort that we have seen with this Joint Committee on the Reorganization of Congress. It is a travesty that it is being treated in the way that it has. That is the reason that I am insisting on defeat of the previous question so that we can make in order H.R. 3801. I am not a strong proponent of H.R. 3801; I think there are many modifications that should be made in it. I suspect that several of my friends on both sides of the aisle would support some modification of H.R. 3801. But let us give this House a chance to hear this legislation and this is our chance to do it. That is why we have got to vote "no" on the previous question.

I thank my friend for yielding.

Mr. SOLOMON. If the gentleman will stay in the well for just a minute, I will say he is absolutely right. Our joint committee did meet; we marked up that reform bill. It was not to your satisfaction or to mine, but at least it was a start.

Now we are being informed that not only will we not have a chance to vote on that bill, but it is going to be broken up into pieces and brought to this floor under closed rules so that Members from each individual district will not have a chance to work their will.

Many things really need to be done, such as reducing the number of committees and subcommittees that would automatically reduce by one-third the staff it takes now to man all of those committees. Abolish joint referrals. We have now in the House of Representatives 3 different committes dealing with the health care issue and no less than 10 subcommittees involved with it.

That is why we cannot have a decent health care reform around here. We need to reform joint referrals. We need to ban proxy voting. We need to limit the terms of chairmen and even have term limitations for Members who serve on some committees perhaps. We need to apply the same laws to Congress that we foist on the American people.

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

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

Mr. DREIER. I thank the gentleman for yielding further.

Let me just say to my friend that he has reminded me of the fact that I and my colleague from Cape Girardeau, MO [Mr. EMERSON], were the only two who voted to move this process forward. The gentleman from New York [Mr. SOLOMON] very wisely voted against it, and the other Republicans on the committee voted against it, not believing that we would see real congressional reform.

Yet, I being the eternal optimist, always looking for that silver lining in the dark cloud, and the pony when they provide me with a pile of manure, believed that we would be able to bring forward this reform package. Tragically, as we sit here, the issue of reform has been swept aside. I should underscore the fact that the gentleman from Indiana, LEE HAMILTON, joins me in his grave concern over the direction we have taken. There are no fewer than two letters that he has sent to the chairman of our Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], where he stated how strongly he feels about the need to keep this reform package together so that all those items that my friend from Glens Falls has mentioned, those items such as committee structure reform, proxy voting, congressional compliance, budget reform, can be held together as they were intended to be held together as it was reported out of the joint committee.

Mr. SOLOMON. I certainly hope the gentleman is going to be successful in defeating the previous question. Every responsible Member ought to vote against the previous question so that the gentleman will have that opportunity to bring that open rule to the floor.

Mr. Speaker, let me at this time yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS] another member of the Committee on Rules who has just returned to the floor.

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

Mr. Speaker, everyone knows our budget process is broken. Yet our budget reform effort is like a scratched old

33 LP record skipping on the same line over and over again. Today we are discussing a bill that is virtually identical to one we passed earlier this Congress. H.R. 4600 would make the same slight improvements to the procedure for considering Presidential rescissions that we made by passing H.R. 1578 last year. That bill was dead on arrival in the other body, and there is no sign that this newly dressed up repeat version will do any better. Americans should know that debate and passage of this bill—which in itself will do nothing—is part of a majority leadership buy-off to prevent the A-to-Z spending cut proposal from coming to the floor. We are now providing cover for Democrats who want to say to their constituents in this election year that they took action to solve the budget crisis, but don't actually want to make real cuts. Put another way: We are trading words for action. The rule itself has good and bad points. On the plus side, we will have a chance to vote on two strengthening amendments—without the usual king-of-the-hill routine. The Solomon-Michel amendment is a true line-item veto. It would give the President permanent authority to propose rescissions to spending and tax benefits, and would require a two-thirds majority to override those cuts. The Kasich/Penny/Stenholm proposal, while not a panacea on its own, would expand the President's powers to target spending and tax-benefits. It would also permanently extend expedited rescission authority. Unfortunately, once again the Rules Committee has denied Mr. MICHEL an opportunity to offer a free-standing amendment to allow the President to target new tax-breaks. And it is somewhat ironic that in the so-called Year of Reform, the Rules Committee majority has refused to make in order an amendment encompassing the recommendations of the Joint Committee on the Organization of Congress. I fully support the efforts of my friend, Mr. DREIER, in seeking to defeat the previous question on this rule so we may bring this bill back with some real reform attached.

□ 1440

Mr. Speaker, reform is not about issuing press releases and staging floor votes for the C-Span cameras. Reform is about changing the way we operate so we can regain the trust of the American people which now hovers somewhere in the teen digit area when it comes to the U.S. Congress. We can do better.

We are not talking here today about enhanced rescissions; we are not talking about line item veto. We are talking about expedited rescission, expedited. What, in fact, that means is we are going to move a little faster so we still cannot make the right decision. Instead of taking 3 days not to be able to make the decision, we are now going to take 5 or 10 days.

Mr. Speaker, that is not the kind of improvement the American people are looking for.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK] for yielding this time to me, and I rise in support of the rule and the bill.

I, first of all, would note that the rule does provide opportunities, as the gentleman from Florida [Mr. GOSS] just said, to vote for strengthening amendments, as Members would choose, including, as he has characterized, a vote on the true line-item veto, and I intend to vote for those strengthening amendments. That opportunity is provided to us by the Committee on Rules in this rule, and I thank them for it, and we do have the opportunity today to vote as we choose on the strongest possible version of this bill.

The troubling aspect of this debate today is, as the other gentlemen have pointed out, that we are doing again today something very similar to what we have done before, a year ago, a bill which we approved in this House, not as strong as I would have liked or as I voted for a year ago, but that we sent to the Senate, and they did nothing.

So what then is the purpose of us being here today?

Well, I think the purpose of us being here today is to underscore, to reemphasize, that the House of Representatives, a majority of its Members, understands the importance of changing the rules with respect to spending, of giving the opportunity within the budget process to focus in in greater detail on the line items and that we are going to send another version over to the Senate. We are going to ask them again to ask on this issue.

The fact of the matter is, on the merits of changing the rules with respect to spending, the government has changed since our Founding Fathers first framed the division of powers. I believe truly that, if they had seen the complexity of the budget process, if they understood the detail with which these line items must be gone over, that they would have no objection to finding a process by which the Executive and the legislature could work closer together to get at individual line items.

The fact is that we need a process to review individual items of spending in the glare of the spotlight, in that light of day, and for the President to say again to the Congress, "Look at that one again. I want you to stand up, and I want you to decide whether or not, indeed, you want this measure to be an appropriate use of the taxpayers' dollars."

I think we should support this rule and this bill.

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

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

Mr. DREIER. Mr. Speaker, I thank the gentleman from Ohio for yielding, and I would simply like to say that my friend has, in fact on several occasions, testified before the Joint Committee on the Organization of Congress, and I know he has been part of an effort on the other side of the aisle to pursue this issue of reform.

Now, he wisely says that it is important for us to underscore for the other body how important it is to address, rather than ignore, this issue of enhanced rescission. We have seen by their pattern that they have chosen to ignore this legislation that a year ago was reported out of here. But they are interested in the process of reform, and it seems to me that the only way for us to adequately move forward with this enhanced rescission bill that could get a response from the other body would be for us to do it under the rubric of H.R. 3801, a reform package.

Mr. FINGERHUT. Reclaiming my time, Mr. Speaker, the gentleman from California [Mr. DREIER] knows I am supportive of many aspects of congressional reform, but today what we need to do is focus in on the line item veto. Let us send that message to the other body. Let us get them to at least act on this.

Mr. DREIER. We might be able to do that——

The SPEAKER pro tempore (Mr. SWIFT). The time of the gentleman from Ohio [Mr. FINGERHUT] has expired.

Mr. DERRICK. Mr. Speaker, I have one speaker remaining, and I reserve the right to close.

Mr. SOLOMON. Then, Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, it is déjà vu all over again. We are debating a measure today that has already been discussed at great length last year, and we are doing it for a very familiar reason.

We are debating this bill so the Democratic leadership can once again prevent any real reform of the process they have controlled for 50 years.

We heard a lot about change in the 1992 elections, but we have seen precious little of it around this place. Time and again when reform proposals have been presented—proposals overwhelmingly supported by the American people—the Democratic leadership has found a way to shoot them down.

It is my opinion that we need to make some fundamental changes in the way we do business. You cannot keep doing the same things and expect different results.

We need to find ways to make real cuts in Federal spending. We need to pass term limits. We need to pass a balanced budget amendment. And we need

to give the President line-item veto authority.

It is that line-item veto power we ought to be voting on today, Mr. Speaker, but thanks to the Democrat leadership, we will be voting on a fake.

The line-item veto is an integral part of any true reform effort and vital if we are ever going to end the kind of pork barrel spending that has so long dominated things around here.

Forty-three Governors have the line-item veto power. Opponents say it won't work, it will not cut much; but it does work and it does bring responsibility to the legislative process. It works fine in Wyoming, and it would put some needed integrity into the process in Washington.

Mr. Speaker, we shouldn't be fooled by what is going on here today. The Democratic leadership will do anything they can to avoid having to make real spending cuts and to avoid making any real changes to the way they've run Congress for so long.

Just as the A-to-Z spending cut proposal is picking up steam, the leadership decides to have this exercise today so Members who don't sign the discharge petition can run home and claim they've voted for a line-item veto instead. The two shouldn't be tied together—they are separate issues—and the American people won't be fooled.

I am disappointed we are taking this route, Mr. Speaker. We saw the same tactics used to pass the President's tax increase. We were told we would have a chance to vote for more spending cuts, then the leadership defeated Penny-Kasich.

We saw the same tactics used when we debated the balanced budget amendment. The leadership offered a phony amendment which gave political cover to those who had promised to support a balanced budget amendment then refused to do so.

And today we will have a leadership proposal used to defeat true line-item veto. I encourage my colleagues to vote for real line-item veto. Vote for the Solomon/Michel substitute. If that should fail, vote for Stenholm. But no one who truly supports line-item veto should vote for H.R. 4600.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Cape Girardeau, MO [Mr. EMERSON], another member of the Joint Committee on Reform of the Congress, a gentleman who has been here for many years as a page, now as a Congressman.

Mr. EMERSON. Mr. Speaker, I rise to join my joint committee colleagues in urging the House to defeat the previous question and make in order the joint committee's bill.

It is ironic that the majority leadership in this Congress appears to be in favor of about just every kind of reform for the American people except for reform for the Congress itself. They want to radically reform health care, tell everybody else how to operate, insurance companies, doctors, patients, how to choose their care. They want to fundamentally restructure education, dictating to the States how they are going to spend their dollars, how to structure their curriculum and how to teach their students.

□ 1450

Of course, they want to overhaul wetlands policy, instructing private property owners what they can and cannot do with their land, designating acres and acres of land as off limits and forcing businesses to cease their business activities.

It seems that the majority wants to reform every aspect of everybody else's lives and livelihood. The only thing we refuse to reform here is the Congress itself.

The joint committee was created to develop comprehensive congressional reform, and it did that. The committee went out of existence at the end of last year. Its report, 6 Democrats and 2 Republicans of the 12-person House contingent of that committee voted to report a measure to the House, which has been languishing since last November.

Now the leadership plans to split up that legislative package, which would effectively kill any reform that would actually impact the Congress.

If reform is good for the rest of the country, it should be equally as good for Congress. I urge all of our colleagues to send a message that congressional reform is essential, and that the House can do unto itself what it does to other.

At the point we voted earlier to abolish select committees in this House, there was a grand coalition of what we referred to as, and everybody knows what I am talking about, the old bulls and the freshmen Members, the young reformers of both parties. This was all done in the name of congressional reform.

We had too many committees, so we abolished the select committees. All right, well and good.

Why do we not move on with the rest of the forum? We do need to reform ourselves in so many areas. A blueprint is there, imperfect though it may be. But let us vote to defeat the previous question here, so at least the issue can come up, and we can debate it, discuss it, and vote upon it.

Mr. SOLOMON. Mr. Speaker, I yield the balance of our time to the very illustrious gentleman from Claremont, CA [Mr. DREIER].

Mr. DREIER. Mr. Speaker, my friend from Cape Girardeau, and a very hard working member of our Joint Committee on the Organization of Congress, said it very accurately when he raised the issue of health care reform, wetlands reform, education reform. I should say that he forgot to mention welfare reform. I mean, virtually every area of our economy has attempted to be reformed by this Congress, and yet we are sweeping the issue of congressional reform aside.

After all, if you look at the 1992 election, there are now 117 new Members of this House, most of whom ran on the issue of reform of the Congress, because it was desperately needed. And here we are, charging, just weeks away from the 1994 election, and what is happening? Well, not a lot of people out there are talking about congressional reform anymore, because they are busy talking about health care reform and Haiti and North Korea and welfare reform and a large number of other items.

But, quite frankly, congressional reform was the mandate that sent many of these new members here. And I believe that the American people and a majority of the Members of this Congress want us to deal with reform of this institution. It has not been done in nearly half a century, and it seems to me that this is our opportunity to do it.

We have a chance. On this enhanced rescission bill, what I plan to do, if we can defeat the previous question, is insert at the end H.R. 3801, which is the bill that was reported out of the Joint Committee on the Organization of Congress just before Thanksgiving of last year. It gives us a chance to face the issue of congressional reform the way we should be doing it, straightforward. Not breaking it up into bits, which is nothing but a divided and conquer strategy.

Now, I know there are many people here who thrive on the status quo. But, quite frankly, we need to become more accountable, more deliberative. And I believe that the full House has the right and the responsibility to look at our reform package.

I urge a no vote on the previous question, so that we can make in order the issue of congressional reform.

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

Mr. Speaker, let me say I commend the gentleman who has just spoken, and the gentleman from Indiana [Mr. HAMILTON], for their work. But I would have to say that even if the motion for the previous question were to fail, it is my opinion that the gentleman could not do what he proposes to do, that is, offer an amendment to the rule to enable him to offer H.R. 3801 as an amendment to this bill.

Be that as it may, I find it rather disappointing that we once again take something serious like this reform measure, which is very good, and there are many parts of it that I agree with, and trivialize it. Moreover, to stand here and once again lambast this House of Representatives is disappointing. No one said it was perfect. Our Founding Fathers did not say they were giving us a perfect——

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

Mr. DERRICK. I will not.

Mr. DERRICK. Mr. Speaker, I did not yield to the gentleman.

The SPEAKER pro tempore (Mr. SWIFT). The gentleman from South Carolina has the time.

Mr. DERRICK. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The gentleman from South Carolina has the time and is recognized.

Mr. DERRICK. I go back to what I said, that the gentleman who spoke before lambasted this body.

I think Members of both parties are guilty of it. I think the other party may be a little more guilty, but not enough to argue about, of taking every opportunity they get to denigrate the institutions of this government, especially the House of Representatives.

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

Mr. DERRICK. No; I will not.

The SPEAKER pro tempore. The gentleman from South Carolina has the time.

Mr. DERRICK. Mr. Speaker, what worries me is that if Members continue to denigrate our institutions, they could weaken them to the point where someone could come along who might not have the same great appreciation for democracy that our Founding Fathers had, and we could one day lose this great form of government of ours.

Ours is not a perfect form of government. Our Founding Fathers never said it was. But it works. This House works. This Congress works. It is the most representative body in the world. It serves our Nation and our people well. And I believe many who stand up and denigrate it believe continuously should have more respect for it than they have.

Mr. Speaker, as I pointed out earlier, the Federal budget deficit is down, way down. For the first time since the Truman administration, the United States will experience, thanks entirely to the President and the Democrats in the Congress, 3 years of declining Federal budget deficits.

But we cannot rest. We must continue battling the deficit until victory is won. The legislative line item veto is not the only solution to our problems, but it is part of the solution. We owe it to our citizens to send to the Senate a message that we must give this line item veto a try, for the sake of future generations, if not for our own.

Now Mr. Speaker, what the gentleman from California [Mr. DREIER] is proposing, is defeating the previous question so he can amend the resolution to make in order an amendment consisting of the text of H.R. 3801, the Legislation Reorganization Act.

□ 1500

This is not permissible under House precedents. Such an amendment would not be germane to the resolution and would surely be ruled out of order.

The gentleman well knows it is not in order to amend an order-of-business resolution to accomplish indirectly that which he cannot achieve directly. So let no Member of this House be fooled. Voting against the previous question in hopes of adding H.R. 3801 to the rescission bill simply will not work.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SWIFT). The question is on ordering the previous question.

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

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 5(b) of rule XV, the Chair announces that he will reduce to not less than 5 minutes the time within which a rollcall vote, if ordered, may be taken on the adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 9, as follows:

[Roll No. 326]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
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
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
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
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—185

Allard
Andrews (NJ)
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
Cooper
Coppersmith
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
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
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)
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
Swett
Talent

Taylor (MS)	Upton	Wolf
Taylor (NC)	Vucanovich	Young (AK)
Thomas (CA)	Walker	Young (FL)
Thomas (WY)	Walsh	Zimmer
Torkildsen	Weldon	

NOT VOTING—9

Bishop	McCurdy	Slattery
Carr	Obey	Towns
Gallo	Quillen	Zeliff

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. McCurdy for, with Mr. Quillen against.

Mr. GLICKMAN changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO MODIFY AMENDMENT NUMBERED 1 PRINTED IN HOUSE REPORT 103-565 TO H.R. 4600, EXPEDITED RESCISSIONS ACT OF 1994

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to modify the amendment numbered 1 and printed in House Report 103-565. The modification is reduced to writing and available at the desk.

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

The Clerk read as follows:

Substitute Offered by Mr. SPRATT of South Carolina for Amendment Number 1 Printed in House Report 103-565: Page 10, line 17, insert ", unless the House has passed the text of the President's bill transmitted with that special message and the Senate passes an amendment in the nature of a substitute reported by its Committee on Appropriations" before the period.

Page 11, line 21, insert "and by striking '1012 and 1013' and inserting '1012, 1013, and 1014'" before the semicolon.

Page 12, line 1, strike "(2)" and insert "(1)".

Page 13, line 7, insert "or One Hundred Fourth" before "Congress".

Page 13, line 9, insert "or One Hundred Fifth" after "One Hundred Fourth".

Page 13, line 15, strike "One Hundred Third" and insert "previous".

Page 14, strike lines 7 through 11 and on line 12, strike "5" and insert "4".

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

Mr. CLINGER. Mr. Speaker, reserving the right to object, I reserve the right to object to direct some questions to the author of the unanimous-consent request, specifically to inquire whether the bill pending before the committee this afternoon is identical to the bill which passed the House.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, Members are confused about what is taking place. Is it not true that the rule on this bill has just passed and there is no vote pending and probably will not be for the next hour?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SOLOMON. I thank the Chair.

Mr. CLINGER. Mr. Speaker, I have reserved the right to object to inquire of the proponent of the unanimous-consent request if the bill, that is, H.R. 4600 pending before the committee is identical to that which already passed the House, or which was considered and passed by the House last year. I would inquire of the proponent if that is correct.

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

Mr. CLINGER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, the bill that is being offered as the base bill is the bill that passed the House, I believe, on April 29, 1993.

Mr. CLINGER. Mr. Speaker, further reserving the right to object, I would like to then ask the gentleman from South Carolina if he had an opportunity to have this consent request considered when the Committee on Government Operations marked up this bill or if the Committee on Government Operations did consider this bill.

Mr. SPRATT. The committee itself did not report this bill. The gentleman is correct, it did not.

Mr. CLINGER. Further reserving the right to object, I would inquire if this amendment that is proposed now as a unanimous consent request was propounded at the time the gentleman appeared before the Committee on Rules or did he present this before the Committee on Rules.

Mr. SPRATT. Part of it was, part of it was not. The upper part of the amendment which would have the bill amend page 10, line 17 was propounded and is made in order and will be offered as an amendment immediately after the bill itself is called in the Committee of the Whole. The balance of the amendment would in effect change the bill in one simple respect.

This bill in order to conform to the bill that the House passed in April 1993 is identical in all respects, but that means that it applies only to the 103d Congress. At that time, a lot of the 103d Congress was yet to be conducted. We would like to amend this bill by this amendment and by this language so that it would apply to the 103d Congress and the 104th Congress as well.

Mr. CLINGER. Mr. Speaker, given the fact that the committee of jurisdiction, that is, the Committee on Government Operations waived its jurisdiction over this bill, this bill has never been considered by the Committee on Government Operations, which is the committee of jurisdiction, and, therefore, this matter was not really given an opportunity to be discussed, debated or amended through the committee process. Because of that fact and the fact that the gentleman could have offered this request at various stages of this proceeding, I must object.

The SPEAKER pro tempore. Objection is heard.

EXPEDITED RESCISSIONS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 467 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4600.

□ 1529

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. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, with Mr. DE LA GARZA in the chair.

□ 1530

The Clerk read the title of the bill.

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

Under the rule, the gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes; the gentleman from New York [Mr. SOLOMON] will be recognized for 15 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes; and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today, the House considers H.R. 4600, legislation to provide expedited rescission authority for the President, a matter under the jurisdiction of the Committee on Government Operations.

The Government Operations Legislation Subcommittee has held numerous and wideranging hearings on budget reform issues. The committee has heard the testimony of the administration, the leadership and rank and file Members of both parties in Congress, as well as experts at the Congressional Budget Office, the General Accounting Office, and academia. Earlier, we received the testimony of our former colleague, Leon Panetta, who repeated President Clinton's call for the adoption of expedited rescission authority.

The Committee on Government Operations has worked diligently with the administration and committed Members of Congress to strengthen our

budget process. I would particularly like to thank Congressman JOHN SPRATT, one of the Government Operations Subcommittee chairmen, for his work on these issues. Congressman SPRATT deserves great credit for his strong and continuing contribution in helping to forge consensus where, previously, there has been gridlock.

All of us are committed to eliminating wasteful and unproductive spending. The Committee on Government Operations has vigorously exercised its oversight function, holding a series of hearings to address fraud, waste, and other abuses throughout the Federal Government. Through these hearings, we have identified Government waste, ranging from massive contract overruns on the *Seawolf* submarine and C–17 airlifter contracts, to outright theft of Government funds at the United States Embassy in Mexico City.

Historically, one tool to cut wasteful Federal spending has been rescission authority. Since the adoption of the Impoundment Control Act of 1974, Congress has rescinded approximately $90 billion in unnecessary budget authority, nearly 25 percent more than proposed by the President.

As attractive and successful as rescission authority has been, I want to clarify its limitations. Rescission authority is not a panacea or cure all for the Federal deficit. During our Government Operations hearing, the GAO testified that total enacted rescissions since 1974 have never exceeded 23 percent of any single year's deficit. However, to reduce the current deficit by 23 percent would require rescinding more than $50 billion, the equivalent of rescinding the entire 1995 budget for the Departments of Education, Energy and Commerce. Clearly, rescission authority cannot solve the deficit problem on its own.

I am troubled by the potential for abuse and many of the concerns you have heard or will hear today reflect congressional concern fueled by administrative abuses of the 1970's. In fact, Congress adopted the Impoundment Control Act to address the misuse of an administration's impoundment authority to unilaterally and indefinitely cancel spending for selected programs. Consequently, this expedited rescission authority carefully provides for a trial run and the authority expires following the 103d Congress.

The legislation before the House is a good effort to create an additional deficit reduction tool for the President. The legislation provides the President with a certainty of a vote on the President's rescission proposals, guaranteeing an accelerated, expedited process through Congress. The bill would permit the President to submit rescissions to Congress within 3 days of signing an appropriations bill and Congress must vote on these rescissions within 10 legislative days.

If the Appropriations Committee believes they can draft a better rescission package, they are free to report an alternative rescission proposal as well, provided it rescinds an equal or greater amount of money. If the President's rescissions are defeated, this alternative proposal is automatically brought before the House for a vote. This alternative makes sure Congress is not just debating whether to cut spending, but also, of equal importance, where to cut spending.

Additionally, nothing prohibits or impedes Congress from reporting additional rescissions under our constitutional power of the purse. This bill won't impede our authority to reconsider programs and rescind spending that fails to match with Federal priorities.

President Clinton's budget moves the country forward, addressing both the budget deficit and our national investment deficit, reinvesting in critical spending priorities such as education and health. Earlier this week, our former colleague Leon Panetta announced the budget deficit is lower than previously forecast—President Clinton has reduced the budget deficit he inherited by $85 billion for this year and $135 billion for the next fiscal year, keeping his promise to cut the budget deficit in half when measured as a percentage of our Nation's economy.

While this administration has been aggressive, the President would benefit from additional, stronger deficit reduction tools to rein in unnecessary Federal spending. Consequently, I support H.R. 4600 and urge its adoption.

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

Mr. DERRICK. Mr. Chairman, I yield myself 4 minutes.

I am delighted today to bring to the floor H.R. 4600, the Expedited Rescissions Act of 1994.

The legislation before us is a key aspect of the President's program: a modified line-item vote.

As did his predecessors, upon taking office President Clinton asked Congress to give him the ability to sort wasteful items out of appropriations bills and send those items back to Congress for separate votes. Last year the House passed an identical bill, H.R. 1578, to give him such power. That bill went over to the Senate, which has not acted as of today. The time has come to give this power to the President. Frankly, our hope is that if we pass another bill the Senators will get the message.

The legislation before the House is actually very simple. After the President signs an appropriations act he may, within 3 days, send the House a special message proposing to cancel spending items in the bill which he might oppose.

Within 2 days of receipt of the President's message, either the majority or minority leader would introduce the President's bill. If neither leader introduced it, then on the third day any Member could do so.

The bill would be referred to the Committee on Appropriations, which would have 7 legislative days to report it out.

The committee could not propose changes to the President's bill, but it could report an alternative bill if it chose. An alternative bill would have to rescind at least as much as the President's bill, and draw its rescissions from the same appropriations act as the President.

The President's package would come to a vote in the House within 10 days of its introduction, and would not be subject to amendment. The House would have to vote, up or down, on the President's package as he submitted it.

If approved by a majority, the bill would go to the Senate which would consider it under similar, expedited procedures and constraints. If the legislation passed the Senate by majority vote, it would go to the President, who would presumably sign it into law since it was his proposal. Appropriations would be canceled and the deficit would fall.

If the House rejected the President's bill and instead passed the alternative bill, that bill would go to the Senate. The Senate Appropriations Committee could report the alternative bill with or without change, but for any alternative to be in order in the Senate, the Senate would first have to reject the President's bill. If both Houses ultimately passed an alternative to the President, then that bill would go to the President. If he signed it, those appropriations would be canceled and the deficit reduced. Either way, American taxpayers would be the big winners.

Mr. Chairman, H.R. 4600 would set up an historic experiment with a modified line-item veto. After the experiment, Congress would review the results and decide whether to extend the experiment or make it permanent with or without change.

If H.R. 4600 were the law, no longer could a President sign an appropriations act including wasteful line items, like grants to renovate Lawrence Welk's birthplace, or money to build schools for North Africans in France, and claim he was powerless to block them.

No longer could Congress force upon the President the dilemma of vetoing an entire appropriations act and shutting down the Government, or signing the whole thing, pork and all. Accountability is what we need, and accountability is what this bill will provide. This bill will strengthen accountability in the appropriations process without transferring vast power from Congress to the Presidency, and without advantaging the President's fiscal priorities over those of Congress.

I urge all Members to support the bill.

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

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

Mr. Chairman, the Expedited Rescissions Act of 1994 is identical to H.R. 1578, which passed this House last year. I opposed it at that time, and I oppose it today, because it is not a true line-item veto.

Mr. Chairman, anyone who thinks they can support this and get away with claiming they have voted for a line-item-veto bill had better have another thought coming.

The gentleman from Texas [Mr. Stenholm], who helped originate this expedited-rescission approach, made it quite clear again in the Committee on Rules this year, just the other day, that this bill and his substitute for it are not a real line-item veto he said he is opposed to the real thing because he thinks it give the President too much power.

□ 1540

Now, Mr. Chairman, I respect that point of view though I do not agree with it. I also respect the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and the gentleman from Ohio [Mr. KASICH], who are up front and honest about what this is and what this is not—and they have been. So we do not have any argument there.

H.R. 4600 provides that for the remainder of the 103d Congress the President would have some additional authority to cancel spending in appropriation bills, subject to the approval of both houses. It basically differs from the current rescission approach by accelerating the time frame for considering rescissions and forcing votes in both Houses on the President's proposals.

Well, what is wrong with this, you might ask? The answer is that H.R. 4600 suffers from many of the same problems as the current rescission process does, which does not work. First, a simple majority of either house could block the President's spending cuts and force the money to be spent simply by voting them down. So we are talking about the same majority that passed these pork-barrel projects in the first place being able to stop the President from terminating them. It's just the same old log-rolling methods they have used all along. Second, the bill, if enacted, would be subject to the rule-making authority of the House and the Senate. That means that the rules could be changed at any time to provide for other procedures. So we really are doing nothing.

The Committee on Rules is going to do what it does every week waive the rules.

For instance, nothing in this bill would prevent the Committee on Rules from suspending the whole expedited process on a particular presidential rescission package, just as they have done before, and then schedule the appropriations alternative in its place.

Third, there is no penalty in H.R. 4600 for not acting. After the 20-legislative-day review period, the money will be released and spent if neither house has acted. That is the interpretation by our parliamentarian on last year's identical bill.

So, nothing has changed. The fact is, Mr. Chairman, that while the intentions in H.R. 4600 are good to expedite things and force votes on the President's cuts, there are no guarantees, especially for as long as this process is subject to the whims of the Democrat leadership and the Committee on Rules where I serve.

The Stenholm substitute, on the other hand—and I give credit to the gentleman from Texas [Mr. STENHOLM] because his approach is meaningful—the Stenholm substitute is a stronger expedited rescission approach in many respects. Instead of applying to this 103rd Congress only, he does give the President permanent rescission authority. And that is good. His substitute completely replaces the current rescission process. And that is good. He extends the process to targeted tax benefits. And that is good. He allows the President to designate rescissions for deficit reduction. So there are all positive things.

In short, it does correct—that is, the Stenholm substitute does correct—some of the criticisms leveled in last year's bill. I commend the gentleman from Texas [Mr. STENHOLM], for making these improvements, but his approach is still subject to being circumvented by a special rule, which means his approach ultimately has no teeth. There still is no penalty if the Congress does not act. The money will be released after the review period.

So, here again we have no deficit reduction. Moreover, the Stenholm substitute contains one new provision which actually weakens its purpose. It allows for separate amendments on individual rescissions or tax break repeals if supported by 50 House Members or 15 Senators. Only 15 Senators. That means the package can be picked apart in both bodies in different ways, forcing a conference that is unlikely to resolve the differences before the 20 legislative days are up.

What it all boils down to, Mr. Chairman, is that there is no real substitute for a true legislative line-item veto that is subject to congressional disapproval rather than approval. All Members know that. We need to make it difficult to override the President by requiring the ultimate two-thirds' super majority to force the money to be spent. That is a true line-item veto. That is the only way we can begin to get a handle on some of this wasteful pork-barrel spending that is contributing to the sea of red ink engulfing us.

Mr. Chairman, I would urge my colleagues to send the strongest possible message today that we want something more than just an expedited rescissions process. Tell the President, tell the Senate, tell the American people that we are ready to lay down the line, we are ready to do what we go home and brag about, vote for a line-item veto. Vote for the Solomon amendment when it comes up, and then you will be doing the right thing for the American people.

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

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of this legislation. There is no doubt about it that if we were to eliminate every ounce of pork-barrel spending in the Federal budget, it would go only a limited way toward eliminating the Federal budget deficit. We all understand that.

I think we all understand that and give a lot of credit to the Committee on Appropriations, the budget leaders in the House, on both sides, for the progress we have made in the past year in reducing the annual Federal deficit by 40 percent in the past 15 months by cutting the share of the deficit relative to the economy in half to the lowest point it has been since 1979. That is all to the good.

Nevertheless, there remain two reasons to pursue a line item rescission legislation. The rule we have here permits debate on the traditional line-item veto on two versions of the line-item rescission.

That is, one, where we can save a dime, obviously we need to save a dime. Second, we need to restore greater public confidence in the budget process to make sure that we do not in fact have items or expenditures that could not stand on their own merits.

And that is the key target for line-item rescission.

I do not support the traditional line-item veto, the two-thirds' vote requirement. Used as it is in the States around the country, it is not used to save money; more often than not it is used simply to enforce the executive's legislative agenda. President Bush saying, "Support more foreign aid, or I will eliminate all the housing in your district," President Clinton presumably saying, "Support my health care plan, or I will eliminate all the water projects or whatever in your district." That is extortion, that is coercion, that is not the democratic process.

But everybody who supports a nickel's worth of expenditure in this body ought to be in a position to stand up

and say, "Yes, I support that expenditure." There ought to be accountability, there ought to be a recorded rollcall vote on controversial spending items, and that is what the enhanced line item rescission legislation does in fact. So we restore public confidence to the process. In so doing, we also save some dollars, which contributes in a small way toward further progress on the Federal budget deficit reduction. That is what the public is demanding. They are demanding accountability within the context of our democratic—small "d"—process in the capital. This finally gives us an opportunity to send that kind of legislation to the other body and to again make that kind of progress. So I think that we need to pass in this body today—my preference is the Stenholm version—but in any event, one of the versions of line-item rescission.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH] one of the hardest-working Members of this body, who represents the district in which is located the Green Bay Packers.

Mr. ROTH. I thank my friend from New York for yielding.

Mr. Chairman, I am very much in favor of the Michel-Solomon substitute amendment for this reason: 75 percent of the Americans support of the line-item veto in every poll that has been taken. In the mid-1980's, the last time we did a study on the line-item veto, the study showed that we could save as much as $12 billion a year if the President had the line-item veto. When the people in America talk about change, this is the type of change they are talking about, giving the President the line-item veto.

I do not mean to be polemical in this debate on the floor here today, but I think it is important we take a look at the paper trail of some of the history of this legislation.

On November 19, 1992, long before Bill Clinton was sworn in, a number of people sent a letter to Bill Clinton, and it said, basically:

> We members of Congress are writing to offer our assistance on a matter on which we mutually agree, the need to give the President the line-item veto.
>
> We strongly support giving the President the line-item veto power which 43 Governors currently hold. This tool can eliminate billions of dollars of wasteful spending tucked away in appropriations bills and can help balance the budget. Giving the President the line-item veto will help bring fiscal responsibility to the federal budget.
>
> This is an issue of good fiscal policy and protecting the taxpayers. We support giving the line-item veto to both Republican and Democratic presidents, because we put fiscal responsibility above partisan politics.
>
> We urge you to make passage of the line-item veto part of your agenda for the first 100 days of your administration. We will work with you for Congressional passage of the line-item veto. Signed by a large number of congressmen, mostly from our side of the aisle.

□ 1550

I think it is important for us, when we are having this debate, to go back and see that we, whether it is a Democrat President or a Republican President, want the President to have the line-item veto because with the line-item veto the President can do effectively what 43 governors are now doing, and we have to give the President this power so that we can bring about the change the American people are demanding.

Mr. DERRICK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in opposition to the base bill, and the various substitutes, in my judgment, to varying degrees, and, if one should pass, and I expect the base will, which has passed before, and it will pass again. It clearly is preferable to have this experiment done on a limited time basis.

But what we have before us today are proposals that do not relate to spending. They relate to transfer of powers from the legislative branch to the executive, and I would argue, and it cannot be argued in a 30-second sound bite, that, if anything, that would increase spending rather than decrease spending because the reality is that, whether the President was Ronald Reagan, or whether the President was George Bush, or whether the President is Bill Clinton, in all three cases they wanted more discretionary spending than what the Congress has approved. In all three cases the Congress has modified their requests. They have changed them. But they have lowered them for all three administrations.

What do these proposals do in varying fashion? They increase the power of the Executive to subtly use their power to achieve their own agenda. It would have meant, I expect under Reagan and Bush, more difficult-to-moderate requests for such programs as star wars, or to modify aid to Nicaragua when that was a hot battle, or in the current administration I expect they would use that additional leverage for the President's investment program, much of which I agree with but which, I think, should be subject to the normal course of discussion, and deliberation, and compromise within the legislative branch.

The new power might be occasionally used, and so someone could say occasionally it saved some money, but the power would be unused most times. But maybe this is a persuasive tool to get some Members of this Congress to vote with the President, on their agenda, which in all three cases has involved more discretionary spending than what the Congress has approved.

The other thing which concerns me as we deal with this proposal is the degree that we seem to have lack of self-respect for ourselves as elected Members. We structure programs in a variety of ways. We structure some as formula programs where we appropriate so much money, and it flows by formula to the States or to other units of governments. Sometimes those formulas are done well, sometimes poorly, and impacted by the politics and the geography of this institution and the President. However I find that administrations, whether they be Republican or Democrat, like to have programs where the money is spent at the discretion of the executive branch, and many times that makes sense. Occasionally we designate it in Congress. But administrations like to have programs with flexibility so they can announce where the money is flowing.

Who are those programs run by? People appointed by the President, confirmed by the Senate, often our former colleagues. We have had three that served as Cabinet members in this current administration. Virtually half of the Bush Cabinet was former House Members. We somehow have this perception that when they were in the House, elected by their constituencies, they lacked judgment individually and collectively. But when they were nominated by the President, confirmed by the Senate, suddenly they become saintly and wise.

Well all of these people that have been appointed I think have been good Members from both parties, but their judgment, their wisdom, really did not change. They had different and newer responsibilities, answerable to the President rather than their constituents in dealing with the collective judgment of the Congress. But they did not become different. We do not make perfect judgments here, but neither does the Executive.

So, Mr. Chairman, I would ask the Members to vote no on these proposals for a variety of reasons, but most fundamentally it will cost money, not save money.

Mr. SOLOMON. Mr. Chairman, I would say to the gentleman from Minnesota [Mr. SABO] maybe we need a President like GERRY SOLOMON that will offer a balanced budget, get a vote on it, and then go down in defeat, but nevertheless we tried.

Mr. Chairman, I yield 1 minute to the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, the American people overwhelmingly want to give the President of the United States a real line-item veto. They have good reason to do so. They expect our Government to be run in a businesslike fashion, but what chief executive of any business in this country could operate when presented with expenditures sometimes in the hundreds of billions of dollars in these appropriations packages, and they have to take the entire package or leave the entire package?

I am not going to agree with every line-item veto that President Clinton will impose, but I do think that he should have the same power that 43 State Governors have, and I think it is important that we have this mechanism to break up the way this Congress does business. It will be a lot less likely that we will have pork-barrel legislation, that we will have log rolling, if we do not know which Member's package is going to be vetoed by the President. I think it is a lot less likely we are going to vote for these enormous packages if we have a situation where the President has an opportunity to veto and we do not know whose particular item he is going to pick out to veto.

So, I would urge the Members to vote for the Michel-Solomon amendment. It is the only amendment that is a real line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, again this year, I rise in strong support of the line-item veto, a tool to discipline the Federal budget.

Last April, the House also considered three different proposals for a line-item veto, adopting one. Unfortunately, the other body has failed to act. I hope today's vote will help stir its members to adopt this powerful budget-cutting tool.

By allowing the President to strike individual spending and tax expenditure items, the line-item veto can cut wasteful pork barrel projects or special interest tax breaks. It will illuminate our budget priorities, helping us to select from those programs that are merely good, those that are good enough.

Today, we will debate the various forms of line-item veto, and others will speak to their merits and demerits. Whichever alternative carries today, however, I think a majority will agree that we need the line-item veto.

Even the base bill, which I hope we will strengthen and which I will vote to strengthen, will shine the spotlight of publicity on irresponsible Federal spending; as Louis Brandeis once said, "Sunlight is the best of disinfectants." By helping to expose and eliminate wasteful spending or tax benefits, any line-item veto represents a great improvement over what we have now.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], and, Mr. Chairman, the previous speaker voted for the true line-item veto the last time, and we appreciate his support this time, but this gentleman came here in 1989, and he has been a leader on line-item veto ever since he succeeded his father.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Michel-Solomon substitute, and I thank the gentleman from New York for yielding and for his outstanding leadership on this very important issue.

The last time we dealt with this issue, the Wall Street Journal ran a lead editorial entitled "Voodoo Line Item Veto," describing basically the committee bill we have today.

The American people, Mr. Chairman, do not want voodoo; they do not want a watered-down version. They want real reform, they want a real line item veto, and that is what the Michel-Solomon substitute is.

The American people, Mr. Chairman, are angry. They are angry because government at all levels is taking almost half of the average person's income in taxes of all types. But they are especially angry because they feel that so much of their hard-earned tax money is being wasted. They do not feel they are getting their money's worth, and, unfortunately, too often they are right. They want us to stop the hemorrhaging. They wanted us to balance the budget and start paying off some of our horrendous national debt. They do not want us to mortgage the future of our children. They want us to do more than just pay lip service to bringing spending under control.

Mr. Chairman, in this week's Christian Science Monitor, former Senator Paul Tsongas, and Jonathan Karl, a reporter for the New York Post, said this.

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway Federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Those are the words of a former Democratic Senator, Paul Tsongas, and this reporter from the New York Post, Jonathan Karl. The people of this country are demanding action. They want real reform. They want what the Governors of 43 States have. Every poll, every single survey, shows 75 to 80 percent of the people want us to pass a line item veto.

Mr. Chairman I urge support for the Michel-Solomon substitute.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The gentleman from Texas [Mr. STENHOLM] is recognized for 2½ minutes.

Mr. STENHOLM. Mr. Chairman, I am pleased to come to the floor today to debate proposals to strengthen the ability of Presidents to identify and eliminate low-priority budget items. The Members of the House will have the opportunity to consider three different proposals on this issue, including a substitute which I will be offering along with TIM PENNY and JOHN KASICH. This substitute strikes a balance which grants the President the authority to force votes on individual tax and spending items without disrupting the constitutional balance of power.

Expedited rescission legislation embodies an idea which many Members, both Democrats and Republicans, have fought hard for. Dan Quayle first introduced expedited recession legislation in 1985. Tom Carper and DICK ARMEY did yeomen's work in pushing this legislation. On the Democratic side, TIM JOHNSON, DAN GLICKMAN, TIM PENNY, and L.F. PAYNE have spent the past several years as particularly effective advocates of this legislation. Numerous Republicans, including Lynn Martin, Bill Frenzel, GERALD SOLOMON, HARRIS FAWELL, and others have made meaningful contributions to expedited rescission legislation as it has developed. Thanks to the efforts of these and other members, the House overwhelming passed expedited rescission legislation in the 102d Congress. Last April, JOHN SPRATT and BUTLER DERRICK worked diligently to help pass legislation virtually identical to the base bill before us today.

We need to bring greater accountability to the appropriations process so that individual appropriations may be considered on their individual merits. The current rescission process does not make the President or Congress accountable. Congress can ignore the President's rescissions, and the President can blame Congress for ignoring his rescissions. I believe that it is appropriate to strengthen the President's ability to force votes on individual budgetary items.

The current discharge process for forcing a floor vote on the President's rescissions is cumbersome and has never been used. The President is required to spend the money if Congress has not enacted the rescissions within 45 days. In other words, Congress can reject the spending cuts proposed by the President through inaction.

According to data compiled by the General Accounting Office, Congress has approved barely one-third of the individual rescissions submitted by Presidents of both parties since 1974. Congress has ignored $48 billion in rescissions submitted by Presidents under the existing process without any vote at all on the merits of the rescissions.

My colleagues on the Appropriations Committee correctly point out that Congress has passed more than $60 billion in rescissions of its own since 1974, but I do not believe that the fact that Congress has approved more spending cuts than the President has submitted

is a justification for not voting on the President's rescission proposals. The public is fed up with the finger-pointing in which each side argues that the problem is really the other side's fault. Constituents do not consider doing better than the other side to be a substitute for actually dealing with a problem. When we are faced with deficits in the $200 billion range, we cannot afford to ignore any proposals to cut spending.

Forcing votes on individual items in tax and spending bills will have a very real cleansing effect on the legislative process and will take a step toward reducing the public cynicism about the political process. I urge my colleagues to strengthen the rescission process by voting for the Stenholm-Penny-Kasich amendment.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, CA [Mr. CUNNINGHAM], a very distinguished member of the Committee on Armed Services, but one who contributes on many issues on this floor.

Mr. CUNNINGHAM. Mr. Chairman, the President and the line-item veto. There is not a bill that would go through this House that if any of us were President, that we would not veto some of those items in those bills. Every single bill. And I have heard colleagues on both sides of the aisle say, "I would really like to support this bill, but it has got a bunch of pork in it," or it has got this or that.

I think the President needs that same responsibility, and I agree to do that.

I have heard that, yes, we are elected as Members of this House, and we work either for or with, however you want to define it, the President. But the President does not always agree with the basics of this House or the other body as well.

By having a line-item veto, it would be difficult at times for the President to make those hard decisions. Why? Because he is responsible to the American public for each of those items that he vetoes. He may not want that responsibility, but the American people want it. And I know if it was president, which will never come, but I would want that power.

Fact: The majority is not going to do anything that takes away power from the majority. The line-item veto, the discharge petition, a balanced budget amendment, are ways to take that power away from this House. And that is why they are fighting this line-item veto, a true line-item veto, so much.

A good case in point: We thank the gentleman from Oklahoma [Mr. INHOFE] for filing a discharge petition. It is driving the majority nuts. Why? Because the Committee on Rules, made up of nine Members from the majority of four Members from the minority, controls every single piece of legislation that comes to this floor; not only controls what legislation, if any, but they control the content with restrictive controls on it to determine its outcome. A discharge petition changes all of that, and they do not like that.

A line-item veto would do the same thing.

Mr. DERRICK. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, the President needs desperately the authority that is contained in the bills that we are taking up today. When he is presented with an appropriation bill with billions of dollars of spending and thousands of discrete items, a President is left virtually powerless and almost without any options when it comes time for a veto. Hopefully we will pass a meaningful and strong bill today. We need to send the message to the Senate that this is a bill that must be taken up this session.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say to the body that I know we are all sincere in what we are trying to do here. But the truth of the matter is, there is only going to be one vote on this floor which is going to deal with a true line item veto, and that is the Solomon substitute.

□ 1610

Mr. Chairman, we can talk about which President did this and which President did not do that. The American people do not really care about all that. The American people do care about this $4.5 trillion debt that is ruining our country. It is turning us for the first time into a debtor nation.

We come up with a new budget gimmick every year. Some Members brag, well, the deficit is only $165 billion this year, or it was only $190 billion last year. We reduced it by this tremendous amount, so they say.

The truth of the matter is, we have not done anything. I am not trying to be critical of this body or to disparage it in any way. The truth of the matter is, we just do not deal with the deficit. I do not think we are going to until we put legislation in place that is going to allow us to deal with it. That means true line item veto. President Clinton has said he wanted it. President Bush and President Reagan and President Carter all wanted the line item veto and they all deserved it, just like the 43 Governors of this great country of ours who have it. They have never abused it, not in any case that I have ever heard of. Even Governor Cuomo in my State has never abused it.

That is why we ought to pass it at the Federal level. We ought to put it on the books and then we can hold the President or this Congress responsible. As it stands now, we just do on and on and on. The debt goes up and up and up, and nothing is ever done about it.

Mr. Chairman, when the votes do take place, the first vote is going to be on the true line item veto in the Solomon amendment. Please vote "yes" on that. If that passes, the gentleman from Texas [Mr. STENHOLM] has said he would not even pursue his amendment. That means that the final bill would then have a true line-item veto.

Vote "yes" on the Solomon amendment in about 45 minutes when it comes up for a vote.

Mr. Chairman, I yield back the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield myself the balance of my time.

The modified line-item veto is a good idea. I am going to support it. I supported it last time.

But, let us not try to fool ourselves or the American people. Over the years people in public office have sought many, many gimmicks to avoid having to make the hard decisions themselves. I have heard a number of members refer to the fact that 43 Governors have some form of line-item veto.

They should go one step further and tell Members that very, very seldom, do Governors use it to cut spending. They use it more than anything else to get their pet projects through and ultimately to increase spending.

I agree, it is unfair to ask a President either to veto or sign a multi-billion dollar appropriations bill and not have an opportunity to line-out some of the items in there. I am going to vote for a way to let them do this. But let us not think that the Presidents, whether it be President Reagan, or President Solomon, or President Bush, or President Clinton, are going to use this to cut the deficit. It is just not going to happen.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I rise in support of the expedited recission bill, H.R. 4600. This bill passed the House last year by a vote of 258 to 157 and comes to the floor today as the first in a series of budget process reforms that the House will be taking up.

Let me review briefly the mechanics of this bill, because I think it is important to emphasize them, particularly when they are called voodoo by some of the opponents.

After the President signs an appropriation bill under this particular procedure allowed by H.R. 4600, the President would have 3 days to send Congress a message proposing to rescind any budget authority that is included in the bill. Before the close of the second legislative day, after the President's message has been received, the

majority leader and the minority leader would have to introduce by request this bill. If they fail to do that, any Member on the third day could do so. Once the President's recission bill was introduced, it would then be automatically referred to the Committee on Appropriations and they would have 7 days on which to act upon it and report it out without substantive revision.

The House would then have to vote on the President's package within 10 days of the date it was introduced in the House of Representatives. It would then be sent to the Senate, and they would consider the package under the same series of expedited procedures, acting within 10 days.

Pending the resolution of this bill, as long as it is still in play, the money proposed for recission by the President could not be obligated by either House or could not be obligated until one of the Houses had defeated the bill and taken the issue out of play.

This is a carefully, very, very precisely crafted bill. And yet we hear today that it could all be undone, all of these procedures where there are guarantees at every turn could be undone and what we could do today could be undone tomorrow just by adopting a rule. That may be a parliamentary possibility. I do not even want to debate it because it is too farfetched. I do not think it would even come to pass as a political possibility.

First of all, the leadership of this House would have to go to the Committee on Rules and, having set up this institutional procedure, this structure, proffered this series of steps to the President for rescinding spending, would have to retract it, would have to pull the rug out from under the President of the United States and say, "What we offered you in the form of legislation and put in statute last year we are undoing by this rule today."

I do not think the leadership is likely to do that. Even if the leadership tried and even if the Committee on Rules went along, the Members of this House would have to pass such an extraordinary rule, and I do not think it would be passed here in the House of Representatives for several reasons.

One is the very basic nature of this bill. The purpose of this bill is to shine a spotlight, to concentrate attention, to focus upon specific elements of bills that sometimes frequently get lost in the fray as they are pushed through this place, to bring them back here in the well of the House with the public looking, the media looking, with the President concentrating his focus upon them to make Members stand up and be accounted for on specific items. I do not think in that context many Members would want to vote against a rule because everybody would immediately translate that to the general public.

They would know that a rule like that that undercut this procedure was a rule for pork-barrel spending, for unwarranted, wasteful spending I do not think we would be able to muster a majority to do it, even if it were proposed.

There is another reason on this bill, because there is a good reason to believe, good reason to construe this language to mean that as long as the President's proposal for rescission is still pending and has not been acted upon, voted upon in this House, as long as it is still pending and still in play then the rescission is still effective. It suspends the obligational authority of the executive branch.

I do not think it is likely to happen for all those reasons. I think this is a good law and, when it goes on the books, it will be an effective procedure that will assure accountability and will give a way to guarantee the President the authority to sort through and cull out unwarranted, wasteful, parochial spending and send it back to us and make us be accountable for it.

Let me tell Members something that is likely to happen if by some unlikely means the statutory line-item veto were to pass. It will be challenged in court because it is of doubtful constitutional validity. I guarantee Members, it will be suspended and joined until the courts have upheld it. We could go 2 to 3 years and get what I think is an inevitable decision of the Supreme Court, which is that it is unconstitutional. Then what will we have. Two years with no line-item rescission authority and an opportunity to start all over again. That is why the effective, efficacious thing to do is to pass this bill, if we can pass it again, send it to the Senate, tell them we are serious, underscore it, emphasize it and adopt it as part of this year's budget reform.

Mr. Chairman, I rise in support of the expedited rescission bill, H.R. 4600. This bill passed the House last year by a vote of 258 to 157. It comes to the floor today as the first in a series of budget process reforms that the House will consider. Next week, the House is to vote on H.R. 4604, the entitlement review bill. And before we adjourn in August, the House is to devote another day to consideration of other entitlement reforms and budget process reforms.

The President, of course, can propose today that any item or part of an appropriation bill be rescinded. He has that authority under section 1012 of the Budget Act of 1974, but he has no assurance that Congress will act on what he proposes. H.R. 4600 gives the President that assurance. It requires Congress, on an expedited basis, to vote on the President's proposal. It also gives the Appropriations Committee the right to offer an alternative rescission package, which the House can consider if the President's package is voted down.

This bill makes it easier to cull out spending projects that are opposed by the President and by majorities in the House and Senate. Under this bill, the only way budget authority can be rescinded is if the President proposed the rescission and majorities in both the House and Senate approve the President's request. If the President opposes a particular project and majorities in both Houses agree with him, the spending should be eliminated. Congress has been subject to public ridicule when individual Members add projects to spending bills which few Members know of and few would support. H.R. 4600 gives us the chance to kill those programs.

Before discussing details of the bill, I would like to take up two concerns that have been raised about this bill. First, some question why we need to bring up a bill that the House has already passed. There are several good reasons:

First, passage of this bill will be an impetus to the other body to do the same. If we pass this bill again, we can underscore its importance to us, and send the other body a blunt message: the House wants to reform the budget process and we want to act this year.

Second, H.R. 4600 is a baseline bill. By bringing it up, we open the opportunity to consider alternatives. We will take up, for example, the Stenholm-Penny-Kasich substitute, which was not before the House in the last debate. Stenholm-Penny-Kasich would allow the President to rescind targeted tax benefits as well as appropriated items. This substitute would also allow 50 Members the right to break out individual items in a rescission proposal and have separate votes on separate items. In addition, the substitute would make expedited rescission permanent law. H.R. 4600 expires at the end of the 103d Congress, because it is offered as a trial procedure. I will ask unanimous consent to amend it and extend it to the 104th Congress.

We will also be giving the House another opportunity to consider the Solomon substitute, which grants the President a traditional type of veto, but by statute rather than by constitutional amendment. It begs, of course, the important question of whether we can grant such a veto without amending the Constitution. I believe that we cannot.

Let me review briefly the mechanics of H.R. 4600. After the President signs an appropriations bill into law, under this bill, he will have 3 days to send Congress a message proposing to rescind any budget authority included in that bill. Before the close of the second legislative day after receiving the President's message, the majority or minority leader of the House shall introduce the draft bill. If neither decides to introduce the package, then on the third legislative day, any Member may introduce it. Once the President's rescission bill is introduced in the House, it is sent to the House Appropriations Committee which has 7 days to report the bill without substantive revision. The House must vote on the President's package within 10 days of the date the proposal is introduced in the House. The package is then sent to the Senate which will consider the package under the same expedited procedure. The money proposed for rescission cannot be obligated until either the House or Senate defeats the bill.

To deal with concerns that appropriators raised last year, the bill gives the Appropriations Committee the power to report an alternative rescission bill. But any alternative rescission bill reported by the Appropriations Committee could only be considered by the House immediately after voting on the President's unamended proposal. Basically, what

this bill does is to guarantee the President a fast track for a clear up-or-down vote on his own proposal.

Because this bill is straightforward, it is clearly constitutional, and CRS has written a memorandum passing judgment on it, which concludes that it complies with the Constitution. Nevertheless, for any who may have doubts, we have language in the bill borrowed from Gramm-Rudman-Hollings which provides for an expedited judicial review of the constitutionality of the bill.

Mr. Chairman, I make no extravagant claims for this bill, but I do believe that it adds an important step to the budget process. I believe that it will add also to public accountability. And I believe that if it is passed, it will become a significant restraint on spending. I urge the House to support H.R. 4600.

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

□ 1620

Mr. CLINGER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I rise in opposition to H.R. 4600. Let me begin by explaining what H.R. 4600 is not.

H.R. 4600 is not the A-to-Z spending cut proposal. It never has been and it never will be. Nor is H.R. 4600 adequate political cover for Members who vote "yea" on this bill to then turn their backs on the A-to-Z proposal. The American people are not fools and will surely recognize this effort as a pale imitation of real deficit reduction. Members cannot prove their man or womanhood on deficit reduction by voting in favor of this bill, which is going nowhere, and rejecting the A-to-Z spending cut plan, which could result in significantly less Federal spending.

Finally, H.R. 4600 is not a serious effort to reform the Federal budget process and reduce the deficit. On April 29, 1993, we all stood on this floor debating H.R. 1578, also introduced by my honorable friend, JOHN SPRATT, and also called the Expedited Rescission Act. In fact, H.R. 1578 was the same exact bill as the one before the House today. It was approved by a vote of 258 to 157, yet it has gone nowhere for the same exact reason that H.R. 4600 will go nowhere if it is approved today. Namely, it was not meant to go anywhere. Our colleagues in the other body have had well over a year to act on enhanced rescission authority. Yet, they have turned a deaf ear.

What H.R. 4600 is, is disappointing. The bill is called expedited rescission because like many things in Washington, it asks those of us who are concerned about reducing the deficit to simply hurry up and wait. So, I rise today, along with many of my colleagues, in opposition to the Expedited Rescissions Act of 1994 and I do so for the same reasons I opposed the Expedited Rescissions Act of 1993 and perhaps may be obliged to oppose the Expedited Rescissions Act of 1995 and 1996.

I oppose this measure with great reluctance, however, because in the past, and indeed in the present, I have admired and supported budget process proposals from the gentleman from South Carolina. But in this case, there are a lot of very significant things at stake here and I am not willing to jeopardize those for the sake of political cover. We risk, with the vote we cast today, losing an opportunity to get a real tool to do something about a deficit which is still eating us alive.

As I did last year, I am opposing this bill for two major reasons. One is based on procedural grounds and the other is based on the fundamental weaknesses associated with the bill.

First, I oppose this proposal due to the expedited means by which it was brought to the floor. Unfortunately, the Government Operations Committee has all too frequently waived its jurisdiction over budget process issues, as we did in this instance. Although we have held hearings on budget reform proposals, the Government Operations Committee time and time again refuses to mark up budget reform legislation. That practice, coupled with efforts to restrict the ability of Republican Members to offer amendments on the House floor, is a slap in the face of minority rights.

Because H.R. 1600 is identical to the bill we passed through this body a year ago, it has identical flaws. I have already mentioned that this bill is simply designed to give Members on the other side of the aisle political cover to argue that they voted to speed up the rescission process and appear through smoke and mirrors as though they are supporting the line-item veto. That contention is simply not true. If this bill had been considered in the committee of appropriate jurisdiction, Government Operations, I am confident that it would have been improved to provide the President with a true line-item veto.

Mr. Chairman, I am including in the record a copy of a letter sent to Chairman CONYERS, and signed by each Republican on the Government Operations Committee, protesting the waiver of our committee's jurisdiction on this bill. This letter supports my belief that had we had the opportunity to amend this bill in committee, the House would pass today a strong anti-deficit measure.

Second, I oppose this bill because by making the President, the House and the Senate all approve rescission legislation before any cuts are made, this bill gives Congress dictatorial power to block attempts to reduce porkbarrel, special-interest spending. If my colleagues on the other side of the aisle trust the President, elected from their own political party, they would truly trust him with unfettered authority to cut wasteful spending. If Congress wants some of the useless spending items included in nearly every appropriation bill, let them come here to the floor and defend them individually.

Finally, as compared to a true line-item veto, this bill gives the President weak authority to make rescissions. Under this proposal, the President's rescissions will not take effect until Congress takes affirmative action to approve them. In effect, this allows Congress to veto the President's rescissions by doing nothing at all.

It was President Clinton who stated during the Presidential campaign that he wanted a true line-item veto. Let us end gridlock and give him what he wants! Vote "no" on H.R. 4600.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, June 22, 1994.

Hon. JOHN CONYERS,
Chairman, Committee on Government Operations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our strong objection to your recent waiver of Government Operations Committee jurisdiction over H.R. 4600 and H.R. 4604, the expedited rescissions and entitlement spending reform proposals now pending in the House. Although these matters are central to Government Operations' budget process authority and could, if responsibly crafted, offer much-needed opportunities for federal deficit reduction, for the second time in two years our Members have been denied the opportunity to act on both expedited rescissions and entitlement review.

Last April, Government Operations discharged without consideration H.R. 1578, Congressman Spratt's rescission bill. That legislation, which is identical to H.R. 4600, has since been languishing before the Senate Budget and Governmental Affairs Committees with no action scheduled. Similarly, the Spratt entitlement review proposal contained in H.R. 4604 is identical to language discharged from Government Operations and self-executed into the 1993 House Reconciliation bill. That language was later dropped in conference. Clearly, the Senate has recognized the flaws in both proposals, and yet this committee continues to deny our Members the chance to improve them.

Your latest decision to discharge is particularly disturbing in light of your earlier commitment to ensure Government Operations Committee consideration of H.R. 3801's budget process reforms, which include the very entitlement reforms just waived. The members of this committee were promised the chance to work their will in strengthening the federal budget process and improving federal deficit control. That commitment has now gone by the wayside. We urge you to restore your promise by reasserting this committee's jurisdiction and protecting our members' right to consideration of true budget process reform. As we have repeatedly noted, for Government Operations to maintain its jurisdiction, it must exert its jurisdiction. Now is the time to do so.

Sincerely,

Rob Portman, Stephen Horn, Deborah Pryce, Craig Thomas, Steve Schiff, J. Dennis Hastert, Jon Kyl, Dick Zimmer, William F. Clinger, Al McCandless, Christopher Cox, William Zeliff, Frank Lucas, John Mica, Christopher Shays, John McHugh.

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

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise today in support of the Expedited Rescissions Act and the Stenholm substitute.

Mr. Chairman, I voted for H.R. 1578 last year, but unfortunately the Senate has not acted on it. Nevertheless, the time has come for Congress to make the hard choices needed to substantially reduce the deficit. Because the deficit problem is so compelling, we must give the President additional powers to cut spending and we must make Congress accountable to these cuts.

For far too long, Congress has been able to avoid making the difficult decisions regarding spending cuts that the President has proposed by hiding behind current law which does not require a vote on rescissions. This bill will ensure that Congress makes these decisions. Most importantly, it will also give the President the power to cut wasteful and unnecessary items out of appropriations bills to cut the pork out of the budget.

Congress should be forced to go on the record and register its views on the President's proposed cuts. We have already gone a long way toward real deficit reduction and fiscal sanity. We have made progress, but we can and must do more. This bill will provide the tools to make a giant leap forward.

I have urged that we have an early vote on the lock box bill so that rescission cuts will go to deficit reduction and I understand that we will soon have that opportunity. In the meantime, we can give the President that option now by supporting the Stenholm substitute which includes such a provision. These two measures are critical to achieving further deficit reduction and I will continue to fight hard to have them become law.

My friends, it is time to pay the piper. I urge my colleagues to support the Expedited Rescissions Act and require real congressional accountability. Let us show the American people that we can and will make the tough choices in the deficit reduction process.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. MCCANDLESS], the ranking member on the Subcommittee on Legislation and National Security of the Committee on Government Operations, and a very active member of that committee.

Mr. MCCANDLESS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, for the second time this Congress, I rise in strong opposition to this bill, and I urge my colleagues to finally, once and for all, do what is right. I urge you to vote against both H.R. 4600 and the Stenholm-Penny-Kasich substitute, and to vote instead for a chance at real deficit reduction. Join me in support of the Michel-Solomon amendment to give our President a true line-item veto.

Mr. Chairman, H.R. 4600, the Spratt expedited rescission bill, is fatally flawed.

H.R. 4600, applies only to this year's appropriations bills. It has no effect on next year's appropriations or on those of any subsequent year.

The legislation permits any rescission to be unilaterally killed by a simple majority of either House of Congress.

It permits the Rules Committee to waive any or every provision in the bill and thereby prevent consideration of any rescission package at all.

And finally, as if that were not enough, this exact same bill has been languishing in the Senate for over a year, and has no chance whatsoever of ever becoming law.

Given the enormity of its defects, I doubt any Member can be fooled by how little cover this transparent fig leaf of reform really provides.

Similar problems exist in the Stenholm-Penny-Kasich substitute. Although their proposal extends beyond this Congress and provides the President with rescission authority over targeted tax preferences, the Stenholm substitute still permits either House to unilaterally kill any rescission, and it still allows the Rules Committee to waive any and all provisions of the bill. Neither Members nor taxpayers looking for true deficit reduction will be succored by this weak plan.

Of the three proposals pending before the House, only the Michel-Solomon approach ensures real reform and accountability by both Congress and the President. The Michel-Solomon amendment forces Members to vote on rescission proposals and guarantees that rescissions will take effect unless a majority of both Houses vote to override them. In addition, Michel-Solomon will permit the President to take aim at the special tax benefits afforded a few privileged corporations and special friends.

Under Michel-Solomon, the President will no longer be able to blame Congress for forcing him to choose between wasteful spending or shutting down the Government. The President will be able to make reasonable rescission recommendations which must be voted on by both Houses of Congress. Congress, in turn, will be required to vote on questionable spending items which are buried in massive appropriations bills. In addition, we will be able to cancel unfair tax breaks for targeted special interests.

The Michel/Solomon amendment will allow both the President and Congress to more effectively do their jobs, and the American people will undoubtedly benefit.

Mr. Chairman, the U.S. Government is currently $4.6 trillion in debt. If left unchanged, that debt will mount to more than $7 trillion in just another 10 years, and on it goes. Clearly, we must change the way we do business, and that change must be real and substantive. The Michel-Solomon amendment provides that type of change and offers a honest opportunity for deficit reduction. I, for one, would hate to go home having voted for less. I urge my colleagues to do the right thing and support the Michel-Solomon plan.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in support of this legislation and the Stenholm-Penny-Kasich substitute. I do so because I believe the line item veto is a proven and effective procedure to curtail wasteful spending. It is not a gimmick. Rather, it is a serious means to restore fiscal responsibility to the spending process, and is employed by virtually all States, including my State of California.

Currently, Mr. Chairman, House procedures allow two main vehicles for pork: Tax bills and appropriations. Once inserted into an omnibus tax bill, inappropriate tax breaks, and subsidies are impossible to remove without defeating the bill.

Second, even when the House votes to terminate a wasteful project from an appropriation bill, the intended savings may be respent by appropriators on other pet projects.

□ 1630

The Stenholm-Penny-Kasich substitute amendment not only provides for a Presidential line-item veto of appropriations, it also remedies the procedures that shelter pork-barrel projects. This legislation would allow the President to single out both special tax benefits and wasteful projects in appropriations bills. Most importantly, it will establish a separate account in each rescission bill for deficit reduction. This will enable the President to set aside saving from any rescission to preserve spending cuts. As an original cosponsor of the Deficit Reduction Trust Fund and the Deficit Reduction Lock Box, I know this concept can work.

This year's deficit is expected to be about $220 billion—an improvement over prior years with better news to come. But to assure the trend continue downward we need to give the President this effect tool to cut fat from appropriations bills and to reduce the national deficit. I urge my colleagues to help restore fiscal responsibility to Congress by passing this measure and the Stenholm substitute.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. COX], a very valuable member of the committee.

Mr. COX. Mr. Chairman, I rise in support of the line-item veto. The line-item veto unfortunately is not before us today. Instead, H.R. 4600 is best described as pointing a garden hose at a forest fire. It is not a bad bill. It moves us a tiny step in the right direction. But we have a much better opportunity in the form of the Michel-Solomon substitute which is closest among our alternatives to the real line-item veto.

Mr. Chairman, there are opponents to the line-item veto certainly in the House. We have debated before the constitutional reasons that people have to oppose a line-item veto. These consist largely in concerns about shifting power from the legislature to the executive. Those arguments have been heard by the American people and the verdict is in. The American people in large numbers want a real line-item veto. That is why this President campaigned for one.

Mr. Chairman, certainly no one can suspect partisan politics in this since I as a Republican want to give Democratic President Bill Clinton a line-item veto. That is why we should vote in favor of the Michel-Solomon substitute.

Mr. Chairman, our deficit spending crisis has been building now for over 20 years. It threatens now to overwhelm our entire economy. H.R. 4600, the bill before us just now, would cause only the most marginal change in the budget act. It would not in any way enhance the President's weak existing power. It would only affect the timing of its use. A line-item veto should encourage budget savings by letting a President cut spending unless both Houses of Congress vote him down. This bill would perpetuate the current bias in favor of spending. It would let either House kill a spending cut simply by failing to vote on it. Worse yet, it is temporary. It applies only for this Congress. We are about to adjourn in 3 months. Worst of all, it does not even let the President channel any savings to deficit reduction, so the Congress is free to spend the found money on something else. This bill forces the President to propose rescissions within 3 days of receiving one of our mammoth appropriations bills. That is unworkable. A real line-item veto, like the Michel-Solomon substitute, would let the President exercise his rescission authority at any time during the fiscal year.

Finally, this bill, H.R. 4600, could be waived at any time by this House. Of course we have seen how over half of the budget measures considered in this House during the last Congress came to us under a rule that waived the Budget Act in its entirety. The Michel-Solomon substitute will not permit that.

Mr. Chairman, it is now too late for toothless tinkering. Before sundown today, our Government will lose $1 billion. We will lose over $1 billion every day that our Government is open for business this year. We will spend according to President Clinton's budget $1.5 trillion, that is $1,500 billion in the next year. In the next 3 years, we will go to $1.6 trillion, $1.7 trillion, and finally in 1998 $1.8 trillion in spending.

Mr. Chairman, our children's jobs are literally vanishing before our eyes, pawned by all of this deficit spending so that Congress and the President can stave off real reform for a few more years. Now we are being offered a bit of camouflage, so-called expedited rescission this week, so-called entitlement caps next week, a legislative costume party where congressional spendthrifts can play Scrooge for a day.

Mr. Chairman, this is an unworthy response to a profound crisis. The American people have told us in no uncertain terms that they demand real change, a real line-item veto, the Michel-Solomon substitute.

Mr. Chairman, I should say a word about the Stenholm-Penny-Kasich amendment. It, too, is worthy of consideration, but the best alternative is the Michel-Solomon substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I think the debate has left the impression that somehow Congress has not fulfilled its responsibilities on recission of line items appropriations. Historically I think we have done far better than most people realize.

Mr. Chairman, I would like to read into the RECORD the summary of material that I will place in the RECORD about just what has happened in the last 20 years since the modern Budget Act was enacted.

We have had the Presidents who served during that period ask us 1,084 times to rescind spending. That spending reduction requested of us would total just under $73 billion. We have agreed to about $23 billion of the Presidents' requests, but more important we have gone beyond the Presidents' requests and reduced additionally appropriations by almost $70 billion more during that 20-year period.

In other words, Congress has actually rescinded almost $20 billion more than we have been asked for by the Presidents who served between 1974 and the present time. In other words, Congress has exceeded the requests by $20 billion while not agreeing exactly with the priorities of the administrations that have served during this period.

Mr. Chairman, I think it would also be important to point out that the Congress has in 43 of the last 49 years appropriated less money than we were requested to by the various Presidents who served during that period. In fact, we have given the President, in a generic sense, $73 billion less than requested in the last decade; $73 billion less than we were asked to spend in the budgets submitted to us by the two Presidents who served during the last decade.

Mr. Chairman, if we are somehow derelict in our duty to cut spending in the appropriations process in the line items that come to us in the President's budget, I am at a loss to know what more we could have done. We have set an example.

Mr. Chairman, I include the document referred to in my remarks, as follows:

SUMMARY OF PROPOSED AND ENACTED RESCISSIONS, FISCAL YEARS 1974–94

Fiscal year	Rescissions proposed by President	Dollar amount proposed by President for rescission	Proposals accepted by Congress	Dollar amount of proposals enacted by Congress	Rescissions initiated by Congress	Dollar amount of rescissions initiated by Congress	Total rescissions enacted	Total dollar amount of budget authority rescinded
1994	65	$3,172,180,000	45	$1,293,478,546	81	$2,374,416,284	126	$3,667,894,830
1993	7	356,000,000	4	206,250,000	74	2,205,336,643	78	2,411,586,643
1992	128	7,879,473,690	26	2,067,546,000	131	22,526,953,054	157	24,594,499,054
1991	30	4,859,251,000	8	286,419,000	26	1,420,467,000	[1] 34	1,706,886,000
1990	11	554,258,000	0	0	71	2,304,986,000	71	2,304,986,000
1989	6	143,100,000	1	2,053,000	11	325,913,000	12	327,966,000
1988	0	0	0	0	61	3,888,663,000	61	3,888,663,000
1987	73	5,835,800,000	2	36,000,000	52	12,359,390,675	54	12,395,390,675
1986	83	10,126,900,000	4	143,210,000	7	5,409,410,000	11	5,552,620,000
1985	245	1,856,087,000	98	173,699,000	12	5,458,621,000	110	5,632,320,000
1984	9	636,400,000	3	55,375,000	7	2,188,689,000	10	2,244,064,000
1983	21	1,569,000,000	0	0	11	310,605,000	11	310,605,000
1982	32	7,907,400,000	5	4,365,486,000	5	48,432,000	10	4,413,918,000
1981	133	15,361,900,000	[2] 101	10,880,935,550	43	3,736,490,600	144	14,617,426,150
1980	59	1,618,100,000	34	777,696,446	33	3,238,206,100	67	4,015,902,546
1979	11	908,700,000	9	723,609,000	1	47,500,000	10	771,109,000
1978	12	1,290,100,000	5	518,655,000	4	67,164,000	9	585,819,000
1977	20	1,926,930,000	9	813,690,000	3	172,722,943	12	986,412,934
1976	50	3,582,000,000	7	148,331,000	0	0	7	148,331,000
1975	87	2,722,000,000	38	386,295,370	1	4,999,704	39	391,295,074
1974	2	495,635,000	0	0	3	1,400,412,000	3	1,400,412,000

SUMMARY OF PROPOSED AND ENACTED RESCISSIONS, FISCAL YEARS 1974–94—Continued

Fiscal year	Rescissions proposed by President	Dollar amount proposed by President for rescission	Proposals accepted by Congress	Dollar amount of proposals enacted by Congress	Rescissions initiated by Congress	Dollar amount of rescissions initiated by Congress	Total rescissions enacted	Total dollar amount of budget authority rescinded
Total: 1974–1994	1,084	72,801,214,690	399	22,878,728,912	637	69,489,378,003	1,036	[3] 92,368,106,915

[1] The Military Construction Appropriations Act of 1991 approved certain rescissions proposed by the President in 1990 41 days after the funds were released for obligation under the impoundment Control Act Presidential rescission proposals R90–4, R90–5, and R90.

[2] Thirty-three rescissions proposed by President Carter and totalling over $1.1 billion are not included in this table These rescission proposals were converted to deferrals by President Reagan in his Fifth Special Message for Fiscal Year 1981 dated February 13.

[3] The total estimate of budget authority rescinded is understated. This table does not include rescissions which eliminate an indefinite amount of budget authority.

But the truly troublesome facet of the Stenholm proposal is that the President does not have to identify objectionable areas of spending or taxation in the time frame he signs a bill. He can hold those issues back until he needs the vote or votes of the members in question. Perhaps he expects problems on the passage of next year's budget. Perhaps there will be a war powers issue. No President with the political sense to hold the office would send one of these recisions up until the affected member or members crossed the line. What we are doing to our forefathers carefully crafted notion of checks and balances is to hand the branch of Government whose authority has grown most rapidly in recent times, a permanent form of political blackmail to insure our submission. The difference between having a 3-day period in which a recission would receive expedited procedure and an indefinite period might well prove to be the difference between having a President and a king. George Washington helped our Nation avoid a monarchy. Let us not impose one over 200 years later.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS], the newest member of the Committee on Government Operations.

Mr. LUCAS. Mr. Chairman, I thank my ranking Member, Mr. CLINGER, for yielding me this time.

Mr. Chairman, I am happy the House today will have opportunity to pass a true line item veto, a desperately needed reform to get our fiscal house in order. Republicans in Congress have been fighting for the line-item veto for over a decade. We agree with candidate Bill Clinton who, during the 1992 presidential campaign, endorsed the line-item veto to eliminate pork-barrel projects and cut Government waste.

Unfortunately, H.R. 4600 will not give the President what he claims he wants. H.R. 4600 is but a subterfuge, a sad imposter of the true line-item veto. A genuine item veto allows the President to cancel wasteful spending items unless both houses of Congress override the veto by a two-thirds vote. This bill, however, would allow a bare majority of either house of Congress to block any rescission. Even worse, this bill would only apply to this year's appropriations bills, all of which the House has already passed. In short, Mr. Speaker, H.R. 4600 is business as usual, and business as usual is what got us into this budgetary mess in the first place.

In fact, H.R. 4600 is so weak that we must ask why we are even bothering to consider it now. On April 29, 1993, the House passed another measure identical to this one. Why pass the same bill twice? Will that in any way improve its chances of becoming law? Of course not. It seems the only reason for debating this issue again is to give political cover to those Democrats who will be forced by their liberal leadership into withdrawing support for the "A to Z" spending cuts plan, the only opportunity for cutting spending we will have this year. As a proud new member of the Government Operations Committee, I note that all these problems with H.R. 4600 could have been remedied in committee had our chairman not inexplicability waived jurisdiction over this bill.

Despite the weaknesses of H.R. 4600, we will yet have opportunity to enact a true line-item veto. The Michel-Solomon substitute amendment will grant the President permanent authority to veto items in appropriations bills and targeted tax benefits in revenue bills. It requires both the President and Congress to act within 20 days, and provides for a vote on the entire package of rescissions. Most importantly, it requires a two-thirds majority of both houses to override the veto or rescission. While the Stenholm substitute may be an acceptable improvement over H.R. 4600, the Michel-Solomon substitute is preferable because it will genuinely reform the rescission process in order to protect the American taxpayer from wasteful spending.

During my tenure as an Oklahoma State legislator, I witnessed firsthand how the line-item veto helped to restrain excessive spending. Here in Congress, the line-item veto will be an effective check on Congress's unfettered power of the purse, and a good way to counter the pressure special interests place on Congress to hike spending higher and higher. In the name of meaningful budget reform to protect generations of American taxpayers, I urge my colleagues to support the Michel-Solomon amendment.

□ 1640

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Solomon-Michel substitute to the expedited rescissions act.

Let there be no mistake about the series of votes we will have today. The Solomon-Michel substitute is the only true line-item veto proposal before us. If you campaigned for the line-item veto you vote for the Solomon-Michel substitute. Accept no substitutes. The Solomon-Michel proposal is the real thing, because it gives the President the authority to not spend money for a project unless Congress passes a bill disapproving the rescission, thus requiring Congress to act to stop the rescission. Then the President could veto the disapproval, and Congress could only force the expenditure of the line item by a two-thirds vote overriding the veto.

The other proposal before us, the Spratt proposal, is not a line-item veto bill. And it is only a temporary provision at best and, of course, it has all of those provisions that allows the Committee on Rules to waive and dismiss the rules.

Our Committee on Rules has sometimes been described as a committee that has a plethora of waivers and then once in a while will enforce the rule.

If we are going to blame the President for not controlling spending, and we like to do that, but we know Congress is in control, then let us at least give him coequal power to do something about it. Give him the real line-item veto.

I urge my colleagues to support the Solomon-Michel substitute, the real thing, the real line-item veto.

Should this substitute fail, I then will support the Stenholm-Penny-Kasich substitute, because it is a vast improvement over the enhanced rescission power we presently have.

Mr. CLINGER. Mr. Chairman, I yield myself 1 minute, the remainder of my time.

Mr. Chairman, in closing, I would just urge a vote for the Michel-Solomon substitute, because as has been indicated here, it is the only true line-item veto.

We are engaged here in, I think, an exercise of futility if we were to pass 4600. It has not been dealt with by the other body in an entire year. I think we need to go on record here today as supporting a true line-item veto.

We may not achieve the goal in this Congress, but we certainly can send a signal that this is what this body supports, not smoke and mirrors, but true

deficit reduction which would be represented by a plus vote, an aye vote, for the Michel-Solomon substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. ZELIFF. Mr. Chairman, due to the funeral service of a close, personal friend of mine, Mike Tinios, I was unable to vote on the amendments and final passage of H.R. 4600, Expedited Rescissions Act of 1994. Had I been present, I would have voted to oppose the Spratt-Derrick amendment and supported both the Stenholm-Penny-Kasich amendment and the Michel-Solomon amendment.

Budget process reform is important. Reducing the deficit is vital. If we are ever going to make any progress to cut spending and begin to dig ourselves out from under the staggering debt that we have accumulated over years—a debt which costs the taxpayer over $212 billion a year in interest alone—we must take spending cut action now. That is why ROB ANDREWS and I launched the A-to-Z spending cuts plan, to start a process that will result in real spending cuts, real deficit reduction. We cannot continue spending taxpayer dollars with reckless abandon and, in the process, saddle our children and grandchildren with greater and greater debt.

Make no mistake, Mr. Chairman, the so-called expedited rescissions bill is a transparent political move aimed at derailing the A-to-Z train. 204 members have already signed our discharge petition. It has been no secret that the leadership is terrified at the prospect of returning the power of the purse to the rank and file members of the House. Rather than continuing the status quo, where a few powerful committee chairman dictate our funding priorities, A to Z opens the process to all Members of Congress.

A to Z provides a 56-hour session devoted exclusively to cutting the budget. Everything is on the table, entitlements, discretionary programs, everything. Any Member may offer an amendment to cut spending—no restrictive rules. Programs that stand on their merits will be funded; those that don't will be cut. It's just that simple.

The American people mistakenly believe that Congress follows this process already. We do not, and this must change. The Spratt version of the Expedited Rescissions Act does not give us the reforms that are so desperately needed to cut spending and balance the budget. We need real spending cuts an real deficit reduction now, not the weak process changes called for in H.R. 4600.

For the sake of future generations, we must do better. I hope the House leadership will listen to the people and let the A-to-Z plan move forward. We should support the Stenholm and Solomon budget process reforms. They improve the process, but they don't provide spending cuts now. We need both real budget process reform and we need real A-to-Z spending cuts now.

If the Stenholm or Solomon amendments pass, I would support final passage of H.R. 4600. If both of these amendment fail, then I would vote to oppose final passage.

Finally, Mr. Chairman, had I been present, I would have voted to oppose the rule of H.R. 3937, the Export Administration Act.

Mr. FRANKS of Connecticut. Mr. Chairman, this exact same rescissions bill was considered by the House last year. Here it is again for our consideration. How many more times will the fiscally irresponsible majority in Congress pretend to be fiscally responsible before the public catches on?

The bill that the Democrats have brought up today is not a real line-item veto. It is deceptive to say that it is. A Presidential veto requires Congress to get a two-thirds majority to overrule it. This bill only requires a majority vote. In addition, this bill does not even provide an actual veto. A veto majority overrules a presidential decision. In this bill a majority vote is needed, not to reject the President's request to delete spending, but to approve it. Anything less keeps that wasteful spending in the bill for the rest of the year.

I will support two amendments to this bill to make it more meaningful. The bipartisan Kasich substitute would allow the President the option to put savings from a rescission into an account dedicated for deficit reduction. It would also force Congress to defeat a Presidential veto in order to keep spending in a bill.

My first choice for passage would be the Michel substitute, which would give the President a line-item veto as powerful as the one held by Governors of 43 States. For those Americans, such as those in Connecticut, who are not represented by a Governor with a line-item veto, let me explain this substitute. It would allow the President to reject spending projects unless Congress overruled the rescission with a two-thirds majority vote. This is a true line-item veto. As a sponsor of a constitutional amendment giving the President a line-item veto, I would be very pleased to see the Michel amendment become law.

Mr. LAZIO. Mr. Chairman, like many of us who were elected to the 103d Congress, I was sent to Washington with a mandate for change. For the past 19 months my highest priorities have been reducing the Federal debt and the deficit. Several times in those 19 months I have been faced with challenges to carry out this mandate. Today is another such occasion.

Today, while I voted for the Expedited Rescission Act of 1994, I have to say this Congress could do better for the American people. This bill is a step in the right direction. The existing rescission process is a joke, and makes it harder to cut wasteful spending instead of easier. We have significantly strengthened the process by adopting the Penny-Kasich-Stenholm amendment, for which I voted. However, we could have improved it even more by adopting the Michel-Solomon amendment, which I also supported. Congress needs to deal with the debt and deficit right now. We need to go further and adopt a line-item veto. I will continue to work for opportunities to make the line-item veto a reality.

The Expedited Rescission Act of 1994 should not be considered a replacement for the line-item veto or the A-to-Z spending cuts package. As a cosponsor of the A to Z proposal, and a signer of the discharge petition. I urge the leadership on the other side of the aisle to move A-to-Z to the floor. We must not sit back and point to our minor successes, but must directly deal with America's problems. Our work is just beginning. Let's also enact a line-item veto and the A-to-Z proposal.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4600, the Expedited Rescissions Act of 1994.

At the outset it is significant to note that H.R. 4600 is identical to a bill which just last year passed the House with strong support, yet received no further legislative action. In this regard, it is incumbent upon us to pass this measure in order to once again drive home the importance of achieving real budget process reform.

We are all well aware of the current practice in Congress of bundling the thousands of Federal spending programs we oversee into the 13 appropriations bills. While this process helps to assure that Federal funds are distributed equitably, it is clear that this process has been abused. By passing H.R. 4600 we have the opportunity to prevent further abuse.

All too often we hear reports of errant projects slipped into appropriations bills thereby circumventing the required scrutiny of the authorization process. In other instances, our fiscal needs simply change over the course of the year and we find there is room to reduce substantially, or totally eliminate funding which has been included in appropriations bills.

H.R. 4600 recognizes these possibilities and provides a mechanism to effectuate such spending reductions while still maintaining the constitutionally mandated balance of power between the Congress and the President with respect to the appropriation of funds.

Pursuant to H.R. 4600, the Congressional Budget and Impoundment Control Act of 1974 would be amended to provide for a fast-track process for considering and voting on Presidential proposals embodied in a bill to rescind budget authority provided for in an appropriations measure. The bill also provides for a procedure for the Congress to consider an alternative rescissions package drafted by the House or Senate Appropriations Committees.

Specifically the bill will give the President the authority to pick out of appropriations bills which he signs those items which he feels are wasteful or which should not have been included in the bill in the first place. If the President submits his rescission proposal within 3 days after signing an appropriations bill, a legislative process is automatically triggered whereby a House floor vote on the President's rescissions package must take place within 10 legislative days of introduction.

If the President's rescissions proposal is rejected by the House, a vote on an alternative rescissions bill reported by the House Appropriations Committee must be taken by the close of business on the 11th day following introduction of the President's rescission package. If the House does not pass either the President's rescissions package or the Appropriation Committee's alternative measure, the Senate would not act.

However, if the House passes either the President's rescission proposal or the Appropriations Committee's alternative bill, the Senate would have the opportunity to vote on the President's package. As in the House, if the Senate rejects the President's proposal, the Senate may consider an alternative rescissions package reported by the Senate Appropriations Committee. The Senate would only have 10 legislative days within which to consider the President's proposal and the Appropriations Committee's alternative.

In this regard, H.R. 4600 is similar to the line-item veto authority which many of my colleagues have advocated. However the major difference is that this measure will maintain Congress' constitutional prerogative to appropriate funds without unduly shifting power to the executive branch.

I strongly support the expedited rescissions process. However, it would be a myopic view of the deficit problem we currently face to assume that merely passing H.R. 4600 will resolve this comprehensive fiscal dilemma.

Rather, the expedited rescissions process is a good step in the right direction toward restoring real discipline to the Budget Process. In addition to this initiative, we must continue to carefully scrutinize appropriations bills in order to identify spending programs which we don't need or can't afford. Moreover, we must follow up on that scrutiny by continuing to make the tough choices to cut programs, regardless of their popularity or political appeal.

H.R. 4600 will not only help us tighten the reins on Government spending, but also it will restore a sense of accountability to the appropriations process, and I would urge my colleagues to join me in support of this legislation.

Mr. KYL. Mr. Chairman, I rise in support of the Michel-Solomon substitute, which comes closest to a true line-item veto for the President. I will also support the Stenholm-Penny-Kasich substitute as the next best alternative to the base bill, H.R. 4600.

If the House is serious about a line-item veto bill, it will approve one of the two alternatives, preferably Michel-Solomon, because H.R. 4600 will just not do the job. H.R. 4600 is identical to the weak substitute for a line-item veto that the House passed early last year, and which is still pending in the Senate without action.

If H.R. 4600 passes in its current form, it's nothing more than cover for those Members of the House who won't cosign the discharge petition to ensure action on the A-to-Z spending cut proposal. The National Taxpayers Union—the respected, nonpartisan organization dedicated to protecting taxpayers' interests, first and foremost—has even urged a no vote on the base bill, recognizing it's a fraud.

It won't give the President real line-item veto authority. It won't even ensure that Congress will actually vote on the budget rescissions that the President might propose. The proposed new rescissions process in H.R. 4600 can be set aside, waived or suspended by a special rule of the House. It won't even apply beyond the 3½ months left in the 103d Congress.

Michel-Solomon, by contrast, would provide permanent authority for the President to propose rescissions in spending bills and targeted tax benefits in revenue bills. And unlike the current process whereby Congress can kill the President's proposed spending cuts by doing nothing at all, Michel-Solomon would ensure that the cuts proposed by the President would become effective unless Congress actually votes to reject them.

Mr. Chairman, a vote for H.R. 4600 in its current form is a vote for the status quo, something to make the people back home think the House is supporting budget reform when it's really not. Well I have news for those of our colleagues looking for cover: The American people aren't going to be fooled. They know the real thing when they see it.

I urge a "yes" vote on Stenholm-Penny-Kasich amendment, and another "yes" on the Michel-Solomon substitute. Anything less is nothing at all.

Mr. PORTER. Mr. Chairman, the national debt and the yearly deficits which enlarge it are our Nation's most serious problems. They are nothing less than cancers devouring the economic core of this Nation. Every dollar added to the debt makes us that much more dependent on foreign lenders and condemns another one of our children to a life of diminished economic opportunity. The American people deserve better than what this Congress and the Clinton administration have given them in terms of deficit reduction.

Mr. Chairman, with the economy in recovery, we have a unique opportunity to make further spending cuts to better address our fiscal problems. Unfortunately, the President and the Democratic leadership of this House don't want to do that. They don't want to reduce this bloated Federal Government further and stem the tide of red ink flowing from Washington. Last year, they pulled out all the stops to defeat the Penny-Kasich amendment which would have cut Federal spending by just 1 percent over 5 years and lowered the deficit by $90 billion. Earlier this year, they fought a proposed balanced budget amendment to the Constitution. Today, they have brought this modest rescission improvement proposal to the floor not because they care about eliminating wasteful Federal spending, but instead as part of an effort to undermine support for the A-to-Z spending cuts plan, a plan which I support. Had the leadership run this House with a modicum of openness and fairness, A to Z would never have come to life.

Mr. Chairman, the House last year debated and passed legislation identical to H.R. 4600. I supported passage of that legislation which today finds itself languishing in the Senate as the clock ticks down the final weeks of this 103d Congress. H.R. 4600 is an improvement over the current rescission process, but debating and passing it when we have effectively already done so is a questionable exercise. If the leadership really cared about eliminating waste in Government, if it was truly concerned about reducing the deficit, if it really wanted to strengthen America's economy, it wouldn't have fought Penny-Kasich, wouldn't have opposed the balanced budget amendment, and wouldn't try to undercut the A-to-Z plan by bringing up the same modest rescission bill twice. We can do better, Mr. Chairman. We have to if this Nation wants any kind of prosperity in its future.

Mrs. LLOYD. Mr. Chairman, the news on the economy is good. Job creation, economic growth, consumer confidence are all up. Inflation is holding steady. The deficit is going down, and in fact, more so than originally predicted with passage of last year's reconciliation act. All of these are indeed excellent signs, but Congress should not be content to rest on our laurels. If we want to continue these positive trends, we must find ways to cut spending and reduce the deficit even further.

Toward that end, I rise in strong support of H.R. 4600, major budget reform legislation that will increase congressional accountability in the spending process.

While much of the country's attention has been focused on the health care debate, the calls and letters continue to flow into my office regarding the need to cut spending and reduce the deficit. I could not agree with them more. But we must not only cut spending, we need to institute reforms in the budget process itself.

H.R. 4600, the expedited rescission bill is exemplary of the budget process reforms required for responsible spending. Forcing Congress to vote on rescissions submitted by the President puts every Member on record in support of or opposed to spending on a variety of programs. And the new process demands timely action—the rescission bill must be voted on within 10 days of its receipt in Congress.

I believe H.R. 4600 could be made even stronger if we adopt the Stenholm substitute. Expedited rescission procedures should be made a permanent part of the budget process. I also believe the President should have the authority to reject targeted tax benefits. And Congress should have the right to vote on an individual rescission contained within the package. All of the improvements are contained in the Stenholm substitute.

Mr. Chairman, passage of H.R. 4600 is one step in many that we must take to increase our accountability and credibility with the voters. I urge its unanimous adoption.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 4600 is as follows:

H.R. 4600

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 "Expedited Rescissions Act of 1994".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 calendar days after the date of enactment of an appropriation Act, the President may transmit to Congress one special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill that, if enacted, would only rescind that budget authority. That bill

shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representaitves shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B)(i) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill without substantive revision, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) The Committee on Appropriations may report to the House, within the 7-legislative day period described in clause (i), an alternative bill which—

"(I) contains only rescissions to the same appropriation Act as the bill for which it is an alternative; and

"(II) which rescinds an aggregate amount of budget authority equal to or greater than the aggregate amount of budget authority rescinded in the bill for which it is an alternative.

"(C) A vote on final passage of the bill referred to in subparagraph (B)(i) shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(D) Upon rejection of the bill described in subparagraph (B)(i) on final passage, a motion in the House to proceed to consideration of the alternative bill reported from the Committee on Appropriations under subparagraph (B)(ii) shall be highly privileged and not debatable.

"(E) A vote on final passage of the bill referred to in subparagraph (B)(ii) shall be taken in the House of Representatives on or before the close of the 11th legislative day of that House after the date of the introduction of the bill in that House for which it is an alternative. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1) (C) or (E) shall be referred to its Committee on Appropriations. The committee shall report the bill either without substantive revision or with an amendment in the nature of a substitute, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all amendments thereto and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS GENERALLY PROHIBITED.—(1) Except as provided by paragraph (2), no amendment to a bill considered under this section or to a substitute amendment referred to in paragraph (2) shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(2)(A) It shall be in order in the Senate to consider an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) that complies with subparagraph (B).

"(B) It shall only be in order in the Senate to consider any amendment described in subparagraph (A) if—

"(i) the amendment contains only rescissions to the same appropriation Act as the bill that it is amending contained; and

"(ii) the aggregate amount of budget authority rescinded equals or exceeds the aggregate amount of budget authority rescinded in the bill that it is amending;

unless that amendment consists solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(C) It shall not be in order in the Senate to consider a bill or an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) unless the Senate has voted upon and rejected an amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the earlier of—

"(1) the day after the date upon which the House of Representatives defeats the text of the bill transmitted with that special message rescinding the amount proposed to be rescinded and (if reported by the Committee on Appropriations) the alternative bill; or

"(2) the day after the date upon which the Senate rejects a bill or amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'legislative day' means, with respect to either House of Congress, any calendar day during which that House is in session.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

(a) IN GENERAL.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall apply to amounts of budget authority provided by appropriation Acts (as defined in subsection (f) of such section) that are enacted during the One Hundred Third Congress.

(b) SPECIAL TRANSITION RULE.—Within 3 calendar days after the beginning of the One Hundred Fourth Congress, the President may retransmit a special message, in the manner provided in section 1013(b) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2), proposing to rescind only those amounts of budget authority that were contained in any special message to the One Hundred Third Congress which that Congress failed to consider because of its sine die adjournment before the close of the time period set forth in such section 1013 for consideration of those proposed rescissions. A draft bill shall accompany that special message that, if enacted, would only rescind that budget authority. Before the close of the second legislative day of the House of Representatives after the date of receipt of that special message, the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill. The House of Representatives and the Senate shall proceed to consider that bill in the manner provided in such section 1013.

SEC. 4. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate 2 years after the date of enactment of this Act.

SEC. 5. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of section 1013 (as added by section 2) violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

The CHAIRMAN. No amendment shall be in order except the amendments printed in House Report 103-565, which may be offered only in the order printed and by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DERRICK: Page 10, line 17, insert ", unless the House has passed the text of the President's bill transmitted with that special message and the Senate passes an amendment in the nature of a substitute reported by its Committee on Appropriations" before the period.

Page 11, line 21, insert "and by striking '1012 and 1013' and inserting '1012, 1013, and 1014'" before the semicolon.

Page 12, line 1, strike "(2)" and insert "(1)".

Page 14, strike lines 7 through 11 and on line 12, strike "5" and insert "4".

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, I yield myself 90 seconds.

Mr. Chairman, this technical amendment would make three clarifications and corrections to the bill. First, the amendment would clarify that the funds proposed to be rescinded remain unavailable for obligation so long as approval legislation remains viable. Under the bill as reported, funds would be released after Senate rejection of the President's rescission bill even if the Senate instead passed an alternative measure.

Second, the amendment corrects two simple drafting errors in the conforming amendments subsection.

Finally, the amendment deletes section 4 of the bill, which conflicts with subsection 3(a), to clarify that the new procedure applies only to budget authority enacted during the 103d Congress.

Mr. Chairman, I know of no objection to this amendment.

Mr. SOLOMON. Mr. Chairman, I would not seek time in opposition, but I would ask if the gentleman will yield to me for a question.

Mr. DERRICK. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the technical amendment we are about to vote on is the amendment that is printed in the RECORD and has not been changed in any way? Is that correct?

Mr. DERRICK. That is correct.

Mr. SOLOMON. Mr. Chairman, we certainly have no objection. We would support that amendment.

Mr. DERRICK. Mr. Chairman, I yield 3½ minutes, the balance of my time, to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, we will hear many speeches during the course of this afternoon about the determination of Members of Congress to cut spending and to reduce the budget deficit. In order that this be kept in perspective, I think we should recall that many of the Democrats who spoke, and all of the Republicans who will speak, voted against President Clinton's effort to reduce the deficit with his budget deficit reduction plan of last year. That plan has resulted in the greatest reduction in the Federal deficit that we have seen at any time since the tenure of President Truman. It is anticipated that we will cut almost $700 billion from that deficit.

It must strike many people listening as curious that we find ourselves wrapped in this conversation and dialog about budget deficit reduction, and yet when it came down to an actual vote to reduce the deficit, so many of the Members who stand here proclaiming their personal allegiance to deficit reduction were nowhere to be found.

But let me give you another example closer to home. June 17, almost a month ago, I brought to this floor an appropriation bill, the gentleman can probably recall, for the agencies of the Department of Agriculture, Food and Drug Administration, and several related agencies. This bill reflected what we will see for years to come, because of the Clinton deficit reduction plan, a dramatic cut in spending.

Let me tell you specifically what I am saying: Of the $13 billion in discretionary spending in that bill in last year's appropriation, our subcommittee was forced to cut 10 percent, $1.3 billion. Anyone running a business or managing an agency of Government can tell you that a cut in an appropriation of 10 percent in 1 year is a tough cut. It goes way beyond any cosmetic cut. It is a cut that is part of real deficit reduction.

What I found curious, as a Democrat, when I brought this bill to the floor, was a Member of the Republican side circulated a letter saying these cuts were too deep, that Members on his side of the aisle should vote against my appropriation because we cut too much from programs that he favored, in fact, programs I favored too.

But it is part of the harsh reality of real deficit reduction that we have to face these things. If we are going to reduce the deficit, we must reduce spending.

When that bill was called for final passage, 127 Members of this House of Representatives voted against my bill which cut 10 percent in discretionary spending, cut $1.3 billion from last year's bill, and if you take a look at the 127 Members of the House who voted against my bill, a real budget, guess what, 120 of these are people who have walked up here and ceremoniously signed the A to Z petition saying they want to really cut spending. They would not cut it when I called my bill.

One hundred twenty-two of them are balanced-budget amendment sponsors, people who wear the bumper stickers and make the speeches at home about balancing budgets and come here to the floor and refuse to vote for a appropriation bill that really cuts spending.

One hundred fifteen of them voted for the Kasich budget plan which would have cut even more for agriculture, and yet the Kasich plan was a theory.

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The bill I called up was a fact. But what I am saying to the Members of the House and all those who are listening is that the real test of cutting a budget is whether you will vote for an appropriation bill that cuts spending. When it came to the time for that test, a lot of the people making the greatest speeches today failed.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). Does any Member rise in opposition to the amendment?

Mr. SOLOMON. Mr. Chairman, I would rise in opposition, reserving the right to change my mind.

Mr. Chairman, I yield to a member of the Committee on Agriculture, the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Chairman, I think it is important that everyone understand exactly the misrepresentation which just occurred about the vote on the agriculture appropriation bill.

Mr. Chairman, I cannot help it if the 602(b) allocation that Mr. DURBIN was able to get for his agriculture appropriation was less than he wanted. Everybody knows it was not reflective of the budget agreement per se, No. 1. No. 2, the reason we all voted and led the fight against the agriculture appropriation, as he well knows, is because it cut funding for production agriculture at the very same time it increased funding for the social programs. That was the fight. There was no money in there for crop insurance, he knows that; there was an 18-percent drop in the Commodity Credit Corporation farm support program.

Now, what the fight about the agriculture appropriation bill was the allocation of the money as it occurred. Many of us are happy to take the bottom-line cuts, but if we are going to take the bottom-line cuts, we are not going to increase food stamps, WIC, all those programs, while we cut agriculture, which is the whole purpose of the agriculture appropriation bill.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, I will take some exception to what the gentleman has said. He has been critical of Members who have taken to the well and supported either the Stenholm approach or the Solomon approach. All of those Members have the highest ratings by the National Taxpayers Union year in and year out. That is how people tell whether we are a big spender or not.

When it comes to deficit reduction and the President's plan, yes, those of us who voted against it did so because it was the biggest tax increase in the history of this entire Congress. It took $120 million out of the pockets of the Social Security recipients in my district alone. So, yes, I offered a balanced budget amendment; Mr. PENNY and a lot of others voted for that balanced budget. It was not an amendment, it was a true balanced budget scored by the Congressional Budget Office. That is what we ought to be supporting on this floor. That is real deficit reduction.

Mr. Chairman, I yield to my friend on the Committee on Appropriations, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman for yielding to me.

Mr. Chairman, I concur with the gentleman's remarks and rise in support of the Solomon amendment, which will be considered shortly.

Mr. Chairman, for weeks we have been anticipating this day, a day which the Democratic leadership would have preferred to avoid. Why? Because their hand has been forced to respond to the drive to 218—the all important milestone in the discharge petition process.

We have watched the Democratic leadership pursue a torturous path in an attempt to derail the A-to-Z spending cut plan because—simply put—it knocks holes in their ability to control the agenda and the purse strings of the Federal Government. And just look at where it has gotten us today.

Even more astounding is what the Democratic leadership has proposed as a substitute to A to Z to provide cover for those who have not signed the discharge petition. H.R. 4600, offered up as the tough budget lion, is nothing but a sacrificial lamb. H.R. 4600 is nothing more than recycled budget process reform. It is a sham and the American public has seen through this ploy.

Instead of a bill that would allow for 56 hours of debate on specific spending cuts that would be directed toward deficit reduction, we have H.R. 4600. Recall that H.R. 4600 came before the House a year ago. It was touted to be a tough new approach to the budget process. It would enhance the current rescission authority. Yet even then it did not enhance. And its toughness could not measure up against a true-line item veto. It is recycled. It is a sham.

Unlike a real line-item veto, which will be offered as a substitute amendment later in the debate, and allows the president to cancel wasteful spending items, subject to override by two-thirds of both Houses, H.R. 4600 requires that a majority of both Houses approve any veto of appropriations items. In other words, a majority of either House can block the President's proposed spending cuts by doing nothing. And there are no penalties or disincentives for inaction. The only change to last year's bill is a stepped-up timetable for consideration. There is no question, the Solomon substitute is the real line-item veto which I will throw my support behind today.

Fortunately, there is still another option available to us today to show the America people we won't be fooled by the H.R. 4600 tactic. The Stenholm-Penny-Kasich amendment has been crafted to strengthen the recycled H.R. 4600.

The objectives of this amendment are the same as the A-to-Z spending cut plan—to provide opportunities for Congress to vote on spending cuts.

The Stenholm-Penny-Kasich amendment provides the President the authority to designate some portion of the savings from a rescission or repealing targeted tax benefits to a deficit reduction account. It would expand rescission authority to targeted tax benefits as well as appropriations. The President could use expedited rescission authority any time—not just during a narrow window of opportunity. And the amendment makes it permanent not just during the 103d Congress.

Let us not let the opportunity to support tough budget reform slip away again. Support the Stenholm-Penny-Kasich amendment to

H.R. 4600. And support the Solomon substitute which would provide real line-item veto authority.

It will not solve all our fiscal problems, but it will help—if the improvements are real—and these are.

Mr. SOLOMON. Mr. Chairman, I respectfully yield back the balance of my time and indicate that I have changed my mind. I am going to support the technical amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. DERRICK].

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2, printed in House Report 103-565.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. It shall include a Deficit Reduction Account. The President may place in the Deficit Reduction Account an amount not to exceed the total rescissions in that bill. A targeted tax benefit may only be proposed to be repealed under this section during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C)(i) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(ii) It shall not be in order for a Member of the House of Representatives to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B)(i) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(ii) It shall not be in order for a Member of the House or Senate to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account (pursuant to section 314) if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted to Congress under subsection (b) shall be deemed repealed unless, during the period described in that subsection, either House rejects the bill transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017".

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. DERRICK. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I am very pleased to come to the floor with TIM PENNY and JOHN KASICH to offer this substitute amendment to H.R. 4600, the Expedited Rescissions Act of 1994.

Our amendment would allow the President to propose to cut or eliminate individual spending items in appropriations bills throughout the year. The President could place some or all of the savings from proposed rescissions in a deficit reduction account. In addition, the President would be able to propose to repeal targeted tax breaks which benefit a particular taxpayer or class of taxpayers within 10 days of signing a tax bill.

Within 10 legislative days after the President sends a rescission package to Congress, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House Members can request a vote on a motion to strike an individual rescission from the package. If a majority of Members voted in favor of the individual item, it would be struck from the bill. If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure.

Any appropriations or tax item that was submitted by the President would be in effect suspended until Congress acts on the President's package. If Congress avoids a vote, the funds would continue to be withheld from obligation or the tax provision would continue to be deemed to be repealed. Unlike current law, Congress could not force the President to spend the money by ignoring the rescissions. If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation, or the tax provision would take effect. If a bill rescinding spending or repealing tax benefits is approved by the House and Senate, it would be sent to the President for his signature.

While I believe that the base bill introduced by JOHN SPRATT is a clear improvement over current law, and I commend my friend from South Carolina for the leadership he has shown on this issue, I believe there are several areas in which this legislation can be improved. It is in this spirit the three of us are offering our substitute. Our amendment would improve the base text in several ways:

First, the President would have the option of earmarking savings from proposed rescissions to deficit reduction in anticipation of lockbox legislation which this body will consider later this year. Under the base bill, the savings from rescissions automatically would be available to be spent on other programs;

Second, the President would be able to single out narrowly drawn provisions in tax bills which are added to tax bills at the behest of large corporations or wealthy taxpayers. Congress would have to vote on these rifle shot tax provisions on their merits.

Third, the President would be able to submit a rescission package for expedited consideration at any point in the year. The base bill would restrict the President to submitting rescissions during a limited window after signing an appropriations bill.

Fourth, the new expedited rescission authority would be established permanently instead of being limited to the few remaining months of the 103d Congress as the base bill would do.

Fifth, if 50 members of the House or 15 members of the Senate request a separate vote on an individual item, they would have the opportunity to convince a majority of the House to strike that item project from the package before the vote on the overall package. Under the base bill, Members could be placed in a position of being compelled to oppose the entire package because of one item included in the package even though they supported virtually all rescissions in the package.

Sixth, our substitute would not lay out a cumbersome new procedure for consideration of an Appropriations Committee alternative as the base bill does. Contrary to some suggestions, our substitute does not prevent Congress from considering an alternative rescission package.

Mr. Chairman, this amendment will give Congress and the President an additional tool for fiscal responsibility and improve accountability in taxing and spending legislation without disrupting the constitutional balance of power. I urge the House to vote for the Stenholm-Penny-Kasich expedited rescission substitute.

Mr. Chairman, I offer a series of questions and answers with respect to our amendment:

QUESTIONS AND ANSWERS STENHOLM-PENNY-KASICH SUBSTITUTE TO H.R. 4600

How does the substitute differ from legislation which was passed by the House last year?

The Stenholm-Penny-Kasich substitute makes several changes to the legislation passed by the House last year to respond to concerns raised by many members and significantly strengthen the legislation. The President would be able to single out newly enacted targeted tax benefits as well as appropriated items for individual votes. Unlike the legislation passed last year, which required the President to submit rescissions within a three-day window after signing an appropriations bill, the President would be able to submit a rescission package for expedited consideration at any point in the year. The President would have the option of earmarking savings from proposed rescissions to deficit reduction in anticipation of lockbox legislation, which no other expedited rescission or line-item veto proposal would permit. The new expedited rescission authority would be established permanently instead of being sunsetted after two years. Members would have the ability to obtain separate votes on individual items in a rescission package that have significant support. The substitute explicitly prevents the President's rescissions from being considered under a special rule which would waive the requirements of the section. Finally, the prerogative of the Appropriations Committee to move their own rescission bill would be preserved without creating a cumbersome new procedure.

How is the procedure under the Stenholm-Penny-Kasich expedited rescission legislation different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5% of the individual rescissions proposed by the President since 1974 (350 of 1012 rescissions submitted), representing slightly more than 30% of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approved came in 1981. Excluding 1981, Congress has approved less than 20% of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. However, this was an exception. Most rescission messages are ignored. The Stenholm-Penny-Kasich substitute would change that and force Congress to react to Presidential messages and vote on them, increasing the likelihood that unnecessary spending would be eliminated.

Could Congress thwart the provisions of the Stenholm-Penny-Kasich expedited rescission legislation by reporting a rule that waives the requirements of this proposal?

No. The substitute specifically states that "It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section . . . under a special rule." Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on as required by this legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its Constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to indefinitely impound the funds.

How does expedited rescission legislation ensure that a Presidential rescission is voted on by Congress?

Expedited rescission legislation establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either the Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. By providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This proposal ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

The substitute includes language to discourage the House from avoiding a vote on the President's package, by making the release of funds by OMB contingent on Congress voting on and defeating the President's package.

Under current law, OMB withholds funds from apportionment until Congress acts on a rescission message. Funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them or to release them for obligation. The substitute provides that the funds must be released for obligation upon defeat of the President's rescission bill in either House. This is different from the requirement in Section 1012 of the Impoundment Control Act of 1974, which states "Any motion of budget authority proposed to be rescinded . . . shall be made available for obligation, unless, within the prescribed 45 day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded." By specifically providing that the funds would be released upon defeat of the President's package and not providing for any other circumstances in which OMB must release the funds, the language of the Stenholm-Penny-Kasich substitute clearly provides that OMB will be required to release the funds only when Congress votes on and rejects the rescission bill.

Similarly, the amendment provides that any tax benefits proposed to be repealed be "deemed to have been repealed unless . . . either House rejects the bill transmitted with that special message.

How would the motion to strike individual items from a package of rescissions work?

A member would be able to make a motion to strike an individual item in the rescission bill if 49 members support the motion. This procedure would be similar to existing procedures to call for recorded votes or the procedure for discharging rescission bills under Title X of the Impoundment Control Act in which the members supporting the motion would stand and be counted. If the requisite number of members supported a motion to strike, the motion would be debated under the five minute rule and the House would vote on the motion. If the motion was supported by a majority of members, the item would be struck from the bill. The House would vote on final passage of the rescission bill after disposing of any motion to strike.

If 50 members feel strongly about an individual item to coordinate the actions necessary to obtain a motion to strike, they deserve to have the opportunity to make their case to the full House. They would still have to convince a majority of the House that their project was justified.

Wouldn't the motion to strike deprive the President of a vote on his rescissions?

No. Congress would vote on the merits of each rescission either as part of the overall package or on a motion to strike. While there might not be one vote on the entire package if a motion to strike succeeded, Congress would have voted on the merits of individual rescissions when it voted on the motions to strike items from the package.

The motion to strike increases the chance of passing rescissions submitted by the President by providing a safety valve to take

"killer" items out of a rescission package to avoid the entire package from being defeated because of one item with strong support. If there is a strong core of support within Congress for an individual item, there would be a high likelihood that the supporters of that item could form an alliance to defeat the entire bill. Although the President would presumably make political judgements to avoid including items that would sink the entire package, the administration will not always be aware of all traps that may lie with an individual spending program or tax provision. This safety valve would prevent a political miscalculation from sinking the entire bill.

What types of tax provisions would be subject to the new rescission process?

The provision for expedited consideration of proposal to repeal tax items would be restricted to targeted tax benefits. "Targeted tax benefits" are defined as provisions in a tax bill which provide benefits to a particular taxpayer or limited class of taxpayer. The rescission authority would apply to narrowly drawn tax items, the so-called "tax pork", which are slipped into tax bills to benefit special interests. It will not apply to tax provisions based on general demographic conditions or marital status, such as the earned income tax credit or the personal exemption.

Wouldn't the ability to repeal tax items create uncertainty in the tax code?

No. The substitute provides for swift consideration of proposals to repeal tax provisions so that taxpayers would know the final disposition of any tax provision within a reasonable period of time following the passage of a tax bill. The President must submit a proposal to repeal a tax provision within ten business days after signing a tax bill. Both Houses of Congress would be required to act within twenty legislative days.

Could the President propose to rewrite tax provisions?

No. The President would only be able to propose legislative language necessary to repeal individual tax provisions for expedited consideration. Legislation submitted by the President to rewrite a tax provision would not be subject to the expedited procedures of this amendment.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by I.N.S. v. Chada 462, U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The Chada court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the Chada test. This substitute meets the Chada tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The substitute does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called "report and wait" provision that the court approved in Sibbach v. Wilson and Co., 312 U.S. 1 (1941) and reaffirmed in Chada.

If a majority of Congress has voted for items as part of an appropriations or tax bill, wouldn't the same majority vote to preserve the items when they were rescinded?

Just as President's often sign appropriations bill (or other bills for that matter) that includes individual items that he does not support, Congress often passes appropriations bills without passing judgement on individual items. Expedited rescission legislation would force the President and Congress to examine spending items on their individual merit and not as part of an overall package. Many items included in omnibus appropriations bill would not be able to receive majority support in Congress if they were forced to stand on their own individual merits. Members who voted for an appropriations or tax bill may be willing to vote to eliminate individual items that had been in the omnibus bill.

Isn't requiring an additional vote on items that have already been approved by Congress a waste of time?

As was stated above, the fact that an item was included in an omnibus appropriations or tax bill does not necessary imply that a majority of Congress supported that individual item. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in an omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

Doesn't providing the President expedited rescission authority alter the balance of power between Congress and the President?

No. The approach of expedited rescission legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this substitute would preserve the Constitutional power of Congressional majorities to control spending decisions. Expedited rescission authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a majority of either House disagree with him.

Since the rescission process would only apply to the relatively small amount of spending in discretionary programs and a limited number of small tax breaks, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget or even make a substantial dent in the budget deficit. However, it will be a useful tool in helping the President and Congress identify and eliminate as much as $10 billion in wasteful or low-priority spending each year. Many of the special interest tax provisions that would be subject to expedited rescission have a considerable cost. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the President are to gain public support for the tough choices of cutting benefits or raising taxes necessary to balance the budget.

Would this proposal apply to entitlement programs funded through the appropriations process such as unemployment insurance and food stamps?

No. Although other versions of expedited rescission legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Doesn't expedited rescission violate the legislative prerogative by requiring action under a specific timetable and preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this substitute is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Wouldn't allowing the President to submit rescissions throughout the year give the President undue ability to dictate the legislative calendar?

The substitute preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion. It provides that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package at any point within the ten legislative days for consideration.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act and requires that the draft bill submitted by the President have only the effect of canceling budget authority. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The substitute specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

What happens if the President submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in

session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after Congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House would still be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted.

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. SOLOMON. Mr. Chairman, pursuant to the rule, I offer an amendment as a substitute for the amendment in the nature of a substitute offered by Mr. STENHOLM.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute.

The text of the amendment offered by Mr. SOLOMON to the amendment in the nature of a substitute offered by Mr. STENHOLM is as follows:

Amendment offered by Mr. SOLOMON as a substitute for the amendment in the nature of a substitute offered by Mr. STENHOLM: 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 recession 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/receipts 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 BILLS.—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.

The CHAIRMAN pro tempore. The gentleman from New York will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I understand the gentleman from South Carolina [Mr. DERRICK], was recognized in opposition to the Stenholm amendment. Who is recognized in opposition to my amendment offered as a substitute for the amendment?

The CHAIRMAN pro tempore. The Chair is about to inquire.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Solomon amendment and Mr. DERRICK is willing to rise in opposition to the Solomon amendment. We will divide the time or we will share it.

□ 1700

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] has time in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM]. He may also be assigned the time in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. DERRICK. Mr. Chairman, I rise in opposition to the Solomon amendment as well.

The CHAIRMAN. The gentleman from South Carolina rises in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Everybody is so hesitant to rise in opposition to my amendment. That is nice.

The CHAIRMAN. Therefore, the gentleman from New York [Mr. SOLOMON] has 15 minutes in support of his amendment. The gentleman from South Carolina [Mr. DERRICK] has 15 minutes in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]. In addition, the gentleman from South Carolina [Mr. DERRICK] still has the time in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM], and Mr. STENHOLM has 11 minutes remaining to him in support of his amendment.

Mr. SOLOMON. Would the gentleman from South Carolina reserve his time and allow me to make an opening statement in the time that he has remaining in opposition to both of our amendments?

Mr. DERRICK. Yes, Mr. Chairman, that is fine.

The CHAIRMAN. Does the gentleman from South Carolina yield time to the gentleman from New York?

Mr. SOLOMON. No, Mr. Chairman. He reserves his time.

Mr. DERRICK. Mr. Chairman, I reserve my time. Let the gentleman from New York [Mr. SOLOMON] proceed.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] reserves his time. Therefore, the gentleman from New York [Mr. SOLOMON] on his own time will be recognized for whatever time he designates within 15 minutes.

Mr. SOLOMON. I appreciate having this all straightened out, Mr. Chairman.

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

Mr. Chairman, I offer the Solomon substitute for the Stenholm amendment made in order pursuant to the rule.

Mr. Chairman, the amendment I have offered is quite simple and yet fundamentally different from either H.R. 4600 or the Stenholm substitute. This is the real line-item veto. What it says is that a President's cancellation of a spending item or a special interest tax break will take effect unless it is disapproved by a majority of both Houses of Congress within 20 days.

Since the President would likely veto a disapproval bill, it would then require two-thirds of both Houses, under the Constitution, to override the President's veto and force the money to be spent or the tax break to take effect.

Mr. Chairman, that's the kind of line-item veto most Governors have. It is what President Clinton said he wanted during the 1992 campaign, though he has since bought off on these watered-down expedited rescission bills.

We all know that it is not enough to require that both Houses of Congress approve the President's proposed cuts in wasteful spending, since it is the same majority that log-rolled those pork-barrel projects down to the White House in the first place.

If the President's proposals are meritorious, we should be willing to say that they will stick unless a super-majority of Congress is willing to override him.

Mr. Chairman, public support for the real line-item veto has always been over 60 percent. The people understand this issue. They've seen it work in their own States. They've seen how we sometimes lard these spending bills with special projects that don't have merit but are purely political pork.

Mr. Chairman, I don't think anyone has suggested that the line-item veto is the total answer to our deficit problem. But it would certainly contribute to reducing that deficit.

In the first place, we would be more careful about putting things in appropriations bills that we know don't belong there. We wouldn't want to be embarrassed by having the President single them out for a line-item veto.

In the second place, even when we do slip them in, we know that the chances are very slim they will survive this tough process that will require that they repass by a two-thirds vote of both Houses.

As Members have testified of their own State experiences, this is not a power the Executive abuses. It is used frugally and wisely and selectively. But it is a useful fiscal tool in discouraging and restraining wasteful spending to begin with, and in extracting it if need be.

Mr. Chairman, before I close, I want to pay tribute to our Republican leader, BOB MICHEL, whose bill, H.R. 493, this substitute is based on. It was he who extended this veto concept and expedited process into the area of special interest tax breaks, and I think that is a very valuable contribution.

And let me hasten to add this is a bipartisan substitute. It got the votes of 33 Democrats last year and I hope it will get even more today.

I am especially grateful to the leadership of JIM COOPER, JIMMY HAYES, GARY CONDIT, and BILLY TAUZIN for sponsoring this amendment.

On our side we again have the strong leadership on the line-item veto from three outstanding freshmen: MIKE CASTLE, PETER BLUTE, and JACK QUINN.

I strongly urge my colleagues to vote for this only true line-item veto we will have before us this year. Let's start to do things right around here and give the President special authority in partnership with the Congress to curb wasteful spending. Vote "yes" on the Solomon line-item veto substitute.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, as the gentleman knows, he and I often vote together, and we believe in doing something about the deficit. But I am on the other side of this issue. I am surprised that the gentleman feels that we can turn the Government over to the bureaucracy of the OMB instead of letting the Congress do this. And, as the gentleman knows, we have had, through the years we have had, rescissions, but the Committee on Appropriations has not seen fit to bring it. What we are trying to do with the enhanced rescission is to make sure it comes.

Mr. SOLOMON. Mr. Chairman, let me reclaim my time because I have deep respect for my great friend who is retiring. I am going to miss him dearly. He is wrong on this issue, I say respectfully.

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

Mr. DERRICK. Mr. Chairman, I yield myself 5 minutes.

Mr. SOLOMON. Mr. Chairman, would the gentleman from South Carolina [Mr. DERRICK] be good enough to yield a little time to the gentleman from Florida [Mr. HUTTO]?

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, getting back to what I was saying a while ago, I believe that, if we had the line item veto that is being talked about, we would have constant conflict between the executive and legislative branches. I think that we ought to rule in this House and this Congress, and, if we have enhanced rescission where the Committee on Appropriations has to bring these rescissions here, we can vote on it, simple majority, and take care of it.

So, I just want to say to the gentleman that I hope we do not turn our government over to the bureaucracy.

Mr. DERRICK. Mr. Chairman, the Solomon amendment does not improve the bill, and Members ought to reject it for one simple reason: the amendment would enable a one-third-plus-one minority in either House to join with a President to dictate the fiscal priorities of this country.

Under this amendment, a President could within 20 days of signing a revenue or tax bill, propose rescissions of budget authority or the repeal of targeted tax benefits, and they would take effect permanently unless Congress voted to disapprove them within a specified time. Since a President would veto any bill to disapprove his proposals, for Congress' priorities to prevail would require a two-thirds vote in both Houses. Conversely, for the President to prevail, he need convince only one-third plus one of either House to sustain his veto.

Mr. Chairman, the principle which underlies our democratic system of government is majority rule. I do not believe it wise for Congress to create a rescission process in which a President, with the support of only 34 Senators or 146 Representatives, could dictate fiscal or tax policy, on a line-by-line basis, to majorities in both the House and Senate. We should not tilt the balance of the power of the purse so dramatically in the President's favor, no matter who he is or what political party he belongs to.

What reason have we to believe the President's fiscal priorities are inherently better than ours? What reason have we to believe the Executive branch institutionally favors less spending than Congress? None. In fact, there is considerable evidence to the contrary.

Since 1945 Congress has appropriated billions less than the various Presidents have requested. Moreover, since 1974 Congress has actually rescinded more spending than the Presidents have proposed to rescind.

According to the General Accounting Office, from 1974 through last September 20, Presidents have proposed to rescind $69.6 billion in spending, an impressive sum. But during that time Congress has actually rescinded $88.7 billion in spending. In other words, Mr. Chairman, Congress has since 1974 rescinded 27 percent more spending than Presidents have proposed to rescind. That is not widely understood, or something for which Congress receives the credit it deserves.

Mr. Chairman, the goal of the underlying bill, and indeed this whole exercise, is to add accountability for spending decisions to the appropriations process. The goal is not merely to advance and promote the President's brand of spending over Congress' brand of spending, which is what the Solomon amendment would do.

We are dealing with the fundamental relationship between the two political branches. We must not give any President even more power than he already has to shove his priorities down Congress' throat. We have no idea what his priorities might be; we know only they will probably be different. If the President can convince a majority of each House to reject the items he has identified as wasteful and proposed to repeal, then he ought to prevail. But he ought not prevail with only minority support. If he lacks majority support for his position, then he can still use his regular veto; nothing in the bill affects that.

Mr. Chairman, the bill is designed to give the President the responsibility to ferret out arguably wasteful items in appropriations acts and force Congress to approve them again if it wishes. I believe the bill will achieve the desired effect without disrupting the balance of power so carefully created by our Founding Fathers.

The Solomon amendment, on the other hand, would enable the President and a minority in one House to dictate his priorities to majorities in both Houses. In my opinion, the Solomon amendment would also make getting the bill through the Senate tougher, if not impossible. I urge all Members to reject the Solomon amendment, and I reserve the balance of my time.

□ 1710

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

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, last year I joined the gentleman from Minnesota [Mr. MINGE] and 11 other freshmen Democrats in introducing an enhanced revision provision which is very similar to the amendment being offered by the gentleman from Texas [Mr. STENHOLM] this year. I am pleased that he has improved on the base text of the amendment to the bill that is being offered today by incorporating many of those suggestions that we had last year.

Now, I have listened with interest to the argument that we should not pass either of these provisions because we must guard the prerogative of the legislative branch of government over the budgetary process. And I understand that. For after all, we have done a great job, right by ourselves. Our debt is only $4.6 trillion. Maybe we just need a little more time. For after all, it has only been 25 years since we were able to balance the budget. And maybe we should not put anymore power into the hands of someone who would use that power to leverage votes on other legislative issues, for such a concept is obviously an abuse that is foreign to this body.

Well, I am willing to take the chance. I think our debt is too big. I think 25 years of trying is too long. I am willing to put the President, any President, in the caldron with us, to try to make it better.

Now, if the real concern about this proposal is the loss of legislative prerogative, then I, and I am sure many others, would suggest that let us limit it to only those occasions when the budget is out of balance. That might put some incentive on us to do a better job as well.

In conclusion, I am one of those freshmen Democrats who last year supported the Solomon proposal, and intend to do so today. And, if it fails, I intend to vote for the Stenholm amendment. I would urge others to do the same.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 30, 1993.

To: Hon. Charles Stenholm. Attention: Ed Lorenzen.

From: American Law Division.

Subject: Application of rescission authority to tax expenditures.

This memorandum provides, at your request, quick analysis of whether the same constitutional principles that govern application of rescission authority to appropriated funds apply as well to rescission of "tax expenditures." We understand as well that the requested context for analysis is H.R. 1013, a bill entitled "Expedited Consideration of Proposed Rescissions Act of 1993." It is proposed that language be added to that bill adding "tax expenditures" as a category within which the President may trigger expedited congressional consideration of proposed rescission legislation.

Some background may be helpful. The same constitutional principles govern application of rescission authority to "appropriations" and to "tax expenditures." These governing principles are set out in previously prepared memoranda enclosed for your review: "Constitutionality of Granting President Enhanced Budget Rescission Authority," June 27, 1989; and "Adequacy of Standards in Bill Granting President Enhanced Budget Rescission Authority," July 21, 1989, both by Johnny H. Killian, Senior Specialist in American Constitutional Law, CRS. The basic issue raised by actual conferral of rescission authority on the President involves delegation of legislative authority, and whether there are adequate standards set forth in the law so that it can be determined whether the executive has complied with the legislative will. In 1989 the Supreme Court held in *Skinner* v. *Mid-America Pipeline Co.*, 490 U.S. 212, 223, that the same principles govern delegation of taxing authority that

govern delegation of Congress' other authority.

[T]he delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than that we have applied to other nondelegation challenges. Congress may wisely choose to be more circumspect in delegating authority under the Taxing Clause than under other of its enumerated powers, but this is not a heightened degree of prudence required by the Constitution.

We note, however, that no constitutional delegation issues are posed by H.R. 1013 or the proposed amendment. Instead, the bill merely provides for expedited congressional consideration of presidential proposals that Congress enact legislation authorizing rescission of "any budget authority provided in an appropriations Act." No authority to effectuate a rescission, to exercise a line-item veto, or otherwise to nullify statutory enactments would be conferred on the President by the bill. Inclusion of "tax expenditures" along with budget authority as a category about which the President may propose legislation that will receive expedited consideration does nothing to change this basic fact that the bill contains no delegation of rescission or taxing authority.

With or without a delegation of authority, the principal constitutional distinction between the categories of budget authority and tax expenditures is the requirement of Art. I, §7, cl. 1 that all bills for raising revenue shall originate in the House of Representatives. A bill providing for "tax expenditures" (currently defined in 2 U.S.C. §622(3) as "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction . . . or which provide a special credit, a preferential rate of tax, or a deferral of tax liability") might also include measures for raising revenues, and a bill providing for repeal of tax expenditures could be considered to be a bill for raising revenues.

A further point. The President has the power conferred by Art. II, §3 of the Constitution to "recommend to [Congress'] consideration such measures as he shall judge necessary and expedient," and Congress of course cannot prevent the President from proposing consideration of legislation, including legislation that would rescind budget authority or repeal tax expenditures. In conferring authority to propose rescissions that will be subject to expedited consideration by the Congress, the bill also restricts the President's authority to make a second such request and does not explicitly tie that restriction to operation of the expedited procedures. The bill would add a new section 1013 to the Congressional Budget and Impoundment Control Act of 1974, and subsection (a) would provide in part that "[f]unds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012." A reasonable implication of "proposed . . . under this section or section 1012" is that a proposal may be submitted independently of the cited authority, and that the only restriction is that the expedited procedures authorized by the new section or in connection with existing section 1012 would not be operative. Thus, while the language can and should be interpreted to avoid any constitutional issue that would be created by interference with the President's authority under the Constitution to make recommendations to Congress, a more direct statement tying the restriction to operation of the expedited procedures could eliminate any basis for question.

GEORGE COSTELLO,
Legislative Attorney, American Law Division.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from York, SC [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Edgefield for yielding.

Mr. Chairman, for those who support a statutory line item veto, Judge Robert Bork, who is an imminent conservative and a Republican, I believe, has written a recent Law Journal article, and it bears citation. He says:

In particular, the solution of the line-item veto appears dubious, at best. A solution nobody thought of for 200 years has the burden of persuasion in constitutional matters. And the case for the line-item veto seems less than completely persuasive. That is not to say the idea of line-item vetoes should be dismissed out of hand. It is only to say that it is highly unlikely that the courts would be inclined to find such a power in the Constitution as written and ratified. It would probably require a constitutional amendment.

So the first argument you meet, if you want to propose a statutory line-item veto, is that why has no Congress, why has no President, for over 200 years, noticed that the Constitution claimed this? Those who claim that they can find the authority in the Constitution have to answer this question. They have to answer the question why George Washington, who presided over the Constitutional Convention, did not notice it himself, did not know it himself. He said about the Constitution,

From the nature of the Constitution, I must approve all parts of a bill, or reject it in toto.

William Howard Taft, another reputable President, Republican, he was both President and Chief Justice, said:

The President has no power to veto parts of the bill and to allow the rest to become law. He must accept it or reject it.

But where Judge Bork and General Washington, President Washington, and Chief Justice Taft have refused to tread, those who want a line-item veto have rushed in. Essentially what they say is maybe the Constitution does not give this power to the President, but maybe we can confer upon him even this broad power. Maybe we can give it to him even though it is not in the Constitution. Maybe we can amend the Constitution by statute.

The gentleman from New York [Mr. SOLOMON] does not use the term, but as I read his bill, it appears to me the device he is using is delegation. He is suggesting that we can delegate to the President the power to veto items in the bill in lieu of vetoing the entire bill itself.

That is a giant step. We are changing the Constitution by statute, and we are giving the President some broad powers, as everybody here would acknowledge. Powers as broad as the budget we pass every year. Thirteen appropriations bills, with billions of dollars of appropriated money in it, year in and year out, a power so broad, so unique, so unusual, that it has to beg the question, is it constitutional to delegate power so broadly.

Fifty years ago the Supreme Court said sweeping delegations of legislative power are unconstitutional. For a long time that was bedrock constitutional law. It has been eroded by lots of delegations we have given to the executive branch, but it is still on the book.

A lot of water has flowed over the dam at the Supreme Court since that was said, but 7 years ago, in a case dealing with the budget authority of the Congress, the Synar case, challenging the authority of Gramm-Rudman-Hollings, Judge Scalia said the ultimate judgment regarding the Constitutionality of a delegation must not be made on the basis of the scope of the power alone, but on the basis of its scope, plus the specificity of the standards that govern its exercise.

So the broader the scope, the more specific the standards must be, the more precise and rational they may be.

There is no question here that the scope of delegation is immense. It is huge. So the guidelines have to be fairly precise. So let us ask ourselves then what guidelines, what conditions, do we impose, would the gentleman from New York [Mr. SOLOMON], impose upon the President when he chooses to use this power that he would give the President.

First of all, his bill says that the rescission must reduce the deficit or must reduce the debt or limit discretionary spending. That is tautological. Any sort of cut is going to reduce the deficit or reduce spending. So this is not a standard at all.

□ 1720

That is not a standard because any kind of cut will result in a deficit reduction or a reduction in discretionary spending. Then he says, the rescission must not impair essential governmental functions or harm the national interest. We all know those standards are so broad that they are literally empty, totally subjective. And the President can fill them out any way he chooses to. So this is not, consequently, a delegation. It is an abdication. It is an abdication of power to the President and an abdication, in my opinion, of our duty to uphold and defend the Constitution.

If we want to add a line-item veto to the President's powers, this broad, enormous grant of authority, then there is a way to do it, a right way to do it: Amend the Constitution. Let us not pass a bill that will not pass constitutional muster.

Mr. SOLOMON. Mr. Chairman, I wish I had time to tell the gentleman why the American law division does not agree with him. Ours is constitutional.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MICHEL], who Members on both sides of the aisle agree is one of the most respected Members ever to serve in this body. We are going to miss you, BOB.

Mr. MICHEL. Mr. Chairman, I rise today in strong support of the amendment before us to H.R. 4600, cosponsored by the gentleman from New York and myself, the only legislative line item veto proposal that will be voted on today.

Masters of redundancy that we are, we are being asked to vote on the base proposal which is identical to legislation that was debated on April 28 and 29 last year and has received no action in the other body. This exercise in congressional deja vu comes down to one question: Do we really want a true legislative line-item veto. If we do, we must support the proposal offered by the gentleman from New York [Mr. SOLOMON] and myself.

Our substitute calls for two-thirds of those Houses to override the President's decision to rescind wasteful and unnecessary spending. H.R. 4600, on the other hand, only speeds up the process that is already in current law. Furthermore, it limits this additional rescission procedure to the 103d Congress. What a farce.

Supporters of H.R. 4600 argue that their approach provides an ironclad up or down vote on the Presidential rescissions sent to Congress under this procedure. That sounds very inspiring. I am really deeply moved, but let us face it, folks. We all know that a special rule can be adopted by the House to preempt that rescission procedure. And if such a rule can be adopted, it will be adopted.

Let me also mention that H.R. 4600 does not contain my proposal that allows the President to veto special interest tax breaks in large revenue measures. But remember, the House overwhelmingly approved my provision to deal with that problem by a vote of 257 to 157 during our first debate on the issue, by 100 votes. At that time, due to procedural maneuvering, I was allowed to offer my tax amendment only to the Republican substitute line-item veto and not to the base bill.

This year both the Solomon-Michel and Stenholm amendments have incorporated this tax proposal.

In conclusion, let me just remind Members that Mark Twain once said, "Always do right. This will gratify some people and astonish the rest."

So let us gratify the people and astonish ourselves by doing the right thing by voting for the Solomon-Michel substitute. It allows the President to rescind unnecessary and wasteful spending and to veto targeted tax benefits that benefit only a particular taxpayer or limited class of taxpayers. The rescissions and vetoes stand unless overridden by two-thirds majority in each House.

This is a substantial and useful tool to control spending. Many Governors have it in one form or another today.

Let us give this same tool to the President. It will be a step in restoring the confidence of the people in this institution.

Mr. DERRICK. Mr. Chairman, I yield myself 4 minutes.

The committee ought to reject the Stenholm-Penny-Kasich amendment, for several reasons. First, it is simply too broad in terms of timing. The amendment would allow a President potentially to set our agenda by letting him propose rescissions subject to expedited consideration at any time, not just within 3 days after signing an appropriations act.

Mr. Chairman, do we really want to give a President the power to force us to set aside other legislation to consider and vote on his rescission proposals, on a timetable selected by him? Under the Stenholm amendment it would be possible for a President to inundate us with rescissions so as to force us to vote on rescissions, day after day. As long as he did not re-use a rescission, he could literally submit one a day all year long.

By comparison, the committee bill requires a President to decide, within 3 days of signing an appropriations bill, what items in each bill he wanted to rescind, and submit those items to Congress as a package for an up-or-down vote.

This is certainly more akin to a true line-item veto than the Stenholm amendment, under which a President could tie up the appropriations committees and the House and Senate to his heart's content.

Second, and just as disturbing, by allowing the President to propose rescissions for expedited consideration at any time, Congress would give the President a very powerful weapon to use against individual Members to extort votes for more spending, or other concessions, that might not well serve the public interest.

For example, the President could threaten to rescind key spending projects in a Member's district, meritorious or not, unless the member voted for the President's favorite project or program.

A President could say to a Member "I'll send up a bill to rescind your new $20 million courthouse unless you vote for my $20 billion space station."

We heard testimony in my subcommittee in the last Congress that Governors can use a line-item veto power not only to reduce spending, but also to increase spending when it suits them. Clearly the Stenholm amendment offers that potential much more so than the committee bill.

Third, unlike the committee bill, the Stenholm amendment contains no expedited procedures for the consideration of a congressional alternative to the President's rescissions. These procedures were devised last year to ensure that giving a President a modified line-item veto will not just give him another tool with which to promote his brand of spending over ours.

Of course, the Rules Committee could always report a rule to provide for the separate consideration of an alternative rescission bill. But under the committee bill the alternative could be considered along with the President's bill in an efficient, orderly process. Under the Stenholm amendment, it could not.

Finally, the Stenholm amendment would make the new procedure permanent. Even if the Stenholm amendment did not have these other flaws, it ought to be temporary rather than permanent. The committee bill is temporary to force Congress to review the experiment and decide, consciously, if it wants it to endure. The same principles that make a sunset provision on a new or existing Federal program attractive and desirable certainly apply here, and for the same reasons.

Mr. Chairman, I urge all Members to oppose the Stenholm amendment and support the committee bill. The committee bill will give the President the tools he needs to sift out low-priority spending without giving him the power to dictate our agenda or to pressure Members to vote for other initiatives. It does the greatest amount of good for the least amount of harm, and it deserves our support.

□ 1730

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

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Wilmington, DE [Mr. CASTLE], an outstanding example of a Governor who did not abuse the line-item veto.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me, and for his balanced energy on this issue, and on the issue in the Committee on Rules as well.

Mr. Chairman, I have never been involved in anything quite like this in my history of involvement in government. I do not know if it is unique here. It is pretty rare, at least, that we are considering the same legislation that we have passed which has not been considered by the Senate.

If I have to pick one thing we have done in this body in the last 2 years that I would say we should do again, it is this particular bill with these particular amendments, because I do not think there is anything that could help balance our budget faster, and I do not think there is anything on which I would like to see more votes than on this. I basically, as a matter of fact, am going to be able to vote yes on budget items right down the line here, probably, maybe for the first time I have been here.

The original H.R. 4600 of the gentleman from South Carolina [Mr. SPRATT] is watered down, but I think, nonetheless, can be supported. The document of the gentleman from Texas

[Mr. STENHOLM] is remarkably improved in the enhanced expedited rescissions, but it is true that the Solomon-Michel amendment is the one that I think we should support, the true line-item veto.

Mr. Chairman, budgeting at the Federal Government level is extraordinarily complex. We authorize, we appropriate, we use base lines, we use budget caps. We have an entitlement commission. it is very hard to figure out everything that we are doing. It is as complex as anybody has ever dealt with.

The simplicity of the line-item veto I think is clear to every American who has ever paid any attention to budgets. It is so simple that the President will take a pen and draw a line through it and initial it and return it to this body. When this body has to override it, then it goes back to the President again for a vote, and then it would take a two-thirds vote, so essentially the burden would be upon this body to do this.

This has worked. It has worked throughout the United States of America, and I think that it can work here. Unfortunately, Mr. Chairman, the Stenholm amendment and the Spratt resolution, the original bills, would allow the House to operate and the Senate to operate with doing very little. The line-item veto would force us to step forward.

Forty-three Governors have a line-item veto. I have never heard a complaint from any State about that line-item veto. In fact, more and more States keep adopting it. I would encourage all of us to adopt the line-item veto, to vote for that if we vote for nothing else today.

Mr. SOLOMON. Mr. Chairman, there are six cosponsors of this amendment, and we have heard from one, the former Governor of Delaware.

I yield 2 minutes to another, the gentleman from Hamburg, NY, [Mr. JACK QUINN] who is very out front with his support of this amendment.

Mr. QUINN. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

Mr. Chairman, I rise in strong support today for the Michel-Solomon substitute amendment—the real line-item veto.

One year ago, this House considered H.R. 1578 the same expedited rescission bill. One year ago, I joined with my colleagues, Mr. BLUTE and Mr. CASTLE, to try and give President Clinton what he asked for in his campaign: the real line-item veto. On April 29, 1992, Bill Clinton said "I strongly support the line-item veto because I believe we need to get Federal spending under control."

What he got last year, Mr. Chairman, was a watered down substitute. Today the Michel-Solomon amendment is very similar to the amendment we offered a year ago—but with improvements. It is the real thing, Mr. Chairman.

Eighty percent of the people in this country want a line item veto. Forty three of our Nation's Governors have it—and the President should have it too. This is not a political issue—it is a budget issue, and, it is and, should be, a bipartisan issue.

I stand here today with my colleagues as a freshman from the minority party. We joined together to give the President, who is from the majority party, this much needed fiscal reform. It does not matter if you have a "D," "R," or an "I" next to your name. If you support fiscal responsibility and real reform of Congress you should vote for the line item veto.

I understand that the House is trying to send a message to the Senate on the importance of this legislation. I would like to remind all the members of the message the American people sent to both bodies of Congress in the Fall of 1992.

The message was change. We may have heard the cries for reform—but have we listened?

The choice we have before us today is clear. A line-item veto that represents real reform. Or, this Congress can once again pass a toothless reform bill that cheats the American people who desperately want reform.

I urge my colleagues to choose the real thing. Choose the line-item veto and support the Michel-Solomon amendment. Let us get wasteful Federal spending under control, let us help the President, and let us make Congress balance its checkbook.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Shrewsbury, MA [Mr. BLUTE], one of the six cosponsors of this amendment.

Mr. BLUTE. Mr. Chairman, I thank my friend and colleague, the gentleman from New York, for yielding time to me.

Mr. Chairman, today we revisit an issue that should have been decided long ago, giving the President of the United States a true line-item veto authority.

Mr. Chairman, as I stand here today it seems like deja vu, in that we had almost the exact same debate last year. But I welcome this opportunity to again debate—and hopefully this time, pass—the true line-item veto.

The Solomon/Michel substitute is the proposal that we will vote on here today which will have the most impact on out-of-control Federal spending—because, unlike the other amendments, it gives the President the ability to maintain cuts without the approval of Congress. This is the key element to the success of the line-item veto, because it is unlikely that Congress will vote to override unless the President proposes a truly egregious cut. Mr. Chairman, this may put some Members of Congress in an uncomfortable position, but frankly, Congress deserves to be in that position, because it has put America under a mountain of debt and shown no significant signs of dealing with the huge yearly deficits that are slowly but surely weakening our economy.

We all know that the need for permanent reform is clear. In 1960 our total Federal budget comprised 18 percent of our gross national product. By 1990 that percentage had risen to 23 percent. This trend is truly ominous, especially in light of our $4.6 trillion debt, and the true line-item veto is one way to help reverse this trend.

If anyone has doubts about the efficacy of a line-item veto let me just cite a few facts. In the 10 States that have an item-reduction veto, which allows the reduction of a line item and not strictly the elimination, Governors were able to cut the rate of spending by 2.7 percent every 2 years. Also, spending in those 10 States was found to be 14 percent lower than in the States that do not have any line item authority.

Mr. Chairman, I urge my colleagues to support the Solomon-Michel amendment, the true line-item veto.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in strong support of the Stenholm-Penny-Kasich amendment to the Expedited Rescissions Act of 1994.

First, I would like to commend the House leadership for bringing this important legislation to the floor of the House. I have supported expedited rescission since coming to Congress. In fact, a very similar proposal is included in title V of my "Comprehensive Budget Process Reform Act," which I introduced in the 102d Congress and at the beginning of the 103d Congress.

There has been a great deal of publicity recently about the A-to-Z proposal. The goal of A-to-Z is to open up the budget process, to allow unlimited opportunities to offer spending cut amendments. With respect to discretionary spending, I would like to commend the House leadership for recently allowing an open rule on spending cut amendments for the last 11 appropriations bills. This far exceeded the thrust of the A-to-Z petition, which was limited to cutting fiscal 1994 spending.

I believe that not only should each Member of Congress have and opportunity to propose spending cuts, but the President should also have such an opportunity to propose reductions in spending. The Expedited Rescissions Act which we are voting on today would be a significant step forward in this regard. Quite simply, it would force the House and Senate to vote on Presidential requests to rescind specific items of spending.

I also commend my colleagues, Representatives STENHOLM, PENNY, and KASICH, for offering their amendment. This is a bipartisan effort to improve and perfect the bill before us. Let me explain these improvements.

First, this amendment would make the expedited rescission procedure permanent. Expedited rescission is a much needed change,

and should not be limited to the current Congress, as H.R. 4600 does.

Second, the Stenholm-Penny-Kasich amendment allows Presidential rescission messages to be sent at any time during the year, rather than only allowing them immediately after the signing of appropriations bills. This ensures that the administration will be able to make a more careful evaluation of spending that has been approved by Congress, prior to any proposals to rescind.

Third, the amendment makes a number of more technical changes. For example, the amendment allows 50 House Members or 15 Senators to request a vote to strike an individual rescission from the President's proposed rescission package.

Finally, the amendment extends the special rescission procedures to allow Presidential proposals to repeal targeted tax benefits in revenue bills. This is a very important change, allowing consideration of special interest provisions inserted in large revenue bills. I would even suggest that we also include contracting authority within the enhanced rescission authority to be given the President under this bill. If the President had authority to request rescission of appropriations, tax expenditures, and contracting authority, he would have the mechanism to request reduction of all types of Government spending.

In conclusion, I believe these changes are important modifications to the bill on the floor. I urge this body to approve the Stenholm/Penny/Kasich amendment.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 2 minutes remaining.

Mr. SOLOMON. Mr. Chairman, I guess we are being charged for a minute of time that my good friend, the gentleman from Florida [Mr. HUTTO] had used.

Mr. DERRICK. Mr. Chairman, I would be delighted to yield an additional minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. If the gentleman is so good as to do that, I yield the remainder of our time, my 2 minutes plus the 1 minute given by the gentleman from South Carolina [Mr. DERRICK], to one of the most distinguished Members of the House, the gentleman from Shelbyville, TN [Mr. COOPER], who is a strong supporter and cosponsor of the true line-item veto, to sum up for our side.

The CHAIRMAN. The gentleman from Tennessee [Mr. COOPER] is recognized for 3 minutes.

□ 1740

Mr. COOPER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, today the House of Representatives has for the second time in this Congress the opportunity to consider fundamental and far-reaching budget reform, the real line-item veto. The Michel-Solomon amendment should be passed by this House. This is not and should not be a partisan issue. It is ironic that many of my colleagues on the Republican side of the aisle who often criticize our President today want to give him more power. It is also ironic that many of my friends on the Democratic side who praise our President are keeping his hands tied. As has been noted, 43 Governors have this power. It works. It works well. Our President needs this power.

When Governor Clinton campaigned for office, he asked for this power. One quotation has already been read from his remarks, but in his book "Putting People First," on page 25, which is widely circulated around the Nation, it said, "Line-item veto. To eliminate pork-barrel projects and to cut Government waste, we will ask Congress to give the President the line-item veto."

Mr. Chairman, that book did not say expedited rescission, it did not say modified line-item veto. It said line-item veto. Candidate Clinton was right. Presidents do need this power. Presidents get the blame. Presidents need the power to do something about it.

Mr. Chairman, having served under three Presidents, Presidents Reagan, Bush, and Clinton, I have felt that all three Presidents needed and deserved this power. I am for the real line-item veto because the President with the aid of only one-third plus one in the House can uphold the cut. That is maximum cutting power. That is a very sharp blade when it comes to cutting.

Under the Stenholm-Penny-Kasich expedited-rescission approach, the President would need a simple majority, a half plus one of either House, to uphold a cut. That is still new cutting power, but it is a much duller blade. We have had decades of bias in this country in favor of pork-barrel spending. I think it is high time that the bias should be against pork-barrel spending. The sad fact is that it is so easy to load up a bill with pork. It is relatively easy to get majority support, but it is hard to load it up so high that it can get supermajority support. Our President needs the power to root out pork, he needs the power to stop logrolling. Forty-three Governors know that it works, including former Governor Clinton.

The mere threat of a line-item veto can keep pork out of a bill. The GAO has estimated that as much as $12 billion could be saved annually using this device. There is no estimate so far as I know as to what the expedited rescission would do. My guess is it would be less, far less in cutting power.

The House should pass the real line-item veto tonight and force the Senate to act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON] as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

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

RECORDED VOTE

Mr. DERRICK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 218, not voting 16, as follows:

[Roll No. 327]

AYES—205

Allard	Gillmor	Molinari
Andrews (NJ)	Gilman	Moorhead
Archer	Gingrich	Morella
Armey	Goodlatte	Myers
Bacchus (FL)	Goodling	Nussle
Bachus (AL)	Goss	Orton
Baesler	Grams	Oxley
Baker (CA)	Grandy	Packard
Baker (LA)	Greenwood	Pallone
Ballenger	Gunderson	Parker
Barca	Hall (TX)	Paxon
Barcia	Hancock	Penny
Barrett (NE)	Hansen	Peterson (MN)
Barrett (WI)	Hastert	Petri
Bartlett	Hayes	Pombo
Barton	Hefley	Porter
Bateman	Herger	Portman
Bentley	Hobson	Poshard
Bereuter	Hoekstra	Pryce (OH)
Bilirakis	Hoke	Quinn
Bliley	Holden	Ramstad
Blute	Horn	Ravenel
Boehlert	Houghton	Regula
Boehner	Huffington	Ridge
Bonilla	Hunter	Roberts
Bunning	Hutchinson	Rogers
Burton	Hyde	Rohrabacher
Buyer	Inglis	Ros-Lehtinen
Callahan	Inhofe	Roth
Calvert	Istook	Roukema
Camp	Johnson (CT)	Royce
Canady	Johnson, Sam	Santorum
Cantwell	Kasich	Saxton
Castle	Kim	Schaefer
Clinger	King	Schenk
Coble	Kingston	Schiff
Collins (GA)	Klug	Sensenbrenner
Combest	Knollenberg	Shaw
Condit	Kolbe	Shays
Cooper	Kyl	Shuster
Coppersmith	Lazio	Skeen
Cox	Leach	Smith (MI)
Crane	Levy	Smith (NJ)
Crapo	Lewis (CA)	Smith (OR)
Cunningham	Lewis (FL)	Smith (TX)
Deal	Lewis (KY)	Snowe
DeLay	Lightfoot	Solomon
Deutsch	Linder	Spence
Diaz-Balart	Livingston	Stearns
Dickey	Lucas	Stump
Doolittle	Machtley	Sundquist
Dornan	Mann	Swett
Dreier	Manzullo	Talent
Duncan	Mazzoli	Tauzin
Dunn	McCandless	Taylor (NC)
Ehlers	McCollum	Thomas (CA)
Emerson	McCrery	Torkildsen
Everett	McDade	Upton
Ewing	McHale	Vucanovich
Fawell	McHugh	Walker
Fingerhut	McInnis	Walsh
Fish	McKeon	Weldon
Fowler	McMillan	Wilson
Franks (CT)	Meehan	Wolf
Franks (NJ)	Meyers	Young (AK)
Gallegly	Mica	Young (FL)
Gekas	Michel	Zimmer
Geren	Miller (FL)	
Gilchrest	Minge	

NOES—218

Abercrombie	Bevill	Browder
Ackerman	Bilbray	Brown (CA)
Andrews (ME)	Blackwell	Brown (FL)
Andrews (TX)	Bonior	Brown (OH)
Applegate	Borski	Bryant
Barlow	Boucher	Byrne
Becerra	Brewster	Cardin
Beilenson	Brooks	Chapman

Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
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
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Berman
Bishop
Carr
Faleomavaega (AS)
Fields (TX)
Ford (MI)
Gallo
Hefner
McCurdy
Obey
Quillen
Slattery
Thomas (WY)
Underwood (GU)
Washington
Zeliff

□ 1803

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The Chair would like to advise Members of the further proceedings.

The pending business is the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM]. The gentleman from Texas has 9 minutes remaining, and the opposition, controlled by the gentleman from South Carolina [Mr. DERRICK], has 14 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

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

Mr. Chairman, I rise in support of the Stenholm-Penny-Kasich substitute to the expedited Rescission Act. While I prefer the Solomon-Michel substitute, the Stenholm-Penny-Kasich proposal is an improvement over current law and is a better proposal than the Spratt bill, in my view.

The sponsors of this amendment have been leaders in this House on the important issue of budget reform.

Mr. Chairman, the Stenholm proposal contains a number of improvements over the Spratt bill. First, the Stenholm proposal grants permanent authority for the President to submit rescissions to Congress. The authority under the Spratt bill would vanish in just a few months.

Second, the Stenholm bill allows the President to devote the savings to deficit reduction and prevents Congress from reallocating the funding.

Third, the Stenholm bill allows for votes on individual rescissions rather than bundling all of the rescissions into one all-or-nothing vote on the entire package of rescissions.

Fourth, the Stenholm bill allows the President to submit rescissions any time after an appropriation bill is enacted rather than limiting the President's timeframe to 3 days.

I hope the people will join with me and vote for the Stenholm amendment.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

□ 1810

Mrs. KENNELLY. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM], the Stenholm substitute. The notion of expending rescission authority on targeted tax benefits is misguided, to say the least, in my opinion. While the opponents of this amendment talk about giving the President the ability to strike favors for individual taxpayers, the impact of this amendment—the opponents of this bill talk about this substitute as having the ability to give the President the power to strike individual tax favors to people across these United States. As a member, a 10-year member, of the Committee on Ways and Means, I have not seen too many of those individual amendments in the last 2 to 3 years, and I have to tell the Members and be very clear with the Members that this amendment is actually far broader than is being proposed.

What is a targeted tax benefit? I say to my colleagues, "Well, when you think about it, a targeted tax benefit is virtually every provision in the code with the exception of tax rates. Every other provision in the Internal Revenue Code which does not apply to all taxpayers across the board is a targeted tax benefit. Therefore, any change to the tax code can be construed as being a targeted tax credit and would be subject to rescission under the substitute."

For example, Mr. Chairman, would my colleagues say that in the home mortgage interest deduction, a deduction very important to the people of these United States and, in fact, very important to the homeowners of the people of the United States, is a targeted tax benefit because it does not benefit all Americans? Let us remember many people are renters, and they would not be eligible.

Would my colleagues say that the earned income tax credit that some of us are very proud of that passed in the last budget resolution is a targeted tax benefit? After all, only the working poor, those of moderate income, qualify.

Are these provisions abusive? I certainly do not think so, and I do not think many of the Members of this body think so. This provision is nothing more than flatly an abrogation of congressional authority to the executive branch.

As I serve here in this body and am so proud to serve here, we have some very difficult days, but what I always hand on to, what I always can believe in, is that we are the body of the people, and the Constitution made us the body of the people. Our forefathers said we are the ones who will represent the people of these United States. And this substitute takes away power from the body of the people and gives it to the executive branch.

I know this provision only applies to tax bills sent to the President, but that does not mitigate the delegation of authority to the executive branch. I believe the only thing that will be achieved by the passage of this amendment is increased taxpayers' cynicism, and that is something we certainly do not need any more of.

When we make a mistake, and there has been occasion when the Committee on Ways and Means has made a mistake in drafting a provision, people expect us to fix it, and when we find a program that is not working or a program that encourages fraud, people expect us to fix it, and we have an obligation to correct the code under the Constitution of the United States. This provision will make these kinds of changes much more difficult.

When the Committee on Ways and Means contemplates tax policy changes, we establish an effective date. That is so all taxpayers will notice and will not be caught in the middle of a transaction. We still are a capitalist government that does rely on business

transactions. To the extent these dates can be deleted or rescinded as a result of this provision, we are going to see an amazing increase in litigation as taxpayers argue about whether transactions are governed by old and new law.

Mr. Chairman, I can understand that because of the lateness of the day Members do not understand the importance of this. I only hope they look at it and vote "no" on this substitute.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], a most able and capable advocate of the last amendment.

Mr. SOLOMON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM]. And I want to thank the 205 Members of the House, including 32 good Democrats, who supported the Solomon amendment a few minutes ago. I want to thank the gentleman from Texas [Mr. STENHOLM] because he promised a fair fight. It was a fair fight. My side lost by a swing vote of only 6 votes. Next year we are going to win it. But this year the only major differences between us is this:

I require a two-thirds vote in Congress. That is true line-item veto. The Stenholm substitute requires a majority vote to override the President. That is the real difference. Either way it is going to result in some deficit reduction because the savings, if any, will go to deficit reduction, not new spending.

Mr. Chairman, that is why I am going to support the amendment offered by the gentleman from Texas [Mr. STENHOLM], and I hope everybody else here does.

Mr. DERRICK. Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY], an original cosponsor and author of this amendment.

Mr. PENNY. Mr. Chairman, I strongly urge support for the Stenholm-Penny-Kasich substitute. This substitute represents several improvements over the Spratt bill.

First of all, Mr. Chairman, our proposal applies to both appropriations and targeted tax benefits while the Spratt bill is restricted only to appropriations. In addition, the President and Congress under our approach would be able to designate the savings from the rescinded funds to deficit reduction. Third, our proposal allows expedited rescission to occur at any time instead of just the 3-day window after an appropriations bill is passed. Finally, our proposal permanently strengthens the rescission process instead of extending it only through the end of this legislative session, as is the case with the Spratt proposal. It is also important to stress that, unlike the amendment offered by the gentleman from New York [Mr. SOLOMON] which was just rejected by the Congress, we do not require a situation in which the President would be successful unless there is a two-thirds override within the Congress. We allow the President's proposed rescissions to be accepted or rejected by a majority vote.

The bottom line, however, is that we require a vote within a relatively limited timeframe. We require that the President's rescission package, having been sent to committee, would be then brought back to the House floor and voted up or down in a limited timeframe.

There are reasons for strengthening the rescission process. Expedited rescission authority would certainly provide the President and the Congress with a stronger tool to reduce the budget deficit. According to a 1992 GAO report, Mr. Chairman, another $70 billion could have been rescinded between 1984 and 1989 if Congress had approved all of the rescissions submitted by the President. Under current law Congress can kill a rescission by simply refusing to bring it to a vote. The magnitude of the deficit crisis should compel us to at least consider every option for cuts that is presented to us by the President.

Under the Stenholm-Penny-Kasich plan, Mr. Chairman, we guarantee that that vote will occur. In addition, expedited rescission authority has greater potential for significant deficit reduction if it is expanded to also include targeted benefits. One of the biggest criticisms of the current expedited rescission process is that it does not include these tax expenditures. Under the Stenholm-Penny-Kasich plan tax items would be included.

Fundamentally we need common sense budget reform at the national level. It is absurd to the American public that in Congress baselines do not represent a freeze on spending. Baselines allow for continuing increases in spending levels. It is nonsense to the American public that in Congress cuts are not cuts. We kill a program, but the money stays in the budget to be spent somewhere else.

□ 1820

It is nonsense to the American public that in Congress cuts are not cuts. We kill a program, but the money stays in the program to be spent somewhere else. It is nonsense to the American public that emergencies are not emergencies. Every time we pass a bill to deal with a natural disaster for one portion or another, we lard it up with pork-barrel spending, and that does not make sense to the American public.

We want to take the budgeting nonsense out of the way we do work in Washington. We want cuts to be cuts. We want the process to make sense. We want to give the President the authority to succeed when he suggests rescissions to the Congress. We want to end the spending bias and put the bias in favor of reducing the deficit.

Under current law, dating from the creation of the Budget Act in 1974, Presidential rescissions automatically expire unless approved by Congress. Like the Spratt bill, our amendment establishes an expedited rescission process whereby the Congress must vote on rescissions submitted by the President. However, we propose a number of changes to the Spratt bill to strengthen this new enhanced rescission process.

First, our amendment grants the President the option of earmarking savings from proposed rescissions to deficit reduction rather than new spending. Second, the President would be able to single out newly enacted targeted tax benefits as well as appropriated items. Third, the amendment allows the President to submit a rescission package for expedited consideration at any point in the year. Fourth, unlike the Spratt bill which establishes enhanced rescission authority for just the remainder of the 103d Congress, the Stenholm-Penny-Kasich amendment permanently extends this new rescission authority. Finally, our amendment provides for separate votes on individual items in a rescission package.

In part, what we attempt to accomplish with this amendment is to alter the prospending bias that exists today in the Congress. According to the General Accounting Office [GAO], just one in three individual rescissions, representing only 30 percent of the total dollar volume of all rescissions, submitted by Presidents since the creation of the Budget Act in 1974 has been enacted. If Presidential rescission messages must be voted on rather than ignored, more wasteful spending will be identified and ultimately extracted from the Federal budget.

The amendment we offer today is a well crafted and modest attempt to inject accountability into the budget process while making the current Presidential rescission authority meaningful. The changes our amendment makes to the underlying bill strengthen and enhance the objective of the author, Mr. SPRATT, and I urge a strong and overwhelmingly vote in support of the amendment.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I would like to follow up on what the gentlewoman from Connecticut [Mrs. KENNELLY] had to say. Just to give you an example, it is very, very difficult for me to believe how the people's House, a body of legislators constitued against the king, this is the commons against the king, and you want to side with the royalists. We have fought since the Magna Carta, from the time of the Magna Carta, to increase the power of the people, and we sit here in 1994 and say we are going to give it back to the royalists? We are going to give it back to the king?

In the last Congress we balanced the request by the executive branch to extend the research development tax credit for major corporations with the provision for low-income-housing tax

credit. If you pass this, you allow the royalists to take care of the corporations and take the benefit away from the poor. This is a matter of the commons versus the king. It is a matter of the people of the United States, the people we represent, against the new royalists. Defeat this amendment.

Mr. STENHOLM. Mr. Chairman, I yield the balance of our time, 4 minutes, to the gentleman from Ohio [Mr. KASICH], another original cosponsor and hard worker on this approach.

Mr. KASICH. Mr. Chairman, I want to thank the gentleman from Texas for yielding, and say that this, we think is the start of good things to come with the gentleman from Texas [Mr. STENHOLM] and the gentleman from Minnesota [Mr. PENNY] in a true bipartisan effort, to bring some dramatic change to the way things are done in this country.

Initially, I want to direct my comments to my Republican colleagues who have been very frustrated with the fact that for the past 2 years we have been voting on enhanced rescission bills that we have felt have been toothless.

In fact, last year we made a number of arguments that we said represented a toothless bill on this House floor. They were essentially four in nature.

One was we said that the expedited rescission authority, in other words, the nearly line-item veto, will only last for 6 months. We permanently extend the authority in this provision.

We said it only applies to appropriation bills, unlike the Solomon-Michel bill. We have now included the tax benefits that we read about the next day after the Committee on Ways and Means brings a foot high bill to this floor that has a lot of sweeteners for people to vote for.

We said there was no guarantee that the savings would go to deficit reduction. Under this bill, the President can designate the savings for deficit reduction.

Finally, it has such a limited window for cuts. Under this bill, the expedited rescission, or the essential line-item veto, can be used at any time.

This, ladies and gentleman of the House, represents the most significant movement on trying to control the deficit through the use of the line-item veto that we have voted on and have a chance to pass in this House since I have been a Member of this House. This is precisely what the American people have been calling for, and under this provision, If the President wants to slice the pork out of a bill, he sends that bill up here to the House of Representatives and we must vote. And if at least 50 plus 1 Member say we agree with you, it is pork, we zero out that program. And if in fact these provisions had been made into law starting all the way back in 1984, between 1984 and 1989, we could have cut $70 billion worth of programs that the Presidents of both parties have felt do not make sense.

I would suggest to those people who have fought long and hard for the line-item veto, a constitutional line-item veto, we should still push for it. We should still work for it. But this comes as close as any bill that has been voted on this floor that has an excellent chance of passing, that gives us something right along the lines of the line-item veto, that will permit the President to make cuts in programs, within categories of programs, to send those targeted cuts to this House floor, and we then must vote. And if 50 plus 1 Member agrees, we get rid of the pork.

The gentleman from Minnesota [Mr. PENNY] referred to the pork that is put in these emergency appropriation bills. If we can find that pork, if the President agrees, if he sends it up here, we will vote on it. Under current law, we do not vote. The way in which they let the pork flow through is we just never have a vote. This will force a vote. It will bring real change.

Finally, as you can see, in absence of this kind of legislation, only 31 percent of the rescission requests, only 31 percent of the cuts that the Executive has made since 1984, have been enacted. Sixty-nine percent of them have never been acted upon. And if this House of Representatives was forced to vote on the President's reductions in spending, if in fact we only needed 50 percent plus 1 Member, we would be in a position of having the opportunity to pass 69 percent more in cuts.

I urge the Members to send the message across this country that we want a line-item veto, that we want to control spending, and that STENHOLM, PENNY, and KASICH are on the right track. Let us give a giant vote and send a message to the other body that we want some fiscal responsibility in this country.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. The gentleman's comments would lead you to believe that we were derelict in our responsibilities. In fact, we did not rescind every dime requested of us by the President, but we actually rescinded more than we were asked to, by $20 billion, since the Budget Act of 1974 was enacted.

The gentleman would have us believe that the only way we could accommodate the need to rescind spending or use the euphemism we use for line-item veto, is to accommodate the executive branch. The point is, we went beyond the executive branch. We rescinded more money by some $20 billion during that time frame.

This is not a question of whether we save money. It is a question of whether the Congress reasserts its priorities under the Constitution.

The bottom line is the public has been served. We have rescinded some $92 billion. We were asked to rescind $72 billion.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Let me follow up on what the gentleman from Ohio [Mr. KASICH] just said by saying first of all, there are parts of this amendment that I support, I like, and I think they are improvements upon the base bill that I sponsored. But there is one particular part that I particularly disagree with, and it cuts against the grain of the gentleman's argument.

The gentleman says with this bill, with this amendment, we are going to be able to do a great deal more on the rescission requests sent up here by the President.

One of the things this bill opens up is the opportunity for us to unpack the package that the President sends down here. Because whereas in our bill, the base bill, you would have to vote on the President's request as he sends it, in your bill, on the petition of 15 Members, you can break out individual items. That means Members from large States and powerful members of powerful committees will be able to pick pieces out of this and ensure the President does not get a full all-up vote on the proposal or package he sends up here, and I think that is a weakness in this proposal.

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

Mr. Chairman, I have a great deal of respect for the gentleman from Texas [Mr. STENHOLM].

We all want to cut the budget, at least we think we do, and the American people certainly want it cut.

□ 1830

I have heard mentioned all afternoon that 43 Governors have some form of line-item veto. My Governor of South Carolina is one of them. Very seldom does a Governor of one of these States use a line-item veto to reduce spending. Most of the time they use it for their own pet projects.

When Presidents complain that their vetoes are not strong enough, they forget that 93 percent of all Presidential vetoes in history have been sustained. So neither one of these arguments holds water; we are not going to see some miraculous cutting of the deficit if we pass the Stenholm amendment or the bill.

There is only one way we are going to do what the gentleman from Texas [Mr. STENHOLM] ultimately wants to do and what we all want to do. We either spend less or take in more. That is how to balance a budget. There are no quick fixes. This will not be a quick fix.

Mr. Chairman, the Stenholm amendment has serious flaws. The committee

bill is a better product, for the reasons I stated earlier. I ask the Members to vote against the Stenholm amendment and support the committee bill.

The CHAIRMAN. All time has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 298, noes 121, not voting 20, as follows:

[Roll No. 328]

AYES—298

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fingerhut
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thornton
Thurman
Torkildsen
Torricelli
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—121

Abercrombie
Ackerman
Applegate
Becerra
Beilenson
Bevill
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
DeLauro
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gonzalez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hoyer
Jefferson
Johnson, E. B.
Kanjorski
Kennelly
Klink
Kopetski
Lewis (GA)
Lipinski
Lowey
Manton
Markey
Matsui
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickle
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Scott
Serrano
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Whitten
Woolsey
Yates

NOT VOTING—20

Berman
Burton
Calvert
Carr
Faleomavaega (AS)
Fields (TX)
Fish
Ford (MI)
Gallo
Hefner
McCurdy
Murtha
Obey
Quillen
Slattery
Thomas (WY)
Underwood (GU)
Washington
Wheat
Zeliff

□ 1851

Messrs. BREWSTER, RANGEL, and HINCHEY, and Mrs. LOWEY changed their vote from "aye" to "no."

Ms. SLAUGHTER and Messrs. DICKS, PETERSON of Florida, RICHARDSON, and COX changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. DE LA GARZA, 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. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, pursuant to House Resolution 467, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 342, noes 69, not voting 23, as follows:

[Roll No. 329]

AYES—342

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Frank (MA)
Franks (CT)
Franks (NJ)
Frost

Furse
Gallegly
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—69

Abercrombie
Applegate
Becerra
Beilenson
Bevill
Borski
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Dellums
Dixon
Edwards (CA)
Engel
Evans
Filner
Gephardt
Gibbons
Gonzalez
Hamburg
Hastings
Hilliard
Jefferson
Kanjorski
Kennelly
Klink
Kopetski
Lewis (GA)
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Mink
Mollohan
Moran
Nadler
Oberstar
Owens
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Smith (IA)
Stark
Swift
Synar
Torres
Towns
Traficant
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Woolsey
Yates

NOT VOTING—23

Berman
Blackwell
Bonior
Burton
Calvert
Cardin
Carr
Fields (TX)
Fish
Ford (MI)
Ford (TN)
Fowler
Gallo
Hefner
McCurdy
Murtha
Obey
Quillen
Slattery
Thomas (WY)
Washington
Wheat
Zeliff

□ 1911

Mrs. KENNELLY, Mr. RUSH, and Mr. DIXON changed their vote from "aye" to "no."

Mr. OLVER changed his 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

Mrs. FOWLER. Mr. Speaker, on rollcall No. 329, I was unable to vote due to family obligations back home. Had I been present, I would have voted "yes" on final passage on H.R. 4600.

PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during votes on H.R. 4600 on July 14, 1994. Had I been here, I would have voted in favor of the Solomon amendment (Roll No. 327); in favor of the Stenholm amendment (Roll No. 328); and in favor of final passage of H.R. 4600 (Roll No. 329).

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, on Thursday, July 14, I was en route to Wyoming to attend a hearing on the administration's rangeland reform initiative and I was unable to make several votes that afternoon. Had I been present, I would have voted "aye" on rollcall No. 327, the only true line-item veto—the Solomon substitute. After that failed, I would have voted "aye" on rollcall No. 328, the Stenholm substitute. Upon the passage of Stenholm, I would have voted "aye" on rollcall No. 329, final passage.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 467 and H.R. 4600, the bill just considered and passed.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 15, 1994, TO FILE REPORT TO ACCOMPANY H.R. 3838, THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs have until midnight on Friday, July 15, 1994, to file a report to accompany H.R. 3838, the Housing and Community Development Act of 1994.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3937) entitled the "Export Administration Act of 1994". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes, with fifteen minutes equally divided and controlled by the chairman and ranking member of the Committee on Foreign Affairs, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on on Ways and Means, and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4663. That amendment in the nature of a substitute shall be considered by title rather than by section, and each title shall be considered as read. All points of order against that amendment in the nature

of a substitute are waived. No amendment directly or indirectly changing section 111(c)(2)(B)(iii), 111(d)(4)(F), 111(e)(3), or 226(b)(8) of the amendment in the nature of a substitute made in order as original text shall be in order. No amendment affecting the subject of timber shall be in order. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution only in the order printed. Each amendment printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. Except as provided in section 2 of this resolution, no other amendment (other than a further amendment in the nature of a substitute) may directly or indirectly change a portion of the amendment in the nature of a substitute made in order as original text addressed by an amendment printed in the report. Except as provided in section 3, no other amendment to the amendment in the nature of a substitute made in order as original text shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the commencement of consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment finally adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order immediately after the disposition of the amendments printed in the report of the Committee on Rules accompanying this resolution to consider additional amendments directly or indirectly changing a portion of the amendment in the nature of a substitute made in order as original text addressed by an amendment printed in the report of the Committee on Rules, if offered by a Member designated jointly by the chairman and ranking minority member of the Committee on Foreign Affairs and the chairman and ranking minority member of the Committee on Armed Services. All points of order against such additional amendments are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Foreign Affairs or a designee to offer amendments en bloc consisting of amendments otherwise in order to the amendment in the nature of a substitute made in order as original text or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, 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. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendment en bloc.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, export control laws are designed to keep potentially dangerous technologies out of the hands of nations that threaten the entire international community.

H.R. 3937 takes a major step forward in export control policy by shifting our focus from an outdated cold war framework to the new threat posed by the proliferation of weapons of mass destruction.

This is an important issue and an important bill and I urge my colleagues to support it.

Mr. Speaker, House Resolution 474 is a modified open rule for consideration of H.R. 3937, the Export Administration Act of 1994.

The rule provides a total of 90 minutes of general debate to be divided between the six committees with jurisdiction over the bill.

The rule makes in order the text of H.R. 4663 as an original bill for the purpose of amendment. This compromise text represents an agreement between the various committees of jurisdiction.

Under the rule, this compromise bill would be open to amendment at any point, with two exceptions:

First, the rule does not allow amendments on the sections of the bill reported by the Ways and Means Committee—these provisions deal with sanctions.

Second, the rule prohibits amendments affecting the subject of timber.

The Rules Committee felt it best to leave undisturbed the timber provisions reported by the Foreign Affairs Committee, and consequently, consciously chose the very broad language of this prohibition.

The use of the word affecting reflects a judgment that the rule should foreclose not only amendments making explicit references to timber per se, but also amendments that have effects on timber different from those proposed in the original—text substitute that was derived from the product of committee deliberations.

The rule also requires that all amendments be printed in the CONGRESSIONAL RECORD prior to consideration of the bill.

The rule establishes an orderly procedure for consideration of the matters in dispute between the Foreign Affairs Committee and the Armed Services Committee. The rule provides for the consideration of the Dellums and Hamilton amendments under a king-of-the-hill procedure.

If the matters in disagreement are resolved, the rule allows the bipartisan leadership of the two committees to offer an en bloc amendment consisting of the compromise text.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule, and I urge my colleagues to support it.

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Mr. SOLOMON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Bellevue, WA [Ms. DUNN].

Ms. DUNN. Mr. Speaker, I rise in support of the bill for the Export Administration Act and ask my colleagues on both sides of the aisle to support this rule.

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

Mr. Speaker, may I say that the gentleman from Tennessee has done a good job in explaining one of the most complicated rules to come before the House in a long time.

I hope that Members will not oppose this rule, because it represents the best that could be done under the difficult circumstances that surround the bill.

Mr. Speaker, the Export Administration Act has always presented difficulties on the floor of the House because it is an extraordinarily important statute which happens also to be highly technical in nature and something that does not lend itself to superficial analysis or debate.

The Export Administration Act sets forth the policies, procedures, and institutional oversight concerning the export of so-called dual-use items—civilian products, commodities, or technologies that have potential for military applications.

In controlling the export of such dual-use items, an appropriate balance must be struck between the absolute imperative of protecting the security of the country and the legitimate needs of the U.S. community to remain competitive in international markets.

It might be said that this rule has to strike a balance, too.

And without repeating everything that was said by the gentleman from Tennessee, I would like to comment on at least one of its most important aspects.

Members are aware that the Committees on Foreign Affairs and Armed

Services have taken sharply divergent positions on the question of which Federal department should have primary responsibility for handling the export licensing review process—indeed, this is one of the most important issues affecting the entire bill.

The rule now before us seeks to settle this controversy by means of a king-of-the-hill procedure.

First, the House will have a 60-minute debate and a vote on a package of en bloc amendments to be presented by the Committee on Armed Services.

Then, the House will have a 60-minute debate and a vote on a package of amendments to be presented by the Committee on Foreign Affairs.

Mr. Speaker, the important thing is this: Every Member will have the chance to cast a clean-cut vote—up or down—on the Armed Services proposals that make the Defense Department a co-equal partner with the Commerce Department in handling the export licensing review process.

If the Armed Services amendment passes and the Foreign Affairs amendment does not, the bill will be substantially improved.

Indeed, I believe that the uncertainties of the times and the complexity of modern technology argue for greater participation by the Defense Department, not less.

But if the House chooses to pass both the Armed Services and the Foreign Affairs amendments, the net effect will be to move the bill at least some distance away from its present position that favors the Commerce Department so decisively.

In any event, the rule provides us with a means of sorting out these questions—and for that reason I can forgo my usual opposition to king-of-the-hill procedures.

Mr. Speaker, it must also be pointed out that the rule provides the Committees on Armed Services and Foreign Affairs with the right to offer a compromise amendment on export licensing if they can somehow work out their differences.

In addition, I believe it is worth noting that the rule does not—repeat, does not—impose any time limit on the consideration of amendments under the 5-minute rule.

So long as amendments are germane and have been printed in the CONGRESSIONAL RECORD prior to consideration of the bill, there is no time limit placed on their consideration under the regular 5-minute rule.

Mr. Speaker, I would like to spend the rest of my time addressing the specific concerns I have concerning the bill this rule makes in order.

H.R. 3937, as reported by the Committee on Foreign Affairs, represents a fundamental shift in the way America will seek to control the export of dual-use items.

The single most important element in this bill is the establishment of a statutory relationship or integration between U.S. policies on the export of dual-use items and the policies maintained by the multilateral export control regimes of which the United States is a member.

In other words, from here on out, our Government will be relying almost exclusively on a multilateral approach for the establishment and enforcement of export control policies.

This causes me great concern, Mr. Speaker, especially when I observe the performance of an administration that seems to view multilateral organizations as a substitute for U.S. leadership—instead of places where America must lead.

Many of the provisions in this bill will have to be subject to further multilateral negotiations before they can be implemented, and they will have to be reinforced constantly and consistently in order to be effective thereafter.

Is the Clinton administration up to this kind of challenge? Frankly, I doubt it.

One need only look at the floundering attempts to establish a new consultative organization among the major Western industrial democracies to see that a multilateral approach to export controls, as envisioned in this bill, is the equivalent of hanging out a fire sale sign.

Then there is the whole issue I mentioned earlier: The question of which Federal department should be the lead agency in this new process.

This bill would give the Commerce Department almost exclusive control, and that really alarms me.

During the 1980's, I found the Export Licensing Office at Commerce to be a shoestring operation more suited for a Charles Dickens story than for keeping up with the analytical demands imposed by modern technology and the multitude of dangerous places to which such technology can be diverted.

Does the Commerce Department have the qualified personnel, the data base, the technical infrastructure and, most importantly, the commitment to undertake these new responsibilities? Frankly, I doubt that too.

In short, Mr. Speaker, I seriously question whether our Government presently has either the political will or the administrative know-how to make good on the multilateral approach to export controls that this bill sets up.

Our country has already fought one war against a dictatorship that managed to arm itself with military aid and dual-use technology from Western sources.

And unless Members think the United States can afford to conduct another operation Desert Storm any time soon, they had better take another look at this bill.

Mr. Speaker, I have grave reservations about much that is contained in this bill.

But debate in the House must go forward. I hope Members will not oppose this rule, which was put together in a very painstaking process in order to be fair to all committees involved.

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994—JULY 12, 1994

1. Highest vote wins on King-Of-The-Hill—(Vote: Defeated 4–5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Gordon. Not voting: Frost, Hall, Wheat, Slaughter.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

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

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

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

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A		
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti-Redlining in Ins	N/A		

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

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for yielding a generous amount of time.

This is an extraordinarily important issue which I will bring before the House to the people of the Pacific Northwest and indeed to the people of America, goes to the future of our forest resources and the future of the lumber and sawmill industry in the Northwest. I had intended to offer a totally germane amendment to the Export Administration Act pertaining to the export of raw logs, finding there was a critical short supply of raw logs in the Pacific Northwest and at that point directing the Secretary of Commerce, as the law provides, to restrict such export.

This, as the gentleman said, is a very complicated rule. It is the most unusual and discriminatory rule I have seen in my years in the House. It is, as the gentleman from Indiana [Mr. HAMILTON] requested, nearly an open rule with the exception of the complicated amendments for DOD. It is an open rule with one exception. This rule says that no amendment relating to the subject of timber shall be in order. That is quite unusual, to say the best. The intent of that rule and the intent of that gag order is to keep me and some other interested Members from offering an amendment to stop exporting our logs overseas while we close mills in this country.

Mr. Speaker, in the Pacific Northwest we have 434 sawmills, and we are the timber breadbasket of the world. We are the timber breadbasket of the world. Strangely enough, in Japan, where they do not harvest a single tree, 16,000 sawmills are operating, and they are operating principally with logs exported from the Pacific Northwest. The price of lumber, as we heard earlier, has gone up dramatically. We need to deal with the situation.

The Japanese allow our logs in without restriction, without barrier, without tariff, but our more efficient sawmills are not allowed by tariff and nontariff barriers to bring their lumber and sawmill products, their processed products, their manufactured products, products that are employing working Americans into their country. My colleagues will hear later how there is a great effort to get our lumber products into Japan. We are sending less lumber products into Japan today than we did in 1989.

Are we going to keep acting like a colony? Are we going to keep giving them the logs, or are we going to stand up for the industrial interests and working people of this country?

This is a rare moment. This is a moment where labor and environmental groups stand together. They both wish to see this amendment voted upon.

I do not know what the concern is, why after I submitted testimony to the Committee on Rules, no one testified against the open rule, no one testified against my proposed amendment, but strangely enough these words appear in this rule: No amendment regarding timber. Why is it that some powerful interests in this House are afraid of having a vote on this issue. I ask,

Don't they think they can win this issue? Don't they think they can make the argument that timber isn't in short supply in the Pacific Northwest? Don't they think they can make the argument that the Japanese are great trading partners and we should keep giving them our logs and keep letting them discriminate against our finished products?

Of course not. It is absurd. They would be laughed out of here. People would want to stand up, for once, for America and for our resources.

I would like to insert into the RECORD a letter from a mill owner in my district who previously opposed restrictions on these log exports and now exports them and is operating only today with logs purchased off export docks in Washington State because the Japanese are in a recession, and their market is down, and, as soon as their market goes back up, his mill will close along with dozens of other mills in the Pacific Northwest.

I would urge my colleagues to oppose this rule. I particularly urge my Republican colleagues who normally oppose restrictive rules to be consistent and oppose this rule. This is a gag order. One subject and one subject only will not come before this House, an important subject, whether or not the United States will be an industrial nation and will stand up to the unfair trade practices of Japan and whether or not we will husband these resources and put Americans to work.

This is not an issue of small wood lot owners. It is an interest of the largest log exporting corporation in America. Those small wood lot owners would come out whole if we kept these logs, and the price of stumpage will never come down again. We are headed toward an indefinite shortage of logs. There will be no harvest on Federal lands for the indefinite future. They will make money beyond their wildest dreams of a few years ago. So, this is not going to disadvantage small wood lot owners, but it will disadvantage some very powerful log exporting interests, and it will disadvantage the Japanese and their restrictive barriers against our finished wood products.

MAY 9, 1994.

Congressman PETER DEFAZIO,
Longworth House Office Building,
Washington, DC.

DEAR PETER: As I have told you several times in the past, I am philosophically opposed to the limitation of log exports. I also felt that the type of logs being exported were not the kind we could use and I also thought that the exporting companies would not sell their logs to us but would withhold them from the market.

I was wrong on all counts. We have been existing almost entirely on export quality logs purchased from the exporters since last July when the export market crashed. We would have been all through by now if this hadn't happened. The size and quality of logs has been similar to what we had been buying on Government sales and the price we paid has allowed us to operate at a profit.

We realize that this is a short term phenomena and when ever the Japanese decide to return to the market it will be all over.

I have read your proposed legislation and I agree it is something that is sorely needed to tide us over until some sense can be returned to the Federal timber sale program. I still think that the ultimate solution lies in a sensible sale of Public timber on a sustained yield basis.

In the interim, you have my full support on your proposed bill.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], our minority whip.

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Mr. GINGRICH. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I just want to report to the House it is my understanding, checking with our wise colleagues on our side on the Committee on Rules, that on all of the basic, substantive matters in which, for example, the Committee on Armed Services asked for a very broad range of amendments to be made in order, they were made in order.

I just wanted to say to my colleague from Oregon [Mr. KOPETSKI], that if at any time we had ever had his help in voting against any of the gag rules and restrictive rules which we had opposed, I would be sympathetic. In this case I suggest to you this is a good educational experience for you. You might in the future join us in voting for open rules, but I would urge all of my colleagues to vote "yes" tonight.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I would like to commend the gentleman from Georgia for his very artful statement.

I just want to stand up here and tell you a little bit about log exports in the Pacific Northwest. I want to make sure that all my colleagues know a couple major facts:

This Congress has passed restrictions so that all Federal logs off of our Federal lands stay at home. And a few years ago, under the leadership of the gentleman from Washington [Mr. SWIFT] and the members of the Washington-Oregon delegation, we passed a second law that said all of our State logs stay at home.

We basically said that all public logs off of public lands will stay home and be available to the industries of the Northwest. We drew the line there because we felt that the private property owners, the small wood lot owners of the Northwest who own this property and have one chance every 50 years or so to harvest it, had a right to sell it where they could make the most money. I mean, this is a basic private property right.

I think we as a Congress should not get into the middle of this. We have got a whole short supply legislation. It is already on the books. It is very carefully drawn, so that when the Secretary of Commerce gets a petition, he holds a hearing, he hears all the evidence.

What the gentleman from Oregon [Mr. DEFAZIO] is doing is prejudging the entire matter. He is saying that there is not to be any weighing of the evidence, there is not to be any hearings, there is not to be any administrative hearing, to determine whether in fact there is a requirement for this to be imposed. He just imposes it.

That is why the entire Northwest delegation, I believe, opposes what the gentleman is attempting to do here today.

I think the rule is a good rule. I think the rule should be supported by the House. The gentleman from Connecticut [Mr. GEJDENSON] was the one who felt very strongly that he did not want this issue to entangle his bill. We have got to get this Export Administration Act legislation through the Congress. There are some very important legislative provisions in the bill.

So I want to say again to my colleagues, we have restricted all public logs. We have kept those at home. We have made a judgment that private logs, the private landowner, ought to be able to export those logs, if that is where the best market is.

I think, frankly, what the gentleman from Oregon [Mr. DEFAZIO] does almost violates GATT, because in a sense, what it does is subsidize some of the mills in his area. What he wants to do, frankly, to get it right down on the table, is take logs from Washington State and move them down to Oregon. If I were in his shoes, I would probably be doing the same thing. But we would just like to keep our logs where they are and let our little wood lot owners and some of our major companies export them, if that is what they want. I hope that they keep a lot of those logs at home.

In fact, when you look at the facts, when they cut down an area, about 50 percent of it is exported, and 50 percent of it goes to these little mills that the gentleman from Oregon [Mr. DEFAZIO] says he wants to help.

So they are benefited by the fact that a Weyerhauser is exporting. Because when they export, they also provide logs to the local mills, because only 50 percent of it is exported. The other 50 percent stays at home.

So I would urge the House to stay with the Northwest delegation and support the Committee on Rules, and protect private property rights again. This will be the test vote on whether you are for private property or not in this session of Congress.

Thank you very much.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GILMAN] the ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of H.R. 3937, the rule, and I want to join my colleague and friend from New York [Mr. SOLOMON] in supporting H. Res. 474, providing 90 minutes of debate and a preprinting requirement of H.R. 3937, the Export Administration Act of 1994.

Mr. Speaker, this rule provides time for a discussion of EAA issues by all committees with a jurisdictional interest in this legislation including Foreign Affairs, Armed Services, Judiciary, Public Works and Transportation, Ways and Means, and Intelligence.

It also makes in order two omnibus amendments from the Armed Services Committee and the Foreign Affairs Committee on the interagency process in controlling exports. As such, it provides both our committees with ample time to present their alternative approaches to reforming the present antiquated export control system.

The bill we bring before you today enjoys bipartisan support and represents a good faith effort on the part of the many members of our committee to compromise their differences between proponents of license liberalization and advocates of greater national security controls.

Some of the provisions in the bill reported out of the Foreign Affairs Committee have prompted our colleagues on the Armed Services Committee to propose an omnibus amendment that would greatly expand the role of the Secretary of Defense in the licensing and listmaking process, in some instances at the expense of State Department and other agencies.

In an effort to bridge our differences with this committee over the role of the Departments of Defense and Energy in the export licensing process, I have actively participated in a process leading to a Foreign Affairs Committee substitute which narrows the key differences between our two committees.

I stand ready to continue these efforts with my colleagues on both committees with the goal of ensuring a compromise effort that overhauls and streamlines our licensing system without compromising our national security or foreign policy interests.

I urge my colleagues to support the rule for this important legislation.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, this is, as the gentleman from Oregon [Mr. DEFAZIO] says, this is an issue that really should be roundly debated and should be voted on by this House.

Now, we allow the Japanese to buy our raw products, to buy our logs, to buy our wood chips, when the Japanese totally deny us access to their markets. It is absolutely crazy for us to continue to do this.

It is environmentally unsound for us to continue to do this. In my district, the Japanese are buying an immense amount of hardwood chips, which brings immense pressure on the forests. And, unlike what the gentleman from Washington [Mr. DICKS] said, the forests in Texas, the public lands, are not protected from exports. Hardwood off the public lands, off the four National Forests in my district, are currently being exported to Japan, and Japan does not allow us to bid on one ton of paper, one package of plywood, or one board foot to lumber. That is extremely important.

I would further like to say, and I think it is the real crux of the matter, the major timber companies of the Northwest closed their mills, they blamed the spotted owl, and then they sent their logs to Japan. It is an unspeakably stupid situation that Americans have placed themselves in.

Mr. DICKS. Mr. Speaker will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would just correct the record. I mean, most of our major companies have not shut down. There have been some small independent companies that have shut down, and that is a big pain and very difficult thing for me to accept. That is why we have kept the public logs at home off of our State lands to try and help them out.

Mr. WILSON. Mr. Speaker, reclaiming my time, that is only in the west. That is not in Texas. I have been unable to get that provision added. But my district is full of small independent mills that have come there because of shortage of timber from your district, or from the Northwest.

I would also like to say that the gentleman from Washington has represented this as being an issue on which the Northwest delegation is totally united. I would point out that certainly the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Montana [Mr. WILLIAMS] would represent the Northwest as well, and certainly they are not together on this.

But the important thing is that we blame the spotted owl, we blame environmental concerns, for the shortage of timber, for the shortage of jobs. And at the same time we do that, we are exporting an enormous amount of raw timber to Japan, who will not give us access to their markets. Therefore, I oppose this rule.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

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

As the gentleman from Texas just said, there is far from unanimity among northwestern Members of Congress. I am in opposition to this rule and its exclusion of a discussion regarding logging exports. Quite frankly, I was surprised to see that out of all the commodities that are affected by this legislation, only timber was selected out for the gag order. I certainly have to ask why that gag was put forward and I hope my inquiry will produce a plausible explanation.

Could it be that the managers of the ultimate legislation are not aware of the constant controversy that surrounds timber harvest in the Pacific Northwest? Could it be that there is someone out there or even more importantly in here that does not know that large timber corporations are squeezing out independent mill operators and doing it through exports and underbidding for sales of Federal timber? Have some folks not heard that the Japanese are hoarding our raw logs in their harbors at the same time that they are trying to reform America's timber management policies?

Could it be that some of our colleagues do not know that more than twice as many jobs are created in the manufacturing and processing of wood products compared to the number of jobs associated with the export of American logs?

Perhaps some Members of the House do not understand that the injustice and the tragedy of the northwest timber crisis does not fall just on the land and the despoiling of the land, but in the small towns and small mills that suffer now as a result of earlier administration policies which ratcheted up timber harvesting at levels which simply cannot be sustained and which were in violation of United States law.

It seems to me that the only winner on the silencing of the very real interests facing my State and the West is the large timber corporate interests that want us to set conservation policy on the needs of their bottom line.

And so I call, as does the gentleman from Oregon [Mr. DEFAZIO], for at least the opportunity to present the case that the majority of our constituents urge us to make.

If my colleagues are unaware of the timber problems out West, the floor of the House is an excellent place to get that information. I urge my colleagues to reject this rule and remove the gag on our concerns about the continued

exporting of American raw logs to the countries of the eastern rim.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this unfair rule and urge my colleagues to vote it down. This rule makes every amendment in order except the one offered by the gentleman from Oregon [Mr. DEFAZIO], dealing with timber exports. We can and should defeat it and tell the Committee on Rules to come back with a truly open rule. It seems to me that if we want to do an open rule, let us do an open rule. If we want to do a closed rule, let us do a closed rule. But let us not do a rule which is wide open with the exception of one issue which is of great importance to one section of our country and to millions of our citizens.

Mr. DEFAZIO's amendment is an eminently sensible one. It will allow us to deal with the antieconomic and antienvironmental practice of exporting our timber as raw logs, rather than creating jobs by processing them here at home. This amendment protects both workers and the environment. And I should tell my New England colleagues that the problem it deals with is not just in the Pacific Northwest—it is a growing problem for us in the northeast as well.

More and more logs, especially of valuable hardwoods, are being exported from New England to Europe, Japan, and to Third World countries. Timber industry workers in Vermont have told us how logs are being shipped across the border to Canada, and then returning to us as processed wood products—undercutting their jobs. It is time to stop this. It is time for us to stand up to the big timber companies and tell them to stop exporting American forests and American jobs.

I urge the Members of this body to support fair trade, to support environmental protection, and to support American workers. Vote "no" on this rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I, too, am very disturbed that the DeFazio amendment was not allowed to be made in order under this rule. We had an opportunity to address the concerns of the economy in California and elsewhere in the country by reducing the price of timber or lumber to the home building industry and to others and to address the question of workers in the northwest and to realize what this country has done in trying to settle the northwest dispute and bringing the settlement of that onto Federal lands which would reduce the cut and, therefore, we were hoping that some of the private companies would assist us in putting that timber onto the market so that those mills could stay open in Oregon and Washington. And we could realize the benefits elsewhere in the country in lower lumber prices.

This is good for the home builders. It is good for the real estate industry. It is good for the carpenters. It is good for the laborers and people who work in that field. It is good for the people who are trying to find jobs in small mills, and it is very good for the American economy.

But unfortunately, it was not allowed in. We should vote against this rule for that reason. As has already been pointed out here, this is the only commodity, the only subject matter of this entire bill where we can offer no amendment, no discussion of this, because of the nature of this closed rule. It ought to be voted against. The minority leader ought to vote with me because I have supported open rules all the time. I have been on the floor under an open rule longer than any member in history.

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

We have had a very interesting discussion here about open rules. It sounds like we will have more support for open rules from the other side, which is terrific. The subject of this, however, really goes beyond just the timber discussion.

I think to get back to what this rule is about and the complexity of the subject here, we have got a major confrontation between national security and free enterprise. They came into conflict. We have six committees of jurisdiction and we have three executive agencies out there. We have the Department of Defense squaring off against Commerce and the State Department refereeing. This is a very complicated subject. This debate has gone on a long time. It is going to go on a lot longer.

I think that the Committee on Rules has crafted as good a rule as was possible. I am not sure of all of the ins and outs of the timber problem. I am sorry for the concern. Now Members know how we feel quite often over here.

I do urge my colleagues on our side of the aisle, because of the overriding concerns on national security and the need to get rid of unnecessary entanglements to profitable enterprise, to support this rule so we can get on with general debate and the amendments.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, in conclusion, let me just say this is a bipartisan modified open rule with broad support.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER (Mr. HASTINGS). The question is on the resolution.

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

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 188, nays 157, not voting 89, as follows:

[Roll No. 330]

YEAS—188

Abercrombie	Grams	Pallone
Ackerman	Hamilton	Pastor
Andrews (NJ)	Harman	Paxon
Armey	Hastert	Peterson (FL)
Bacchus (FL)	Hefley	Pickett
Bachus (AL)	Hoagland	Pickle
Baesler	Hobson	Portman
Barrett (NE)	Hochbrueckner	Price (NC)
Bartlett	Hoyer	Pryce (OH)
Bateman	Hunter	Quinn
Becerra	Hutto	Reed
Beilenson	Inglis	Regula
Bereuter	Inslee	Reynolds
Bevill	Istook	Roberts
Bilirakis	Jacobs	Rogers
Bishop	Johnson (CT)	Rohrabacher
Bonior	Johnson, E. B.	Rose
Boucher	Johnston	Roth
Brewster	Kasich	Rowland
Brooks	Kildee	Roybal-Allard
Browder	Kingston	Royce
Brown (CA)	Klein	Sarpalius
Brown (FL)	Kolbe	Sawyer
Canady	Kopetski	Saxton
Cantwell	LaFalce	Schaefer
Chapman	Lambert	Schroeder
Clement	Lantos	Schumer
Collins (GA)	LaRocco	Sensenbrenner
Combest	Laughlin	Serrano
Cooper	Leach	Shaw
Coppersmith	Lehman	Shuster
Cramer	Linder	Sisisky
Crapo	Livingston	Skaggs
Darden	Long	Skeen
de la Garza	Lowey	Skelton
DeLay	Lucas	Slaughter
Dellums	Machtley	Smith (IA)
Derrick	Mann	Smith (NJ)
Dicks	Manton	Smith (TX)
Dixon	Manzullo	Spence
Dunn	Markey	Spratt
Edwards (CA)	Matsui	Stearns
Engel	Mazzoli	Stokes
Eshoo	McDade	Sundquist
Fawell	McDermott	Swift
Fazio	McHugh	Talent
Fields (LA)	McNulty	Tanner
Fingerhut	Meehan	Tejeda
Flake	Mfume	Thornton
Ford (TN)	Michel	Towns
Frank (MA)	Miller (FL)	Traficant
Franks (CT)	Mineta	Unsoeld
Frost	Moakley	Velazquez
Gejdenson	Molinari	Visclosky
Gephardt	Mollohan	Watt
Gibbons	Montgomery	Weldon
Gillmor	Morella	Whitten
Gilman	Myers	Wolf
Gingrich	Neal (MA)	Wyden
Glickman	Neal (NC)	Wynn
Goodlatte	Nussle	Young (AK)
Gordon	Ortiz	Zimmer
Goss	Packard	

NAYS—157

Allard	Barrett (WI)	Brown (OH)
Andrews (ME)	Bilbray	Bryant
Archer	Blackwell	Bunning
Baker (CA)	Bliley	Buyer
Ballenger	Blute	Byrne
Barca	Boehner	Callahan
Barcia	Bonilla	Camp
Barlow	Borski	Castle

Clayton	Horn	Peterson (MN)
Coble	Huffington	Pombo
Coleman	Hughes	Pomeroy
Collins (IL)	Hyde	Porter
Condit	Johnson (SD)	Poshard
Cox	Johnson, Sam	Rahall
Coyne	Kanjorski	Ramstad
Crane	Kaptur	Rangel
Deal	Kennedy	Ravenel
DeFazio	Kennelly	Richardson
DeLauro	Kim	Roemer
Deutsch	King	Ros-Lehtinen
Diaz-Balart	Klink	Roukema
Dingell	Knollenberg	Rush
Doolittle	Kreidler	Sanders
Dornan	Lazio	Santorum
Dreier	Levin	Schenk
Duncan	Levy	Scott
Durbin	Lewis (CA)	Shays
Ehlers	Lewis (GA)	Shepherd
Emerson	Lewis (KY)	Snowe
English	Lightfoot	Strickland
Evans	Maloney	Stump
Ewing	Margolies-Mezvinsky	Stupak
Farr	McCandless	Swett
Filner	McCloskey	Tauzin
Franks (NJ)	McHale	Taylor (MS)
Furse	McInnis	Taylor (NC)
Gekas	McKeon	Thomas (CA)
Gilchrest	McKinney	Thurman
Gonzalez	Meek	Torkildsen
Goodling	Menendez	Torres
Grandy	Miller (CA)	Torricelli
Gunderson	Minge	Tucker
Hall (TX)	Mink	Upton
Hamburg	Moorhead	Vento
Hancock	Nadler	Vucanovich
Hansen	Oberstar	Walker
Hastings	Olver	Waters
Hayes	Orton	Wheat
Herger	Payne (NJ)	Williams
Hinchey	Payne (VA)	Wise
Hoekstra	Pelosi	Woolsey
Hoke	Penny	Yates
Holden		

NOT VOTING—89

Andrews (TX)	Geren	Owens
Applegate	Green	Oxley
Baker (LA)	Greenwood	Parker
Barton	Gutierrez	Petri
Bentley	Hall (OH)	Quillen
Berman	Hefner	Ridge
Boehlert	Hilliard	Rostenkowski
Burton	Houghton	Sabo
Calvert	Hutchinson	Sangmeister
Cardin	Inhofe	Schiff
Carr	Jefferson	Sharp
Clay	Johnson (GA)	Slattery
Clinger	Kleczka	Smith (MI)
Clyburn	Klug	Smith (OR)
Collins (MI)	Kyl	Solomon
Conyers	Lancaster	Stark
Costello	Lewis (FL)	Stenholm
Cunningham	Lipinski	Studds
Danner	Lloyd	Synar
Dickey	Martinez	Thomas (WY)
Dooley	McCollum	Thompson
Edwards (TX)	McCrery	Valentine
Everett	McCurdy	Volkmer
Fields (TX)	McMillan	Walsh
Fish	Meyers	Washington
Foglietta	Mica	Waxman
Ford (MI)	Moran	Wilson
Fowler	Murphy	Young (FL)
Gallegly	Murtha	Zeliff
Gallo	Obey	

□ 2008

The Clerk announced the following pair:

On this vote.

Mr. Houghton for, with Mr. Calvert against.

Messrs. RICHARDSON, ORTON, McHALE, and HUGHES, Mrs. KENNELLY, Ms. PELOSI, and Mr. POMEROY changed their vote from "yea" to "nay."

Mr. ISTOOK changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOWLER. Mr. Speaker, on rollcall vote No. 330, I was unable to vote due to family obligations back home. Had I been present, I would have voted "no" on the Rule for H.R. 3937.

PERMISSION FOR MEMBERS TO SUBMIT ADDITIONAL AMENDMENTS TO H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that, notwithstanding any commencement of the consideration of H.R. 3937, Members may be permitted through the close of legislative business today to submit amendments for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII, and that each amendment so printed be considered to meet the preprinting requirement of House Resolution 474.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute that I might inquire of the distinguished majority leader the program for the balance of this week and for next week.

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

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there will be no additional votes today. There will be no votes tomorrow.

On Monday, the House will meet at noon. There will not be business.

□ 2010

On Tuesday and the balance of the week, the House will meet at 10:30 a.m. on Tuesday for morning hour. We will meet on five suspension bills which I believe the gentleman has in front of him; also, a motion to go to conference on the National Competitiveness Act; and the Intelligence Authorization for Fiscal Year 1995.

On Wednesday, July 20, and the balance of the week, the House will meet at 10 a.m. Wednesday, Thursday and Friday. We will be taking up the Export Administration Act, Anti-Redlining in Insurance Disclosure Act, Budget Control Act of 1994, California Desert Protection Act, Housing and Community Development Act, and the Environmental Technologies Act of 1994.

Members should expect votes on Tuesday at about 1 or 2 o'clock and on Friday up until 3 o'clock.

Mr. MICHEL. There is nothing in the program relative to the Oxford Debate. Is that still going forward on Wednesday?

Mr. GEPHARDT. It is my understanding that we will be finishing in time for the Oxford Debate on Wednesday night.

Mr. MICHEL. And would the gentleman volunteer any information on when we might be sending the Campaign Reform bill to conference?

Mr. GEPHARDT. We are hoping that that will happen imminently, maybe even next week.

Mr. MICHEL. Let me also inquire, there have been these stories that, well, if we slipped in our schedule, et cetera, et cetera, the August recess would be delayed. I think the gentleman and I have over a period of time talked about how pretty sacrosanct that is, particularly with families and their schedules and for vacations with their family.

I would just want to make the observation that if we have got a big workload to fulfill, I have no objection to our meeting late at night and, yes, meeting on, you know, Mondays or Fridays, if that is required in order to honor that commitment that we, I think, have made pretty much to all of our Members that on such and such a date we would be out of here for the regular summer recess that most members like to hold with their families.

Would the gentleman want to respond or make a comment on that at all?

Mr. GEPHARDT. Obviously everyone wants to make plans for that break, and we will do everything in our power to get that to happen. As the gentleman knows, we have major legislation coming before us in these 4 or 5 weeks, the health bill, the crime conference, the campaign reform conference, the lobby reform conference, and we hope to finish all of that business.

We are working very hard. I know Members on the other side of the aisle are working very hard on committees and in conferences to get these done. We are going to do everything we can to get them done before that break occurs.

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

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

Mr. DREIER. I thank the distinguished minority leader for yielding.

I simply would like to ask what we can expect on H.R. 3801, the congressional reform package which was debated here earlier today which we have

been told would be considered on the House floor before adjournment of the first session of the 103d Congress, then in early spring, early summer, and here we are into July. There are many Members who have been asking me to pursue this issue of congressional reform.

I know the gentleman from Indiana [Mr. HAMILTON] joins me in expressing concern about some of the reports we have gotten about the prospective breaking up of the package into bits rather than having an overall reform package.

Mr. GEPHARDT. If the gentleman will yield further, we are very concerned and interested in that set of legislation.

I cannot tell the gentleman exactly when it will come, but it will come hopefully in this period. Exactly how it will come up has not been fully discussed, considered and decided. But I understand the gentleman's view. I have heard him in other forums, and I know that he feels strongly, and others feel strongly. We are going to do our best to get that legislation out.

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

Mr. MICHEL. I yield to the distinguished whip on our side, the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the leader for yielding to me.

I want to ask my good friend, the gentleman from Missouri, clearly in about 3 or 4 weeks we are going to take up one of the most important, if not the most important, domestic legislation of this decade. I would hope you could reassure the House on two items. One is we would expect to have a reasonable length of time, and as you know a letter has been sent to you and the Speaker, asking for 10 legislative days to look at any health bill, but certainly some significant length of time for outside experts, for Members, for the country to know what is in the bill; and, secondly, we could agree well in advance on a rule which would ensure that if there was a bipartisan alternative that had broad-based support and that offered a different approach to solving the health problem, that would clearly be made in order in a fair way, and that we would have some sequence of votes that would allow Members to work their will on the floor.

I wonder if you could comment both on the notion of a long enough period of printing a fixed bill, again on both sides, and we recognize that everyone should have their plans on the table for a length of time to be reviewed, and then, second, some assurance on a rule which would genuinely place in order both a bipartisan alternative as well as the Clinton administration's bill.

Mr. GEPHARDT. I understand the comment.

We have received the letter, and my thought is that we will try to have an early meeting with the leadership on the other side to discuss a reasonable procedure.

Obviously some things cannot be finally decided now because we do not know which bills will be coming up. But we can begin to discuss that. I think it is an important moment for the House and an important moment for the country to have this considered in a way that people feel it is fair and all of the issues can be clearly debated and discussed in an informative way.

Mr. GINGRICH. I thank the leader.

Mr. MICHEL. I have two time questions.

On the Oxford Debate, what would be the time for that next Wednesday?

Mr. GEPHARDT. If the gentleman will yield, we obviously try to do this at a reasonable time. We will consult with the minority on what that time would be.

Mr. MICHEL. And the gentleman, in response to an earlier question, said he thought the campaign reform bill going to conference would be imminent. Would the gentleman define imminent?

Mr. GEPHARDT. If the gentleman will yield further, it could be sometime next week or the week after that. That is what we are aiming for.

Mr. MICHEL. We will use that definition for imminent in all things from here on.

I thank the distinguished gentleman.

HOUR OF MEETING ON MONDAY, JULY 18, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

EXPORT ADMINISTRATION ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3937.

□ 2018

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. 3937) entitled the "Export Administration Act of 1994," with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

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

The gentleman from Indiana [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN] will each be recognized for 7½ minutes; the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] will each be recognized for 7½ minutes; the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH] will each be recognized for 7½ minutes; the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] will each be recognized for 7½ minutes; the gentleman from Florida [Mr. GIBBONS] and the gentleman from New York [Mr. HOUGHTON] will each be recognized for 7½ minutes; and the gentleman form Oklahoma [Mr. MCCURDY] and the gentleman from Texas [Mr. COMBEST] will each be recognized for 7½ minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Chairman, I am pleased to rise in support of H.R. 3937, the Omnibus Export Administration Act of 1994, a bill that lays a new statutory foundation for our dual-use export control system. I request unanimous consent to revise and extend my remarks.

At the outset, I would like to compliment my colleague, Mr. ROTH, the ranking member of the Economic Policy, Trade and Environment Subcommittee, one of the leading architects of this bill, and the author of the first comprehensive export control reform bill introduced last year, the Commercial Export Administration Act of 1993.

The bill before us today is largely a reflection of his leadership in the complex area of export control policy.

The chairman of the subcommittee, Mr. GEJDENSON, and the distinguished chairman of the full Foreign Affairs Committee, Mr. HAMILTON, deserve no less credit for their key roles in shaping this legislation, moving it to the floor today and working with this Member in incorporating amendments to strengthen this bill.

At each successive stage of the legislative process, this bill has undergone extensive revisions and improvements to ensure that the bill's overhaul of the licensing process does not inadvertently jeopardize our national security.

As reported out of Foreign Affairs Committee on May 18 and as modified by the House Ways and Means and Intelligence Committees, the bill strikes a balance between our national security interests and our competitiveness objectives.

As technological advances have made existing unilateral controls and policies less effective, this bill encourages the upgrading and strengthening of existing multilateral control regimes to control the proliferation threats of the 1990's.

With the end of the cold war, it is time to reform our export control system to ensure that it not only meets the needs of our exporters, but also provides our policymakers with a sound framework on which to base an antiproliferation policy.

We also need to readjust our controls in light of the diminishing threats from the former Soviet bloc militaries and the emerging proliferation and terrorist threats in other areas of the world.

H.R. 3937 has two critical objectives. First, it shifts the focus of U.S. dual use export controls from cold war military threats to proliferation threats. It would strengthen the major nonproliferation export control regimes which play a critical role in containing the spread of the weapons of mass destruction.

Second, it adapts the export control system to today's more competitive international economy by ensuring that the system can expeditiously process export license applications.

In effect, we are putting up very high fences for any dual use commodities and technologies going to rogue regimes, such as Libya, North Korea, Iran, and Iraq. For other countries of concern, including China and Russia, there are safeguards against the export of goods or items that could be used in the production of weapons of mass destruction.

However, according to a recently released report of the General Accounting Office, the United States does not have an effective postshipment verification program in place to verify the proper use of nuclear-related items.

A Foreign Affairs Committee staff investigation has revealed similar problems for the monitoring of exports of missile-related goods to China.

I intend to offer an amendment to this bill that would further tighten our ability to monitor the use of these goods and items, especially in countries that are unable or unwilling to control the proliferation of these weapons.

The adoption of an effective end use reporting and monitoring system is a key element in the battle against proliferation.

Under the provisions of this bill, the President will be able to impose unilateral export controls that he determines are essential to U.S. national security and foreign policy interests.

It toughens U.S. antiterrorism policy by prohibiting any dual-use technology exports to terrorist countries; it prohibits the export of any item that an exporter knows would materially contribute to the development of a weapon of mass destruction in a country outside the nonproliferation regimes; it toughens our nonproliferation sanctions against countries that use chemical or biological weapons or missiles and against persons that export items in support of a weapon of mass destruction or missile program.

In its consideration of this legislation on May 18, the committee agreed to accept a package of amendments, which I offered, that protect our security interests in our unilateral control policies and strengthen the multilateral control regimes.

The amendments specifically: First, broadened the focus of controls to include terrorist threats to the United States or its allies; second, directed the United States to pursue efforts with its economic partners to establish a policy denying licenses for exports of goods that would directly contribute to acts of terrorism against them; third, required the Secretary of Commerce to evaluate the extent to which regime members have adopted uniform license and no-undercut policies; and fourth, mandated the assignment of an export control officer in key countries, such as China, to monitor the end use of all dual-use items.

Other amendments to the bill clarified the conditions under which a license free export regime could be created, established a workable procedure for Congress to review the proposed termination of unilateral export controls, and provided a set of benchmarks for the administration's policy of encouraging the Arab League to end the secondary Arab boycott.

Since the markup of this legislation, the House Intelligence Committee has unanimously voted to delete language requiring the decontrol of software with encryption capabilities and to substitute language in its place requiring a study of the impact of U.S. encryption export controls and the competitiveness of the U.S. computer software industry.

The incorporation of this study provision in the bill, in my view, satisfactorily resolves this issue by ensuring that the administration will maintain its ability to combat international terrorism, drug trafficking and other threats to our foreign policy interests.

A key remaining issue on this bill is the proper role of the Secretary of Defense in the licensing and the list-making process. In this regard, I would urge my colleagues to support the Foreign Affairs Committee's amendment, which takes into account the provisions in the proposed amendment of the Armed Services Committee.

It gives a key role to the President in drawing up a list of unilateral export controls and establishing a shared consultative role for five agencies, including the Defense Department, in the overall licensing process.

I would also draw the attention of my colleagues to an urgent multilateral export control problem that has not received sufficient attention inside this administration.

Deposit months of on-again and off-again negotiation, the administration appears no closer to reaching a clearly defined and enforceable agreement setting up a successor regime to CoCom. This multilateral Coordinating Committee controlled strategic exports to the former Soviet Union and other Communist States until March of this year.

Thus far, the administration appears to have made little headway in obtaining multiple, and often conflicting, goals in including conventional arms transfers in the new regime as well as the full participation of Russia and other former Communist countries.

While I do not intend to offer any amendments related to CoCom, I do want to stress the urgent need to recreate a successor regime where all members will have the same obligations concerning the export of weapons and major weapons systems to rogue regimes targeted in the bill, including Libya, Iran, Iraq, and North Korea.

Promises and half-hearted commitments will not take the place of sustained high-level diplomatic efforts needed to re-create a proliferation-oriented successor to CoCom.

The administration's failure to build on the CoCom Cooperation Forum, established under President Bush, together with its overly ambitious plans of including conventional arms transfers in the new CoCom, have prolonged the negotiations and led to confusion among our allies about our strategic objectives.

Notwithstanding my concerns about the administration's handling of negotiations with our allies regarding export controls, I believe this bill takes an important step in the right direction. Accordingly I urge its adoption.

□ 2020

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, the House today begins consideration of H.R. 3937, the Omnibus Export Administration Act of 1994. This legislation fundamentally reforms the Export Administration Act, the statutory basis for export controls on commercial goods and technology that also have potential military application.

The last time Congress looked at export controls in any serious way was in 1985. The world has changed dramatically since then, and this bill reforms our export controls to meet those changing conditions.

Let me make it clear that this bill covers the export of technology, not

the export of weapons. Arms exports are controlled under the Arms Export Control Act.

H.R. 3937 is important legislation. The present export control system was built to fight the cold war. The system of export licenses now in place was meant to keep sensitive technology from falling into the hands of our enemies, primarily the Soviet Union.

But the cold war is over and the Soviet Union is no more. Those to whom we denied exports of sensitive technology are no longer our enemies. They are now our markets.

The world, of course, is still a dangerous place. But new threats and new dangers have replaced the evil empire. Our concerns are no longer the military prowess of the Soviet. Our fear now is that weapons of mass destruction—or the means to produce or deliver them—will fall into the wrong hands in many corners of the globe.

H.R. 3937 addresses these new threats.

This bill also takes into account another major change from the cold war era. If you are an exporter, it's a competitive world out there. In the cold war, the United States and its allies dominated world markets and controlled key technologies. If we decided not to sell sensitive technology to certain countries, those countries didn't get the technology.

If we decide not to sell technology today, or if we are too slow processing the export license, we lose the sale—and the jobs.

This bill has one very important goal: to ensure that the United States doesn't pursue a go-it-alone export control strategy that hurts American exports and American workers without any benefit to our national security.

Let me outline briefly the key provisions of H.R. 3937.

First, it strengthens the multilateral export control regimes so that the United States doesn't go it alone in controlling the spread of weapons of mass destruction.

It creates incentives for countries to join the multilateral export control regimes and comply with their rules.

It links our own nonproliferation efforts more closely with the multilateral regimes, and requires the president to negotiate with our allies to improve the multilateral regimes and the export control systems of member countries.

Second, this bill shifts the focus of export controls to the new threats to our national security: proliferation.

It strengthens our ability to keep sensitive technology out of the wrong hands. It prohibits the export of any dual-use technology to terrorist countries. No item on international export control lists may be exported to Iran, Iraq, Syria, or North Korea. It also prohibits the export of any item if the exporter knows it could be used to develop weapons of mass destruction, and if it is going to a country that has not signed on to one of the control regimes. Those are tough provisions.

H.R. 3937 also toughens sanctions against countries that use chemical or biological weapons or missiles, and against anyone that exports items that will be used in nuclear, chemical, or biological weapons or missile programs.

In addition, it gives the President the authority to impose unilateral controls when they are needed to protect U.S. national security and foreign policy.

Third, while this bill is tough on proliferation, it also meets the concerns of U.S. exporters. Poorly conceived export controls often hit the wrong target. This bill streamlines the cumbersome export licensing bureaucracy and sets tight licensing deadlines. It scales back unilateral export controls that don't benefit U.S. national security.

Opponents of this legislation will tell you this bill goes too far in loosening our export controls. The only thing I can say is, they haven't read our bill. When it comes to the real security threats we face—the spread of weapons of mass destruction—this bill is tougher than existing law.

H.R. 3937 effectively balances U.S. security and economic interests. It gives the United States a badly needed new export control system, one that responds to new security threats while allowing U.S. exporters to respond to new economic opportunities.

H.R. 3937 protects U.S. national security. It improves our ability to control the spread of weapons of mass destruction.

It is not in our interest—and it does not serve U.S. national security—to keep in place an outdated, cumbersome export control system. Outdated export controls hurt U.S. exports and U.S. workers while doing nothing to benefit our security.

I urge my colleagues to support H.R. 3937.

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

Mr. BROWN of California. Mr. Chairman, I rise in strong support of H.R. 3937, the Export Administration Act of 1994. This measure affords us a historic opportunity to adjust the U.S. export control regime to reflect the new geopolitical realities of the post-cold-war era.

I applaud the combined efforts of the administration and the Committees on Foreign Affairs, Armed Services, and others to craft a bill that tailors export controls on U.S.-made productions to address legitimate threats to our national security. Rather than clinging to the lingering mindset of the cold war, we should recognize the dramatically different world in which we will live in the coming century and how our national policies must be adjusted to keep us strong.

Exports of the products of American ingenuity have become increasingly critical to our Nation's economic well-being, and therefore to our national security. In this new era, whose outlines we can only dimly perceive today, military power will not be enough to guarantee our security. We must also free our economic capacities from the hindrances that were once necessary to protect our freedom but have become relics of a bygone era.

While elements of our Government attempt to hang onto their former roles in the cold war, the economic pace necessary to compete in the world market has quickened. Especially in high technology industries like electronics, computers, and telecommunications, product cycles have moved from decades to years and even months. International and interdependent webs of designers, strategists, and manufacturers have made delays at the border untenable. Today, our standard of living depends on developing, attracting, and keeping industries in the United States that can shift gears rapidly and deploy their resources freely. In short, the economic world in which the Nation must now operate no longer allows for an export control regime left over from the cold war.

Our commercial sector, and its foreign customers, must be able to rely on export controls that are streamlined, can be applied consistently and predictably, and limit access to American products only to the extent necessary to actually accomplish legitimate national security objectives. Countries formerly closed to American industry now represent some of the most promising markets for our products, particularly those high technology industries like telecommunications that can help build sorely needed economic infrastructure.

While the bill makes great strides toward much-needed reforms, I am disappointed that some proposed changes were not accomplished. For example, language included in the bill reported by the Foreign Affairs Committee to put some commercial communications satellites under the Export Administration Act was dropped because of objections from another committee. Communications satellites represent a classic example of how export controls are sometimes used in a way that sacrifices significant U.S. economic interests without any improvement in our national security.

U.S. companies lead the world in the highly competitive communications satellite market. But we are slowly giving away this industry, which we created, to our foreign competitors by hamstringing our companies with export controls. Foreign buyers of United States satellites sometimes want to launch them into orbit on foreign launch vehicles, such as the Chinese Long March. When U.S. satellites contain certain electronic components or propulsion devices, they fall under munitions controls administered by the State Department. Even though such satellites have already been exported and launched under United States Government-approved technology transfer safeguards without any possibility of these components being removed or examined by the Chinese, the cold war bureaucracy refuses to allow these satellites to be treated as dual-use civilian products, rather than as munitions.

Despite the best efforts of the Foreign Affairs Committee and Congresswoman HARMAN, this unfortunate state of affairs will persist. Such satellites can still be exported once a State Department license is issued. However, foreign satellite builders use this situation as a means of convincing potential customers of U.S. satellite makers that they shouldn't buy U.S. satellites by arguing that

they could become hostage to a protracted, national security-oriented State Department regulatory process. I hope that Congress and the administration will work together to find a solution that ensures a quick, routine, and predictable approval process for the export of all U.S.-made satellites, with the application of already-proven technology transfer safeguards where necessary.

On an important related issue, I also want to recognize the legitimate concern of our emerging commercial launch industry and the adverse impact that nonmarket launch providers could have in the absence of launch trade agreements with quantity restraints and pricing standards. I would strongly oppose any statutory linkage between exports of U.S.-made satellites and these agreements. However, it may be prudent to address the need for strict enforcement of commercial launch trade agreements as part of any overall reform of our export control regime.

Mr. Chairman, I urge the passage of the bill.

Mr. HAMILTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. FROST) having assumed the chair, Mr. SERRANO, 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. 3937) entitled the Export Administration Act of 1994, had come to no resolution thereon.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE, SENATE AMENDMENTS TO THE BILL, H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. RANGEL. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 479) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

Resolved, That Senate amendment No. 104 to the bill H.R. 4539 making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. FROST). In the opinion of the Chair, the resolution constitutes a question of privileges of the House. The gentleman from New York [Mr. RANGEL] is recognized for 1 hour.

Without objection, the Chair will not divide the time.

There was no objection.

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

Mr. Speaker, House Resolution 479 is a simple resolution returning to the Senate the bill H.R. 4539, because it contravenes the constitutional requirement that revenue measures originate in the House of Representatives. H.R. 4539 contains a provision, added on the Senate floor, that would prohibit the Treasury from using appropriations to enforce the Internal Revenue Code requirement for the use of undyed diesel fuel in recreational motorboats.

This provision clearly constitutes a revenue measure in the constitutional sense, because it would have an immediate effect on revenues. Prohibiting the Treasury from enforcing the Internal Revenue Code's diesel fuel requirements would directly affect the amount of tax collected. In fact, the Joint Committee on Taxation has estimated that the provision would result in a loss of $41 million in Federal receipts over the fiscal year period of 1994 through 1999.

Therefore, I am asking that the House insist on its constitutional prerogatives. While the House, by adopting this resolution, will preserve its prerogative to originate revenue matters, I want to make it clear to all Members that our action does not constitute a rejection of the Senate bill on its merits. Our action today is merely procedural in nature. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and the Senate to add its amendments and seek a conference.

There are numerous precedents for taking the action I am requesting. For example, on October 21, 1988, the House passed House Resolution 604, returning to the Senate H.R. 1315, which would have imposed mandatory fees to finance a Federal uranium reclamation fund. On that same date, the House passed House Resolution 603, returning to the Senate S. 2097, which contained similar mandatory fees for a uranium reclamation fund. On June 15, 1989, the House passed House Resolution 177 returning to the Senate S. 774, which would have conferred tax-exempt status to two newly created corporations that otherwise would have been taxable entities. On October 22, 1991, the House passed House Resolution 251, returning to the Senate S. 1241, which would have made various changes to tax laws and would have had an immediate impact on revenues anticipated by the Internal Revenue Service.

□ 2030

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I rise in support of the privileged resolution offered by my colleague on the Ways and Means Committee, Mr. RANGEL.

As the ranking Republican member on the Select Revenue Subcommittee which he chairs, I want to underscore the gentleman's comment that the procedure we are following does not constitute a rejection of the amendment on its merits.

The resolution does not address the substance of the Senate amendment at all. It simply tells the other body that we must insist on respecting the constitutional requirement that this and all other revenue measures originate in the House of Representatives.

The resolution is truly procedural in nature—but it is an important procedure that protects the rights and responsibilities of the House of Representatives.

There are several House-generated revenue measures currently pending in the Senate which may provide more appropriate vehicles for consideration of the substance of this amendment.

Adoption of this privileged resolution to return the amendment to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the chairman of the Subcommittee on Treasury-Postal Service-General Government that provided us with this fine piece of legislation that has been worked on by both Republicans and Democrats and that makes it abundantly clear that the objection to the provisions added by the Senate in no way depreciates the value and the merits of the good legislation that the subcommittee and the full committee reported.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York for yielding this time to me, and I want to thank him for his comments as it relates to the substance of the legislation to which this procedure refers. I want to also say that we agree in our subcommittee on the issue raised by the representatives of the Committee on Ways and Means. We concur with their opinion that the provision added in the other body was inappropriately added and should not have been added. In fact, of course, as the gentleman knows, the chairman of the subcommittee in the other body objected to the addition of this legislation. I made it clear to the members of the committee that the Subcommittee on Treasury-Postal Service-General Government would not have accepted this in conference, but I certainly understand that the privileges of the House have been raised under the Constitution of the United States and certainly have no objection to the actions being taken at this time.

Mr. RANGEL. Mr. Speaker, I thank the distinguished gentleman from

Maryland [Mr. HOYER] and I would want to point out that the gentlemen has been very cooperative, as have all the members of the committee on this issue, and the only thing that we want to do is to protect the constitution of the House by sending a message to the Senate that they accept the constitutional methods of having their will, as it relates to legislation, and not to continue to attempt to legislate in violation of the House prerogatives.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CYNICISM DEPENDS ON WHOSE OX IS GORED

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

Mr. LIVINGSTON. Mr. Speaker, Vice President AL GORE complains of cynicism.

Why should we not be cynical?

We have a President—elected on a moral platform, decrying the decade of greed;

His first acts are to promote open abortion and homosexuality in America;

He is mired in a morass of ethical litigation known as Whitewater;

He is pursued by numerous complaints about his personal conduct—many related directly to his performance as a public official;

He and his wife make the centerpiece of his presidency the health care issue, driving down the prices of securities in pharmaceutical and health insurance companies; and simultaneously engage in the selling short of many of those same securities;

As Governor of Arkansas, he provided favorable treatment to such firms as Tysons Foods, while officials closely connected with that company are enabling his wife to strike it rich in an impossible shot with cattle futures;

While extolling his virtuous performance as Governor on a meager $35,000 salary, his friends and assistants are systematically hustling companies who do business with Arkansas—including Tyson Foods—to help pay off some $400,000 in loans he wangled from a small bank under his indirect control;

Korea looms as a world-class threat with potential for nuclear holocaust, he wants to invade Haiti.

And AL GORE complains about cynicism?

[From the Washington Post, July 14, 1994]

GORE SEES CYNICISM ENDANGERING REFORM

(By Stephen Barr)

Vice President Gore appealed to federal employees yesterday to overcome "a deep and pervasive cynicism" that he portrayed as a barrier to his efforts to reshape the government.

In a speech at the Federal Quality Institute awards luncheon, Gore said that cynicism—"the public's willingness to believe the worst"—has increased because of the nation's speedy and unsettling transformation from an industrial-based economy to an Information Age economy, because the news media feed "voraciously on the failures of government" and because politicians often fail to deliver on their promises.

The public's cynicism, the vice president said, "has fallen heavily on the largest institution in America—the federal government—and it has worn heavily on federal employees for much of the past two decades."

But Gore told the Washington Hilton ballroom audience that the winners of the president's quality awards this year showed that "no leader can lead as a cynic." The award winners, he said, "are not in some ivory tower. They are in the real world, making a difference in the lives of hundreds of thousands of people."

Saying he wanted "our government to address head-on the public's distrust of us," Gore reminded federal employees that the administration was challenging "agencies to provide services to their customers equal to the best in business," to cut red tape, tolerate risk and encourage innovation.

"As you can imagine, cynics need not apply. Leaders must move from control to trust if they want organizations that are the best in business," Gore said.

The vice president then handed out awards to four organizations—all from the Defense Department—that he said had created "learning organizations." Gore paid a special tribute to the Naval Air Systems Command in Arlington, which improved internal operations significantly while in the midst of a downsizing that cut 9,000 people in four years.

Later in the day, Gore went to the Office of Personnel Management, where he praised Director James B. King and his staff for a series of "reinventing government" accomplishments, including the elimination of the 10,000-page Federal Personnel Manual.

"What is the principal enemy of change?" Gore asked the OPM employees. "Very simple. Cynicism—a belief on the part of those who deep down would like to see change that we who are in the federal government are basically not serious about it and not good enough or well-motivated enough to really bring it about," Gore said.

The cynics think the administration's initiative "will sputter out and there will be some sound and fury signifying nothing," Gore added.

He urged the employees to "find your own personal strategy for resisting and defeating the temptation to surrender to that kind of cynicism."

[From the Washington Post, July 14, 1994]

CLINTON PERSONAL LOANS PARTLY REPAID BY DONORS

(By Susan Schmidt and Charles R. Babcock)

President Clinton took out about $400,000 in personal loans from one small Arkansas bank when he was governor of Arkansas, the banker, a former Clinton aide, said yesterday. The money was used for his political campaigns and to promote a state education initiative, and at least part of the debt was repaid with donations from corporations.

W. Maurice Smith, Clinton's top gubernatorial aide until 1985, said in an interview yesterday that Clinton took out between a half-dozen and a dozen unsecured loans between 1983 and 1988 from his Bank of Cherry Valley.

He estimated that about $300,000 of the money lent to Clinton went to campaigns, though Clinton's gubernatorial campaign records show only one $50,000 personal loan to the candidate during those years.

It was previously known that Clinton had raised private money to fund advertising for several legislative programs, but not all the donors were identified publicly. It was not known that some of the money was used to repay Clinton's personal loans.

The White House was unable yesterday to fully explain the loans, first reported by the Associated Press.

Betsey Wright, a former Clinton aide who oversaw the raising and spending of the funds, said in an interview last night from the White House that she turned over her records to Robert B. Fiske, the special counsel investigating Clinton's finances in the Whitewater land deal.

Fiske is investigating whether taxpayer-insured funds from Madison Guaranty Savings & Loan were diverted to pay off the $50,000 campaign loan from Cherry Valley in 1984. Madison was owned by James B. McDougal, the Clintons' business partner in the Whitewater land venture, which itself had borrowed from Smith's bank.

Wright said her records were incomplete so she couldn't elaborate on how much of the Cherry Valley loans were used to promote legislative initiatives and how much were used for the governor's reelection campaigns. Though Clinton borrowed the money from the bank in his name personally, she said, he never saw the money and "not one penny ever went for the Clintons' personal use."

Wright, who is a Washington lobbyist, said she will not release copies of the documents showing the identity of the donors who paid off the loans or how the money was spent. "They are in my custody and I will not release them until Mr. Fiske has completed his task," she said.

"Clinton went out and raised money from the business community to put ads on the media. It was a well-known part of his efforts to move the state forward," said White House aide John Podesta. Two lists of contributors who donated a total of $120,000 to Clinton legislative initiatives in 1988 and 1989 were released publicly at the time.

Smith said he knew of only one legislative initiative funded by his bank. It lent Clinton $100,000 in 1983 to push for education reform in a special session of the legislature. Arkansas corporations, including Tyson Foods, Worthen Bank, Wal-Mart Stores Inc. and TCBY made contributions to an education reform fund that paid off Clinton's loan, Smith said.

"It was my idea," Smith said of the first loan. "We needed the money right quick to promote this education program. I knew I could get my board to okay it."

Smith said the money was in no way a personal or political slush fund for Clinton. "I guarantee if he'd had one I'd have known about it."

Smith said his bank also made a series of loans for Clinton campaigns, none for more than $100,000. He said all were repaid.

Smith, who also served as Clinton's finance chairman, said he does not believe any of the donations that went toward repaying the campaign loans exceeded the $1,500 campaign limit. Some of the donations to promote Clinton's legislative agenda were higher, including one for $25,000 from a TCBY executive.

Smith remains close to the Clintons. He said he traveled to Washington in March and spent the night at the White House.

The Cherry Valley bank charged market interest rates on Clinton's loans, Smith said. The Clintons didn't take any deductions for interest payments on loans at Smith's bank during that period, their tax records show.

Borrowing the money personally and having someone else repay the loans "raises serious questions of taxable income for the Clintons unless they have proof that all the money was for the good of the state and none for themselves personally," said a former high-ranking IRS official. Wright said state law covering political loans, including those for promoting legislation, permitted Clinton to use donations to pay them off.

Scott Trotter, executive director of Common Cause of Arkansas, said Wright's records should be made public.

William Bowen, former head of First Commercial Bank and a former Clinton chief of staff, said he remembers contributing to Clinton's efforts to improve public education in Arkansas but was unaware the money was paying off a loan.

He said the "mechanics" of the fund did not concern him.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IDAHO'S FORESTS: ACT NOW OR RISK CONFLAGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, having just returned from Idaho following the July 4 break, I rise to convey to my colleagues a sense of urgency about the declining health of national forests in my State and throughout the West.

An aerial inspection of the Boise, Payette and Clearwater National Forests revealed a disaster waiting to happen. I personally viewed overly-dense stands of trees, well outside their historical range of variability, extremely high fuel loads where mortality has outstripped decomposition, and forests riddled with dead and dying trees.

The statistics are startling and telling. On the Payette's timber land, average mortality is 407 board feet per acre, while growth is only 248 board feet. Mortality figures on the Boise are even worse. Between 1988 and 1993, the forest lost more than 400,000 trees on more than 1 million acres of affected forest.

The Intermountain Research Station has found that from the late 1500's to the late 1800's, stand densities in the Boise basin ranged from 6 to 28 drought- and fire-resistant Ponderosa pine per acre. In 1993, stand densities have reached 533 trees per acre, most of which are drought-intolerant Douglas-firs and 60 percent of which are dead.

If these forests begin burning, they risk making the 1992 "Foothills Fire" which burned 260,000 acres on the Boise National Forest, look like a bonfire. The only thing between Idaho's forests and disaster is a lightening strike.

With the build up of fuel loads, the size of fires has greatly increased in recent years. For example, between the years 1955 and 1985 the average number of acres burned by forest fires on the 2.5 million acre Boise National Forest was 3,000 acres per year. In the 5 years from 1986 to 1992, the annual average has shot up to 56,000 acres, due to the overly dense stands, and drought conditions.

In light of this critical situation, and the recent devastating wildfire in Colorado, I am here to encourage the administration and Congress in the strongest possible terms to address Idaho's serious forest health problems immediately.

Mr. Speaker, the tragic fire in Colorado, where 14 brave souls sacrificed their lives to protect our natural resources, is a warning to us all this year. The warning in 1992 was the Foothills Fire on the Boise National Forest. To ignore the condition of our Nation's forests amounts to silvicultural malpractice.

Last June, at my request, the Assistant Secretary of Natural Resources and Environment for the Department of Agriculture, Jim Lyons, toured Idaho's Federal forests and found them to be a "tinderbox waiting to explode." And following the disastrous fire in Colorado, the New York Times quoted Assistant Secretary Lyons as stating, "We need to do prescribed burning, more salvage, more harvesting of dead and dying timber, which is brought about by disease and insects."

In a recent letter to Assistant Secretary Lyons, I recommended forest health pilot projects for Idaho's failing forests. Overstocked stands could be thinned using methods which would be light on the land and which would bring stand densities to within their historical range of variability. In doing so, stands could be created which are more resistant to fires, similar to those which developed naturally before years of fire suppression and outmoded logging practices led to large-scale forest type conversions.

Mr. Speaker, I am satisfied the scientific evidence justifies such a project. In addition to the science, the Forest Service is developing a solid portfolio of forest health projects where stands have been thinned by removing smaller diameter and diseased trees. The accumulation of dead material has been reduced, producing a healthy overstory and a more fireproof stand.

For example, in a place called Tiger Creek, shortly before the 1992 Foothills Fire, the woods were first thinned of underbrush and then lightly burned by the Forest Service. At the height of its intensity, the Foothills Fire raced through the treetops until it reached the Tiger Creek site, where it subsided—and the thinned woods survived intact.

The administration has indicated it possesses much of the authority needed to implement measures included in my bill, H.R. 229, the National Forest Health Act of 1993, and I have strongly urged them to do so without delay.

My bill would authorize the Secretaries of Agriculture and the Interior to carry out forest health improvement programs, in consultation with State and Federal fish, wildlife, and cooperative forestry experts, to reduce further damaged to forest resources and promote management of sustained, diverse, and healthy forest ecosystems.

Mr. Speaker, I believe this is clearly an issue of pay now or pay later. As my colleagues know, each year a great amount of Federal funding is needed to combat wildfires, and most of the time this type of default management is accomplished under dangerous situations where firefighters lives are put at risk and resource values are lost or greatly reduced.

In the 1992 Foothills Fire, suppression costs and emergency rehabilitation for the 140,000 acres of Boise National Forest land burned was $24 million, or roughly $170 per acre. The cost of precommercial thinning of the Tiger Creek area, which the fire skirted, was only $125 per acre. And the commercial thinning in the area returned $30 to $1,500 per acre to the Forest Service, dependent on the timber market.

I would much rather have the Forest Service use Federal dollars for sound pro-active management of our national forests, like in the Tiger Creek area, to reduce the risk of catastrophic wildfires.

At last November's workshop on Assessing Forest Ecosystem Health in the Inland West, the scientists concluded, "the costs and risks of inaction are greater than the costs and risk of remedial action." Mr. Speaker, I could not agree more.

I believe the forest health situation in the West warrants the immediate attention of both Congress and the administration, and I urge my colleagues to join me in the coming months to assure that happens.

□ 2040

COST OF CLINTON HAITI POLICY

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, today I received, with many other Members, a very good briefing by the U.S. Coast Guard. The new commandant, Admiral Kramek, came up and explained to Members of Congress just what a good job our U.S. Coast Guard is doing with the Haiti situation.

I have great admiration for the Coast Guard. They are working extremely hard. They are putting in 80- to 100-hour weeks under very difficult situations. They work on overloaded cutters, picking people out of the water, shuttling them back and forth, and really carrying out a very difficult mission. My hat is off to the U.S. Coast Guard for the excellent work they are doing and to the commandant for the fine briefing he gave us.

Unfortunately, there is a cost to the Clinton administration's policy in Haiti. While the Coast Guard is concentrating its assets to deal with the refugee problem and the security problems in the area of the Windward Passage off Haiti, they have had to pull resources from other areas. There are only so many cutters. There are only so many resources.

It turns out, of course, that we are therefore letting some of the Coast Guard missions go unattended, primarily in the areas of drug interdiction and fisheries enforcement. Those are matters of great concern, of course, to our commercial fishermen. I think the need for drug interdiction and beating the drug problem in our country is a matter for every American. We are all concerned about it.

I was very concerned myself to learn that the Coast Guard has virtually stripped its drug interdiction capabilities in the Gulf of Mexico in order to take care of the Haitian refugee problem. That is not welcome news, and I am sure as soon as the drug lords and traffickers find out, they will consider that sort of a welcome mat. I presume they know that by now.

The other part of the bad news in the briefing, of course, is the cost, climbing past the tens of millions of dollars already. I don't know what the drain is on our other services from the other aspects of our Haiti policy, but when costs for one service alone is into the tens of millions of dollars, we know the extra costs for this ill-advised policy are going to be gigantic.

We also learned one of the cruise ships we are renting down in Jamaica, at a great rate for the taxpayers, is not being utilized, because an appropriate agreement hasn't been worked out with the Jamaican Government on how to screen people through the process there. We apparently are not using the cruise ship, but, of course, we are paying for it.

My suggestion to the administration this evening might be why not move the cruise ship to Port-au-Prince and let the people seeking to escape from Haiti just go by land to board the cruise ship. That way we get some return for our money anyway.

We also are told the hospital ship down in Kingston, Jamaica, providing a processing center for Haitians who are plucked out of the water, will be moved to Guantanamo, because the overcrowding situation is now so bad there. They are involved, I understand, in double bunking, and they have got sanitation and water problems that are very severe.

The good news was maybe the flow of refugees is slowing a little bit. Maybe there are not quite so many refugees. And the interesting news is, when many of the refugees who turn out not to be political refugees, but to be economic refugees, are given the choice of going to a safe haven somewhere in the Caribbean or going back to Haiti, interestingly enough, thousands are opting to go back to Haiti.

Now, does that belie a little bit some of the statements that we are being given by the administration about the repression by the Cedras military junta in Haiti?

It seems to me people would not be willingly going back into harm's way if there are choices of safe haven elsewhere in the Caribbean.

I wonder if perhaps we have not finally gotten some belated recognition that this repression, much which has been caused by our policy, is a quality of life matter; it is an economic matter, perhaps some of the human rights violations have been somewhat exaggerated. That is not to say there have not been some horrible brutalities created by both sides in Haiti.

The administration in fact has been a lot less than candid about what is going on in Haiti, and that is understandable, because it is very hard to explain what is going on there. It is very hard to explain their policy. It is harder to defend their policy, especially when we see the pictures, the pictures of misery caused by our embargo there: the pictures of people drowned and in overturned boats; of people trying to flee the economic mess with the incentive to come out and maybe get some kind of passage to the United States, if they can just get that leaky boat out to a Coast Guard cutter.

The Clinton administration is overlooking the very good possibility of dealing with Haiti's moderates who don't want us to invade, and don't want the embargo. These are elected members of the Haitian parliament. They are members of the Chamber of Deputies. They want our help at rapprochement. They want help building peace among the warring factions in Haiti. And they want our help to bring relief to the dismal quality of life that we have helped make in Haiti.

I think that that is a very productive course we ought to pursue. It sure beats sending the Marines to Haiti. We have had a proposal by Senator DOLE for fact finding. We have resolution by our colleague, CHRIS SMITH, that we should swap interparliamentary visits and reopen negotiations. We have the safe haven proposals in Haiti, using the Ile de la Gonave or some other Haitian island for the type of relief people are asking for and trying to find.

How much better are those proposals than sending the Marines, to do what? Defeat the Haitian army? Remove Cedras? If you remove Cedras, then what? I think the message is clear. We gain nothing but trouble by invasion; we gain a lot if we pursue a course of negotiation. I urge the President not to invade Haiti.

□ 2050

BOSNIAN UPDATE

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Indiana [Mr. MCCLOSKEY] is recognized for 5 minutes.

Mr. MCCLOSKEY. Mr. Speaker, I have just returned from Bosnia where I traveled with the United States Ambassador and the Bosnian Vice President to some of the towns that have suffered most in this war. Right now is a critical time as to hopes for peace in the Bosnian conflict.

The beleaguered Bosnian Government has just announced its approval of the 51-to-49 percent partition plan to carve up this sovereign country between the Bosnian-Croatian alliance and Serb irredentist thugs.

President Izetbegovic said that he did not want to sign the document, but that other alternatives were worse. These worse alternatives include ongoing war, with the British and French pulling out of the U.N. peacekeeping operation. This would be without Western military support for Bosnia or a lifting of the arms embargo.

President Izetbegovic and Prime Minister Haris Silajdzic are insistent that the borders of a sovereign Bosnia remain intact.

To this end, and for the peace and security of the Bosnian people, it is obvious that peacekeeping troops will need to be placed not only where populations intersect, but also on the borders between Bosnia and Serbia and Montenegro.

Most Bosnian Serb statements indicate opposition to returning ill-gotten lands. And the irredentist Bosnian Serbs seem adamantly opposed to a sovereign Bosnia.

Despite the urging of President Slobodan Milosevic—a war criminal posturing as a peacemaker—the Bosnian Serb parliament may very well refuse the plan this Monday.

If and when they do refuse the plan, should there be any question but that the arms embargo crippling Bosnia's self-defense be lifted with significant aerial support committed from the West to avert an ongoing, one-sided bloodbath?

Think of the splendid basic logic of the British mandate to the warring parties. Britain tells all parties to

agree to the plan, or it will pull out with no lifting of the arms embargo or other increased support for the Bosnians. Why should the Bosnian Serbs disagree with a British green light to gear up their killing machine?

If the Serbs do not sign on, the feckless West would only become more craven by doing a Pontius Pilate hand wash and then getting out.

It continues to startle me that the West has approached blithe acceptance of the right of the Bosnian Serbs to rain down shells on an innocent population—as the Serbs rape, maim and loot as well. For the United Nations to tell the people of Goradze that the siege was not all that bad is an abomination.

And while brutal ethnic cleansing—and we may say the word genocide—continues in the Serb-held areas such as Banja Luka and Prijedor—we blithely expedite the parties to the signing table. Let us hope for peace but this particular peace will be with Serb gains and even rewards from the West.

What can we expect from the tender mercies of the Serbs in Kosovo where daily life for millions of Albanians is a dismal existence in prison-like conditions? What can we expect in the Sandjak region in Serbia and Montenegro where all the democratic Muslim leadership has been jailed? What can we predict for little isolated Macedonia? When will exiled Croatians be permitted to return to their UNPROFOR Serb controlled communities in the Krajina?

Having just returned from Mostar, Vitez, and Sarajevo, I reluctantly report the Bosinan-Croatian alliance, a singular achievement of the Clinton administration, is in peril.

When I was Mostar several months ago immediately after the Horrible Croatian siege of Muslim east Mostar, its people had just emerged stunned, ravaged and maimed after months of shelling and various atrocities.

That breakdown of the previous Bosnian-Croatian alliance can be significantly attributed to the West's dismal stupidity in allowing Serb invasion and land grabs in no way detracts from the guilt of various Croats in and out of Bosnia for perpetrating that siege, the concentration camps, the atrocities, and ethnic cleansing.

But in April, the poor people of east Mostar were drinking untreated, chemically contaminated water from the Neretva River. They in essence has no electricity, and their medical treatment—what little they had, despite the efforts of a few valiant doctors—bordered on medieval.

This last week when I visited Mostar again, things had not gotten much better. In those 3 months since April, the E.C. Administrator Hans Koschnik still had not arrived. He did show up last Sunday to meet with leaders in both communities.

Other than the regular U.N. food aid and a few basic humanitarian supplies, progress in Mostar has been at a near standstill.

Given the fact that forced expulsions of Muslims by gangsters in west Mostar still are going on with little or no law enforcement followup from west Mostar Croatian authorities makes this all the more tragic.

Five Moslem families in east Mostar told me they were forcibly expelled from their homes in the last month. Some were beaten. Some were witness to murder.

But still it goes on with no investigatory followup to speak of. The victims and the east Mostar authorities told me that they have abounding evidence against these particular criminals. This cannot go on.

President Zubak of the Bosnian-Croatian alliance and General Roso, Bosnian Croatian Defense Organization Commander, and perhaps most importantly, Croatian Defense Minister Susak told me that these crimes in Mostar would stop. If they do not, the Bosnian-Croatian alliance will be short-lived indeed.

Another internal threat to the Bosnian-Croatian alliance and all our hopes for peace emerged last weekend when elections of the Bosnian branch of the Croatian Democratic Union Party resulted in the elevation of two Croatian leaders quite unacceptable to Muslims in the region.

One of the men is said by the Muslims and others quite knowledgeable to be a war criminal, the other is reputed to be a radical Croatian ultra-nationalist.

Without more enlightened leadership from Zagreb and a firmer grasp of the situation on the ground by the United States, our hopes for peace will be dashed with ongoing war beyond belief and reason.

E.U. Administrator Koschnik said he will be operating by July 24 in Mostar. Some 80 million deutsche marks are said to be headed to Mostar and the immediate area. Every bit of that will be needed, and more.

Similarly, the people of Vitez—Croats and Muslims—and Bosnians in other areas need help now. The United States must be more active and visible around Mostar and elsewhere immediately if it is to save the alliance that we fostered between Croatians and Muslims.

Many Americans, including some of our highest officials, do not realize the almost transcendent effect of American participation and visibility in the midst of this continuing tragedy.

EMPLOYER MANDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, this morning, the Small Business Committee spoke for the first time on the issue of employer mandates.

At the markup of the Small Business Administration reauthorization bill, I offered an amendment expressing the sense of Congress that employer mandates would be destructive to small business and that employer mandates should not be included in any health care reform legislation.

Unfortunately, this amendment was narrowly defeated by a vote of 21 to 24, with all Republicans and only 3 Democrats voting to eliminate these job-killing employer mandates in national health care reform.

I am deeply disturbed that the Small Business Committee voted to support employer mandates, especially when all of the evidence demonstrates that mandates will be extremely destructive to small businesses.

A recent study by the CONSAD corporation, for example, predicted that nearly a million jobs could be lost due to employer mandates, with almost half—470,000 to be exact—coming from small businesses. Even more disturbingly, most of those losses will come at the expense of lower income women, minorities and families. Another study predicts that employer mandates would cost small businesses an extra $29 billion a year.

But we don't have to rely on academic studies to understand the economic carnage that would be caused by employer mandates—all we have to do is listen to the small business owners we are supposed to be representing.

Several months ago I held a health care town hall meeting for small business owners and employees in my district. At that meeting, which was attended by about 100 business people, small business owner after small business owner told me that employer mandates, as proposed by the President, would pose a serious threat to the survival of their businesses.

One owner, who runs several restaurants in my district, testified that "If the Clinton plan were enacted as it stands now, my problems as a small business owner would go away because we simply would not survive. We would have to close * * *" If that small restaurant chain closes, hundreds of employees will lose their jobs. Most small businesses across this country are operating on razor thin margins as it is and they simply can not afford the additional burden of health insurance, not at a time when they are finding it difficult just to keep their doors open. To put it simply, too many of these small companies would be forced to close their doors. That is the tragic end result of employer mandates—the loss of precious American jobs.

But it is not just small business owners in my district who are worried about employer mandates. Over the

last 2 months, the White House has sponsored seven different small business conferences, attended by the owners and employees of small businesses, in seven different States. In 6 out of 7 of those State conferences, held in Delaware, New Hampshire, Wyoming, Wisconsin, Montana, and Idaho, small business owners voted unanimously to reject employer mandates.

The overwhelming opposition of the small business community to employer mandates is easy to understand: Most small businesses simply cannot afford to pay for their employees' health insurance and still stay in business. The fact is that you cannot increase the payroll costs of small businesses by 3.5 to 7.9 percent and expect to continue to provide jobs and fuel economic growth.

My point is simple: Employer mandates are a bad idea and millions of the owners and employees of small businesses are frightened.

However, the Small Business Committee, by voting to support employer mandates, chose to ignore the views of the small businesses it is supposed to represent. It seems that many members on the Committee are more interested in "toeing the party line" than in doing what is right for America's small businesses.

I want to assure the small business owners of this country, that I will not be discouraged by this temporary defeat and will continue to fight to defeat this job-killing proposal.

I am submitting the record from today's Small Business Committee vote into the RECORD.

Small Business Committee voted 19–24 on Kim amendment to Title I of the Small Business Administration Reauthorization which would prohibit the use of funds by the Small Business Administration to promote employer mandates in health care reform legislation:

Ayes: Meyers, Combest, Baker, Hefley, Machtley, Ramstad, Sam Johnson, Zeliff, Collins (GA), McInnis, Huffington, Talent, Knollenberg, Dickey, Kim, Manzullo, Torkildsen, Portman, and Sarpalius

Noes: LaFalce, Smith (IA), Skelton, Mazzoli, Wyden, Sisisky, Bilbray, Mfume, Flake, Poshard, Clayton, Meehan, Danner, Strickland, Velazquez, Fields, Margolies-Mezvinsky, Tucker, Klink, Roybal-Allard, Hilliard, Lancaster, and Andrews

Not voting: Conyers, Waters, Thompson

Small Business Committee voted 21–24 on Kim amendment to Title VII of the Small Business Administration Reauthorization which would express the Sense of Congress that employer mandates would be destructive to small businesses and that employer mandates should not be included in any health care reform legislation:

Ayes: Meyers, Combest, Baker, Hefley, Machtley, Ramstad, Sam Johnson, Zeliff, Collins (GA), McInnis, Huffington, Talent, Knollenberg, Dickey, Kim, Manzullo, Torkildsen, Portman, Skelton, Sarpalius, and Lancaster

Noes: LaFalce, Smith (IA), Mazzoli, Wyden, Sisisky, Bilbray, Mfume, Flake, Poshard, Clayton, Conyers, Meehan, Danner, Strickland, Velázquez, Fields, Margolies-Mezvinsky, Tucker, Klink, Roybal-Allard, Hilliard, Andrews, Waters, and Thompson

□ 2100

REASONS FOR POOR MORALE IN THE U.S. MILITARY

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, last June 30 I sent a letter to the Secretary of Defense asking him to please, as the senior administration official, convey to Mr. Clinton some thoughts on why the morale is so bad in the U.S. military. This morning during a 1-minute I said that I would list 11 or 12 things, and when my staff reminded me of this letter, and it is now only 14-days-old, I decided I would simply read the letter, let it speak for itself, and hope that this Nation will understand why this is not a President that can put men, and now women, into combat in Haiti when there are no vital U.S. interests at stake.

I wrote, and I will choose to make my own letter public, which it has not been for 2 weeks, to the Honorable William J. Perry, Secretary of Defense:

Dear Mr. Secretary:

As an elected Representative who has the utmost admiration for the uniformed men and women of our great Nation, I am personally outraged at the continued demeaning treatment of members of the military by the President and his administration.

The latest incident involved the use of 'cream of the crop' military officers as servants and tray carriers at a partisan White House political function.

It was for the DNC, Mr. Speaker,

Unfortunately, such insults by the Commander in Chief or his White House staff are not isolated incidents. Recall these others:

Mr. Speaker, I spoke to one of the four officers who were used in this intolerable manner at the White House last month, and he confirmed everything that has been in the press, Mr. Speaker, including that he felt humiliated, and some of the fine Democrats at that event said that they felt embarrassed and humiliated for the officers.

Here in my letter to Perry are some other events that I recalled:

"The verbal abuse of a general officer," a three-star officer, now four-star, and commander of one of our combat commands, "and combat veteran of Vietnam," where he was badly wounded, "and Desert Storm," where he led the key division, the Point of the Spear, the 24th Infantry Mech, the insult to this officer "by a junior White House staffer with no public apology or disciplinary action."

Two, "ordering, for the first time in memory, military personnel to show up at the White House in work clothing," and in this case it was desert camouflage fatigues, "for a phony press event and a ludicrous short march down the White House south lawn to announce the completion of George Bush's Somalia humanitarian effort."

That was May 5 of 1993. Of course, we stayed through the killing of 19 Rangers and Special Forces men on October 3rd and 4th and the 6th.

Three, "using members of the ultra-sharp, ceremonial U.S. Army 'Old Guard'," as they are called, at Fort Myers "as delivery boys to carry defense conversion documents to Members of Congress," including to this Member's office.

Four, "the use of D-day 50th Anniversary ceremonies as a political platform to" attempt to raise the President's low poll ratings, and it failed, he dropped three points, "including 'staged' photo opportunities at the Anzio/Sicily" Nattuno Cemetery "and on the hallowed sand of the Normandy Beaches, when these ceremonies should have focused totally on the senior veterans who died or survived" in that incredible day in history.

The thing that I found most offensive was the pulling at the sleeves of three incredible Army heroes, now with 50 years added to their young years when they performed heroic deeds on the beach, including Colonel, then young Captain, Joe Dawson, who was asked to introduce the President. He was pulled by some of these little pre-pubescent workers of Mr. Clinton's away from the President so he could pretend to reflect in prayer, and there on the horizon was the U.S. *San Jacinto*, an Aegis cruiser, ironically named after the carrier, *San Jacinto*, that George Bush was flying combat missions off 50 years ago as we speak, building up to his almost loss of life and loss of both of his crewmen on September 2nd of this year, the 50th anniversary of young Lieutenant JG George Bush's incident.

"Young White House staffers with zero military experience pilfering towels," 68 of them, "bathrobes," 16 of them, "from the aircraft carrier USS *George Washington*," at the beginning of that D-day morning's ceremonies, "and then attempting to blame the press."

"The use of presidential military helicopters," the white-top H-3s, "which included members of the White House Marine honor guard, by the White House staff for a golf trip."

Mr. Speaker, I will submit for the RECORD the two pages that follow in my letter, and do a 1-hour special order on this next week, for which I will be asking unanimous consent.

The portion of the letter referred to is as follows:

The use of senior uniformed military officials as background props at a staged event at Ft. McNair to announce a new version of a Clinton policy aimed at lifting the 50 year ban against homosexuals in the military. (If the President had prevailed in his early 1993 attempts, our services would be riddled with practicing homosexuals and bisexuals and proliferation of military chapters of G.L.O.B.E. Check with HUD, the Department of Agriculture, DOT/FAA, et al.)

What makes this pattern of behavior especially contemptible is the continued hardship placed on those in the military as a result of official White House policy. Increased

defense reductions including personnel cuts, increased tempo of operations including the constant discussion of using our troops in Haiti and Bosnia, and the cancellation of well deserved but modest benefits, including scheduled pay raises, are all illustrative of this administration's official policy toward the military.

Sort of makes you wonder if the President still "loathes" the military as he wrote on December 3, 1969, to a heroic Bataan Death March survivor.

Dr. Perry, as the Secretary of Defense and senior civilian military official within the current administration, I believe it is your duty, on behalf of all the men and women around the world serving under you, to convince the president to immediately take steps to improve relations with members of our armed forces. Besides common courtesy and respect for uniformed members of the military by all White House officials, I also suggest the following action to improve the already badly damaged morale of members of the armed forces and their families:

Immediately restore and increase annual pay raises for all members of the U.S. armed forces. (A New York Times front page article last week documented again that military pay has fallen way behind the private sector.)

Immediately announce full and complete implementation of Congressional language upholding the ban against homosexuals and bisexuals in military service.

Immediately and fully restore the cost of living adjustments (COLAs) for all military retirees.

Immediately declare that U.S. personnel will not serve under foreign or U.N. command unless a ratified treaty exists, as with NATO.

Immediately begin full development of friendly fire systems designed to prevent fratricide in future combat operations.

Such modest initiatives on the part of the president would provide tremendous dividends in terms of improved moral and combat readiness within the ranks of our uniformed personnel. At the very least, our brave men and women deserve the common respect due to any soldier, sailor, airman, or marine who volunteers to sacrifice his or her life in defense of our nation. That means, quite simply, that they would die for you and me, Mr. Secretary.

Best regards,

ROBERT K. DORNAN.

P.S. In case you're wondering, Bill, whether the father of one of our sacrificed in Somalia heroic medal of honor winners refused to shake the Commander in Chief's hand, I've confirmed first hand—it is true.

Mr. Speaker, this December 3, 1969, letter by the then 23-year-old Clinton explains much about his attitude toward our military forces.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me a soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter: There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

THE IMPORTANCE OF MEDICARE C

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes as the majority leader's designee.

Mr. McDERMOTT. Mr. Speaker, as part of my effort to talk to my colleagues each week about how health care reform issues affect the American people personally, I would like to talk tonight about a part of the new proposal in the health care reform debate.

It is found in the Ways and Means Committee bill for health care reform. that proposal is to create Medicare part C to provide insurance to the nonsenior population the way Medicare provides insurance for senior citizens.

Medicare C is a voluntary program. It will provide insurance to people who cannot afford to purchase their own and it would enable individuals and small business to buy insurance at a price they can afford.

It is simple, it is affordable and it is easy to access. Health insurance through Medicare C is purchased through a payroll deduction. Anyone who does not have insurance is automatically enrolled.

If you prefer to have private insurance, you don't have to be enrolled in Medicare C. It is purely voluntary. But more importantly, enrolling in Medicare C guarantees you free choice of provider. It enables Americans to have a nonprofit, national nonmanaged care health insurance option.

But there is a problem with the way Medicare C is structured in the Ways and Means bill. It is not open to everyone. Only people who are unemployed or employees of small businesses can enroll in Medicare C.

Everyone else is required to enroll in insurance company plans.

Well, Mr. Speaker, I don't think we should lock people into insurance company health plans which increasingly means insurance company interference in patient treatment decisions, even in fee for service plans.

I want to talk to my colleagues tonight about the American people's relationships with their doctors, and about who should make medical treatment decisions.

Because a Medicare C open to anyone who wants to join may be more important to you and your health care and your relationship with your doctor than you would ever imagine.

What Americans are experiencing now in the health care marketplace is a new trend called "managed care."

This change is happening today as the "market" is left to its own devices to solve the health care cost crisis.

And that means that insurance companies interfere more and more aggressively in the treatment decisions of doctors. And they do this not to protect the patients quality of care, but to protect the profit margins for their stockholders. This is happening not only in HMO's. All patients are experiencing the reality that it is their insurance company, not their doctor, who determines whether or not they get admitted to a hospital. It is their insurance company who decides if a child can stay in the hospital overnight after a bad reaction to surgery. It is their insurance company who is deciding that women should be discharged from the hospital on the same day as childbirth or that newborns should be sent home before their first feeding.

These decisions are not being made by the physicians or nurses or other practitioners who actually care for the patient and bear the responsibility for their well-being.

They are being made by company employees who have never seen the patient and are sitting at a 1-800 number just to approve or disapprove care. The American people know in their hearts, in their guts, and in their minds that something is terribly wrong with this arrangement. They know that this cost-control approach by the insurance companies ultimately will ruin the quality of American health care. And I want to be clear. It is not the Government that is doing this. It is the free market approach to health care that is giving the insurance companies unprecedented control over the doctor-patient relationship.

If health care reform fails, this trend is simply going to get worse. There will simply be no restraint on insurance companies' ability to control the medical care you receive.

Without health care reform, insurance companies will completely consolidate their control over the delivery system. Mr. Speaker, I oppose that trend.

One of the most ominous recent developments was the recent announcement that Travelers Insurance Co. and Metropolitan Life agreed to merge their health care operations to create a more efficient managed care entity.

Where are the patients and providers in this merger?

Insurance companies have discovered that the real money in insurance is not processing claims but in denying claims and controlling access to care. They have created a private health insurance trap.

But Medicare C is your escape from that trap. Medicare C is your protection against managed care.

I am a physician as well as a Congressman. I practiced medicine for 25 years. To me, just as the family is the building block of civilization, so is the physician-patient relationship the building block of good medical care.

When the American College of Surgeons endorsed a single-payer approach to health care reform—a system where Americans pay a public premium in the form of a payroll tax and the Government provides health insurance to all Americans the way it does in Medicare for senior citizens—the College of Surgeons stated that physicians could not continue to tolerate the amount of interference by insurance companies in treatment decisions.

Dr. Murray, the chairman of the board of the college, specifically noted that free choice of provider was preserved in Medicare and that clinical interference was not a problem in Medicare.

Patients and physicians in Medicare are much more in control of treatment decisions.

Americans are entitled to have a choice about how they receive their medical care. A nonprofit, nonmanaged care option for insurance that is guaranteed by the Government protects that choice as nothing else will.

But there is another reason to open Medicare C to anyone who wants to join. It will work to keep the insurance companies honest.

Medicare currently administers its entire program for 2.1 percent of its budget. U.S. Health, one of the Nation's largest managed care companies, administers its plan with 28 percent of its budget.

In other words, Medicare pays 98 cents on the premium dollar for actual health care delivered to people, while U.S. Health spends only 72 cents on the premium dollar on actual health care.

Now which system is going to give you more care? The one that pays 98 cents on the dollar or the one that pays 72 cents on the dollar? We all know the answer, and the answer is that Medicare is giving Americans more bang for their buck.

If the insurance companies have to compete with Medicare—if Americans can vote with their feet—then insurance companies might have to bring down their administrative expenses and provide more medical care instead.

So why isn't Medicare open to everyone? Why are most Americans being denied that choice?

Because insurance companies do not want to compete with the advantages of medicare. Insurance companies are working nonstop on Capitol Hill to keep Americans from having that choice. Insurance companies are afraid that people will like Medicare more.

Well, the purpose of health reform is not to protect the insurance companies. The purpose of health reform is to make health care and health insurance better for ordinary people.

Mr. Speaker, the American people should demand that Medicare C be open to everyone who wants to join, that they have the right to choose what's best for them,

That their health insurance choices and health care choices not be dictated by special interests in Washington.

Americans need Medicare C to be open to those who choose it. Medicare

C will help protect their health care futures. Mr. Speaker, I hope they get it.

□ 2120

THIRD ANNUAL REGULATORY RELAY—THE BURDEN OF REGULATION ON THE RESTAURANT INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from Texas [Mr. DELAY] is recognized for 30 minutes as the designee of the minority leader.

Mr. DELAY. Mr. Speaker, today I come to the well of the House as chairman of the Republican Task Force on Competitiveness to run the second lap of the Third Annual Regulatory Relay, whose focus for several weeks has been the burden of regulation on the restaurant industry.

Working with the National Restaurant Association, this morning I held a press conference on this topic. Several of my colleagues joined me to tell of regulatory horror stories in their districts, and restaurateurs, including a constituent of mine, told their tales of dealing with the monstrous Federal regulatory bureaucracy. I was very pleased to see that so many are brave enough to join the task force in this race against the perpetual winner of the regulatory marathon—the Federal Government.

Many people do not realize that eating and drinking places are the Nation's largest retail employer, accounting for 3 out of every 10 retail workers. Most of these are small businesses. And while small businesses are the job-creating engine of our economy, they are also extremely vulnerable to the costs of regulation. As a result, almost any increase in Federal regulation has a severe impact on the ability of a restaurateur to succeed.

It is particularly timely to discuss this topic because we recently reached a very important date on the calendar. Sunday, July 10, marked the second annual Cost of Government Day, the day when Americans earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation. As chairman of COGD on behalf of Americans for Tax Reform, I recently introduced a resolution establishing July 10 as Cost of Government Day.

Federal regulatory costs are estimated—conservatively—to be about $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it doesn't show up on any sales or paycheck receipts. However, the Federal Register tells the story clearly, as President Clinton's first year saw the most regulatory activity since President Carter's last. The page total for 1993 was 69,688 pages, the third highest total of all time.

A not-surprising increase in the number of regulatory bureaucrats corresponds with this proliferation of regulations. While from 1985 to 1992, regulatory staffing increased by over 20 percent, to almost 125,000 employees, under President Clinton, the largest number of Federal bureaucrats ever—128,615 people—was called for to run his Federal regulatory apparatus. It is truly outrageous that while July 4th was Independence Day—the day we celebrated our liberation from Great Britain—it was not until July 10 that Americans were liberated from their own Government.

Our economy cannot bear the burden indefinitely. This is especially true for industries like the restaurant industry, as nearly three-fourths of eating and drinking establishments have annual sales of less than $500,000, and average profit margins run between 3 and 4 percent of gross sales. This thin operating margin makes restaurants highly sensitive to regulations which increase the cost of doing business. And according to this list compiled by the National Restaurant Association, restaurants are by no means suffering from a dirth of Federal regulations. Entitled "Regulations and Restaurants from A to Z," this sample list includes nearly 60 rules and regulations imposed upon the industry by the Federal Government. Of course, this does not include the multitude of State, local, and county regulations that restaurateurs must comply with.

While many of these are well-intended, a lack of cost/benefit analysis—and sometimes simply common sense—in their application often results in ridiculous and even tragic situations. For example:

In Houston, Texas, air quality control authorities ordered that "large" employers (more than 100 employees) must take active steps to encourage carpooling and use of mass transit. They initially ruled that restaurants, open 7 days a week with more than 100 part-time employees, must also comply regardless of the fact that their operating time (and thus employee commute times) did not match the rush hour periods which were slated for control.

A multiunit restaurant operation based in the Washington, DC. area received an OSHA fine of $1,500 because an employee did not use the available cut-resistant gloves while chopping fresh vegetables. In a separate action, the new FDA Model Food Sanitation Code prohibits the use of such gloves when in contact with cooked or ready-to-eat foods. The National Restaurant Association has formally asked OSHA and FDA to clarify which rule take precedence.

Under the OSHA Hazard Communication Standard, employers are obligated to make available safety information about hazardous chemicals using material safety data sheets [MSDS] supplied by chemical manufacturers. MSDS' cover diet soda (because it contains saccharin, a possible animal carcinogen); liquid hand soap (it's an eye irritant, so the MSDS advises one to wear safety goggles when using the product and, if spilled, to remove contaminated clothing and flush skin with running water for 15 minutes); and liquid dish soap like Joy dishwashing liquid (another irritant, but it is also listed as a potential fire hazard because it contains alcohol as an emulsifier).

A small New England bar and grill was cited by OSHA for $3,000 in fines due to a violation of the Hazard Communication Standard. The principal violation was the transference of window cleaner from its original gallon jug to a 10-ounce spray bottle which was not labeled as to content and warning despite the fact that employees stated they were familiar with the contents of the bottle and the cautions for its use.

A restaurant in Pittsburgh was the subject of an OSHA investigation after an employee assisted a patron with a nosebleed. A disgruntled employee lodged a complaint, and OSHA investigated possible violations of the bloodborne pathogens standard. No fine was levied, but OSHA advised the operators to establish a written plan for future compliance. The operators did so, including a contract with a waste-hauling company to provide special "red bags" for medical waste for future incidents.

In Sedona, AZ, a restaurant operator made a technical paperwork error when changing the corporate ownership of his restaurant. In retaliation, the local health department demanded that he close his doors while the new permit was being processed. When he refused, they conducted harassment inspections, citing trivial temperature violations of one or two degrees, including at least one case in which a scoop of potato salad on a plate waiting for the entree to be plated was cited in violation. The case was resolved through an arrangement whereby the operator was ordered to teach local classes in food sanitation to other operators.

As you can see, the regulatory apparatus has reached the level of the absurd going on all over the country. I would now like to take a walk through a little bit of history to demonstrate the incredible growth in the number of rules and regulations the restaurant industry has had to deal with in just the last 10 years.

In 1970, other than local fire, health, and building codes, a typical restaurateur had to deal with about 20 pages worth of Federal law contained in the Fair Labor Standards Act of 1938.

1994 presents a very different picture. Just over the last 10 years a large number of laws have been passed affecting

the restaurant industry. In 1985 an extension of health benefits was mandated by the Omnibus Budget Reconciliation Act. In 1987, the Immigration Reform and Control Act required employers to fill out I-9 forms for all new employees, and the Budget Reconciliation Act required restaurateurs to pay FICA taxes on all employee tips. Employers of 100 or more were mandated in 1988 to give 60 days' advance notice of closings, and in 1989 the Fair Labor Standards Act Amendments raised the minimum wage. In 1990, the Americans with Disabilities Act was passed, and restaurants were forced to meet new Federal criteria on menu labeling in 1991 with the Nutrition Labeling and Education Act. In 1993 the Family and Medical Leave Act was passed, requiring employees of 50 or more to provide 12 weeks of unpaid job-protected family or medical leave to employees.

The National Restaurant Association, along with the Texas Restaurant Association, is kind enough to have compiled a book entitled "The Legal Problem Solver for Foodservice Operators" to help anyone who might be contemplating opening a restaurant. Unfortunately, a typical restaurateur in Texas has to pore through 27 chapters of Federal and State rules, regulations, and paperwork that must be complied with to open and run a restaurant. The topics of these chapters range from how to report tips to the IRS, to how to value meals when it comes to overtime work; from Department of Labor rules on uniforms, to drug policy requirements; from OSHA's bloodborne pathogen standards, to Equal Employment Opportunity Commission guidelines on height and weight. With such a regulatory maze to have to wind through, it is a wonder that anyone is able to open a restaurant at all, much less stay in business.

Perhaps even scarier are the pieces of proposed legislation affecting restaurants which the Clinton administration and/or this Democrat Congress want signed into law. They include a ban on smoking in public, a prohibition on replacing a striking worker, a massively expensive OSHA reform bill, and of course the infamous Clinton health care plan. This plan would push Cost of Government Day back 31 days—the single greatest jump in the cost of Government in our Nation's history.

CONCLUSION

The message of the Regulatory Relay is this: The system for drafting, evaluating, approving, and promulgating rules must be overhauled. The lack of an effective regulatory review process to weigh costs and benefits is wreaking havoc on our economy, resulting in lost jobs, lost productivity, lost competitiveness, and lower standard of living. We must establish a system of cost/benefit analysis, pass the Paperwork Reduction Act, strengthen the Regulatory Flexibility Act, and provide protections for whistleblowers whose firms are being abused by overzealous regulators.

If Americans are to succeed in today's highly competitive economy, we must break the chokehold of regulations around the neck of every budding entrepreneur and allow them to compete freely. I look forward to continuing the fight to bring some sense back into the regulatory process.

Mr. Speaker, I am including at this point in the RECORD the document I referred to earlier, "Regulations and Restaurants From A to Z," as follows:

REGULATIONS AND RESTAURANTS FROM A TO Z

MATTERS RELATED TO RUNNING A RESTAURANT INVOLVING SOME ASPECT OF FEDERAL REGULATION

Accessibility to disabled customers (DOJ).
Advance payment of Earned Income Credit (IRS).
Age discrimination (EEOC).
Alcohol excise taxes (IRS).
Annual occupation tax for alcohol-sellers (BATF).
Bloodborne pathogen program for employees who give first-aid (OSHA).
Citizenship-status discrimination (DOJ).
Commuting plans for employers in high-pollution areas (EPA, beginning late 1994).
Continued health benefits for former employees (IRS).
Copyright law and restaurant music (DOJ).
EEO-1 Form (EEOC).
Egg-refrigeration standards (USDA, proposed for 1994).
Exempt managers (DOL).
Federal income taxes (IRS).
Federal income-tax withholding for employees (IRS).
FICA payroll taxes (IRS).
FICA payroll taxes on tips (IRS).
FUTA payroll taxes (IRS).
Grease-trap waste disposal (EPA).
Hazard Communication Standard (OHSA).
Health claims and restaurant foods (FDA).
Health benefit plans and the Americans with Disabilities Act (EEOC).
I-9 form (Employment Eligibility Verification Forms (INS).
Immigration Reform and Control Act of 1986 (INS).
Independent contractors, reporting of payments to IRS).
Job application forms, permissible questions (EEOC).
Magnetic media reporting of Forms W-2, 8027 (IRS, SSA).
Material Safety Data Sheets (OSHA).
Meal credit (DOL).
Minimum wage (DOL).
National origin discrimination (EEOC).
Notice to employees of eligibility for Earned Income Credit (IRS).
Nutrient-content claims and restaurant foods (FDA).
Overtime pay rules (DOL).
Payroll tax deposits (IRS).
Polygraph ban (DOL).
Poster: Equal employment opportunity (EEOC).
Poster: Polygraph (DOL).
Poster: Minimum wage (DOL).
Poster: Family and medical leave (DOL).
Poster: OSHA (OSHA).
Race discrimination (EEOC).
Reasonable accommodation for workers with disabilities (EEOC).
Refrigeration equipment and CFC phrase-out (EPA, phaseout by 1996).
Religious discrimination (EEOC).
Restaurant closing, 60 days advance notice (DOL).
Sex discrimination (EEOC).
Teen labor: Hours restrictions for workers under 16 (DOL).
Teen labor: Occupational restrictions for workers under 18 (DOL).
Tip credit (DOL).
Tip reporting and IRS Form 8027 (IRS).
Tip allocation (IRS).
Tip-income audits (IRS).
Tip pools (DOL).
Uniforms: Deposits, costs, maintenance (DOL).
Veterans' employment rights (DOL).
W-2 Forms (Wage and Tax Statement (IRS, SSA).
W-4 Forms (Employee's Withholding Allowance Certificate) (IRS).
Workplace phones, hearing-aid compatibility (FCC).

□ 2130

Mr. Speaker, I would be happy to yield to the distinguished gentleman from Michigan, who has worked so long and hard on regulatory reform in this House, as well as many other reforms that ought to be brought to this House.

Mr. HOEKSTRA. I thank the gentleman for yielding.

Mr. Speaker, I am not going to talk specifically about restaurants, but the gentleman mentioned the Clean Air Act and also some of the things he thought needed to be overhauled. I also want to reference a story today in the Washington Post, the national weekly edition, "Why American Hate Congress." I found perhaps one of the most interesting quotes in there: "A survey found large gaps in public knowledge of what this Congress has done, but discovered that those who know more," and that is the American people who know more about what we have done, "actually think less of the legislators' performance." I think I have a wonderful example here. I have good news and bad news on paperwork reduction and on Government regulation. Which would the gentleman like first?

Mr. DELAY. Give me the bad news first.

Mr. HOEKSTRA. The bad news is that under the Clean Air Act and the rules and regulations that are being promulgated, we will have to meet those rules and regulations.

Mr. DELAY. Then what is the good news?

Mr. HOEKSTRA. The good news is that the EPA is going to save hundreds of thousands of dollars because they are not going to publish them in the Federal Register.

Mr. DELAY Wait a minute, I do not understand. We are going to have just hundreds of regulations, as I understand, coming out to implement the Clean Air Act?

Mr. HOEKSTRA. Correct.

Mr. DELAY. They are not going to publish them so Americans will not be able to read them?

Mr. HOEKSTRA. This is correct. The Washington Times, Tuesday, July 12,

Let me tell you why this is so important to my district. Part of my district—we are on the Lake Michigan shoreline, Chicago is about 100 miles to the southwest and Milwaukee is 90 miles directly west of my district. A lot of pollution, it is amazing the EPA has not recognized this fact yet, but air moves. I do not know if the gentleman knows that.

Mr. DELAY. Well, you need about a $10-million study to study how air moves.

Mr. HOEKSTRA. That is right We have commissioned a number of studies. What those studies have shown, the first study we did is we found out that the air above part of my district, what it is doing, it is moving. So, obviously, we now have to meet the Clean Air Act requirements, some of the things the gentleman was talking about. We are not to the carpooling state yet, but we might be.

We thought we were fairly environmentally conscious in west Michigan. We have large rural areas. We wondered why is it that we do not meet the clean air standards. We found out that surprisingly enough air moves and somewhere between 70 and 90 percent of our pollution come from areas to our west. So we are getting windborne pollution.

So, beginning January 1, 1995, the citizens in my district are going to have to start paying $24 every other year for auto emissions testing.

□ 2140

And for us, full well knowing, that even if all of the constituents in these three counties locked their cars in their garage, and did, and put them away, and started riding their bicycles, like I like to do, we would not be able to meet the clean air standards; so, I found it amazing when I went to the Washington Times this week and started reading "Clean Air Rules Published Only in Summary by EPA."

The 1990 Clean Air Act has spawned so many proposed regulations that the Environmental Protection Agency has decided to publish only summaries in an effort to save money.

I ask, "Isn't it amazing that we think that the American people and American businesses, they have all of the money to implement regulations when we here in Washington do not have enough money to publish them?"

It goes on. "There's just an enormous number of new rules that would have cost the agency hundreds of thousands of dollars to publish in the Federal Register," EPA spokesman Lou Kester said.

Later on it goes on:

At least one reader of the Federal Register has written EPA Administrator Carol M. Browner to protest the omission.

"This situation sets a dangerous precedent to which I object," wrote John D'Aloia Jr., a consultant to Prindle-Hinds Environmental Inc. of Albuquerque, N.M., which advises banks, insurance companies and other businesses of pending federal rules.

"The purpose of the Federal Register is to provide citizens with a single source of government action. By forcing interested parties to take additional action to obtain copies of proposed rules, EPA is making it more difficult, and costly, for citizens to participate in the regulatory process."

So, first, we start off with bad legislation. Second, we now make it more difficult for those people that are affected by bad legislation to try and implement bad legislation.

Just think, Mr. Speaker, I came from the private sector, and just think of what, and I am just trying to imagine, what my customers would be telling me if we introduced a new product that was fairly complex, and we said, "By the way, if you would like to understand how to use this product, or what types of problems it might solve, or what the technical specifications are, you know you have to pay extra for that. It's going to cost you an extra—if the product costs $10,000, if you really want to find out how the product works, send us another check, and we'll send you one for a thousand dollars, then we will send you, the technical specifications and the operating instructions." I think that company would be out of business very, very quickly.

I find this an interesting thing. It just builds off of what the gentleman is saying about the cost of regulation. The cost of regulation is immense even when we are passing well-intentioned, well-founded legislation that would have a very good impact. What we are finding is too many bills that are based on faulty premises. We are requiring the American people, the American public, to then implement bad legislation, and now we are making it more difficult for them to find out what they are actually supposed to do.

Why do people hate congress? They see what we are doing.

Just one more comment:

I went to the chairman of the Committee on Energy and Commerce when I came here, and I said, "This doesn't make sense."

The comment was, "I understand. I understand that there are problems with the legislation. I can't open up the legislation because what we may end up with will be worse than what we have."

That may work great for the 49 other States. It may work great for the other 84 counties in the State of Michigan that are not impacted by this.

Try explaining that to the three counties and the people in those counties that have to pay. Explain that to the businesses that now have to compete under those regulations. It does not wash.

When we have bad regulations and laws, it is our responsibility to fix them. We are not willing to recognize the problem.

I thank the gentleman from Texas [Mr. DELAY] for having yielded to me.

Mr. DELAY. I think the gentleman from Michigan has just exhibited his talent in this regard and his diligence in finding that in the case of the first article, a very obscure article, understanding the impact that that article was trying to portray, and then the second article as an example of this outrageous, out of control Federal Government that now, as the gentleman so rightly puts it, that now has gone even a step further, that has given coverup a bad name.

Now for the first time, and I have been here 10 years, and this is the first time that I know of that I have ever even heard of it, that an agency refuses to publish the regulation that it is going to impose upon every American in this country so that, and I do not know the reason; it obviously is not to save money.

This present administration and its agencies are running amok, actually promulgating rules and regulations that they have no authority legally to promulgate, and this may be a way that they are trying to cover up what they are doing, particularly in a piece of legislation as complicated as the Clean Air Act. Of any piece of legislation, that one and its regulations should be published.

I yield to the gentleman from Oklahoma [Mr. ISTOOK], my cochairman of the Task Force on Competitiveness.

Mr. ISTOOK. Mr. Speaker, as the gentleman knows, it seems to me like a lot of people have got to be very confused listening to this explanation because it is normal for a Member of Congress, at least if they are back in their districts, to talk to people and say, "Well, we in Congress have done great things, but then there are these bureaucrats over here that have done the bad things," and maybe it is kind of scapegoatism, but we have people that are supposed to be carrying out the instructions they were given from Congress, and the Members of Congress, when something goes bad, they say, "Well, it's the bureaucrats' fault because of the regulations that came through."

But I think what the gentleman is trying to say is that really it traces back to the Members of Congress that gave the instructions in the first place, that, even if one paid extra money, and they got the instruction manual that Congress sent to these people, they would find that it still does not make sense, and why is it that the public is hit with this constantly? One would think that these Members that say it is the bureaucrats' fault voted against the bills that gave away all this authority and gave this power to the bureaucrats to do these silly things like tell all the people, "You have got an air pollution problem. It's your fault even though you had nothing to do with it."

Why is it that these Members, if we look at the Members' record, we find they did not vote against them, they voted for those bills, and nobody ever seems to look back at that record? Why is that? I am a freshman; what would I know?

Mr. DELAY. The gentleman, I think, knows the answer, but I would like to attempt to answer it in that it has been my experience in the 10 years that I have been here that this House, controlled by the Democrat leadership, passes bills with no intention of being specific, as specific, as to enumerate the kinds of regulations and rules that the bill is intended to promulgate on the American people. The bills are always general in nature so that Members of Congress can vote for the Clean Air Act, go home and say, "I'm for clean air," and not be—first of all make sure it is not implemented for 2, 3 or 4 years down the road so they can get two or three elections in their pockets, and then, when it starts hitting, and the bureaucrats and the agencies start writing the rules and regulations for these poorly written bills that are general in nature, are not specific enough so that people, the American people, can understand what the Members are doing to them, then they start blaming the bureaucrats when in fact this House ought to be the oversight agency, the oversight body, for these rules and regulations.

In fact, the gentleman from North Carolina [Mr. TAYLOR] has an excellent bill that cannot seem to find its way to the floor because it is being stifled by the chairman of the committee it was referred to that says that when agencies promulgate these rules, before they go into effect they have to be sent back to the Congress for approval, for a vote, so that Members of the House have to approve these rules and regulations promulgated by the agencies. I think that would slow down a lot of this mess.

□ 2150

Mr. ISTOOK. If the gentleman would yield further. It reminds me of something that was said by a favorite son of Oklahoma, Will Rogers. Because you are saying that Congress puts out something, they say, "Oh, this sounds like a great idea, but don't bother us with the details, we'll let somebody else work out the details." Of course, they get it all wrong.

Will Rogers, back when the German U-boats were threatening all the shipping around the time of World War I, and so forth, and they were sinking merchant vessels right and left, Will Rogers said, "Well, I've got a great idea. All we have to do is boil the oceans. And when the oceans start boiling, the U-boats will have to come up and they'll pop up to the top, and then we can see if we can shoot them and sink them."

THE HOLLOWING OUT OF AMERICA'S ARMED SERVICES

The SPEAKER pro tempore (Mr. FROST). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Missouri [Mr. TALENT] is recognized for 30 minutes as the designee of the minority leader.

Mr. TALENT. Mr. Speaker, I am happy to yield to the gentleman from Oklahoma to finish his story.

THIRD ANNUAL REGULATORY DELAY—THE BURDEN OF REGULATION ON THE RESTAURANT INDUSTRY

Mr. ISTOOK. We were caught in the middle of the Will Rogers' story.

"If we could stop the German U-boats, boil the oceans, the U-boats will pop to the top and you can shoot them." People said, "I guess that sounds like an okay idea but how do you boil the oceans?"

Will Rogers said, "I'm just an idea man. I'm not a detail man."

I think that is what we see so often in Congress. We are supposed to be permitted to be idea people and not detail people and no matter how impractical things may be, we are not supposed to be judged on the basis of that. We have sure seen examples from you gentleman of improper regulations and it traces right back here to the halls of Congress.

Mr. TALENT. Mr. Speaker, I rise today on the House floor to address again a subject I have addressed on no fewer than 3 occasions, that is, the hollowing out of America's armed services. In fact, in the middle of last year I formed an ad hoc committee on the hollowing out of the armed forces with the gentleman from Arizona [Mr. KYL], the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from New York, [Mr. MCHUGH]. Since then we have done special orders on the general issue of the hollowing out of the forces, on the collapse of modernization programs in the United States Army, and on the terrible situation we have with the shortage of ammunition all throughout the services. My remarks tonight are on the subject of military pay and specifically on what happens when military pay lags behind civilian pay and also behind inflation.

Mr. Speaker, what would you expect to happen under those kinds of circumstances? Well, you would expect that it would become more difficult to recruit high quality people to serve in the armed services and more difficult to retain the high quality people who are already serving there. My points tonight are threefold. First, history shows that in fact that does happen, in fact it did happen in the 1970's, when military pay lagged way behind inflation and when in fact we had great difficulty retaining the high quality people we had in the services and recruiting others.

The second point is that military pay is again falling behind inflation, to approximately the same degree it did in the 1970's.

The third point I want to make tonight is that the force is again hollowing out in the sense that we are losing quality people from the services and are finding it more and more difficult to recruit the kind of people we need to staff a high tech and modern American military.

I begin, Mr. Speaker, with a history lesson and I go back to the years 1973 through 1979. These were the years in which the United States was governed by the Ford and then the Carter administrations. The chart to my left, Mr. Speaker, shows the gap between military pay and inflation that occurred during those years. Specifically the point of the chart is to show whether and to what extent increases in military pay kept up with inflation during those years. Taking 1975 as a base year, you can see very easily that between that year, 1975 and approximately 1980, at the end of the Carter administration, military pay lagged 15 percent behind inflation. In other words, if you had served in the American armed services in 1975 and had stayed in the services through the end of that decade, you would have suffered in real terms a 15 percent cut in the compensation that you received.

Did this hurt the quality of the personnel and the quality of the force during that period of time? There is no question, Mr. Speaker, that it did. This is documented, it is accepted by everybody. I will use 3 indices tonight to measure the quality of the personnel during that time and then compare it to what happened in the 1980's and what is happening now. The first index I will use is the percentage of recruits during those years who had high school diplomas. I will also use the tests that the military gives to new recruits which are designed to show what is colloquially called the trainability of those recruits. In other words, how easy is it to train recruits to perform in military occupations? And I will also use reenlistment rates. What happened to those 3 indices of the quality of the forces from 1975 through approximately 1980?

Let us look first at the percentage of recruits who had high school diplomas. In 1976, 91 percent of the recruits in the American military had a high school diploma. That number is too low. It would be considered a serious problem if it existed today. That is where we were at in 1976.

By 1980 the percentage of recruits who had a high school diploma had fallen to 82 percent. This means that 1 out of 5 of the new recruits in the American military, a high-tech, modern military on which the stability of the international order depends, 1 out of 5 of our recruits did not have a high school diploma. How trainable were those troops? The military gives tests

to new recruits to determine how difficult it is to train them for military occupations. After they give those tests, they place the recruits into four different categories. Category 4 is very low trainability. People in category 4 are very difficult to train for any kind of a sophisticated occupation. In 1976, none of the recruits were placed in category 4. So zero percent of the recruits were considered to be very low trainability recruits. By 1980, 10 percent of the recruits were in category 4. One out of every 10 recruits in the American military in 1980 was considered very low trainability

What about reenlistment rates? First-term reenlistment rates during this period of time held pretty steady but at a very low rate, about 40 percent. As for second term reenlistments, in 1976 70 percent of the personnel who had an opportunity to sign up for a second term did. By 1980 that figure had fallen to 61 percent.

The quality of the force in those days got so bad, Mr. Speaker, that by 1981, early 1981, the U.S.S. *Canisteo* went to the Brooklyn Naval Yard to be overhauled, was refitted and was then supposed to set sail again. The captain of that vessel refused to take it to the high seas, because he refused to certify that there were an adequate number of skilled sailors so that that ship could go on its mission. His decision was reviewed by higher level authorities in the Navy and was upheld. He acted rightly in that decision. It was the only time in the history of the U.S. Navy when a naval vessel has been unable to take to the high seas because it did not have an adequate number of skilled sailors on board. That was the result of the 15 percent real cut in military pay that had occurred to the U.S. Navy and the other services from the years 1975 to roughly the year 1980.

What happened after that? When President Reagan took office, his first step was a very large pay increase, approximately 14.3 percent. That was not an accident. That was what was necessary to move the services back to where they were in terms of purchasing power in 1975. In other words, he made up this gap which had existed in the military services from 1975 through 1980 and brought them back to where they would have been had their pay raises in the meantime kept up with inflation. It was not just the Reagan administration that did this. That pay raise was approved by an enormous bipartisan majority, 417 to 1 in this House alone, and that pay level was pretty much maintained through the end of the Reagan years to approximately 1988 and 1989. There were other measures as well taken during this period of time to maintain morale and maintain the quality of the troops.

Did those measures have an effect? The answer is that unquestionably, indisputably they did.

Let us return again to the 3 indices that we used before. The first is the percentage of recruits having high school diplomas. The House will recall, Mr. Speaker, I said a moment ago that in 1980 only 82 percent of the new recruits had a high school diploma. By 1983, virtually 100 percent of the new recruits had a high school diploma.

The next index. The trainability of the new recruits, what did their test scores show?

□ 2200

In 1980, you will recall, Mr. Speaker, 10 percent of the recruits were in category 4. They were considered of very low trainability. By 1986, that 10 percent had been reduced to zero. There were no new recruits that were considered to be of very low trainability. In fact, 51 percent of the recruits by 1986 were classified in the top two categories. They were classified as highly trainable.

Let us examine reenlistment rates. I spoke before about second term reenlistment rates. In 1980, they were 61 percent. In 1989, they were 79 percent. Moreover, first term reenlistments had gone substantially up during the eighties from 40 to 60 percent.

It was that force, Mr. Speaker, that fought Desert Storm in 1991—the force that was rebuilt in the 1980's by a joint effort from the Reagan administration and Congress. The foundation of that rebuilding, the first step that was taken, was making up for the pay gap that had been created in the late 1970's and that had resulted in the decline in the quality of the American military. People are the foundation of any modern force.

What has happened since President Reagan left office? It is the same tale that we saw in the Ford-Carter years. First, some initial slippage under President Bush. There was a pay gap of about 3 to 4 percent during the Bush years.

Now we see in the Clinton era, in the budgets that have been passed and the budgets projected under the President's 5-year plan, a decline similar to that which occurred in the Carter years.

Mr. Speaker, unless this Congress acts or the administration changes its budget projections, military pay will be cut in real terms by 10 to 12 percent by the end of this decade, from where it was at the beginning of the decade. The impact of these pay cuts is already evident.

Let us go back to those three indices. In 1989, 100 percent of the recruits in the American military had high school diplomas. In the first 6 months of 1994, only 94 percent of the recruits had high school diplomas. We are already moving down in terms of the quality of the new recruits.

What about trainability of those recruits? You will recall, Mr. Speaker, in 1989 zero percent of the new recruits in the American military were in category 4 regarding trainability. That is to say, none of the new recruits were rated very low in terms of their ability to be trained. By 1993, 4 percent of the recruits were in category 4. That means 1 out of 25 of the new people currently recruited in the military are very difficult to train for military occupations. This at a time when the technologies that the military must use are growing ever more sophisticated.

In addition, Mr. Speaker, in 1989, 51 percent of the new recruits were in the top two levels of trainability, were considered to be highly trainable. That number slipped by 1993 to 38 percent.

As far as reenlistment rates are concerned, the evidence is more mixed. The first term reenlistments are down. Second term reenlistments are holding. It is probably unfair to use this index now, because we have been experiencing such a substantial downsizing. It is very difficult to tell whether those who are failing to reenlist are doing so because they don't want to reenlist, or because they want to reenlist but there is no more space for them because of this very substantial downsizing.

What can we say in summing up this chart, Mr. Speaker? In the late 1970's, military pay was reduced in real terms by 15 percent. As a result of that, the quality of recruits and the retention rates dropped and seriously affected the quality of our armed forces.

If the Clinton budgets go as projected, military pay will drop 10 to 12 percent by 1998. In other words, we have begun a trend which is very substantially the same as what occurred in the Carter years. The trend is already having a negative impact on the quality of personnel. That impact is as certain as the turning of the Earth to continue and to deepen, unless the Congress does something to increase military pay so that it keeps pace with inflation in the coming years.

The trend is made worse by another factor which is causing the quality of the force to hollow out, and I want to discuss that very briefly, and that is the increasing length of deployments abroad in the American military.

This is substantially the result of the downsizing at the same time as we have increased what is called OPTEMPO. The American military is obviously undergoing a very substantial downsizing. It has ever since 1986. The trend has accelerated ever since 1989. Yet our commitments abroad have not reduced.

The number of our soldiers and sailors has gone down, but their commitments and the need to commit them abroad has not gone down. When you have fewer people and have more for them to do abroad, it means those left must be away from their home base or their home port longer, and that is what is happening, especially in the

Navy and in the Air Force. Those are the two services I am going to discuss briefly tonight.

The Navy has a rule regarding PERSTEMPO, which is the amount of time each year in which sailors are away from their home port. The Navy's rule is that it cannot keep sailors on board ship on extended tours longer than 50 percent of the time.

If I have heard one admiral and one undersecretary speak to this in the last 18 months in my service on the Committee on Armed Services, I have heard 100. They say you cannot keep sailors away from the "home port" and their families, in peacetime, more than six months out of the year. If you do, they will leave the Navy.

You can do it in war, because the sailors will sacrifice almost anything for America's vital interests, but they are not going to stay in the Navy if you make them do it in peacetime. Who can blame them? They do not sign on to be away from their families and homes more than half the time.

Where are we with PERSTEMPO? Is the Navy meeting that minimum 50 percent rule? Mr. Speaker, in the years 1991 through 1995, 89 Naval units, that is ships, squadrons, 89 Naval units, have been unable to meet the 50 percent requirement. Even worse, the sailors on aircraft carrier battle groups have been away from their families during this 5-year period on average 56 percent of the time. Even where we are now, and the downsizing is not completed, we are not meeting the minimum requirements for PERSTEMPO that all the Navy senior officers and civilian officers agree we must meet.

So we are paying these men and women less, and asking them to stay away from their homes longer. And the simple fact of the matter, as we experienced in the 1970's, is they will not stay in the Navy if we continue to ask them to do that. It is unfair to ask them to do that, and if the trend continues many high quality people will get out of the service.

Mr. Speaker, the trend in the Air Force is even worse. The Air Force has been cut in total personnel by 25 percent since 1988, from 537,000 to 432,000. At the same time, the number of people engaged in contingencies abroad has quadrupled. The OPTEMPO of the Air Force has not gone down since Desert Storm. It has gone up. We have called on the Air Force and are calling on it in Iran, Iraq, Somalia, and Bosnia. We probably will be demanding service of the Air Force in Haiti. And this is at the same time as we are downsizing the troops and pulling people back to the continental United States.

When you have fewer people and more duties away from home, Mr. Speaker, what happens? The troops that you have remaining must stay away from home longer. That is what is happening in the Air Force.

The situation is getting so bad that for the first time the Air Force is beginning to measure the length of the average TDY, or temporary deployment abroad.

In fiscal year 1994, the Air Force had 432,000 personnel, 17,242 people occupied in contingencies during that fiscal year, and the average deployment abroad was 108 days. Men and women do not sign into the United States Air Force to stay 108 days away from home during peacetime.

The problem is not limited to troops stationed in the United States. It is happening, Mr. Speaker, even to personnel who are stationed abroad.

Let me recite some anecdotal evidence. For all air crews stationed in Europe, the average deployment time away from home in support of a contingency is 108 days. Since 1993, the average temporary deployment for AWACS crews has been 167 days. That means that these crews have been away from home for 46 percent of the year.

Over the same period, the average temporary deployment for F-15 crews is 97.9 days, or 27 percent of the year. At Ramstein Air Force Base in Germany, the largest Air Force Base outside the continental United States, home to a major F-16 wing, the average deployment away from home in support of a contingency is 131 days. At Spangdahlm Air Force Base in Germany, the average duty time away from home is 110 days, or 30 percent of the year.

Recently the Marines have experienced a classic example of this problem with extended deployments abroad. It is the kind of thing that destroys morale in the service.

□ 2210

It is what happened to the 24th Marine Expeditionary Unit. The 24th MEU had been stationed in a support role or had been at sea in a support role in Somalia and in Bosnia. They were at sea for 6 months. They came home very recently.

The typical procedure would be they would have a 10-day period completely off, when in essence they could take a vacation. And then they would have an extended period of time working at home port and living with their families. Halfway through the first 10 days home they were redeployed and reassigned to ship and sent out to Haiti. So they had been gone for 6 months. They came home for 5 days. Their families expected that they would have a vacation of an additional 5 days, and then be home for months at a time. And they were put back on board ship and sent to Haiti because we do not have enough people to cover the contingencies that we have abroad.

That incident is going to ricochet, is ricocheting through the Marine Corps. What it says to the Marine Corps is that the administration and the Congress do not care about them, do not care about their families, do not care about their expectations. To do that to those people at the same time we are reducing their pay is criminal, Mr. Speaker.

I have been in the Congress on the House Committee on Armed Services for 18 months. I have sat through a number of hearings in which senior officers have testified about the trends toward a hollow force: trends in pay, modernization, maintenance depots. These officers have expressed their concern over these trends. Publicly they are discreet; privately they are more explicit. But it is clear in either venue that they believe the force is on the ragged edge of readiness and will hollow if we continue underfunding the military.

I have also talked, during that period of time, to a number of senior Members on both sides of the aisle who have expressed the same kinds of concerns to me. These Members are tremendously frustrated, Mr. Speaker, because many of them served in Congress in the 1970's. For them, and for those senior officers who served in the armed services in the 1970's, the situation today is like revisiting a nightmare.

Yet this body, as an institution, as a whole, continues as if it were in a daze, failing to confront, failing even to debate these kinds of issues and to examine the danger towards which we are headed.

Mr. Speaker, this is not an academic debate or a political game. Sooner or later America's military is going back into battle.

If it goes back hollow, if it goes back without quality people, if it goes back without high-maintenance units, if it goes back without adequate ammo, if it goes back without modern weapons, if it goes back without spare parts, if it goes back without adequate training, if it goes back hollow, a lot of people we send someplace around the world are not going to return.

And it will not be because it was necessary for them to die. It will be because Congress did not live up to its responsibility to adequately prepare America's military for battle.

A lot of families are going to lose husbands and fathers and brothers and sons, and it is not going to be their fault, Mr. Speaker. It is not going to be the fault of their comrades or their commanding officers. The fault is going to lay at the door of the institution which is assigned the constitutional responsibility of maintaining the armies and navies of the United States. That is the Congress of the United States.

To hollow out the military, to make a mistake of that size once in a generation is a tragedy. To make it twice is unforgivable.

Mr. Speaker, it is not the politicians who pay the price of a hollow force. It

is the men and women of America's armed services who go into battle and do not return.

CONGRESSIONAL REFORM

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 30 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time out to talk about an issue which was addressed here on the floor earlier today and, quite frankly, it will be addressed by me and several other Members in a bipartisan way until it is resolved. That is the issue of congressional reform.

In August 1992, in a clear bipartisan effort, both Democrats and Republicans joined together to establish for the first time in nearly half a century what has become known as the Joint Committee on the Organization of Congress.

The committee was established in a bipartisan way because of the fact that we in this House were in the midst of a number of scandals. Frankly, as we look at those items, which led to the establishment of the Joint Committee on the Organization of Congress, the House Restaurant, House Bank and the Post Office scandals, many of the problems continue to loom.

They led to the establishment of the committee, and I believe that we have, unfortunately, ignored not only those but many of the other institutional issues which desperately need to be addressed as we move towards the 21st Century.

In the early years of this country, when the Census was taken, following the Census, that 10-year period of time, the committee structure for the Congress was modified. Unfortunately, if we look at the reforms that took place in the 1940's, under what is known as the Monroney-La Follette Committee, we have seen virtually no reform of the committee system.

That is nearly half a century, and we have not, as we have observed tremendous changes throughout the world, changed this institution.

Earlier today one of my colleagues on the Joint Committee on the Organization of Congress, the gentleman from Cape Girardeau, Missouri [Mr. EMERSON] talked about the fact that we in the Congress have spent a great deal of time talking about reform of the health care system, reform of the welfare system, reform of wetland policy, reform of the educational structure, reform of virtually every area. And yet, while there has been a great deal of talk, there has been no action here in the Congress.

Now, this committee was put into place to serve for 1 year and 1 year only. I was very enthused about the prospect of serving on a committee in Congress which would actually go out of existence because it is a real rarity around here. Once a committee is established, it is like moving heaven and Earth to try and bring that committee, even if it has completed its work, to a close. So when I was asked to serve on this committee that would go into effect on January 1, 1993, and out of existence on December 31, 1993, I thought, wow, what a terrific opportunity to buckle down, work hard and spend every moment that I possibly could outside of my work on the Committee on Rules and other items that I had, focusing on reform of this institution.

It was a wonderful experience. We worked in a bipartisan way. The great thing about this committee was that there were an equal number of Republicans and an equal number of Democrats, an equal number of House Members, an equal number of Members from the Senate.

With that 28-member committee, we were presented with this chance to come forward and be bold and do the kinds of things that the American people and, I sincerely believe, a majority of the Members of this body want us to do. We had, on our side of the aisle, my colleagues, Mr. SOLOMON, Mr. WALKER, Ms. DUNN, Mr. ALLARD. We had people who spent a great deal of time focusing on this issue of congressional reform, along with Mr. EMERSON who I mentioned earlier. They very sincerely wanted to do it.

On the other side of the aisle, many of the Members, I believe, sincerely recognize the need to bring about institutional reform and they want to do something. Some of the items that we wanted to address in that committee and, in fact, did address in a positive way were issues like congressional compliance.

Now, it is not what I believe should be the case. It is, frankly, rather weak. But it is a step in the direction of congressional compliance.

□ 2220

There are other things that I think were, unfortunately, not addressed in the Joint Committee, but based on conversations that I had with Members on the other side of the aisle, they wanted us to address those things right here on the House floor, allowing the House to work its will on issues like proxy voting.

For anyone who has followed the debate, and my colleagues know, Mr. Speaker, that proxy voting is a system where Members are allowed to have their votes cast while they are not in the room. Unfortunately, as we look at that pattern which has gone on, we often see committee chairmen and others cast the votes for many Members who are not present at all, do not know about the debate on an issue, when a vote is being taken, and Members who are in the room, in the minority, who are there working, listening, participating in the markup of legislation, are overruled by proxies in a virtually empty room.

We believe, Mr. Chairman, that since the American people have to show up for work, that Members of Congress should have to show up to their committees if their votes are going to be cast, and in our Committee on Rules, as you know, Mr. Speaker, where you and I sit, we have no proxy voting. Sometimes we have to wait to get a quorum into the room so that we can cast the votes that we do, but I think that it works out rather well. If I am not upstairs on the floor just above here, on the third floor, my vote is not cast.

We have that same provision in the Committee on Appropriations, which I believe is the largest committee in the House. We have that in the Committee on Veterans Affairs and in the Committee on Standards of Official Conduct, but on the other committees, unfortunately, proxy voting is allowed, and we have often seen real abuse of that.

I think that the American people recognize that their Members of Congress should be on the job, should be in the committees working, rather than allowing their votes to be cast by someone, and they have no idea how that vote is being cast.

Another thing that I believe needs to be addressed is the issue of committee structure reform. Mr. Speaker, there are 266 committees and subcommittees for the House and Senate. That is for 535 of us who serve here.

I often joke, Mr. Speaker, that if I am walking down the hallway and happen to see a Democrat whose name I do not quite remember, I just say, "How are you doing, Mr. Chairman," because chances are he or she chairs some committee or subcommittee. The proliferation has been very great, and I believe needs to be addressed.

Mr. Speaker, we also have jurisdictional overlap and a desire by Members to serve on so many committees that that is used often as an excuse for proxy voting, because if they have markups in three or four committees taking place at the exact same moment, how can they possibly be in all of those committees at the same time?

Obviously, it is impossible, so I believe that the responsible thing for us to do would be to reduce the number of committees and subcommittees so that we could do what I believe is really the major charge of our Joint Committee, and that is, enhance the degree of accountability and our ability as Members of Congress to deliberate on these public policy questions which we face.

Mr. Speaker, when I mentioned jurisdictional overlaps, my friend, the gentleman from Glens Falls, New York [Mr. SOLOMON], in our debate earlier today, when we were attempting to defeat the previous question and move

congressional reform forward, referred to the fact that on the health care issue alone, we have had three committees and about 10 subcommittees involved in the issue of health care reform.

There are a wide range of issues which, with referrals to many committees, create a great many problems. Those problems, Mr. Speaker, tragically hurt the American people in their attempt to get responsible legislation moved from the Congress of the United States. As they do that, Mr. Speaker, on a regular basis, as we see that obliterated, people, unfortunately, are not getting the kind of representation which they deserve.

As we look at one of the other items which has been discussed, it is congressional compliance. Virtually everyone here knows, Democrat and Republican alike, that if we go out to a town hall meeting, if we talk to any audience, virtually any audience, there is one way to guarantee that we are going to get a standing ovation. How is that? We say, "The Congress of the United States of America should not exempt itself from the laws which we impose on the American people."

Yes, everyone stands up and cheers and believes that that is the case. Democrats and Republicans alike have found from their public meetings that that is the issue, which is a real hot button with the American people.

What is it that has happened? What has happened is, there is an attempt by the leadership to simply bring up the issue of congressional compliance, passing what tragically is a very weak plan that emerged in our legislation. As I said earlier, the issue of congressional compliance calls for the establishment of basically a committee that is going to a compliance office, we call it, which is going to make recommendations back to us on what regulations we might consider imposing on ourselves. They want to be able to call that congressional compliance.

Obviously, that is riddled with loopholes and creates a situation which allows Congress to continue to exempt itself from the laws which we impose on the American people. One of the things that is very controversial, I know, is this issue of the Occupational Safety and Health Act. A number of my colleagues, some in the other body, have raised real concerns about the cost that would be imposed on the United States Congress if we had to actually comply with OSHA here.

As we look at that, the very simple and basic response is, ah ha, maybe we should realize the cost which we are forcing American businesses to shoulder to comply with these onerous and duplicative regulations which are imposed. It seems to me that we have a real responsibility to strike a balance on that.

The leadership, knowing that people out there are concerned about congressional compliance, want to pass this very weak package of congressional compliance and all that congressional reform. Unfortunately, Mr. Speaker, I think they may get their way, because I have heard of some meetings which have taken place over the past several days in which the leadership wants to maintain the status quo when it comes to issues like proxy voting, budget process reform, looking at the line item veto, looking at the committee structure reform, and they want to maintain the status quo, but they know that something needs to be done in the name of congressional reform, so they will pass that one hot button, congressional compliance.

That would be an outrage, and I believe a major attack on the gentleman from Indiana [Mr. HAMILTON], who served as the chairman of the committee from the House side, and my colleagues in the other body, DAVE BOREN and PETE DOMENICI, who are our counterparts in the Senate working on this issue. It really would be basically saying that calendar year 1993 went for naught because of the fact that we have ignored the findings of this effort, which put together the largest compilation of information ever gleaned in the history of the Congress.

We have 243 witnesses, 37 hearings. We heard from people in the private sector, we heard from academicians, we heard from former Members of Congress. I find it rather interesting that some in the Majority leadership have argued that there is really not a great deal of interest for congressional reform here in the House. We had scores and scores of Democrats and Republicans come before our committee and talk about the necessity to bring about real congressional reform.

It seems to me, Mr. Speaker, that as we look at that challenge, it is one which we cannot ignore. It is my hope, and I have been working very closely with my colleague, the gentleman from Indiana [Mr. HAMILTON], who shares my concern about the fact that attempts are being made to break up this legislation, H.R. 3801, and deal with it in a piecemeal way and call that congressional reform, he is concerned about it.

Mr. Speaker, I very much appreciate the fact that we work together in a bipartisan way. Earlier today when I was speaking on the rule, trying to defeat the previous question so that we could make our reform package in order, one of my colleagues on the other side of the aisle was saying that I was attacking the institution, demeaning the institution. It seems to me that as we look at that, we should recognize that this truly is the greatest deliberative body known to man.

□ 2230

We all know that Winston Churchill described democracy as the worst form of government of all except for all of the rest. And we know that there are problems. We know that the approval rating of this place is extraordinarily low.

What I want to do in bringing about congressional reform is not to trash this institution. It is to improve it, to improve it so that the American people can once again have respect.

I know that there is always going to be a degree of cynicism as they look at the institution. We all know that Will Rogers, whose statue is outside the door there, regularly poked fun at the institution, you know, one criminal class is the Congress and all of these great stories. And it is fun to poke fun at the institution itself. But we need to recognize that it is the greatest deliberative body known to man, and we should be doing the kinds of responsible things that the American people want us to do to make our Representatives and Senators more accountable to the American people.

So often around here when tough issues want to be swept under the carpet they use our Rules Committee to deny consideration of amendments. One of the amendments that I offered in our Joint Committee on the Organization of Congress was a requirement that we have a three-fifth vote if we are going to waive the rules, which for those who regularly follow the proceedings here now happens day in and day out. I say pass the rules of the House by a majority vote, change the rules of the House by a majority vote, but when we are going to come from our Rules Committee down here to the House floor to waive the Budget Act, to waive the 3-day layover provision which gives 3 days for Members to consider legislation before it is voted on, if we are going to waive those kinds of rules, let us have a supermajority and say that this is so important that we have to get a three-fifths vote to waive the rules, because tragically what we regularly see is violations of the standing rules of the House. In fact, during several of our hearings I said that the greatest reform of the United States Congress would be to see us simply comply with the existing rules of the House. That would be a great reform for us, because unfortunately we regularly waive the rules by simple majority vote. It seems to me that that is a real violation of this issue of accountability.

The reason for that is that tough questions are left upstairs, so the full membership does not have to vote on them, because we deny the opportunity for Members to offer their different proposals here on the House floor. So it seems to me, Mr. Speaker, we have an obligation to increase the accountability. Members should be accountable for votes that they cast.

I always say to my constituents and other groups when I speak, "Don't listen to what a Member of Congress says,

look at how he or she votes. That is really the key." But, unfortunately, because people have started to look at the voting record, we often have very tough votes that are never faced right here on the floor of Congress. They are left upstairs in the Rules Committee where we deny in the Rules Committee the opportunity for those ideas to even be heard.

The issue of budget reform is something that also has been a real concern to a wide range of Members and I believe the American people. We have looked at this question of baseline budgeting and baseline budgeting basically creates a situation where the inflation rate that is built in actually can be called what is an increase to comply with inflation, they can call that a cut, because they begin the next year based on that rate of inflation. I happen to think that we should have zero-based budgeting as everyone else does out there. We start from where we left off the year before rather than starting at a rate that is at the level of inflation. I mean, a 3-percent or 4-percent increase to comply with the rate of inflation is considered a cut, and that I believe is a real mistake and should not be utilized. That is just one of the proposals for budget process reform.

We dealt today here with this issue of the line-item veto. I think that is a very important item, to provide the opportunity to deal with the profligate spending that is emanating from this institution on a regular basis. Unfortunately, we have not gotten the other body to deal with an enhanced rescission proposal, and yet they have looked at the question of reform, and we had included the reform package, which had the enhanced rescission process in it, and I frankly am more sanguine at the prospect for action on enhanced rescission over in the other body. So it is going to be a tough battle. I hope that my colleagues will join with us and urge the majority leadership to keep the congressional reform package together.

Why is it that we put this committee together, all of these Republicans, Democrats, Senators, House Members to look at this issue and then come back with nothing more than a cosmetic modification of the congressional compliance issue? It seems to me that that is a great attack on the major mandate of the election of 1992 which was to bring about reform of the Congress. One of the things that my predecessor who served as a cochairman briefly before he chose to retire, Bill Gradison, said, was that with what were now 117 new Members of Congress who ran, most of whom ran on this issue of congressional reform, that unfortunately they really do not want to go back to their voters without having voted for congressional reform. So unfortunately a number of them who want to be able to have a vote on congressional reform have now joined with the status quo forces around here and indicated that they would be just as happy with this very mild, weak congressional compliance package. And they will go home and say yes, I voted for congressional reform, when it has been anything but that.

I think Members have a responsibility, because most all of those new Members, because the television cameras were on regularly, came to the Joint Committee on the Organization of Congress and testified about the need for the elimination of proxy voting and congressional compliance and committee structure reform and budget process reform, all of these different items on a regular basis, and yet now a number of them have said, "Oh yeah, well, I think we should probably break that up because we cannot put a consensus together here to deal with the full issue of congressional reform."

Mr. Speaker, I believe very sincerely that if we were to hold together the whole package and bring it to the House floor, allowing for a generous rule which would take each of the major categories that we addressed and have votes up or down on those, that we would pass meaningful congressional reform. I believe that we could get the majority of this institution to vote in favor of the kind of reform that they campaigned on when they ran in 1992 and that the American people truly want them to pass.

We do not have much time left, and as I said earlier today, it was rather ironic that we dealt with the enhanced rescission measure again after we did it last year, and yet people say, "Well, we've got a schedule which is too busy to deal with the whole issue of congressional reform." There have been many people who have put a great deal of time and effort into it. Let us not cast it aside. Let us insist that the leadership keep H.R. 3801, our reform package intact and have an up or down vote.

NATIONWIDE INITIATIVE AND REFERENDUM ON REFORMING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I intend to update my colleagues on the work that has been going on on some proposals and a process that I started 18 months ago, the process of initiative and referendum on a nationwide basis. The things that have been going on around the country are much more exciting than the things that we have been doing here in Washington. We have had communications with citizens in over 40 States who are now working to help influence this institution on the initiatives and the bills that we have been working on.

□ 2240

Here is what people around the country are saying about our efforts to get this body to move and to start working and implementing real reforms that will reconnect the American people with the agenda that we are setting here in Washington. "Those of us that are working on initiative and referendum were putting into words many of the issues that I feel strongly about," is what somebody in Indiana writes. "The views and the perspectives that you are taking are very refreshing. I support referendum. All Americans should have a voice in government" is what somebody from West Virginia writes. "Thanks for trying to get national referendum, even if it is unpopular in Washington" is what somebody else in Indiana writes. "It is just what we need" is what someone writes from Minnesota.

Here is what the national poll numbers say: The Washington Post, April 20, 1994, says 64 percent of those interviewed favor conducting national referendums on major issues and want the Government or want Congress to give a referendum approved by the majority the same weight as legislation passed by Congress.

In addition, 66 percent favor submitting tax increases that pass Congress to a vote of the people in the next general election. A tax hike would become law only if a majority of voters approved it. This comes from the Americans Talk Issues Foundation. It is apparent that the issue of reconnecting Congress, the agenda here in Washington, with the American people through some form of an initiative and referendum process is something that the American people strongly support, and I believe that they strongly support it because I think that they believe it will not only make us more responsive to their agenda but will overall improve the effectiveness of our Government and will move us to a point where today over 61 percent of the American people believe that Congress is not doing a good job, that we can get back to a situation where the majority of people have a high agree of faith and confidence in what is going on here in Washington.

I can also tell my colleagues that organizations—organizations that are organizing at the grassroots level—have taken this on as a primary agenda item for their members because they really think it can make a difference. The National Tax Limitation Committee, they are doing nationwide mass mailings. They are coordinating State-based referendum groups to help us and to force us to change the way that we do business here in Washington. Citizens Against Government Waste, the topic has been featured in a national

newsletter. It is featured on their Taxpayers' Action Network. It is featured at their regional conferences.

Specifically what Citizens Against Government Waste has been talking about, they have been talking about the proposal here in Washington that I have introduced to allow a nationwide advisory referendum on term limits, the balanced budget amendment, and the line-item veto in the November elections of 1994 so that the American people can let their feelings on these issues be known to this Congress. They believe that term limits will change politics. People will have a direct link with Washington, and they believe, Citizens Against Government Waste believe that this advisory referendum process will give Americans the opportunity that they should have, which is an opportunity to have a voice on what the agenda is here in Washington.

The Heritage Foundation in their policy review have published an article that talks about breaking the congressional lock grip, the case for a national referendum; it talks about the problem. What is the problem? The problem is that there is a crisis of confidence in National Government, one that threatens to permanently cripple our republican democracy. That is the problem.

We have a serious trust deficit between the American people and this institution in Washington. Perhaps the best way to restore confidence in the political process is to rebuild the connection between national elections and national issues. We need a new constitutional device that lets voters help set the Nation's agenda. I propose, through a process of indirect initiatives and elections, voters should be allowed to instruct Congress about Government priorities and goals.

We are not talking in this article about pure democracy, but we are talking about, again, an opportunity for the citizens of this country to help set the agenda in Washington. It is something, a change, that we do not take lightly.

James Madison believed a republican form of government would refine and enlarge the public views by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interests of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations.

Madison is usually considered one of the more level-headed of the Founders, and his critique of direct democracy is sound and broadly admired. His optimism, however, and think about the words used there. Think about how often the American people are describing this body in using these terms: the deliberative body, about the wisdom, the patriotism, the love of justice of elected representatives now seems naive and anachronistic.

The brakes against mob rule written by and into the Constitution should not be lightly dismissed. There are, on the other hand, a number of constitutional changes that promote the democratic impulse. These include a wide sufferage, short election terms for House Members, so what we are saying here is the process of becoming a more open government is not inconsistent with what the Founding Fathers envisioned and where they thought this country might move to.

But what are some of the other criticisms of this initiative and referendum? What are some of the problems that many of you have, or have expressed to me, about why letting the voters into the process just will not work? Criticisms that I hear, the first criticism is direct lawmaking by the people may undermine the legitimacy of elected government by taking power away from elected representatives. But I believe that in many cases we are already losing this legitimacy because we are not responding to the agenda that the American people have set for us.

Another argument against initiatives is that they encourage legislative inertia, that the legislative will wait for the public to act on controversial matters to avoid blame. I believe many people in America today would describe that situation as exactly what is happening in Congress today. We are not dealing with the tough issues.

What do other critics say? They say that initiatives are potentially the tools of special-interest groups. I think many people in the country today would say that the way this Congress works today is the result, or the decisions we make or that we have become a creature of special-interest groups.

Let us open up the process and let the American people into the process.

Some other critics contend that a national initiative destroys federalism and its important protections for States and regions. We are already destroying federalism by the actions we are taking here with Federal mandates, the shrinking power of the 10th amendment, the supermajority requirements; and legislative review of proposals limit the possibilities.

But the thing, the process, is we are already implementing and mandating to the States.

And, finally, critics of the initiative process say that proponents have undue faith in the masses and a lack of respect for the elected elites. I will have to say that that is absolutely true.

Admittedly, I have a lot more confidence in the masses, in the American people's ability to understand the issues and the pressures that are facing this country; I believe that they could provide a powerful insight into the types of decisions and the direction that we should be setting for this country.

The initiative and referendum process: What are some of the many benefits other than helping set the right agenda? It will help stimulate the voters. Turnouts for elections in this country are dismal, and in a Presidential election we get excited when 55 percent of the voters decide to participate in the election. In a nonpresidential election year, the turnout may go down to 40 percent.

We need a process that is going to get voters back involved in the election process.

□ 2250

I think initiative and referendum will help stimulate voters to become more active in the process. And what else might initiative and referendum do? They will end, I believe, business as usual. After being here for 18 months, if there is anything more important for this Congress, we need to end business as usual.

As with any major reform, national indirect initiatives and referendum will disrupt comfortable relationships and break up cozy alliances. It may well mean the end of business as usual in Washington, DC. But business as usual is not what this Nation needs or what the voters want.

Indirect initiative process will help restore the Democratic nature of our Republican institution before growing public frustration brings even greater alienation or a stampede to more radical measures of change.

I think the Heritage Foundation has done us a great service. I will send this out in a "Dear Colleague," this article about breaking the congressional lock grip, the case for a national referendum. What else is going on at the grass roots? There is an intellectual argument for changing the process. But also, United We Stand, United We Stand America started a national petition drive so voters in every congressional district can let you know how they feel about the opportunity to vote on term limits, to vote on a balanced Federal budget and vote on a true presidential line item veto. They are gathering signatures around the country right now which they are going to be sending to you to encourage you to sign a discharge petition which will bring this bill to the floor and allow us to vote to change the process and then allow the American people to vote on those issues this fall.

Let us talk specifically about the different kinds of ways that I have seen that we can use initiative and referendum here in Washington and around the country.

I talked about House Resolution 3835, which would allow a national advisory referendum on term limits. We now have House Resolution 409, which seeks to discharge that bill that was filed by Congressman JIM INHOFE. The rule would allow us to add to that bill an

advisory referendum on a balanced budget and a line item veto.

So that is one way that we can use initiative and referendum, that we can use it to get an advisory in a nonbinding format, the opinion of the American people on some critical issues that we want their input on. It is more than a poll, it is a debate on these issues before the vote takes place.

Think of our role in an advisory referendum, as Members of Congress, to understand the issues, to then debate, to inform and educate the American people about the positives, the negatives of these advisory referenda, worthy educators, worthy informers.

The American people then would have the opportunity to express their opinion to us at the polls in November. The advisory referendum, this is again published by the American Political Report, the advisory referendum, you take what is happening with term limits and imagine what we are doing, moving the issue from Washington. We think we are moving it to the American people, but really where has the issue on term limits gone? Moreover, the advisory referendum, if implemented, would effectively preempt a court decision and keep the debate political rather than judicial.

Why do we say that? Because term limits with, all the States that have passed term limits for Congressmen, they are now being challenged in the courts. The issue of term limits is not now a political decision. We are giving away our responsibility for taking the lead and deciding that issue, and the decision is going to be made by the courts. That is wrong. Congress should take the responsibility for dealing with these issues.

We should not turn it over to the courts.

More recently, in the Committee on Education and Labor we came up with another place where an advisory, in this case it would be a binding referendum, would work. Think about this: We are going through the Committee on Education and Labor and debating a National Health Security Act. One of the amendments that comes up says we should exempt Hawaii. I am a freshman, and I am not sure exactly what is going on, but it is a little surprising to me we have a National Health Security Act and we are starting to go exempting people specifically, not by a set of criteria but by name. So surprisingly we exempt Hawaii from the national health care plan. So now we do not have a national health care plan, we have a continental health care plan.

So we take the next logical step in committee, which I think is a logical step, and say rather than exempting just Hawaii, let us take and identify the criteria as to why we believe Hawaii should be exempted and let us make that a generic set of criteria and say that whatever State meets this set of criteria, like Hawaii does, will be exempted had from the national health care plan.

Surprisingly enough, well, maybe not surprisingly, that amendment is defeated.

Then when you really start taking a look at the essence and you recognize that the 50 States, the county governments, the local governments have been the ones that have been doing all the experimentation on health care, how to solve our health care crisis. So maybe not trying for everyone—not for everyone to try to meet the criteria for Hawaii, which they cannot do anyway, but it is maybe a plan that works for Hawaii, is legitimate, but perhaps the plan that works for Michigan is legitimate for Michigan's needs and that the plan for Florida is appropriate for Florida's requirements and that for Arizona is appropriate for Arizona's.

So what right does the centralized Washington Government have for dictating a plan that now is going to be imposed on 49 States? Perhaps we should allow the States the right to opt into the system. So we propose—and remember what was done is done after Hawaii was exempted—we proposed an amendment that said no State shall be considered to be a participating State for purposes of this act unless a majority of voters in the State, by State referendum, approve the State becoming a participating State.

Now, that is the legalese, What does it mean in plain English? In plain English it means that Washington will not be imposing on the State of Michigan a national health care plan. We in Washington can develop a framework for a health care plan, but then the people in the State of Michigan would have the opportunity through a statewide referendum, analyzing the plan that we have come up with here in Washington, that is, the generic plan that is going to work for all 49 continental States, and compare it to what we have. If they want to opt into the Federal system, they can have that and they can have their statewide referendum and we can become part of the plan. If the majority of the people in Michigan like what we have, think that we are making progress in addressing the problems that we in health care, are confident that the solution that we have developed in Michigan is more appropriate for our circumstances than what was developed in Washington as a generic national model, we stay with the Michigan system.

If that is what the people is Florida decide, they stay with the Florida system. But we are empowering, at that point, the people in the States to study an issue, which I am not even sure the Federal Government has a right in doing, determining where in the Constitution does it say the Federal Government will take over health care. What this now says is that the people in the States will have the right to determine whether they want to be a part of the national health care system. Those are some of the areas that we have been experimenting with, that we have been moving on, that we are trying to find a way to get initiative and referendum into the process so that we can connect Washington with the American people.

We are also beginning to write legislation in one additional area. I believe this maybe perhaps the most promising area of all of the different items that we are working on in National Initiative and Referendum.

□ 2300

And what this says is that, if Congress passes a tax increase, and it passes it without a super majority, and we are thinking right now about defining that super majority as a 60-percent vote, if Congress passes a tax increase without a super majority vote, without a 60-percent majority of the House and without a 60-percent majority of the Senate, that before that tax increase is implemented; that is, before the American people, before our constituents, have to start sending more money to Washington, they will have the right to either approve or disapprove that tax increase.

Like I said, that is a proposal that we are now currently working on. We think it starts to fill out and round out the packages of where an initiative and referendum might be most appropriate, and, like I said, I believe that it, perhaps, has the greatest potential of all of these suggestions to actually become a piece of legislation that can come to the floor of this House to be voted on.

I would like to say that I am optimistic that, through the efforts of United We Stand, through the efforts of Citizens Against Government Waste and other groups, that we will have the opportunity to vote on the floor of this House about whether we want the American people to have the right to vote on term limits, and the balanced budget amendment, and the line item veto this November. But I am not at all that optimistic that we are going to be able to do that. I would like to say that with a national health care plan, that when it comes to the floor of this House that we will have the opportunity to vote on an amendment that says, "No State will be a participating State until the voters approve that through a national referendum." We may have a shot at doing that, and I say to my colleagues, "I hope you support the effort to let that be a part of the national health care debate."

But I really think that this third item now provides an opportunity for all of us to work together, for all of us to start a process that reconnects us to the American people by allowing them the opportunity to vote on any future

tax increase that we here decide to impose on them, and, when we cannot do it with a super majority, when there is not a strong consensus to increase taxes, to increase spending in this House, that the American people will have the final say, initiative and referendum, strong support at the grassroots level. I think over a period of time it will generate strong support here in Washington. The grassroots effort is going to continue putting pressure on all of us because we are not dealing with an agenda that the American people want us to deal with.

I believe in the coming months, and I believe in the next Congress, we are going to have a deal with this issue. Get ready. Start getting ready to debate the intellectual arguments. Start considering how best to implement this process. The American people want it. It will help. It will help restore confidence in this institution because we will be reconnected to the American people in a way that is genuine and will have a genuine impact on the way that we do business here in Washington.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ZELIFF (at the request of Mr. MICHEL) after 3 p.m. today on account of attending a funeral.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today after 5 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO, for 5 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. YOUNG of Florida.

Mr. WELDON.

Mr. SMITH of New Jersey in two instances.

Mr. BURTON of Indiana in three instances.

Mr. OXLEY.

Mr. FRANKS of New Jersey.

Mr. YOUNG of Alaska in two instances.

Mr. BEREUTER.

Mr. PACKARD in two instances.

Mr. SHAW.

Mr. TAYLOR of North Carolina.

Ms. SNOWE.

Mrs. MORELLA.

Mr. GILLMOR.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. REED in two instances.

Mr. DURBIN.

Mr. STARK.

Mr. ACKERMAN.

Mr. PETE GEREN of Texas.

Mr. RUSH.

Ms. SHEPHERD.

Mr. MARKEY.

Mr. WILLIAMS.

Mr. VISCLOSKY.

Mr. HOYER.

Mr. TOWNS.

Mr. STOKES.

Mr. TAUZIN.

Mr. FRANK of Massachusetts.

Mr. MATSUI.

Mr. BARLOW.

Mr. KANJORSKI.

Mr. EDWARDS 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 titles:

On July 13, 1994:

H.R. 3567. An act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 4454. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, July 18, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3511. A letter from the Acting Assistant Secretary for Manpower and Reserve Affairs, Department of the Army, transmitting the Department's report entitled, "Involuntary Reductions of Civilian Positions," pursuant to section 371 of the National Defense Authorization Act of 1993; to the Committee on Armed Services.

3512. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act of 10-282, "Miner Building Conveyance Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-271, "Single-Room-Occupancy Rental Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-270, "Evidence of Intrafamily Offenses in Child Custody Cases Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-283, "Alcoholic Beverage Control Act and Rules Reform Amendment Act of 1994 Temporary Technical Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-272, "Jury Fee Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3517. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-281, "Metrobus Commercial Advertising Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3518. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-275, "Police Truancy Enforcement Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3519. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-274, "Primary Caretaker Insurance Coverage for Minors Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3520. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-273, "Imminently Dangerous Premises Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3521. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the status of children in Head Start Programs, pursuant to Public Law 101-501, Sec. 119 (104 Stat. 1234); to the Committee on Education and Labor.

3522. A letter from the Secretary of Education, transmitting final regulations—administration of grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations; definitions that apply to Department regulations, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3523. 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.

3524. 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.

3525. A letter from the Secretary, Federal Trade Commission, transmitting the report to Congress for 1992 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

3526. A letter from the Secretary of Health and Human Services, transmitting the report of the Interagency Task Force on the Prevention of Lead Poisoning, pursuant to 42 U.S.C. 247b-3 et seq.; to the Committee on Energy and Commerce.

3527. A letter from the Chief Staff Counsel, U.S. Court of Appeals, District of Columbia Circuit, transmitting one opinion of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on Energy and Commerce.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 94-31, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent needs of Haitian migrants, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3529. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Eileen A. Malloy, of Connecticut, to be Ambassador to the Kyrgyz Republic, also by Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Bolivia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3530. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the western Gulf of Mexico, sale 150, scheduled to be held in August 1994, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Natural Resources.

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. MILLER of California: Committee on Natural Resources. H.R. 1426. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; with an amendment (Rept. 103-600). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with an amendment (Rept. 103-601 Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. H.R. 4604. A bill to establish direct spending targets, and for other purposes (Rept. 103-602 Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 810. A bill for the relief of Elizabeth M. Hill (Rept. 103-603). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2194. A bill for the relief of Merrill Lannen (Rept. 103-604). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2793. A bill for the relief of Kris Murty (Rept. 103-605). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. LAFALCE: Committee on Small Business. H.R. 4263. A bill to promote the participation of small business enterprises, including minority small businesses, in Federal procurement and Government Contracts, and for other purposes, with an amendment; referred to the Committee on Government Operations for a period ending not later than August 5, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X (Rept. 103-606, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio (for himself and Mr. STUDDS):

H.R. 4755. A bill to provide for demonstration projects for worksite health promotion programs; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 4756. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to take into account the health of a primary caregiver in determining whether an item of durable medical equipment is considered medically necessary and appropriate under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. RICHARDSON, Mr. INSLEE, Mr. DICKS, and Ms. DUNN):

H.R. 4757. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANKS of New Jersey (for himself, Mr. PALLONE, and Mr. FLAKE):

H.R. 4758. A bill to strengthen and improve the Natural Gas Pipeline Safety Act of 1968, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. SAWYER:

H.R. 4759. A bill to establish within the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program for outstanding elementary and secondary mathematics and science teachers; to the Committee on Science, Space, and Technology.

By Mr. STUDDS (for himself and Mr. MANTON) (both by request):

H.R. 4760. A bill to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference on the Food and Agriculture Organization of the United Nations on November 24, 1993; to the Committee on Merchant Marine and Fisheries.

By Mr. TEJEDA:

H.R. 4761. A bill to amend title 38, United States Code, to authorize educational assistance for alternative teacher certification programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 4762. A bill to amend title 39, United States Code, to require the Postal Service to accept a change-of-address order from a commercial mail receiving agency and to forward mail to the new address; to the Committee on Post Office and Civil Service.

By Mr. CONYERS:

H.R. 4763. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 4764. A bill to provide for the payment of aid to families with dependent children through the use of debit cards; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. BEILENSON, Mr. CANADY, Mr. CONDIT, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. KYL, Mr. THOMAS of California, Mrs. THURMAN, and Ms. WOOLSEY):

H.R. 4765. A bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border management personnel from foreign countries; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. KANJORSKI (for himself, Mr. RIDGE, Mr. TRAFICANT, and Mr. HINCHEY):

H.R. 4766. A bill to enhance the availability of credit to businesses in order to foster economic growth and stabilization and to create new employment opportunities in communities facing economic distress, and for other purposes; to Committee on Banking, Finance and Urban Affairs.

By Mr. MATSUI (for himself, Mr. MILLER of California, Mr. BECERRA, Mrs. CLAYTON, Mr. CLYBURN, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KOPETSKI, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MINETA, Ms. NORTON, Mr. RAHALL, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. VELAZQUEZ, and Mr. WAXMAN):

H.R. 4767. A bill to reform the welfare system; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, Foreign Affairs, Veterans' Affairs, and Agriculture.

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. HUTCHINSON):

H.R. 4768. A bill to amend title 38, United States Code, to make changes in veterans' education programs, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Ms. SNOWE:

H.R. 4769. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN:

H.R. 4770. A bill to require the Director of the U.S. Fish and Wildlife Service to conduct a study to determine the lands and waters comprising the LaBranche Wetlands in St. Charles Parish, LA, and to acquire those lands and waters for inclusion in the Bayou Sauvage Urban National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. TOWNS (for himself, Mr. CONYERS, Mr. MORAN, Mr. BARRETT of Wisconsin, and Mr. PAYNE of New Jersey):

H.R. 4771. A bill to strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities, to better assess both costs and benefits of Federal legislation and regulations on State, local, and tribal governments, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. TRAFICANT (for himself, Mr. LANCASTER, and Mrs. CLAYTON):

H.R. 4772. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. WALKER:

H.R. 4773. A bill to eliminate the exemption for the payment by Amtrak of certain costs relating to pedestrian bridges over Amtrak rights-of-way; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BATEMAN, Mr. BILBRAY, Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, Ms. BROWN of Florida, Mrs. BYRNE, Mr. CLAY, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Mr. COOPER, Mr. CRAMER, Mr. DEFAZIO, Mr. DE LUGO, Mr. DINGELL, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. FINGERHUT, Mr. FISH, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUTTO, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. KLECZKA, Mr. KLEIN, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHALE, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MINETA, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTON, Mr. PARKER, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. QUINN, Mr. RANGEL, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROSE, Mr. SAXTON, Mr. SANDERS, Mr. SCOTT, Mr. SERRANO, Mr. STOKES, Mrs. THURMAN, Mr. TOWNS, Ms. VELAZQUEZ, Mr. VENTO, Mr. WALSH, Ms. WATERS, and Mr. WYNN):

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska:

H. Con. Res. 266. Concurrent resolution expressing the sense of the Congress concerning the need to preserve the traditional lifeways in certain Alaska Native villages; to the Committee on Natural Resources.

By Mr. BROWN of Ohio:

H. Res. 478. Resolution to recognize Mennonite Mutual Aid; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RANGEL:

H. Res. 479. Resolution returning to the Senate the Senate amendments to the bill H.R. 4539; considered and agreed to.

By Mr. DELAY (for himself, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. DOOLITTLE, Ms. DUNN, Mr. EWING, Mr. HEFLEY, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LUCAS, Mr. ROHRABACHER, and Mr. SOLOMON):

H. Res. 480. Resolution establishing July 10, 1994, as "Cost of Government Day"; to the Committee on Post Office and Civil Service.

By Mr. DOOLITTLE (for himself, Mr. SMITH of New Jersey, Mr. MCINNIS, Mr. BARRETT of Nebraska, Mr. SMITH of Oregon, Mr. SAXTON, Mr. WOLF, Mr. SUNDQUIST, Mr. SOLOMON, Mr. CRAPO, Mr. BILIRAKIS, Mr. DUNCAN, Mr. HEFLEY, Mr. LIVINGSTON, Mr. STUMP, Mr. ROHRABACHER, Mr. CRANE, Mr. BALLENGER, Mr. STEARNS, Mr. LINDER, Mr. BACHUS of Alabama, Mr. EWING, Mr. BLUTE, Mr. GOODLATTE, Mr. BATEMAN, Mr. BUYER, Mr. GRAMS, Mr. MILLER of Florida, Mr. INGLIS of South Carolina, Mr. DELAY, Mr. KIM, Mr. BLILEY, and Mr. MCKEON):

H. Res. 481. Resolution expressing the sense of the House regarding the case of United States versus Knox; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 4774. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gibraltar*; to the Committee on Merchant Marine and Fisheries.

By Mr. UNDERWOOD:

H.R. 4775. A bill for the relief of Vincente Babauta Jesus and Rita Rios Jesus; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. BROWN of Ohio.

H.R. 35: Mrs. SCHROEDER.

H.R. 84: Mr. CRAMER.

H.R. 127: Mr. HEFNER, Mr. TRAFICANT, Mr. DICKS, Mr. LANCASTER, Mr. GUNDERSON, Ms. LAMBERT, Mr. INHOFE, Mr. BARRETT of Nebraska, and Mr. KILDEE.

H.R. 146: Mr. KIM and Mr. INHOFE.

H.R. 157: Mr. HOLDEN.

H.R. 417: Mr. CONDIT, Mr. HOLDEN, Mr. STEARNS, Mr. DICKS, Mr. FRANKS of New Jersey, Mr. HUNTER, Mr. TALENT, Mr. SARPALIUS, Mrs. BYRNE, Mr. STUMP, Mr. ZIMMER, Mr. MCKEON, and Mr. TRAFICANT.

H.R. 930: Mr. OLVER.

H.R. 1127: Mr. KINGSTON.

H.R. 1128: Mr. KINGSTON.

H.R. 1277: Mr. FIELDS of Texas.

H.R. 1289: Mr. TORRES and Mr. KLUG.

H.R. 1293: Mr. GLICKMAN.

H.R. 1330: Mr. LUCAS, Mr. MCCURDY, and Mr. HOKE.

H.R. 1737: Mr. GILMAN.

H.R. 1767: Mr. HUGHES and Mr. WELDON.

H.R. 1823: Mr. NEAL of North Carolina.

H.R. 1843: Mr. YOUNG of Florida.

H.R. 1928: Mr. DORNAN and Mr. ARMEY.

H.R. 2424: Mrs. MORELLA.

H.R. 2513: Mrs. BYRNE.

H.R. 2741: Ms. VELAZQUEZ.

H.R. 2866: Mr. NEAL of North Carolina and Mr. STRICKLAND.

H.R. 2919: Mr. WYNN.

H.R. 2929: Mr. GOODLING.

H.R. 2959: Mr. GREENWOOD and Mr. KOLBE.

H.R. 2967: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2995: Mr. HALL of Ohio.

H.R. 3224: Mr. FROST, Mr. HANSEN, Mr. KIM, Mr. KYL, Mr. LEWIS of California, Mr. LIPINSKI, Mr. MCINNIS, and Mr. SCHIFF.

H.R. 3251: Mr. BALLENGER, Mr. EWING, Mr. MORAN, Mrs. VUCANOVICH, Mr. PETE GEREN of Texas, Mr. KYL, and Mr. SCHIFF.

H.R. 3288: Mr. CRANE.

H.R. 3440: Mr. FROST, Mr. HANSEN, Mr. KYL, Mr. LIPINSKI, Mr. MCINNIS, Mr. SCHIFF, and Mr. STUMP.

H.R. 3458: Mr. ROHRABACHER and Mr. BARRETT of Wisconsin.

H.R. 3491: Mrs. MEYERS of Kansas.

H.R. 3523: Mr. PACKARD, Mr. CANADY, and Mr. LEVY.

H.R. 3546: Mr. ROGERS, Mr. SCOTT, and Mr. DEAL.

H.R. 3658: Mr. MINETA and Mr. ROYCE.

H.R. 3820: Ms. VELÁZQUEZ.

H.R. 3830: Ms. FURSE and Mr. HOAGLAND.

H.R. 3875: Mr. KOLBE, Mr. HUFFINGTON, Mr. BILIRAKIS, Mr. HASTINGS, and Mr. VOLKMER.

H.R. 3926: Mr. ENGEL.

H.R. 3932: Mr. KREIDLER.

H.R. 3971: Mr. FIELDS of Texas and Mr. SUNDQUIST.

H.R. 3973: Mr. VALENTINE and Mr. MACHTLEY.

H.R. 4000: Mr. PAXON, Ms. MOLINARI, Mr. BAKER of Louisiana, and Mr. PORTMAN.

H.R. 4040: Mrs. KENNELLY, Mr. REYNOLDS, and Mrs. CLAYTON.

H.R. 4050: Mr. NEAL of North Carolina.

H.R. 4138: Mr. WATT and Mr. VALENTINE.

H.R. 4142: Mr. GEJDENSON, Mr. DINGELL, Mr. LIPINSKI, Mr. FROST, Mr. MCKEON, Mr. SANGMEISTER, Mr. HUGHES, Mr. CARDIN, Mr. MACHTLEY, Mr. CALVERT, Mr. BROWN of California, Mr. KYL, and Mr. LEVY.

H.R. 4163: Mr. ZELIFF and Mr. FALEOMAVAEGA.

H.R. 4251: Mr. NEAL of North Carolina.
H.R. 4257: Mr. SMITH of New Jersey.
H.R. 4303: Mr. KOPETSKI, Ms. DUNN, Mr. MANN, Mr. SISISKY, and Mr. MCDERMOTT.
H.R. 4315: Mr. WASHINGTON.
H.R. 4371: Mr. FRANK of Massachusetts and Mr. UPTON.
H.R. 4475: Mrs. LLOYD.
H.R. 4481: Mr. BEILENSON.
H.R. 4527: Mr. CALVERT, Mr. WILSON, and Mr. LEVY.
H.R. 4528: Mr. MORAN.
H.R. 4570: Mr. FILNER, Mr. OLVER, Mr. DELLUMS, Mr. ANDREWS of Maine, Mr. MURTHA, Mr. JOHNSTON of Florida, Mr. FROST, Mr. ABERCROMBIE, and Mr. YATES.
H.R. 4589: Mr. KLINK.
H.R. 4592: Mr. DORNAN, Mr. MANZULLO, and Mr. YOUNG of Alaska.
H.R. 4643: Mr. EDWARDS of Texas.
H.R. 4657: Mr. ANDREWS of New Jersey and Mr. POMBO.
H.R. 4699: Mr. UNDERWOOD, Mr. WASHINGTON, Mr. SYNAR, and Mr. RICHARDSON.
H.J. Res. 160: Mr. DORNAN.
H.J. Res. 199: Mr. STUDDS, Ms. SHEPHERD, Mr. PALLONE, Mr. HOEKSTRA, Mr. FILNER, Mr. VISCLOSKY, and Ms. VELAZQUEZ.
H.J. Res. 210: Mr. DICKEY.
H.J. Res. 268: Mr. WISE, Mr. DEUTSCH, Mr. YATES, Mr. MCCLOSKEY, Mr. LANCASTER, Mr. KLEIN, Mr. FOGLIETTA, and Mr. GIBBONS.
H.J. Res. 297: Ms. LOWEY, Ms. MOLINARI, and Mr. PAXON.
H.J. Res. 337: Mr. KLECZKA, Mr. WHITTEN, Mr. SAWYER, Mr. FROST, Mr. DELLUMS, Mr. SPENCE, Mr. BROWN of California, Mr. MAZZOLI, Mr. DUNCAN, Mr. CARR, Mrs. BENTLEY, Mr. MOLLOHAN, Mr. MCCLOSKEY, Mr. SMITH of Oregon, Mr. BAESLER, Mr. MARTINEZ, Mr. WELDON, Mr. BUNNING, Mr. BILIRAKIS, Mr. SWETT, Mr. PICKLE, Mr. CALVERT, Mr. MCCOLLUM, Mr. LIVINGSTON, Mr. CAMP, Mr. KASICH, Mr. SMITH of Texas, and Mr. WOLF.
H.J. Res. 358: Mr. RAVENEL.
H.J. Res. 383: Mr. BORSKI and Mr. HUGHES.
H.J. Res. 385: Mr. COOPER.
H. Con. Res. 20: Mr. MINETA.
H. Con. Res. 69: Mr. WHEAT, MR. CLYBURN, Mr. LEHMAN, and Mr. KLUG.
H. Con. Res. 91: Mr. STRICKLAND.
H. Con. Res. 148: Mr. STOKES.
H. Con. Res. 168: Mr. ROYCE and Mr. KYL.
H. Con. Res. 173: Mr. STUPAK, Mr. SYNAR, Mr. HALL of Texas, Ms. WOOLSEY, Mr. ANDREWS of Maine, Mr. STENHOLM, and Mr. COPPERSMITH.
H. Con. Res. 228: Mr. ENGEL.
H. Con. Res. 235: Mr. FISH, Mr. JOHNSON of South Dakota, and Mr. KREIDLER.
H. Con. Res. 255: Mrs. JOHNSON of Connecticut, Mr. MOLLOHAN, and Mr. CLAY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

106. The SPEAKER presented a petition of the Washington State Association of Counties, Olympia, WA, relative to the "Passenger Vessel Development Act;" which was referred to the Committee on Merchant Marine and Fisheries.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 24, July 12, 1994, by Ms. SNOWE on the House Resolution 459, was signed by the following Member: Olympia J. Snowe.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247: David L. Levy and Newt Gingrich.

Petition 17 by Mr. SHAW on House Resolution 386: Henry Bonilla and Jerry Lewis.

Petition 19 by Mr. EWING on House Resolution 415: Joe Skeen, Roscoe G. Bartlett, Harris W. Fawell, and David L. Levy.

Petition 22 by Mr. INHOFE on House resolution 409: Jim Ramstad.

Petition 23 by Mr. TAUZIN on the bill H.R. 3875: Ernest J. Istook, Jr., Spencer Bachus, Bob Goodlatte, Bob Inglis, Rod Grams, Y. Tim Hutchinson, 3rd, and Solomon P. Ortiz.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. DEFAZIO:

—Add the following at the end of section 107:

(1) The President shall prohibit the export of a commodity to any nation when—

(1) such commodity is typically used as a raw material for manufacturing purposes;

(2) the nation's demand for such commodity is contributing to domestic supply shortages of such commodity for domestic manufacturing purpose; and

(3) the National Trade Estimate Report on Foreign Trade Barriers, prepared by the U.S. Trade Representative, finds that such nation maintains significant tariff or non-tariff barriers that impede the import of items manufactured in the U.S. using such commodity.

—Add the following at the end of section 107:

(1) COMMODITIES USED AS RAW MATERIALS FOR MANUFACTURING PURPOSES.—

(1) MONITORING.—The Secretary shall monitor—

(A) exports of, and contracts to export, commodities typically used as raw materials for manufacturing purposes, and

(B) domestic supplies of such commodities, for the purpose of determining whether a critical shortage of such commodities exists in any State or region.

(2) EXPORT RESTRICTIONS.—If the Secretary finds that a critical shortage of any such commodity exists in any State or region, then the Secretary shall impose restrictions on the export of such commodities sufficient to ensure that there is an adequate supply of such commodities to meet domestic manufacturing needs in that State or region. The Secretary may remove such restrictions upon reporting to Congress, under paragraph (3)(A), that such restrictions are no longer required under this subsection.

(3) REPORTS TO CONGRESS.—(A) The Secretary shall submit to Congress, not later than 30 days after the end of each calendar quarter, a report on the results of the monitoring conducted under paragraph (1), the Secretary's determination of whether a critical shortage of any commodities typically used as raw materials for manufacturing purposes for domestic manufacturing purposes exists in any State or region, and any export restrictions imposed or to be imposed as a result of such determination.

(B) Each report under subparagraph (A) shall—

(i) specify the quantity of exports, by port, of commodities typically used as raw materials for manufacturing purposes during the period covered by the report;

(ii) estimate, as of the date of the report, the domestic supplies, by State, of such commodities;

(iii) determine whether such supplies of such commodities were sufficient to meet the needs of domestic manufacturers;

(iv) include a formal finding as to whether a critical shortage of such commodities for domestic manufacturing purposes exists in any State or region; and

(vi) if such a shortage or shortages exist, specify the export restrictions imposed or to be imposed to satisfy domestic needs.

(4) PRESIDENTIAL AUTHORITY.—The President is authorized, after suitable notice and a public comment period of not less than 90 days, to suspend any export restrictions imposed under paragraph (2) if a ruling is issued under the formal dispute resolution procedures of the General Agreement on Tariffs and Trade finding that such restrictions violate Article XI prohibitions on export restrictions and are not allowable under the exception to Article XI.

By Mr. SISISKY:

(PURSUANT TO THE RULE, PAGE AND THE LINE NUMBERS ARE TO H.R. 4663)

—Page 8, lines 1 and 2, and page 21, line 20, strike "pose a threat to the national security" and insert "prove detrimental to the national security".

—Page 9, line 10, page 60, lines 7 and 8, and page 66, lines 16 and 17, strike "essential to" and insert "necessary to further significantly".

—Page 11, line 22, strike "30 days" and insert "50 days".

—Page 118, line 14, strike "30 days" and insert "50 days".

—Page 120, line 13, strike "10 days" and insert "30 days", and line 16, strike "10-day period" and insert "30-day period".

—Page 121, line 11, strike "30 days" and insert "50 days".

—Page 23, line 7, strike "which includes export" and all that follows through "end users" on line 10.

—Page 23, insert the following after line 2 and redesignate the succeeding paragraphs accordingly:

(2) PROCEDURE FOR INCLUDING ITEMS ON THE SECURITY CONTROL LIST.—The Secretaries of Defense and Energy and the heads of other appropriate departments and agencies shall identify commodities and technology for inclusion on the security control list. Those items which the Secretary and the Secretary of Defense concur shall be subject to export controls under this section shall comprise the security control list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the security control list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the security control list.

—Page 24, strike lines 16 through 19.

—Page 28, line 1, strike "EXCEPTION.—" and insert "EXCEPTIONS.—(A)"; page 28, line 8,

strike "(A)" and inset "(i)"; page 28, line 15, strike "(B)" and insert "(ii)"; and add the following after line 24:

(B) If the Secretary of Defense determines that the absence of a requirement of licenses for any exports described in paragraph (2) would prove detrimental to the national security of the United States the Secretary of Defense may request that a license be required for such export. If the Secretary refuses to require the license, the Secretary shall report to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives on the reasons for refusing to require a license.

—Page 36, line 15, and page 38, line 14, strike the comma and insert "with the concurrence of the Secretary of Defense, and"

—Page 36, lines 19 and 20, strike ", or will be available in fact within 2 years in the future,".

—Page 37, line 1 strike "or would be ineffective" and insert "ineffective".

—Page 38, lines 19 and 20, ", or will be available in fact within 2 years in the future,".

—Page 38, lines 24, "or would be ineffective" and insert "ineffective".

—Page 39, line 18, strike "or will be".

—Page 37, line 17, insert "and the Committee on Armed Service" after "Urban Affairs"; and page 37, line 18, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 39, line 7, insert "and the Committee on Armed Service" after "Urban Affairs"; and page 39, line 8, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 41, line 21, strike "In" and all that follows through page 42, line 4.

—Page 43, beginning on line 23, strike "The Secretary's determination of foreign availability shall not require the concurrence or approval of any such department or agency.".

—Page 44, insert the following after line 10:

(D) ROLE OF SECRETARY OF DEFENSE.—All determinations of the Secretary under this subsection of whether foreign availability exists shall be made with the concurrence of the Secretary of Defense.

—Page 45, line 11, insert ", with the concurrence of the Secretaries of Defense and Energy," after "retary".

—Page 46, line 22, insert ", with the concurrence of the Secretaries of Defense and Energy," after "The Secretary".

—Page 47, line 2, strike "The" and all that follows through line 5.

—Page 50, line 22 and 23, strike "after consultation with appropriate departments or agencies," and insert "with the concurrence of the Secretaries of Defense and Energy,".

—Page 58, line 16, insert

"(A) IN GENERAL.—" before "The authority", indent the text 2 ems to the right, and add at the end the following:

(B) NATIONAL SECURITY ITEMS.—The Secretaries of Defense and Energy and the heads of other appropriate departments and agencies shall identify commodities and technology, the export of which would prove detrimental to the national security of the United States, for control under this section. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the control of such items under this section. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the control of such items under this section.

—Page 60, strike lines 11 through 15 and redesignate succeeding subparagraphs accordingly.

—Page 60, strike lines 11 through 15 and redesignate succeeding subparagraphs accordingly.

—Page 62, line 24, strike "(F)" and insert "(E)".

—Page 66, strike lines 19 through 23 and redesignate succeeding clauses accordingly.

—Page 67, line 6, strike "(E)" and insert "(D)".

—Page 82, insert the following after line 2:

(1) TREATMENT OF CERTAIN SENSITIVE ITEMS.—

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

(A) The United States continues to play a leadership role in controlling the export of sensitive dual use items and munitions items to dangerous countries.

(B) The importance of maintaining this leadership and securing the adherence of friendly nations to export restrictions similar to those of the United States was demonstrated by the large number of dual use and munitions items Iraq was able to secure from Western exporters prior to Desert Storm.

(C) Besides Iraq, the United States has voiced its concern about Libya, North Korea, Syria, Cuba, and Iran acquiring dual use and munitions items from Western sources, republics of the former Soviet Union, and the Peoples' Republic of China.

(D) Since Desert Storm, the United States has learned that a substantial number of sensitive items Iraq received from Western nations were not sent directly, but were reexported from third-party destinations.

(E) The threat of third-party reexports of sensitive exports could be aggravated by proposals to send dual use items to friendly nations "license-free" or under "substitute" licensing schemes that would be less restrictive than individual validated licensing, which requires prior United States consent for any reexport.

(F) Eliminating or reducing individual validated licensing requirements on sensitive dual use and munitions exports to friendly countries increased the risk that such items will be reexported to rogue countries, including Iran, Iraq, Syria, Libya, Cuba, and North Korea.

(2) POLICY STATEMENT.—It shall be the policy of the United States to maintain its international leadership in restricting the export of sensitive dual use items and of munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea by—

(A) maintaining existing unilateral controls whenever necessary to keep sensitive United States dual use items and munitions from being exported to these countries;

(B) encouraging all other countries producing such items to restrict the export of these items in a similar manner;

(C) working with the republics of the former Soviet Union and of the members of COCOM to create a successor COCOM that would prohibit the export of the most sensitive dual use items and munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea; and

(D) not reducing existing levels of controls on the export of sensitive dual use items and munitions through the creation of license-free zones and substitute licensing schemes.

(3) LICENSING REQUIREMENT.—

(A) LIST OF SENSITIVE ITEMS.—Notwithstanding any other provision of this title, the President, in consultation with the Secretary and the Secretaries of State, Defense, and Energy and the Director of the Arms Control and Disarmament Agency, shall compile a list of the most sensitive dual use and munitions items the export of which to the countries set forth in subparagraph (C) the President believes the United States should restrict. This list shall indicate whether the item is being controlled unilaterally or with other countries and shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(B) INDIVIDUAL VALIDATED LICENSE REQUIREMENT.—The President shall instruct the Secretary to require an individual validated license for the export to any destination of any item on the list compiled under subparagraph (A).

(C) LIST OF COUNTRIES.—The countries referred to in subparagraph (A) are Iran, Iraq, Syria, Libya, Cuba, and North Korea.

—Page 116, insert the following after line 3 and redesignate the succeeding paragraphs accordingly:

(2) ROLE OF SECRETARIES OF DEFENSE AND ENERGY.—(A) Notwithstanding any other provision of this section, the Secretaries of Defense and Energy are authorized to review any license application for any proposed export of commodities or technology that is controlled under section 105(a)(1) or controlled for national security purposes under section 106. Whenever—

(i) the Secretary of Defense or the Secretary of Energy determines that the export of such commodities or technology will directly and significantly enable a country or end user to acquire the capability to develop, produce, stockpile, use, or deliver weapons of mass destruction, or

(ii) the Secretary of Defense determines that the export of such commodities or technology will directly and significantly contribute to the military capability of a country so as to prove detrimental to the national security of the United States or its allies,

the Secretary of Defense or the Secretary of Energy (as the case may be) may recommend to the President that such export be disapproved.

(B)(i) Notwithstanding any other provision of this section, the Secretary of Defense and the Secretary of Energy shall determine, in consultation with the Secretary, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense or the Secretary of Energy in order to make a determination referred to in subparagraph (A). Whenever a license for export or other authority within such type or category is received by the Secretary, the Secretary shall notify the Secretary of Defense or the Secretary of Energy (as the case may be) of such request, and the Secretary may not issue any license or other authority pursuant to such request until the Secretary is notified by the Secretary of Defense or Energy under subclause (II) or (III) or notified by the President under clause (ii). The Secretary of Defense or the Secretary of

Energy (as the case may be) shall carefully consider any notification submitted by the Secretary pursuant to this paragraph and, not later than 30 days after notification of the request, shall—

(I) make a recommendation to the President referred to in subparagraph (A);

(II) notify the Secretary that he or she would recommend approval subject to specified conditions; or

(III) recommend to the Secretary that the export of the commodities or technology be approved.

(ii) Whenever the Secretary of Defense or the Secretary of Energy makes a recommendation to the President under subparagraph (A), the Secretary shall also submit his or her recommendation to the President on the request to export if the Secretary differs with the Secretary of Defense or the Secretary of Energy. The President shall notify the Secretary of his decision on the matter before the end of the 50-day period set forth in subsection (c). If the President notifies the Secretary, after receiving a recommendation from the Secretary of Defense or the Secretary of Energy, that the President disapproves such export, no license or other authority may be issued for the export to such country of the commodities or technology involved.

(iii) If the Secretary of Defense or the Secretary of Energy fails to make a recommendation or notification under this paragraph within the 30-day period specified in clause (i), the Secretary shall approve or deny the request for a license or other authority to export without such recommendation or notification.

—Page 123, insert the following after line 14 and redesignate succeeding subsections accordingly:

(e) TIME LIMIT EXTENSION.—If required for national security reasons, the President may increase the time periods set forth in subsections (a), (c), and (d) to not more than 2 times the number of days in each time period, for not more than 4 percent of the export license applications filed with the Secretary during any calendar year.

—Page 173, line 23, strike "109(h)(1)" and insert "109(i)(1)".

—Page 211, line 4, strike "109(g)" and insert "109(h)".

—Page 125, line 12, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 125, line 14, insert "and the Committee on Armed Services" after "Urban Affairs".

—Page 125, line 15, insert "for validated licenses under section 105 or 106" after "plications".

—Page 125, line 16, strike "and which required" and all that follows through "applicant" on line 20.

—Page 126, strike lines 12 through 25.

—Page 133, lines 21 through 24, strike "in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies,".

—Page 134, insert the following after line 15 and redesignate succeeding subparagraphs accordingly:

(B) ROLE OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense and the heads of other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in subparagraph (A). Those items which the Secretary and the Secretary of Defense concur shall be included on the list shall comprise the list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the list.

—Page 134, line 23, strike "(B)" and insert "(C)".

—Page 135, lines 14 through 17, strike ", in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies".

—Page 135, insert the following after line 24 and redesignate succeeding subparagraphs accordingly:

(B) ROLE OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense and the heads of other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in subparagraph (A). Those items which the Secretary and the Secretary of Defense concur shall be included on the list shall comprise the list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the list.

—Page 136, lines 14 and 19, strike "(B)" and insert "(C)".

—Page 137, lines 16 through 18, strike "in consultation with the Secretary of Defense, and the heads of other appropriate departments and agencies," and insert "with the concurrence of the Secretary of Defense,".

—Page 138, line 24, strike "in consultation" and all that follows through "agencies," on page 139, line 1, and insert 'with the concurrence of the Secretary of Defense,".

—Page 227, insert the following after line 18;

(b) CONTROL OF ARMS EXPORTS AND IMPORTS.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by striking subsection (a)(1) and inserting the following:

"(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section. The Secretary of State is also authorized to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List."

—Page 227, line 19, strike "(b)" and insert "(c)".

—Page 229, line 6, strike "(c)" and insert "(d)".

—Page 230, line 15, strike "(d)" and insert "(e)"

—Page 230, strike lines 20 through 24; and page 222, strike line 12 and all that follows through page 227, line 18, and insert the following:

(a) COMMODITY JURISDICTION.—

(1) COORDINATION OF CONTROLS.—The authority granted under this title and under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be exercised in such a manner as to achieve effective coordination between the licensing systems under this title and such section 38 and to share information regarding the trustworthiness of parties.

(2) ELIMINATION OF OVERLAPPING CONTROLS.—No item may be included on both the control index and the United States Munitions List after the effective date of this title.

(3) COMMODITY JURISDICTION DISPUTE RESOLUTION.—Under such procedures as the President shall establish, disputes regarding conflicting claims of jurisdiction between the control index and the United States Munitions List shall be resolved in a timely fashion by the Department of State, in consultation with other departments and agencies. Consultations shall be carried out through committees chaired by representatives of the Department of State at the level of Assistant Secretary or Under Secretary. The procedures of the committees shall allow the Department of State or other departments or agencies to initiate the resolution of disputes, including in response to requests made to the Departments of State and Commerce. Consultation procedures within the committees shall provide for inter-agency meetings to permit the free exchange of views regarding jurisdictional issues. Disputes that cannot be resolved may be referred to the President by the Secretary of State, the Secretary of Defense, or the Secretary of Commerce.

—Page 231, strike lines 1 through 7 and insert the following:

(f) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any civil aircraft product that is standard equipment certified by the Federal Aviation Administration and is an integral part of such aircraft shall be subject to export controls exclusively under this title.

—Page 236, strike line 8 and all that follows through page 237, line 25.

By Mr. STARK:

—Page 297, add the following after line 6:

TITLE III—RELATIONS WITH NORTH KOREA

SEC. 301. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) Before the death of Kim Il Sung, United States officials indicated publicly that the United States, as part of an overall agreement to limit nuclear activities in North Korea, would be willing to help arrange financing for the construction of light water reactors in North Korea, help broker the possible transfer to North Korea of technology associated with such reactors, and provide technical assistance with respect to such reactors.

(2) Independent nuclear nonproliferation experts have noted that light water reactors

can be used to produce significant quantities of nuclear weapons usable plutonium and that United States assistance to North Korea in constructing such reactors would afford North Korea a possible cover for a variety of dangerous nuclear activities.

(3) Providing assistance to North Korea for such light water reactors would undermine current efforts by the United States to persuade other countries not to sell to Iran or Iraq technology to build similar reactors.

(4) North Korea under Kim Il Sung agreed, in the North-South Korean Denuclearization Agreement of 1991, to open its nuclear facilities to South Korean nuclear inspectors and not to reprocess reactor fuel.

(5) United States officials became concerned in the spring of 1994 that the North Korean Government under Kim Il Sung might violate this agreement by reprocessing materials from one of North Korea's reactors.

(6) The new leadership in North Korea may be even more unreliable and pose more of a threat than that of Kim Il Sung.

(7) The new leadership in North Korea has yet to agree to resume direct talks between North and South Korea, which would reveal more about the character of the new leadership in North Korea and its intentions toward South Korea and with respect to Korean unification.

(8) Any agreement reached between the United States and North Korea to limit nuclear activities in North Korea will only be as good as the character and intent of the new leadership in North Korea.

SEC. 302. SENSE OF CONGRESS.

It is the sense of the Congress that the United States Government should not offer or discuss giving any form of assistance to the Government of North Korea to develop or construct new nuclear reactors, including light water reactors.

H.R. 4299

By Mr. GILMAN:

—At the end of the bill insert:

TITLE IX—INTERDICTION OF AERIAL DRUG TRAFFICKING

Section 901. Policy of the United States.

It is the policy of the United States to provide intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. In providing such assistance, the United States seeks to facilitate efforts by foreign governments to identify, track, intercept, and capture on the ground aircraft suspected of engaging in illegal drug trafficking, and to identify the airfields from which such aircraft operate. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

Sec. 902. Authorization.

The President is authorized to provide intelligence assistance to foreign governments under such terms and conditions as he may determine in order to carry out the policy stated in section 901. Activities directed by the President pursuant to this title shall not give rise to any civil or criminal action against the United States or any of its officers, agents, or employers.

Sec. 903. Sense of Congress.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

By Mr. SKAGGS:

—At the end of title VII (page 39, after line 4), insert the following:

SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.

SENATE—*Thursday, July 14, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5,6.

Sovereign Lord, perfect in wisdom, who knowest all things, cover the Senate with Your grace and love. When the press and the media have finished their tasks, when the talk shows have exhausted their discussions, when the citizens have written all their letters, when the lobbyists have done their work, the 100 men and women who comprise this body are left with the decisions—decisions which encompass the needs of individual constituents; cities, counties, and States; multitudes of organizations; and critical issues of international importance. In the words of a former President, "The buck stops here."

Gracious God, help the Senators and their staffs understand that You are interested in the microscopic, as well as the cosmic. Help them seek Your counsel, Your direction, and lead them in the way that will mean the greatest good for the greatest number in every circumstance. Let the light of Your truth shine upon the Senate.

In the name of the Light of the World 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, July 14, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The time until 9:30 a.m. shall be under the control of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Maryland [Ms. MIKULSKI], or their designees.

The Senator from Colorado [Mr. CAMPBELL] is recognized for up to 10 minutes.

The Senator from New Jersey [Mr. BRADLEY] is recognized for up to 20 minutes.

Mr. COATS addressed the Chair.

Mr. DOMENICI. I yield 2 minutes to the Senator from Indiana of my time.

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

COMMENDATION OF SENATOR DOMENICI

Mr. COATS. Mr. President, I thank the Senator from New Mexico for yielding time.

First of all, I want to commend him for the subject that he is about to talk about. I think it is one of the most important issues that this Nation and the Senate can deal with, and that is bringing the component of character education to our young people and to our education system.

I commend him for doing that.

Mr. DOMENICI. I thank the Senator.

THE COST OF HEALTH CARE

Mr. COATS. Mr. President, I want to also discuss something that I know the Senator from New Mexico is vitally interested in because we have been talking about it over a number of days, weeks, and months.

The Wall Street Journal this morning reports that the latest figures are in on health care cost increases over the past 12 months. Studies show that health care costs have increased at the lowest rate in the past year in the last 20 years, 2.5 percent.

Milliman & Robertson, a consulting actuarial firm from Pennsylvania, has indicated that health costs for the 12 months ending last March rose just 2.5 percent, the lowest level since it began tracking health care costs 20 years ago.

"The findings are bolstered," the article says, "by several large employers who say they are winning significant reductions in premiums from some health plans as they negotiate rates for 1995." For instance, the Xerox Corp., which offers 204 separate plans to its employees—a cafeteria-style proposal from which they pick and choose, similar to what is offered in the Dole and Nickles proposal—they indicate a sharp drop in health care cost growth rates and a restructuring of the system.

There's incredible competition out there in most markets, said Helen Darling, manager of health care strategy and programs at Xerox.

Employer demands for quality improvement and cost reductions have, among other things, helped prompt a consolidation and reorganization of the health care system.

They go on to say that GTE has seen its cost increases practically become flat.

And the Medica health plan in Minnesota reduced its family rates for Minnesota government employees for 1995 by 25 percent. * * *

The whole underlying premise of the Clinton health care plan is that costs are rising at double-digit rates, and we cannot get control of them. And the only way we can get control is to reorganize the entire system. But there is a revolution underway in health care, and that revolution is driving down costs as employers are looking for ways of putting pressure on health care providers to cut costs, to come up with innovative plans.

So let us not proceed on false assumptions; let us not proceed on the assumption that unless we massively reorganize the health care system, we cannot get control of costs.

The Dole plan builds on what is happening out in the marketplace and adds to that the kind of reforms that do not interfere with this reorganization. I know the Senator from New Mexico is directly involved in all of this. This is good news for health consumers in America, and this should guide our discussions as we begin to undertake the health care issue.

I thank the Senator for yielding me the time.

I ask unanimous consent that this article in today's Wall Street Journal be printed in the RECORD.

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

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

MEDICAL COSTS ARE INCREASING AT A LOW RATE

(By Ron Winslow)

Medical costs in the U.S. are rising at the lowest rate in two decades, new reports indicate, another sign that the health care industry is managing to bring expenses under control.

Milliman & Robertson Inc., a consultant and actuarial firm based in Radnor, Pa., said health costs for the 12 months ending last March rose just 2.5 percent, the lowest level in the 20 years it has tracked such expenditures.

ABR Information Services Inc., Clearwater, Fla., said group health-insurance premiums it tracks in administering certain benefits for 12,000 employers have been essentially flat since the beginning of the year and have risen less than 3.5 percent since January 1993.

The findings are bolstered by several large employers that say they are winning significant reductions in premiums from some health plans as they negotiate rates for 1995.

But some benefits consultants predict that health costs at most companies will still be above the general annual inflation rate, currently about 3 percent. "We're seeing increases for next year of about 6 percent to 10 percent," said Robert Eicher, principal at Foster Higgins, a benefits consultant in New York.

Moreover, whether market forces or other factors are chiefly responsible for the moderation in health costs is a matter of fierce debate, as is whether the trend will last. "It's a matter of some speculation as to what happens next," said Richard Ostuw, a principal in the Cleveland office of benefits consultant Towers Perrin and the firm's chief actuary.

A recent Towers Perrin report said growth in employer health-care costs this year was about 6 percent, well below the 20-year average. Mr. Ostuw believes that fear of cost pressures from health-care reform legislation is a major reason for the trend. If Washington fails to act on health reform and "that fear is removed," he argued, "it will result in an uptick in health-care inflation."

In Minneapolis, Steven Wetzel, executive director of the Business Health Care Action Group, a coalition of major employers, said a lower cost trend is sustainable only if health plans truly reduce use of health-care services. "Premiums alone don't tell the whole story," he said. If plans are bidding aggressively to win market share, but fail, for instance, to reduce excess hospital capacity, costs will inevitably rise again, he maintained.

Peter Reilly, an actuary at Milliman & Robertson, maintained that increased market penetration of health maintenance organizations and other similar market forces have done little to stem the tide of health costs. An economic model he and his colleague John Cookson developed shows that a decline in real national income during the recession in the early 1990s is the major driver in moderating health costs. They maintain that there is a three-to-four-year lag between changes in income levels and similar changes in health-care spending. If that's the case, Mr. Reilly says a renewed dose of health-care inflation looms, since incomes have improved since the recession.

Many employers maintain that the growing power of purchasers is driving both a sharp drop in health-cost growth rates and a restructuring of the system. "There's incredible competition out there in most markets," said Helen Darling, manager of health-care strategy and programs at Xerox Corp., Stamford, Conn., which offers a total of 204 health plans to its employees in the U.S.

Employer demands for quality improvement and cost reductions have, among other things, helped prompt a consolidation and reorganization of the health-care system. But so much excess capacity remains, she said, that continued consolidation holds the possibility "that the rate of increase in health costs will stay low if not absolutely flat for several years."

In any event, Xerox itself is reaping the benefits of its purchasing power in markets across the U.S. Ms. Darling said recent negotiations will mean an average increase in HMO premiums for Xerox of 1.2 percent in 1995 over current rates. In many individual cases, in Florida and Washington, D.C., for instance, premiums will drop more than 10 percent.

Elsewhere, GTE Corp., expects 1995 rates for its managed health-care plans to increase 2 percent after a 3.5-percent rise this year, said Dwight McNeil, manager of healthcare information. And the Medica health plan in Minnesota reduced its family rates for Minnesota government employees for 1995 by 25 percent after a competitive bidding process.

Mr. DOMENICI. Mr. President, I yield myself 7 minutes, and I ask the Chair to call it to my attention when I have spoken for 7 minutes.

Might I say to the Senator from Indiana that he also could have said there are two things driving health care reform: One is clearly cost containment; the other is the need for reform. But I believe that the principal motivator for the last 12 to 15 years has not been the need for changes in the delivery system, but rather cost containment. If you cannot get one without the other, obviously, you have to set about to reform the system. But if you are getting substantial cost containment—and we have been certain of that for a while. We are hearing, anecdotally, from hundreds of companies that it is working, but this may be one of the most significant proofs that it is already going on to a substantial degree, which I believe should alter substantially that which we seek to do, because we should not have to build on a premise that it is motivated so much by cost containment that we need things like cost controls and things like the Senator from Indiana mentioned.

CHARACTER BUILDING IN THE UNITED STATES

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator MIKULSKI of the State of Maryland. Between us, we are going to utilize the next 35 minutes and share with a number of our colleagues that time to talk about what we consider to be one of the most important issues and one of the most important ideas that has come to the Senate floor.

Essentially, we believe—when I say "we," I now speak for 58 Senators who have joined in a resolution here—and, in particular, the 8 Senators, 4 from each side of the aisle, including this Senator, who have joined in introducing a resolution.

The resolution indicated that we were concerned about the lack of character development in this country, and we indicated in our resolution that a country without character, both as a nation and the individuals within it, if they do not have character, then a country will ultimately fall.

We are of the opinion that many Americans are anxious today because they are very concerned that while we are teaching our children, while their minds are being developed, clearly, we should consider such very basic characteristics like relationships with people and what one must do to live a decent life, such as the six character elements that were put together by a coalition that calls itself Character Counts.

Indeed, after discussions with lots of Americans from all aspects of life, they came up with these six elements that ought to be followed and taught; that the adults in our country ought to get behind a movement to bring them back into our daily lives and to encourage at the grassroots level the reinstilling in America of these simple characteristics that we believe count and without which America will not succeed: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Frankly, we are bound by a marvelous Constitution that tells us we should not teach religion in our schools and that is up to somebody else, but not the use of public properties and public money. But I believe nobody can stand up and say that our Constitution is violated if we try to instill in our people and in our young people some basic things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

The resolution that Senator MIKULSKI and others, whose names I will put in the RECORD soon, joined me in preparing, said to our President: Issue a proclamation that there will be 1 week in this country—October 16 through October 22—when our National Government says to all of those who are concerned about this that we join you, and we want to encourage across the land a groundswell of activities directed at these kinds of basic character building activities, ideas, and ideals.

Frankly, I might just give an anecdote about this to my friend from Maryland. In the city of Albuquerque, my hometown, I was joined by the mayor of our city, Mayor Martin Chavez, and a large, diverse task force from our city, in declaring that the city will be known as "Albuquerque: A Character Counts Community." As part of that, the entire community will begin to incorporate in its daily lives these six principles of character. There is already one school that is experimenting with using them in the classroom with great success. And as part of

this effort, the school system is going to encourage more schools to use them. A task force has been set up, and I am going to name the people soon and thank them. They are going to go about raising some money to begin to develop, citywide, these six pillars of character.

At one of the meetings, where our task force was sitting in a room—the preliminary task force—we were talking about this, and the local president of the AFL–CIO, who had been invited, sat and listened. We were about to wrap up the meeting, and I called him by his first name and said, "What do you think?" He looked around a bit and he said, "You are right on."

Listen to what he said: "You are right on, Senator. I cannot understand why people cannot tell the truth anymore." It is a most interesting observation. He said that people lie when there is no reason to lie, and then you spend all this time undoing it.

Well, it seems to me that what is happening in our country is that nobody is talking about these kinds of pillars of character that we have to have built back into our lives.

I do not want to argue on the floor nor do I indicate that we know it all. But I do not believe we ought to spend a lot of time saying are there more than these six? Of course. Are there 20? Maybe. Are there three that are better than these six? Maybe.

But, essentially, Mr. President, we believe we are on the right track. We believe that we have the responsibility to encourage grassroots participation in our Nation at every level, including our public schools and our private schools of ways and means to inculcate into our children, along with the three R's these six elements. In fact, I think it is time to say the three R's are not enough. Somehow or another, while we want parents to do this, it is obvious in this country they need help, and there are children who are not going to get any of this anywhere unless we as a society decide to help them.

Mr. President, in the Senate we have had a number of offices that have worked very hard with us to put this resolution together, and to help us get as far as we have.

I want to thank the Senators and some of the staff that did that right now.

Senator NUNN, who was one of the original cosponsors, Senator DODD, Senator DANFORTH, Senator COCHRAN, Senator MIKULSKI, Senator LIEBERMAN, and Senator BENNETT. That is what I was referring to early on as the eight who helped me start this.

The staff members of these Senators contributed significantly to this effort, especially Matthew Sikes from Senator NUNN's office; Suzanne Day from Senator DODD's office; George Leventhal from Senator MIKULSKI's office; Doris Dixon from Senator COCHRAN's office; Felicia Brown from Senator DANFORTH's office; Elizabeth Drye from Senator LIEBERMAN's office; Corine Larson from Senator BENNETT's office; and Brian Jones and Kay Davies of my staff.

Mr. President, I want to close with a couple of quotes. The two cochairpersons and sponsors for the Character Counts Coalition and approach is Barbara Jordan, thought to be more on the liberal side philosophically, and Tom Selleck, the actor, who is more on the conservative side. Tom Selleck was on David Brinkley and he said "People do not audition to be role models. It just happens. Everyone in the public eye, whether they like it or not, has to step up and realize what they say does count."

One other quote that I believe we should all pay attention to: In 1991 there was a National Commission on Children chaired by JAY ROCKEFELLER. I read to you one serious paragraph in it.

> The acquisition of values and moral framework for decisionmaking is the central aspect of human development. * * * Children may not always do as we say but they almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character and citizenship is both a parental and a community responsibility. * * * it is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

Mr. President, I am pleased to join with a bipartisan group of my colleagues to discuss Senate Joint Resolution 178, which sets aside the week of October 16–22, 1994, as National Character Counts Week. This resolution was cosponsored by 58 Senators—30 Republicans and 28 Democrats—and it passed the Senate several weeks ago. There are approximately 125 cosponsors of the identical resolution in the House, and it appears this measure again has overwhelming bipartisan support.

I believe this resolution is particularly unique. For the first time, on a bipartisan basis, we are able to stand beside and join with parents, educators, community and business leaders, and youth organizations in support of character development, education, and training. As important, we have been able to agree that there are, at a minimum, six fundamental core elements that constitute good character.

For far too long, I believe we have avoided or overlooked the issue of good character. Due to the controversial nature of defining what constitutes good character, most of us have exercised great caution relative to the appropriate role of the public sector in what is often considered a personal, private issue.

One of the most comprehensive and far-reaching reports to examine the omission of character development was detailed in the 1991 final report of the National Commission on Children. This Commission, chaired by our distinguished colleague from West Virginia, Senator ROCKEFELLER, devoted an entire chapter of its report to the necessity of positive role models for America's children, including the teaching of solid ethical standards. I considered chapter 12, "Creating a Moral Climate for Children," one of the most articulate summaries of the issue of good character. It states that:

> The acquisition of values and a moral framework for decisionmaking is a central aspect of human development. * * * Children may not always do as we say, but they will almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character, and citizenship is both a parental and a community responsibility. * * * It is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

After reading this report and delivering a statement on the floor about chapter 12, I was determined that there had to be a way we could lend our support to a national effort on behalf of character education; that there was an appropriate role for those of us in the public sector. This opportunity came about last fall when I learned about the efforts of the Character Counts Coalition. This coalition includes among its 45-plus member organizations such diverse groups as Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, American Association of School Administrators, United Way of America, Youth Volunteer Corps of America, the National Urban League, AARP, and the American Red Cross. As diverse as its membership is its Council of Advisors and Advocates, among whom are Dr. William Bennett, Marian Wright Edelman, Barbara Jordan, and Rabbi David Woznica.

The Character Counts Coalition supports six elements of good character, as developed by a group of eminent scholars, educators, youth organizations and others in a document commonly referred to as the Aspen Declaration. These six elements of good character are: trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship.

I became convinced that, at a minimum, these six core elements were character traits that could be supported by a majority of my colleagues. If over 30 million Americans could support these precepts, why couldn't we? My prediction proved accurate. Within a short period of time, Senators NUNN, DODD, DANFORTH, MIKULSKI, COCHRAN, LIEBERMAN, and BENNETT joined me in starting an informal group known as the Senate Character Counts Group, and our first group effort, joined by Senators CONRAD and DORGAN, was the introduction of Senate Joint Resolution 178, declaring the week of October 16–22, 1994, as National Character Counts Week.

Shortly after introduction of our resolution, a bipartisan group in the House formed its House Character Counts Group, composed of Representatives, HALL, WOLF, HAMILTON, HYDE, MOAKLEY, EMERSON, HUGHES, and NICK SMITH, and introduced an identical resolution, House Joint Resolution 366, for a National Character Counts Week. Congressman HALL, an ardent and committed supporter of character education, quoted Theodore Roosevelt in his introductory remarks: "To educate a man in mind and not in character is to educate a menace to society." This quotation probably best sums up why Members of Congress believe the time has come to trumpet what countless millions of Americans are already demanding—that good character is a central and integral component of the total person.

The congressional effort to elevate good character in our public dialog is not some public relations gimmick or recent conversion to moral principles. We are simply joining with the many character education organizations, parents, school adminstrators and teachers, youth organizations, and other caring Americans who believe, like Theodore Roosevelt, that character is an essential ingredient in our educational endeavors.

I believe this grassroots national effort is personified by the recent actions in my home State of New Mexico. I have commented in the past about the excellent program of the Bel Air Elementary School in Albuquerque, NM, and the resolution passed by the Albuquerque Public Schools to promote character education in all of the Albuquerque schools. However, one of the most exciting initiatives is the recent community-wide endeavor declaring "Albuquerque—A Character Counts Community."

Several weeks ago, Albuquerque Mayor Martin Chavez and I announced an exciting new community endeavor to apply the six elements of good character as a community-wide objective. Numerous leaders from community organizations worked together to structure this new initiative: The Albuquerque Public Schools Board, Albuquerque Teachers Federation, Greater Albuquerque Chamber of Commerce, Albuquerque Economic Forum, AFL-CIO, Mexican American National Association of Women, numerous Albuquerque public schools, Bel Air Elementary School, Albuquerque Junior League, United Way, Albuquerque Police Activities League, and the Hispanic Chamber of Commerce. The mayor and his staff, and the individuals representing the above-named organizations, gave enormous amounts of time and personal energies to developing this community-wide collaborative effort.

As a result of the public and private sector and city officials working together, a Character Counts Task Force was formed, the Greater Albuquerque Chamber of Commerce graciously agreed to provide the staffing support on a temporary basis until a permanent Character Counts structure can be developed, and the Albuquerque Community Foundation offered its assistance as a temporary fiscal agent for the effort.

I want to thank personally and pay tribute to our Albuquerque citizens who will serve on the Albuquerque Character Counts Task Force: Chairman William G. "Bing" Grady; Vice Chairman Don Whatley, president of the Albuquerque Teachers Federation; Dr. Peter Horoshak, superintendent, Albuquerque Public Schools; Leonard DeLayo, Albuquerque School Board member; Margaret Chavez; Toni Martorelli, city of Albuquerque Community Services Division; Buz Doyle, Greater Albuquerque Chamber of Commerce; Bob Stamm, Albuquerque Economic Forum; Dana Kouri, Albuquerque Police Activities League; Ray Ruiz, Building and Construction Trades Council; Margaret Anderson, New Mexico Association for Non-Public Schools; and Dennis Romero, assistant principal, and Mary Jane Aguilar, Bel Air Elementary School. Mayor Chavez and I will serve as honorary co-chairmen of this task force.

The Albuquerque effort represents an entire community standing up with pride and saying it promotes activities and personal deportment that include the six core elements of good character. It is a collaborative approach which reaffirms that the people of Albuquerque believe treating one another with respect is a good thing; that being trustworthy, responsible, fair, and caring are positive goals. Basically, Albuquerque believes that adopting these principles can contribute significantly to the quality of life of all the people of the community.

As stated so well by Don Whatley, vice chairman of the task force and president of the Albuquerque Teachers Federation:

> I am proud to be able to contribute to the effort to reinstill the core values highlighted by the Character Counts Coalition in our community. Educators have traditionally accepted the responsibility of transferring our knowledge base from one generation to the next. It is equally important to transfer commonly held cultural and civic values as well. To teach facts, figures and other academics without teaching commonly held ethical values to our children would be a tragedy. The whole community must join with our schools to encourage excellence of the mind and excellence in the character of our youth.

I applaud the individual and collective efforts of the citizens of Albuquerque; this is a model program that has extraordinary potential for improving the day-to-day lives of all its citizens. It is certainly worth trying, and it is certainly worth the effort. I look forward to working with these dedicated citizens to help make this initiative truly effective.

I would like to close today by thanking those Senators who have joined with me to pass Senate Joint Resolution 178. Particularly, I want to thank personally those from the Senate Character Counts Group, each of whom contributed time and energies to this effort: Senators NUNN, DODD, DANFORTH, COCHRAN, MIKULSKI, LIEBERMAN, and BENNETT. In addition, I want to thank the staff members of each of these Senators, all of whom contributed significantly to this effort: Matthew Sikes, Senator NUNN; Suzanne Day, Senator DODD; George Leventhal, Senator MIKULSKI; Doris Dixon, Senator COCHRAN; Felicia Brown, Senator DANFORTH; Elizabeth Dry, Senator LIEBERMAN; Corine Larson, Senator BENNETT; and Brian Jones and Kay Davies of my staff.

Earlier in my statement I mentioned that I believed this resolution was unique. I believe it bears summarizing again: Senators from both sides of the aisle, with different political philosophies, representing States across this great land, could join together in supporting six fundamental core elements of good character. As stated well by Tom Selleck, national spokesperson for the Character Counts Coalition, on ABC's "This Week With David Brinkley:"

> People do not audition to be a role model. It just happens. Everyone in the public eye, whether they like it or not, has to step up and realize what they say and do counts.

Finally, we in Congress can stand up and publicly join the millions of Americans who are already engaged in character education efforts—from parents, to teachers, to city officials, Governors, and service organizations. At first glance, this may not seem like a special event or anywhere close to a unique experience. But, I can assure you, Mr. President, that it is, indeed, a very exceptional accomplishment. I am proud of what we have achieved thus far, and I am pleased to be a part of this effort.

Now I yield to my good friend, Senator MIKULSKI.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Maryland.

Ms. MIKULSKI. Good morning. Mr. President.

I thank the Senator from New Mexico for yielding on this discussion we will have today on character and why character counts. I thank the Senator from New Mexico for being the organizer of the Character Counts Coalition here in the U.S. Senate.

We are men and women, Democrats and Republicans, from all geographic parts of the United States of America, and we are united with one voice today to talk about why character counts and why we need to instill these pillars of character in our public schools, our

nonprofit organizations, and throughout the United States of America and every cultural method of communication.

We are 6 years from the year 2000. A new century is coming. A new millennium is about to be born. We in America need to ask ourselves, what will the United States of America be in the 21st century? Will we be a superpower? Yes. We will be a superpower because of our economic structure. We will be a superpower because of our military might. We will be a superpower because of our democratic framework. But we will also be a superpower because the people of the United States have been powered by a set of values that talks about how they can be part of a larger culture and yet actualize their own individual identity.

But we as a nation have to say what do we want to be and what will carry us forth.

Will it be science and technology? The answer is yes. Will it be our great American entrepreneurial spirit? The answer is, you bet. Will those enable us to cope with change? Absolutely.

But what will be the continuity between centuries that sustains us in terms of the ideals of the United States of America? I believe it is our values. And I believe it is these core values that are expressed in the pillars of character, trustworthiness, fairness, justice and caring, civic virtue and citizenship. These are the aspects of continuity that will help us not only cope with change but to embrace change and lead us into the 21st century.

For some time I have been concerned that in the United States of America we have gone from being a progressive society to being a permissive society, that you are rewarded instead of having character, you are rewarded if you are a character. I have been concerned that we call celebrities heroes. There has been much in the media lately calling people heroes.

I will tell you what a hero is. It is a man or woman who makes significant personal sacrifice, maybe even risking their lives for a greater good with no personal gain. We have them in this great body. Their names are BOB DOLE, BOB KERREY, DANNY INOUYE, who were decorated for their service and bear the permanent scars of war.

Right now this minute there are foster mothers throughout the United States of America caring for children who are abused, caring for children who have AIDS. Those people are heroes. They were willing to make personal sacrifices with no personal gain for a greater good. And why? Because they are inner-directed people based on their values. The values about trustworthiness, fairness, justice, caring, civic virtue, a call to duty, a call to responsibility and understanding that for every right there is a responsibility, for every opportunity there is an obligation, and that we do not talk about entitlements; we talk about enlightenment. That is what we need to be able to do. And we need to keep advocating a society based on virtue and value and not a society where every aspect of our cultural communication rewards and exploits violence and vulgarity. This is not what the United States is about, and this is not what built the United States of America. What built the United States of America was virtue and value, not violence and vulgarity.

People have known this through the years. And de Tocqueville when he came to study this new emerging country in the 19th century did his famous study on democracy and he said, what is it about it that is great? It is rugged individualism, their willingness to go to new frontiers, their willingness to always go out to explore, progress and change. But he said there is something special. It is what it is that are the ties that bind and he called them the habits of the heart, neighbor caring for neighbor, personal responsibility, personal respect for yourself and respect for others, and also social responsibility, the desire to be part of a neighborhood, a community, and to truly be a citizen of the United States of America.

That is what this coalition wants to do. It wants to reinforce those values that have sustained America through good times and bad, through war and through peace. And that is why I am advocating the Character Coalition and the inculcation of these values once again through our public schools and our nonprofits.

For too long I believe we have emphasized the goals of competition, exploitation, and aggression.

I believe we need to concentrate on community building and building individual capacity among our young people so they can be part of a larger community.

When my great-grandmother came to this country, she did not come in search of guarantees, but in search of opportunities. She was eager to become an American citizen. She did not want to melt, but she did want to be American. She did not believe America was a melting pot. She believed America was part of a great mosaic. She believed you could keep your cultural heritage and, at the same time, be a part of this great mosaic called the United States of America. She strove for that.

But what were the ties that bound us? It was a legal framework under the Constitution of the United States, and you took a test to pass to be a citizen of the United States. But there were other values that were the ties that bound us beyond a legal framework.

You cannot have a multicultural society unless you have the ties that bind.

I celebrate diversity. I believe in the mosaic. I believe in opening opportunities for people of all backgrounds. At the same time, though, we need to have the ties that bind, the links that keep us together, and maybe even the lifeline that saves us. And that is what these pillars of character are.

My mother and father were people of modest education. They gave us the best education that they could, both in our Catholic schools and with the values in our homes. Those values were taught in the home in my generation. And now we find that in many places they are only taught in the home, if you are lucky enough to have a home at all.

We need to be sure that we strengthen the American family and extend that to a larger community, the community that my sisters and brothers-in-law had. My nieces and nephews are growing up in a different world than we did in the old ethnic community in Baltimore.

But we need those values because of what is happening. The values in the home when I was growing up were reinforced in the school. They were part of the values of our particular faith preference. Now we find, however, that the values taught in the home are like a sanctuary, because the larger culture gives other messages that I do not believe represent what is the best in the United States of America.

We cannot have a society based on tabloid ethics and at the same time everybody doing their own thing without understanding the consequences to others.

So I am happy to lend my voice and my efforts for a cause that I believe transcends party and geographic lines.

But is that not great? That is what values are—to recognize those values. Because I believe a climate of change will be a source of continuity, which will build these core values, and I am happy to be part of it.

I am particularly pleased that we are now able to advocate this; that in my own hometown of Baltimore the superintendent of public schools, Dr. Amprey, is making sure that character counts; that in many of our schools and higher education facilities they are looking at how to have institutes to be able to advocate that.

During the week of October 20–23 that we call Character Counts Week, there will be a gathering in Chevy Chase, MD, at the 4-H Club Headquarters. There will be there 300 delegates from around the country of young men and women between the ages of 12 and 18. There will be entrepreneurs and athletes, people involved in public service. We are going to have workshops on character development, leadership training, ethical decisionmaking, and we are going to help them learn not only that character counts but how to be able to do that.

In the past, Maryland has been dedicated to character education. Over a

decade ago, Blair Lee, a former Governor, had a values commission. Our Maryland attorney general encouraged values to be taught in the schools. We are now again moving on innovative character education programs.

Because it is not only the laws in the books that help govern us as a society, it is the laws you carry in your heart that govern your day-to-day behavior, and the way you react with one another, the way you react with your neighbors, and the way you react with the larger community.

So I believe the pillars of character count, and I am happy to be part of this coalition.

Mr. President, I yield the floor and eagerly looked forward to hearing other colleagues speak on this issue.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator NUNN.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I know the Senator from Mississippi has been on the floor. I do not want to barge in in front of him here.

Mr. COCHRAN. Please go ahead.

Mr. NUNN. I thank the Senator.

Mr. President, I want to thank my colleagues from New Mexico, Maryland, and also from Mississippi for being on the floor this morning and talking about what I think is the most important underlying fundamental challenge that is facing our Nation.

I am delighted that I am able to be here, not because I am speaking this morning but because I have been able to hear the Senator from New Mexico and the Senator from Maryland, I think, lay out very clearly why we are here and why the Nation has to begin turning its attention individually and collectively to this challenge.

Mr. President, I also want to add that I am pleased to be a coauthor with the Senator from New Mexico on this resolution. I think he is to be commended for getting this resolution passed and for putting a spotlight here, to the extent that we are able to do so, on the question of character, on the question of values.

I also want to say that his dedication to this concept is more than a floor speech on the Senate floor. It really goes to the way he conducts his duties in this body every day, and I think he displays that. I also would say the same thing for the Senator from Maryland. I think she displays that every day. And I would add that also to the Senator from Mississippi. So I think that is important.

I am hopeful this legislation will help in some small way to assist the grassroots effort that is already underway. We are not originating this effort. It is not originating here on the floor of the Senate. This is not something where we pass it and expect the national character to change. But I do believe that this may be a small way of helping the grassroots effort that is already underway.

The Character Counts Coalition, led by Tom Selleck, Barbara Jordan, and Michael Josephson, and others, is helping focus our Nation's attention on our most pressing problems—the erosion of our national values and our national character.

This legislation, which designates the National Character Counts Week, is but a small first step in beginning the difficult work that has to be done through millions and millions of individual actions in rebuilding the traditional virtues that have anchored and sustained our democracy.

The sponsors of this legislation hope to register our concern and our commitment to help focus the Nation's attention on the very real relationship of character and values to many serious problems which face our Nation today and, most importantly, to direct attention to the day-to-day grassroots efforts of the Character Counts Coalition to make the goals of the coalition a reality.

As a nation we are plagued by a web of interwoven social problems, including family breakdown, including drug abuse, including teenage pregnancy, and including the spread of violence in our communities. A common thread among these problems is a growing confusion in our society of what is truly important.

I particularly enjoyed the remarks of the Senator from Maryland, which I think were right on point when she discussed the question of who are our heroes and who are our heroines. Who are these people that we call heroes today? They are not the same kind of characters that we had when I was growing up. If I had had the same heroes that our young people are growing up seeing and, in effect, trying to model their lives after, my whole life would have been different.

I think we have to ask ourselves: Who is it we admire in this society and why? Because, in my view, without getting into individual cases, I do not think we are making a good choice in terms of who we are holding up for our young people to emulate.

If lives are to be turned around, we must send a message emphatically that character does count. The solution to our social problems will come down to individual responsibility, people taking responsibility for their own actions, for helping their neighbors and particularly for helping children, children who need help and need guidance every day in facing up to the challenges that they have to meet in their daily lives, totally different kinds of challenges than most of us grew up trying to meet and overcome.

Over its history, our Nation has been blessed. We have a large and vibrant economy which has sustained a high standard of living and provided opportunity for our children and for our citizens. We have the military strength to protect ourselves from foreign enemies, and we have shown the capacity to do great good for our own people and to spread that good and generosity throughout the world. Our continued prosperity, however, depends on maintaining the foundation which leads to such achievements and that foundation is strong individual character and strong individual values. As our values and our national character erode, so, too, does our culture. In the long run our values determine our strength as a Nation. Without traditional virtues and values our democratic institutions, which must rely on responsibility and self control as well as laws, wither.

I applaud the efforts of the Character Counts Coalition and their efforts to promote the six core elements of character: trustworthiness, responsibility, respect for ourselves and for others, fairness, caring, and citizenship. These are ancient virtues and responsibilities that have been taught and reinforced for ages. These are the virtues that are essential if we are to preserve the fundamental rights guaranteed by our Constitution.

The consequences of not taking action on this crucial issue are well illustrated by a profound question asked by our distinguished colleague, Senator MOYNIHAN. He posed the question: Will we be the first species on Earth that forgets how to raise its young? That is the question. Character does count. I am proud to be a small part of this Character Counts movement.

I urge my colleagues to join in this effort.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I first of all want to thank very sincerely the distinguished Senator from New Mexico for his leadership in bringing together a group of Senators, Republicans and Democrats, to sponsor the resolution which was recently adopted by the Senate, setting aside a week in October to observe National Character Counts Week.

There is no question that there is a very serious threat to our American dream of freedom, prosperity and opportunity today in our society. This threat extends also to our domestic tranquility —to be safe and secure in our homes and in our communities. Today in America, a crime of violence occurs every 22 seconds. Each year, 25 percent of all homes are victimized by crime. The chances of being the victim of a violent crime in America today are greater than being involved in an automobile accident. In too many places, students are bringing weapons to school.

In March of this year, this resolution was introduced—at first sponsored by just four Republican Senators and four Democratic Senators. Now others have joined and the Senate has adopted this resolution. It seeks to emphasize the importance of good character in our society and to involve churches, schools, national organizations, and local groups in a nationwide grassroots effort to promote the elements that are the core of good character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. This National Character Counts Week, which will be the week of October 16 this year, I hope will give us all an opportunity to think of ways we can become more personally involved and encourage others to do the same, to try to help ensure that students in our schools and that family members and others learn about the importance of these individual traits in our free and open society.

I can recall the first speech that the Senator from New Mexico made on this subject on the floor of the Senate. He included an article describing an elementary school in Albuquerque, NM, where the teachers had begun a program of discussion in the classrooms of each of these central pillars of character and setting aside one month for the observation and discussion of each of these character traits.

I recall that one example for bringing this information to the classroom was to put signs all around the school and the classrooms that just had the word on it. For example, "caring" was displayed throughout the school for the time that that was the subject of the discussion. And students were encouraged to talk about what caring meant to them, why it was important to care about each other, to care about what they were doing in school, to care about the school itself, to care about the community. Why was that important, for individual members of the class to care about what they were doing?

And what the teachers observed as they continued this program was that good character traits are contagious in the classroom, and not only among students but among the teachers as well.

We cannot solve all the problems of our society by just designating this one week, but I think it can bring to the attention of the American public how important we think these core values of character are, to be learned by students in our society today, to be observed by all of us in the best way we can—to help weave a stronger fabric of our society of individual traits that mean we respect each other more, we appreciate what we have, we appreciate our country, we want to take care of it, we want to promote fairness, we want to help ensure that there is true fairness and justice for all in our society.

I am very proud to be a part of this effort and I encourage all Senators to look at ways that we can all become more actively involved in this national crusade.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President I yield the remainder of the time to the distinguished Senator from Connecticut, Senator DODD. I believe on our side we have one additional Senator. He can use 5 minutes on his own time, as I understand that is the way the order is.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from New Mexico for yielding me some time. Let me begin by commending him and the other Senators involved in the Character Counts initiative. I join in the chorus of praise for my colleague from New Mexico and the others who have embraced this idea and have decided to use this privileged forum to educate and to discuss the issue.

We are, of course, talking about our children's education and how we can use it to contribute to their character development. But on a deeper level I believe the whole subject is really about democracy and about the lifeblood that flows through its veins. For the entire premise of our system of government—the people's ability to govern themselves—hinges on the good education and the good character of her citizenry. Without those critical ingredients, in my view, this entire enterprise is doomed to failure.

As Thomas Jefferson wrote in 1816,

> If a Nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

As Jefferson warned, we cannot expect to move ahead in ignorance. We cannot be ignorant of the knowledge of the world, nor can we be ignorant of the common values that should bind us together as a Nation.

The Character Counts initiative calls on us as a people to embrace both of these goals and to expand our definition of education. It calls on us to recognize that education must be more than the transmission of facts. It must be more than the relay of concepts. It must be more than the molding of the intellect.

Education must also be about character. Education must help teach young people what they need to know to be full participants in our society. Strengthening the mind is not enough. We must also nurture the character.

We are not talking about imposing any individual's or group's world view or morality on the schoolchildren of America. I invite my colleagues with concerns about this proposal to look very closely at what we mean when we say character education.

Mr. President, we are talking about honesty, courage, respect, responsibility, fairness, caring, citizenship, and loyalty. Those are the principles we are promoting. These are not revolutionary concepts, Mr. President. These words are not controversial. They transcend individual religions and philosophies, and they are almost universally accepted.

I might point out that a recent Phi Delta Kappa/Gallup Poll asked adults in our country whether certain principles should be taught in our schools. Let me tell you the results of that survey: 97 percent of the surveyed adults in this society supported teaching honesty in our schools; 93 percent supported teaching democracy; 93 percent supported teaching acceptance of people of different races and ethnic backgrounds; 91 percent supported teaching caring for friends and family members; 91 percent supported teaching moral courage, and the list goes on.

So, Mr. President, we are not talking about something that is completely radical and different.

While these principles have widespread support among the American people, the idea of teaching them in schools has been attacked from both the left and the right. I understand the fears expressed by both sides. But let me quickly add, I think those concerns are totally unfounded.

To the conservative elements of our society who are critical of this concept, I say that certainly schools will never and should never replace family. Parents and grandparents, churches and synagogues should and always will be the primary influence on children's values and systems of belief. To promote character education is not to challenge that influence but, in truth, to complement it.

To my liberal friends who are concerned about this initiative, I say there is no plot here, no hidden agenda. Rather than suffocate the splendid diversity of America, we strengthen it by imbuing our young people with values—such as mutual respect, honesty, and caring—that make that diversity possible.

Character education may be a controversial idea in this town, but let me tell you something; it is anything but controversial outside of this town. I invite my colleagues to do what I have done: Go and ask your own constituents about character education. Ask them if schools should teach students about the importance of fairness, about the value of responsibility. Ask them whether or not they think the merit of good citizenship should be taught.

I predict that if you do this, your constituents will answer yes without exception, as mine have. They will answer yes because they know that developing good character in our young people will make a real difference in the lives of individuals and the lives of communities and the life of a nation.

Character education is, obviously, not the magical answer to all of our problems. If every school in America

taught character education tomorrow, we would not end teen pregnancy, although we might reduce it. We would not stop street violence, but we might curb it. We would not eliminate child abuse, but I think we might lessen it. Character education would not end any of these plagues, but it could make a difference. Character education is not a complete solution, but it should be part of one.

The Labor Committee began to address this issue earlier this summer when it adopted a character education amendment that I offered to the elementary and secondary education bill.

I commend again my friend and colleague from New Mexico for all his work in this area. I have enjoyed working with him on it. I look forward to working with him in the future. I invite my colleagues to join in this effort to develop the character of young Americans and to shore up the foundation of American democracy.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to commend my friend and leader in this effort, Senator DOMENICI, from New Mexico, for what he has done with respect to the Character Counts activities.

I will not repeat the comments that have been made by those who have gone before me because I believe they have covered the issue, but I do want to make one observation with respect to the resolution regarding National Character Counts Week. I think it is very important that national leaders talk about these issues.

One of the things that has happened in the last two or three decades has been that we have developed such a sensitivity for the possibility of offending people that we have taken a number of issues out of national dialog. The motive behind that is perhaps admirable, but the effect has been to sanitize the national dialog to such an extent that no one has the courage to talk about anything anymore.

We get our schools together and we talk about the mechanics, if you will, of sex education. We have examples of teachers holding up cucumbers and placing condoms of them, but somehow we cannot have a discussion, let alone any kind of curriculum, in regard to the question of responsibility when it comes to one's sexual behavior. That somehow implies a discussion of religion; that somehow violates the separation of church and state. So we pass around cucumbers instead, and then wonder why our young people get the silent message that responsibility does not matter.

So without getting into any of the details of what should or should not be taught or how far we should go or what kinds of curriculum we should have, I want to commend the Senator from New Mexico for getting us, as national leaders, to simply start talking about character.

Inevitably in a free society, when the leaders start talking about such things as trustworthiness and respect, responsibility on the part of our young people, talking about such concepts as justice and fairness, talking about caring and civic virtue and citizenship, it is inevitable that the citizenry will begin to start talking about these things. Dialog must occur not only at home, but in schools, both elementary and secondary, in business, and in Government. Individuals will then come up with the answers. We will not.

We cannot legislate from the Senate nor from Washington nor can the President dictate what the Nation should do about these areas. However, we can start a national dialog about the common values on which this country was founded and trust the good common sense of the American people to do the right thing in every one of these areas to make them relevant again today.

As the Senate Character Counts coalition raises this issue today and in the future, we will be the leaven of the lump, if I might use the Biblical phrase, that will start the rediscovery and discussion of our common values, and expand this emphasis throughout society as a whole.

So I am delighted to be part of the effort, to be one of the original cosponsors of the Character Counts resolution. And I join with the rest of my colleagues in paying tribute to the Senator from New Mexico for his leadership.

Mr. DANFORTH. Mr. President, I would like to commend the efforts of my colleagues in the Senate for the enthusiasm they have shown with respect to promoting the concept of character development and education. President Theodore Roosevelt once said, "to educate a man in mind and not in morals is to educate a menace to society." We need only look to the current deterioration of morality and ethics that permeates our society to see the truth in these words.

There has been a growing movement in the country to restore the teaching of values to the standard curriculum. These efforts have largely been initiated at the local level, the communities working cooperatively with schools to promote character education and development. The momentum fueling this movement stems from the frightening realization that many of our youth have grown up in a moral vacuum. Children killing children without remorse is only the most visible sign of the death of values in much of our society. The transmission of values is an important step in regaining this lost generation and reversing the moral crisis facing the Nation generally and our young people in particular.

I would like to particularly recognize the efforts of my good friend, Sanford McDonnell, chairman of the board of directors of the Character Education Partnership. The partnership, established in March 1992, is dedicated to promoting the development of moral character and civic virtue among young people. The partnership represents a network of individuals and organizations committed to facilitating the implementation of effective K–12 character education programs which will produce a generation of responsible and compassionate individuals.

While the efforts of the partnership extend throughout the country, Sandy has worked tirelessly in St. Louis to implement character education throughout the metropolitan area school districts. His personal efforts in the establishment of PREP—personal responsibility education process—is indicative of his commitment to instilling values and ethics in young people. PREP is a collaborative effort of corporations, foundations, community groups, individuals, and 23 public school districts representing over 183,000 students. As a consequence of PREP's endeavors, many youngsters have the opportunity to learn about respect, civic virtue, and personal responsibility. PREP recognizes that schools and communities must work together, forming a partnership, to address problems such as drug abuse, youth violence, and teen pregnancy. Sanford McDonnell's efforts in this regard have been exemplary and he has generously given of his time and himself.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask for 2 minutes, and then we will be finished with our dialog.

I want to make two comments. First, this effort that we are involved in to elevate good character is not some public relations gimmick or some recent conversion to moral principles. We are simply joining with many character education organizations—parents, schools, administrators and teachers and, yes, Mr. President, a huge, huge part of the American population—who are desperately worried about what is happening in our society as they see these pillars of character disappear, as they see little or no effort to build them up and use them and inculcate them so we can all have a better life.

Last, there are cynics around who would instantly challenge this group of Senators who spoke today. They might say, Mr. President, how can you do that when Government is in such disrepute? I am not a cynic; none of the Senators participating is a cynic. We are saying as long as we are in office, we choose the positive; we choose to

try and try again and, in this case, we think we have a very, very good effort. We ought to promote it in spite of cynics who will say it will not work; it is not your business; let somebody else do it. I firmly believe it is our business and we should participate.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2283 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRADLEY. Mr. President, I ask unanimous consent that I may proceed for 25 minutes.

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

RACE RELATIONS AND AMERICANS FROM ASIA

Mr. BRADLEY. In the past 3 years, I have given a number of speeches about race relations in America. They focused primarily on a black-and-white portrait of America. Today I wish to broaden that view and talk about Americans whose ancestors come from Asia. I wish to do it in a way that is forthright, historical, personal, and in a way that challenges all of us to think about the incredible potential of America's increasing diversity.

A young Chinese-American girl during the late 1960's was discussing the civil rights movement in a schoolyard with two of her friends. One was black, and the other was white. As the conversation became more animated, the African-American girl turned to the Chinese-American girl and said, "You gotta decide, are you black or white?"

For too many Americans whose ancestors come from Asia, this story rings familiar. Asian-Pacific-Americans live in a country where minority means black and bilingual means Spanish-English. Some Americans do not even register that Asian-Pacific-Americans are even a thread in our national fabric, and many more only see them through stereotypes and caricatures, ranging from the gifted math and science students and the so-called model minority myth, to exotic geisha girls, Bruce Lee and kung fu and waiters serving moo shu pork in the local Chinese restaurants. Stereotypes, both positive and negative, about Asian-Americans abound, but they hardly eliminate the complexity of their cultures or their social contributions to America.

Asian-Americans have a rich history in the United States. In the 1850's, the blood and sweat of 10,000 Chinese immigrants built the transcontinental railroad. Japanese-Americans in the early 1900's were a dominant force in California agriculture, producing up to 90 percent of some crops while controlling only a tiny fraction of the State's fertile farmland. More recently, from ice skater Kristi Yamaguchi to playwright David Hwang, Asian-Pacific-Americans have been achieving success in politics, business, academia, sports, and the arts. And since I have been in the Senate, four of my colleagues have been Asian-Pacific-Americans—and Senator DANIEL INOUYE of Hawaii has become one of the most respected Senators of the last 50 years.

Mr. President, like most Americans, I have felt the impulse to consider nonwhites as fundamentally different from me. Only contact and interaction has taught me the stupidity and foolishness of those views. With African-Americans, that contact began in childhood and matured in the reading of American history and deepened in professional basketball when I lived with African-Americans day in and day out on the road in America. With Asian-Americans, that journey began with the fascination for that which was different from what I had known growing up in a small Midwestern town. It matured and deepened in college when I roomed with a second-generation Japanese-American who was born in a stable at the Santa Anita Racetrack on his way to a World War II internment camp in Poston, AZ.

My roommate had a way about him that invited openness and manifested genuine interest in other human beings. He was a sensitive friend. Both of us had served as student leaders, grown up with deeply religious mothers, and shared a love of sports and history. The only real difference was that he was Japanese and I was Scotch-Irish, which ultimately was no difference at all. The more we talked, the more I realized what we held in common and the more familiar I became with his hopes, not for his race but for himself as an individual.

Then I would see how other people reacted to my roommate by consistently denying his individuality. I saw the hurt look on his face every time someone called him "Odd Job" after the Asian character in a James Bond movie of the time and the anger he showed when the dean of students asked him to speak to the board of trustees about the experience of a foreign student at Princeton. In search of his own identity, he knew he was American, but either from ignorance or prejudice, many white Americans seemed to deny him that birthright.

My roommate rarely talked about the camps, but partly out of catharsis and partly as a service, in 1971 he wrote a book called "American in Disguise." It told of how he spent his first few years in an internment camp and how he lived his entire life having to deal with racism in America.

It was a sad, honest, angry, insightful, and accurate book. During the summer of 1971 he did a book tour. I accompanied him one evening to a call-in show at a TV station in St. Louis, MO. I was not prepared for the hostility that followed.

Caller No. 1: "If Mr. Moto"—not his name—"if Mr. Moto does not like America, tell him to go back to Japan."

Caller No. 2: "I don't know why you're complaining; you've done well in America."

Caller No. 3: "I lost my husband at Pearl Harbor. You can't trust these Japanese. How do we know what you say about these camps is true? I don't trust you."

Caller No. 4: "Tell the Japs they're lucky we didn't drop another atomic bomb on them."

Caller after caller spewed out irrational hatred toward the Japanese. None apparently registered that my roommate was American, not Japanese. Their failure to appreciate history was an extraordinary denial of historical record. If the truth teller did not look American—that is, Caucasian—it seemed he was not believed. It would not be the last time that I observed such reactions, and always it would be painful.

Even today in 1994 whites and blacks see different looking eyes and go blind to individuality, blurting out such comments as, "Why don't you go back where you came from?" "We are out of jobs because of you." "Hey, China doll."

In 1991, I heard a story of a Japanese-American Girl Scout troop that was selling cookies outside a suburban grocery store in California. One passer-by who refused to buy any of the cookies said, when he refused to buy, "I only buy from American girls."

To understand such an insensitive comment requires a knowledge of the history of Asians in America. The 19th century image of America as a melting pot did not include immigrants from Asia. The torch-bearing arm of the Statue of Liberty was raised toward Europe and the Atlantic. A similar welcome was not extended westward across the Pacific.

In the beginning, Asian-Americans have been ostracized by white Americans. When California became a State in 1850, its constitution made it legal for cities to expel and segregate Chinese. It also restricted employment of Chinese workers and denied Chinese the right to vote. Oregon and California did not ratify the 15th amendment to the Constitution until the mid-20th century because their politicians reasoned that to support giving the vote to African-Americans would necessitate enfranchising Chinese-Americans.

As a source of cheap and hard-working labor, Chinese by the 1870's became a favorite target of white labor unions that pushed for their ouster

from the State. Congress responded by passing the Chinese Exclusion Act of 1882 making Chinese "aliens ineligible for citizenship," stripping them of all legal rights, and prohibiting nearly all immigration of Chinese to the United States. As Chinese immigration declined after 1882, the United States looked to Japan for cheap labor to work in the orchards and fields on the west coast and Hawaii.

Japanese success in agriculture led to the second anti-Asian backlash. In 1913, the California State legislature passed the alien land law aimed at the Japanese, prohibiting aliens—to use that name—from buying land or leasing it for more than 3 years.

Pressure from California officials led to the gentleman's agreement of 1908 with Japan in which both nations agreed to decrease Japanese immigration to the United States. In 1924, the Asian Exclusion Act passed by this Congress barred all Japanese and other Asian immigration from permanent residence.

Other laws denied the Japanese citizenship, barred them from certain jobs, and kept them from marrying whites. These attitudes culminated in 1942 when war hysteria compounded historic racism and led to one of the sharpest blows to constitutional rights in the history of this country, the internment without evidence of disloyalty of 120,000 Japanese-Americans. In addition, Japanese-Americans were asked specifically to forswear allegiance to the Emperor of Japan.

Gene Oishi has written that asking second generation Japanese-Americans to take a loyalty oath was "comparable to asking Joe DiMaggio, the son of Italian immigrants, to forswear allegiance to Mussolini."

Asian Indians were also included in America's anti-Asian xenophobia. Pursuant to the naturalization law of 1790, which said only whites could become citizens, the Supreme Court in 1923 stripped a Sikh from California of his citizenship on the basis that Hindus were not "free white men."

Mr. President, I know that these historical facts are painful for anyone who believes that pluralism is America's strength. But to ignore them would deny us a chance to get this behind us. Only coming to terms with them will free us.

Since the Immigration Act of 1965 eliminated national origin quotas, we have seen a new era of Asian immigration. Asians are the fastest growing minority group in this country. In the 1980's over 3 million Asians immigrated to America, doubling the Asian-American population. In my State of New Jersey, the Asian-American population grew 162 percent in the 1980's.

Such waves of immigration make it more important than ever for us to see that we are no longer a society of just two races, and to understand that diversity is the basic component of what it means to be an American. In the coming years, contributions to American society by Americans of Asian and Pacific descent will become increasingly important. These recent immigrants from Asia differ significantly from their predecessors. Most now come as intact families with the intention of settling here permanently, and about a third are professionals.

Moreover, post-1965 Asian immigrants have originated from more Asian countries. While immigrants from India, Korea, and China come to the United States in search of economic opportunities, others from Vietnam, Cambodia, and Laos, have fled unstable political conditions in their home countries. The vast difference in experience and perspective between a Hmong refugee from Laos who arrived with no understanding of the concept of written language, and an established fourth-generation Japanese-American whose families have been in the United States longer than many European groups, is the range of diversity in Asian America.

Despite this diversity, Chinese, Japanese, Vietnamese, Filipino, Indian, Korean, and Cambodian-Americans, along with the Americans from the islands of Polynesia, find themselves continually being lumped together and defined as one unified group. To force the over 60 different Asian groups under one label is the height of ignorance and racial stereotyping, and makes about as much sense as calling a Scot a Euro-American.

One of the most prevalent stereotypes that ignores the diversity of the Asian-Pacific-Americans is the model minority myth which says that Americans of Asian descent are the healthy minority, the smart minority, the self-sufficient minority, the hardworking but silent minority. In many respects, statistics back up the model minority myth. Asian-Americans have the lowest divorce rate of any racial group, the lowest teenage pregnancy rate, the highest median family income, and the lowest rate of unemployment. Moreover, the number of Asian-owned businesses has increased nearly 1,000 percent from 1972 to 1987.

But a report released last month also revealed that southeast Asians have the highest rate of welfare dependency of any racial or ethnic group. More than 30 percent of all southeast Asian households are on welfare, and among some groups, like Cambodians and Laotians in California, the percentage on welfare skyrockets to 77 percent.

Moreover, although the median family income for Asian-Americans is on a par with that of whites, the figure can be misleading. Asian-Americans live disproportionately in areas where the cost of living is above the national average, and high family income is also related to relatively larger families.

Being classified a "problem-free minority" can also create tensions with other minority groups. "Why can you not be more like the Asian-Americans?" blacks and Latinos are told? As a result, Asian-Americans have become targets of anger, creating a backlash in relationships with other groups of Americans. The greater the success of Asian-Americans, the more some whites and some blacks resent them. When economic times are tough, the seemingly positive attributes of the "model minority" suddenly get turned against Asian-Americans, and the hardworking, resourceful, and dedicated, suddenly become ruthless, diabolical, fanatical.

Today, the most blatantly discriminatory laws have been dismantled, but prejudice against Asian-Americans remains and phobic attitudes persist. For example, the taboo against interracial marriage dies slowly. It is cloaked with superstition, tribalism, and often just plain racism. How race should be prohibitive when two people fall in love has always been a mystery to me. Irrational attachment to race purity is found in all cultures, including some Asian societies, but in America it fused with bizarre theories about white supremacy to produce an explosive mix of emotion and law.

Today, many Asian-Americans experience more subtle forms of intolerance. Height requirements, such as those used by some police and fire departments, bar Asian-Pacific-Americans from many jobs. Many prestigious colleges have been accused of imposing new admission standards in order to limit the number of Asian-American students. Glass ceilings in corporations block too much Asian-American talent from fulfilling the potential of its abilities.

Asian-Americans often become, also, a convenient scapegoat. Take Japan-bashing, for example. With the recent failure of United States-Japan trade talks, it could reappear. The U.S. economy is experiencing monumental transformation—the end of the cold war, the influx of millions of new people into the world marketplace, the emergence of the knowledge revolution, and the continued buildup of our national debt. Americans are understandably feeling vulnerable.

At the same time, Japan has erected barriers to its markets. Japan owes it to its consumers and to the world to open its markets. We must be clear and firm in our policy toward the Japanese Government. But making Japan our scapegoat is not the answer. Inflammatory rhetoric helps no one. The Japan-bashing phenomenon becomes more and more disturbing with each politician's slip of the tongue and each Honda-bashing party that the media covers. What these critics of Japan must realize, given the disproportionate role of race in American society, is

that anger toward Japan risks turning into hostility toward our fellow citizens. Increasingly, the brunt of anti-Japan sentiment falls not only on Japanese-Americans, but because many non-Asians fail to make a distinction among Asian-American nationalities, it falls on Asian-Pacific-Americans as a whole. For example, the first highly publicized instance of brutal anti-Asian violence was the 1982 murder of Vincent Chin. Chin, a 27-year-old Chinese-American, was bludgeoned to death in Detroit by two unemployed auto workers who blamed layoffs in the auto industry on the Japanese.

Even with the increasing presence of Asian-Americans in such places as San Francisco, New York, Seattle, and New Jersey, Asian-Americans are constantly questioned about their Americanness. Because they look different from Caucasians such as German-Americans, Irish-Americans, or Italian-Americans, they are often asked, "well, where are you from?" Or they are told, "gee, you speak English very well." They are continually viewed as foreigners. Maybe that is why they are often left out of discussions about race relations in America. They, like my roommate many years ago, are not even seen as Americans by a white majority or a black minority.

In its most frightening form, these attitudes result in racist violence. In 1987, a Cambodian-American teenager in Lowell, MA, was drowned by a youth shouting racial slurs. Also in 1987, a group of youths attacked and killed Navroze Mody, an Indian-American man; the youths were affiliated with a group called Dotbusters, referring to the red dot many Indian women wear on their foreheads. In 1989, a Chinese-American named Ming Hai "Jim" Loo was beaten to death in Raleigh, NC, by a number of white men who blamed him for the Vietnam war. In October 1992, a Chinese-American man was beaten on a bus in San Francisco by five African-American teenagers, who yelled, "Chink," and "get the Chinaman."

Mr. President, I have recently spoken out about the violence that is plaguing our country—not just in our cities, but also in suburban malls, on college campuses, and between husband and wife. While all violence must be condemned, a new wave of hate violence is particularly disturbing.

According to a 1992 report by the U.S. Civil Rights Commission, although Asians made up 4 percent of the population of Philadelphia in 1988, they were the victims of 20 percent of the city's hate crimes. In 1993, there was 335 reported anti-Asian incidents, including 30 homicides, or nearly one incident every day in this country.

But Asian-Pacific-Americans are beginning to fight back. In 1988, Japanese-Americans won a long and hard-fought battle to regain their dignity and a rightful place as American citizens with the passage of the Civil Liberties Act. This legislation gave a national apology and monetary compensation to the surviving Japanese-Americans who were unjustly taken from their homes on the West Coast and interned in camps solely on the basis of their ancestry. Such an acknowledgment is true progress.

More recently, Bruce Yamashita challenged one of the oldest institutions in this country—the U.S. military. In 1989, Yamashita, a third generation Japanese-American from Hawaii, fresh out of Georgetown University with graduate degrees in law and international relations, enrolled in the Marine Corps Officer Candidate School. Yamashita's idealistic aspirations of serving his country were shattered when he was subjected to onslaughts of racial barbs and verbal abuse from his sergeants at OSC: "You speak English? We do not want your kind around here. Go back to your own country." Other superiors insisted on speaking to him in broken Japanese, often calling him by the names of Japanese products, such as "Kawasaki Yamaha Yamashita." One sergeant ordered him to change into a dirty uniform before his final company review board, knowing that it would jeopardize his evaluation. After 9 weeks of OCS training and 2 days before graduation, Yamashita was kicked out for unsatisfactory leadership.

Charging racial harassment and discrimination Yamashita challenged his dismissal. After two Marine Corps reviews and an offer of commission that he found unsatisfactory, Yamashita appealed to President Clinton last fall for a full resolution of his case. In December 1993, Navy Secretary John Dalton overruled the Marines and authorized that Yamashita be commissioned as a captain. Five years after his ordeal began, at a March ceremony in the House of Representatives, Yamashita was commissioned as a captain in the standby reserves. No longer silent, Yamashita won his battle—another step of progress.

Forcing people to fight for the right to be treated as human beings is a colossal waste of energy and talent. By the year 2000, only 57 percent of the people entering the work force in America will be native-born whites. It is their children whose economic future will increasingly depend on the talents of nonwhites. The considerable talents of Asian-Americans will help all of us advance if we allow them not only a place at the table of performance, but also a place at the table of acceptance. To stigmatize, to stereotype, and to abuse Asian-Americans is to deny ourselves the possibility of our best future.

Americans also need to see how our diversity is a peculiarly American strength, available to virtually no other nation. I was at a conference in Europe recently and the Europeans kept referring to Americans, Mexicans, Canadians, Brazilians, and Venezuelans as "New Worlders." "You New Worlders," they said. I asked them, "What do you mean by that?" They said: "In Europe, increasingly, nationality is defined as ethnicity. In the New World it isn't." To which I say thank God.

American nationality is not ethnic; it is creedal. We ask our citizens to subscribe to a set of principles etched in the Declaration of Independence and the Constitution, not to produce their pedigrees. No country is so open, and this is a source of tremendous strength. These rights, such as life, liberty, and the pursuit of happiness, do not accrue only to a certain race or ethnicity, but to a qualified person of any race who steps forward and says, "I'm American."

Our growing Asian-Pacific-American population is one of the keys to our future success in the international marketplace. The Pacific Rim offers us unlimited opportunities for American export markets, not to mention potential partners in tackling the global problems of human rights, the environment, technology, and population control.

In Asia, our immigrants can be our guide to the cultural rhythms of the fastest growing area in the world economy. Given competitive price and quality, that knowledge can give American goods the edge in Asia. If American companies can draw on the world for our talent, our pool will be much larger than it would be if we, like the Japanese, confined our talent search to a few universities and one racial strain.

Our diversity can mean more jobs and more prosperity for all Americans if we can seize the moment. But to realize that promise, we have to see people. We have to see human beings, not the color of their skin or the shape of their eyes. We have to see human beings for what they are as individuals and as Americans.

To encourage contributions to our Nation's future from Americans of Asian descent requires a commitment from each of us to get beyond the stereotypes, to move past simplistic discussions of race relations which only recognize black and white, to realize the depth and diversity of the many different people we call Asian-Pacific-Americans, to reach out to the Asian-American physicist in New Mexico, garment worker in San Francisco, doctor in New Jersey, restaurant owner in Chicago, and teacher in Los Angeles, to recognize that the surnames Nguyen, Patel, and Chang are just as American as Kennedy, Johnson, and Bush, to speak out against anti-Asian talk and violence where we hear or see it, to realize that contact brings understanding, and like my roommate in college,

prejudice withers in an air of friendship. And when that happens, Americans from Asia will be a living, contributing, and integrated part of American life. And we will, in every way, be a richer society because of it.

THE DEATH OF JACQUELINE KENNEDY ONASSIS

Mr. MOYNIHAN. Mr. President, Jacqueline Onassis touched the lives of millions through her remarkable conduct as First Lady, her courage during a shattering national tragedy, and her ability to then raise two beloved children and succeed brilliantly in a career in publishing.

Yet there is even more to be added to the Senate's account of her achievements—her many contributions to the life of America's two greatest cities—New York and Washington, DC. Characteristically, she never sought recognition for these efforts, but they were significant ones and ought to be recorded for history.

In New York City, which was her home and which she loved, Mrs. Onassis was for the last two decades a member of the Municipal Art Society, the 102-year-old organization dedicated to historic preservation and the furtherance of civic art in New York.

As Senator KENNEDY observed in his eulogy, she was much involved in the society's efforts to preserve Grand Central Terminal. Senators may recall the news photographs of her outside Grand Central with the architect Philip Johnson and others in 1975. She led the fight to stop an awful proposal to erect a 53-story office tower atop the magnificent 1913 Beaux Arts Terminal, and ultimately prevailed when in 1978 the U.S. Supreme Court upheld the New York City landmarks law that protected the station.

She also applied her considerable energies and talents to the revitalization of Times Square; to efforts to revive Manhattan's West Side riverfront; to the preservation of St. Bartholomew's Church, and to the protracted fight against a plan to build a skyscraper at Columbus Circle that would have cast a giant shadow over Central Park.

Her influence on the city of New York was profound, yet her legacy in the area of civic improvement is perhaps even greater here in the Nation's Capital.

During his inaugural parade in 1961, President Kennedy looked at the north side of Pennsylvania Avenue, then lined with an assortment of structures in varying states of dilapidation and the unfinished Federal Triangle on the south side, and decided that something had to be done with it. He gave this task to Arthur Goldberg, then Secretary of Labor, who in turn assigned it to me, then Secretary Goldberg's assistant. This led to the creation of the President's Commission on Pennsylvania Avenue—later the Pennsylvania Avenue Development Corporation—which produced the plan for developing the 1.1-mile stretch of the avenue between the White House and the Capital.

One of the last instructions President Kennedy gave before departing for Dallas was that a coffee hour be arranged for the congressional leadership in order to display the model of the Pennsylvania Avenue plan and seek their support. Bill Walton, Charles Horsky, and I were at lunch discussing this on November 22, 1963 when the White House operator called with the news that the President had been shot. We made our way to the White House; the final word came. We left with this task undone. Or would have had it not been for the intervention of Mrs. Kennedy.

Soon after President Kennedy's funeral, she met with President Johnson in the Oval Office. Their conversation was later recounted by Mrs. Kennedy in an interview she gave on January 11, 1974 to Prof. Joe B. Franz of the University of Texas at Austin. Professor Franz conducted the interview in Manhattan for an oral history of the Johnson administration. Here is an excerpt from the transcript of Mrs. Kennedy's remarks:

> I remember going over to the Oval Office to ask him for two things. They were two things I thought that I would like to ask him as a favor. One was to name the space center in Florida "Cape Kennedy." * * * And * * * there were plans for the renovation of Washington and there was this commission, and I thought it might come to an end. I asked President Johnson if he'd be nice enough to receive the commission and sort of give approval to the work they were doing, and he did. It was one of the first things he did.

Jacqueline Kennedy asked for Pennsylvania Avenue, for the continuation of the President's Commission on Pennsylvania Avenue. And coming from Mrs. Kennedy, this request understandably made a claim on President Johnson and on his administration. As it did on me. The enterprise soon acquired official sanction, having been wholly informal under JFK. And it moved forward. By the time President Nixon left office, the Pennsylvania Avenue Development Corporation had been established by act of Congress. Today, with construction of the Federal Triangle building at 14th Street well underway, a third of a century's work is nearly complete—and Jackie made it all possible.

A few years back, as the last major features of the redevelopment fell in place, I received from her perhaps the most precious letter I will ever receive from anyone. "Twenty five years," she wrote, "is a long time not to give up on something." Then this:

> I will be forever grateful dear Pat, for your message to me along the way, for the spirit you brought to something Jack cared about so deeply, and for this happy ending.

The poet Yeats said of a man that he was blessed and had the power to bless. Those few lines of Jacqueline Kennedy Onassis suggested how very blessed she was in spite of all that came to her as she traveled, in Maurice Tempelsman's words, to Ithaca.

On the morning of May 23, Liz and I attended her funeral at the Church of St. Ignatius Loyola on East 84th Street in Manhattan, the same church where she was baptized as a child. We knew and loved Jacqueline Kennedy Onassis all these many years, and never more than of late when she so wondrously, luminously contributed to any enterprise that might add grace and beauty to the city of New York. She adorned New York as she had adorned Washington before, much as she embellished our age.

EXPLANATION OF ABSENCE

Mr. COVERDELL. Mr. President, I was necessarily absent from the Senate yesterday, July 13, and missed votes numbered 189 and 190. I accompanied the President to view the flood damage in my home State of Georgia.

HAITI

McCONNELL. Mr. President, Deputy Secretary Talbott has characterized the administration's recent policy shifts as refinements of an existing strategy rather than flip-flops and reversals. Unfortunately, the public does not quite see it that way. Nor for that matter do some of his strongest supporters.

In May, my colleague from Iowa, Senator HARKIN urged the administration to "get some steel in their spine and quit equivocating."

A policy of anarchy is how the chairman of the Black Caucus summed up the situation.

I think the public's frustration level is only surpassed by the suffering of the citizens of Haiti.

And, now we have a dangerous mass exodus underway which has produced over 15,000 refugees in a brief few weeks.

I can only wonder how dismal the conditions in Haiti must be to force a parent to pack their children in flimsy dinghys and risk their lives on the high seas.

And, how did we end up with this human exodus?

I trace it back to candidate Clinton's denouncing the Bush policy of returning Haitians for processing in Haiti. Within weeks of assuming office, faced with a human wave of misery, Clinton retreated and adopted the Bush line.

Unfortunately, the radical fluctuations in policy did not stop there.

True the Governor's Island Accords held out fleeting hope which was shattered. Frankly, I was never quite clear why the military with all the power—in essence with all the cards—would simply fold and go back to their barracks.

Next we seemed to stagger about like Gulliver under attack by Lilliputians—Haitians armed with sticks drove back the U.S.S. *Harlan*. Randall Robinson, in William Raspberry words, "using his life as a lever" managed to starve a significant retreat out of the President on refugee policy.

Now, we have a series of selected leaks about invasion training exercises, I guess in the hope of bluffing the military leadership out of office.

The Haiti policy, like other foreign policy positions taken by the administration seem to be monuments to the mood of the moment—not enduring, principled, well constructed edifices.

We have all been disheartened by the perilous policy twists and turns—that may be policy refinement in the Clinton play book, but the public can't understand his calls.

As we creep closer and closer to the use of force, no one understands why.

Vague official commentary about restoring democracy is overshadowed by internal criticism of the alleged symbol of democracy, Aristide.

Concern about the consequences of a tidal wave of refugees is muddled by senior officials who understandably engage in public hand wringing over images of children starving.

And, the talk of invasion, purportedly to protect American lives is rejected by the very Americans who the administration wants to save.

Sadly, I think Carl Rowan was right when he said he thought the President was about to invade because he didn't have the foggiest notion what else to do.

I think we may very well be reduced to this option because we have squandered our credibility and forfeited our resolve in enforcing any other option.

At the end of the day a few thousand poorly trained, barely armed thugs have terrorized a nation and intimidated the United States.

In public and private comments the military leadership in Haiti scorns the United States and speaks with contempt at the prospect of an invasion. Bravado? Maybe, but so far they have little reason to believe we are as good as our word.

Mr. President, I have heard senior officials lament time and time again that the policy appears confusing because the situation is changing rapidly and new circumstances must be evaluated and addressed. They are feeling their way through troubled waters.

I urge the administration to chart a course and stick with it. Just as the public was skeptical about the Persian Gulf during the buildup, when a clear message was consistently delivered, when the economic and political principles at stake were starkly defined, the American people supported the President.

THE FREEDOM FIGHT IN CYPRUS: 20 YEARS OF TURKISH OCCUPATION

Mr. PRESSLER. Mr. President, today, I address the past and present political status of Cyprus. We now are witnessing the 20-year mark of the division of the island between the Greek and Turkish Cypriots. Cypriot loyalties have long been torn between Cyprus, Greece, and Turkey.

Over the past two decades, we have witnessed numerous failed attempts at reconciliation under official U.N. auspices. Additionally, many unofficial rounds of negotiations have not succeeded in ending Cyprus' political turmoil. As we remember the invasion of Cyprus, we should commit ourselves to strive for an international solution to the division of this illegal country.

Cyprus' division began in 1974. A Turkish military junta ousted President Makarios and eventually took control of the northern one-third of the nation. The so-called Turkish Republic of Northern Cyprus has yet to gain diplomatic recognition from any of the world's countries except Turkey. The southern two-thirds of the Republic of Cyprus is inhabited by Greek Cypriots, who comprise 80 percent of the population.

The political goals of each side have wavered little in the past 20 years. The balance to be struck between the establishment of a single-sovereignty federation, favored by the Greek Cypriots, and the formation of two independent States, favored by the Turkish Cypriots, continues to be a somewhat elusive goal. The primary issues are also clouded by other complicating factors. Displaced persons, territory, property, and military rights reveal the far reaching effects the 1974 invasion continues to have—not only on the people of Cyprus, but also on the efforts for political compromise and reconciliation.

Mr. President, an end to the illegal Turkish occupation of Cyprus is long overdue. Twenty years have passed since Greek Cypriots, comprising at least 75 percent of the population of Cyprus, have lived without the presence of Turkish troops in their homeland. Since 1974, Greek Cypriots have looked to the United States Congress to help them end the unacceptable status quo of division and Turkish occupation.

To help implement a viable solution to the problem in Cyprus, I have sponsored legislation in past Congresses which would make United States aid to Turkey contingent upon the removal of troops from Cyprus. While I do not believe the necessary votes to pass such legislation currently exist, I still am compelled to reiterate the need to withhold aid from Turkey unless we are assured the Turks are not violating the human rights of both Kurds in Turkey and Greek Cypriots. Additionally, we should demand assurance that no portion of Cyprus will be governed by Turkish settlers and troops.

After two decades of illegal Turkish occupation of Cyprus, the United States should reexamine its policy toward Turkey. The United States Congress and the Clinton administration need to send a signal to the people of Turkey: Basic principles of human rights must be respected. For the past 20 years, Greek Cypriots have faced Turkish intransigence. The United States, as the leader of the world community, no longer should tolerate Turkey's unreasonable position regarding the settlement of Cyprus and its gross human rights violations.

An end to the division of Greek and Turkish Cypriots rests squarely in the hands of Turkish Government leaders. It is time the United States held the Turkish Government accountable for two decades of illegal military occupation in Cyprus. Let us not forget that the occupation is being carried on with the support of United States military equipment, made available through United States foreign aid to Turkey. We clearly have a responsibility to contribute to a solution to a problem that we, in part, have helped to create. I urge my colleagues to consider the plight of divided and foreign occupied Cyprus as we consider United States financial aid to Turkey.

THE 100TH ANNIVERSARY OF THE COMMERCIAL LAW LEAGUE OF AMERICA

Mr. HEFLIN. Mr. President, I recently sent a letter to the Commercial Law League of America, and its current President, congratulating the league on their 100th anniversary. During those years the league has worked to achieve several laudatory goals regarding commercial laws, including the promotion of uniformity of matters affecting such laws and the elevation of the standards and improvement of the practice of commercial law. I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 1994.

Mr. FREDERICK M. LUPER,
President, Commercial Law League of America, Chicago, Il.

DEAR MR. LUPER: Congratulations to the Commercial Law League of America, and to you as its current President, on a century of dedicated service provided to the legal community of America. The work which the League has performed over the past one hundred years has played an important role in the development of commercial laws throughout America.

As stated in the "Objectives of the Commercial Law League of America", one of your goals is "To promote uniformity of legislation in matters affecting commercial

law." The League has achieved this goal through the testimony before Congress of your members who are experts on a variety of issues.

I commend the League not only on its longevity as the nation's oldest organization of attorneys and other experts on credit and finance, but also on your successful growth from a 400-member organization in 1895 to over 5,000 members in today's League. The Commercial Law League produces, through the contributions of its members, such excellent publications as the Commercial Law Journal and the Commercial Law Bulletin which keep all professionals, who work in the field of commercial law, abreast of our rapidly changing financial world.

As the League begins its second century, it is especially important to remember one of the objectives of the League, "To elevate the standards and improve the practice of commercial law." It is through the leadership and constant attention which you have provided in the past that has enabled today's commercial bar to enjoy a streamlined and improved set of laws. These laws have made commercial transactions fair and equitable for all participants within our commercial system.

It is with admiration and praise that I say Happy Birthday to the Commercial Law League of America. I hope you will be as active in the next one hundred years as you have been in the past one hundred. Thank you for allowing me to be a small part of this great event.

I remain as always,

Sincerely,

HOWELL HEFLIN.

TRIBUTE TO THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED

Mr. MOYNIHAN. Mr. President, I have addressed this body many times on behalf of the rights of the disabled. Americans have come to recognize that we have a responsibility to help individuals overcome both their physical and mental handicaps. We must do all we can to ensure that they lead more full and productive lives.

I would like to take this opportunity to pay tribute to one organization that has taken the lead in helping these most deserving individuals—the Association for the Advancement of the Blind and Retarded. AABR is a private organization which, for nearly 40 years, has served young adults and adults that are afflicted with multiple handicaps, including blindness and severe mental retardation.

There are, indeed, far too few programs that provide extensive services to these neediest of our fellow citizens. AABR is able to do so through programs that are tailormade by 300 professional and paraprofessional staff members who are trained in the latest advances and methods of instruction. They also operate day treatment centers, family services, recreation programs, a vacation retreat, and education programs serving individuals throughout the New York City area.

AABR's staff members are inspiring and compassionate people—the exact sort we need in this profession. As a result of their patience and devotion, AABR's clients are helped to reach their full potential. The enthusiasm and wonderful sense of caring and commitment of the staff should serve as an inspiration to us all.

Over the years, AABR's magnificent accomplishments have won considerable praise and support from the private sector. For example, on August 8 of this year the Metropolitan Club Managers Association of New York will hold it's 21st annual charity golf and tennis tournament and dinner dance for the benefit of AABR's handicapped youth. The support and the encouragement provided by MCMA is most noteworthy and sets a superb example for others to follow.

I ask my colleagues to join me in extending best wishes for an enjoyable event and much continued success to AABR, MCMA, and all those involved in this worthwhile cause.

THE DONALD STUART RUSSELL FEDERAL COURTHOUSE

Mr. HOLLINGS. Mr. President, on July 25, the Federal courthouse in Spartanburg, SC, will be formally dedicated in honor of Donald Stuart Russell. At my initiative, a provision to name the building in honor of Donald Russell was included in a supplemental appropriations bill early this year. This is a fitting, if belated, honor to one of the most accomplished and respected South Carolinians of our time.

Mr. President, Donald Russell's career in public service spans more than half a century and continues to this day, as he continues to serve with distinction as U.S. circuit judge for the fourth judicial circuit.

A native of Mississippi, his family moved to Chester, SC, in 1911 when he was 5 years old. Judge Russell graduated Phi Beta Kappa from the University of South Carolina in 1925, and from the University of South Carolina School of Law in 1928. Before the war, he practiced law in Spartanburg, eventually joining Jimmy Byrnes' law firm in that city. In the wake of Pearl Harbor, he came to Washington with Byrnes to serve in the War Department, first as a member of the Price Adjustment Board and later as Deputy Director of the Office of War Mobilization, which was charged with full responsibility for managing the war effort on the home front. In 1944 he served as an Army major assigned to the Supreme Headquarters Allied Forces in Europe.

When then-Justice Byrnes was named Secretary of State by President Truman in 1945, he tapped Donald Russell to serve as Assistant Secretary of State for Administration. In that capacity, Russell laid the basis for a modern, professional U.S. diplomatic corps by shepherding through Congress the Foreign Service Act of 1946.

In 1951, he returned home to serve as president of the University of South Carolina. During this distinguished 6-year tenure, he boosted academic standards and made major improvements in the university's physical plant.

In 1963, Russell succeeded me as Governor of South Carolina, presiding over the peaceful integration of Clemson College and, several months later, the University of South Carolina. His inauguration in January 1963 is still remembered as a remarkable event. The newly sworn in Governor Russell opened the grounds of the executive mansion to whites and blacks alike for a festive and integrated celebration.

After a stint as U.S. Senator from 1965 to 1966, he was appointed by President Lyndon Johnson to serve as U.S. district judge of South Carolina. In 1971, President Nixon appointed him to serve as U.S. circuit judge for the fourth judicial circuit, where he has served with enormous distinction for nearly a quarter century.

Mr. President, as scholar, statesman, and jurist, Donald Russell has distinguished himself as a man of extraordinary ability and genuine vision. For more than a half century, Judge Russell has epitomized the ideal of selfless and dedicated public service. In dedicating the Donald Stuart Russell Federal Courthouse, the people of South Carolina and of the United States express their appreciation for the many contributions and accomplishments of this great public servant.

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. RIEGLE. Mr. President, Jacqueline Kennedy Onassis has aptly been called a national treasure. Throughout her life, Mrs. Onassis devoted herself to preserving our Nation's historical treasures before everything slips away, before every link with the past is gone. And now, she herself has slipped away from us.

Because she embodied some of our Nation's most magnificent moments, and some of its most tragic, her passing has touched all of us in a very personal way.

Her own words best explain how she was able to live with the joys and the tragedies which characterized her life:

> We must give to life at least as much as we received from it. Every moment one lives is different from the next. The good, the bad, the hardship, the joy, the tradegy, love and happiness are all interwoven into one single indescribable whole that is called life. You cannot separate the good from the bad. And, perhaps there is no need to do so either.

Mrs. Onassis lived her life with zeal, dignity, and grace. She was guided by her unique vision of life's possibilities and an understanding of the role history would play in judging our actions.

For the few brief years that she graced this city as our Nation's First

Lady, she raised our Government's support for the arts and historic preservation to a higher level. The White House became a living monument to America's rich history and culture, where the Nation's best artists and musicians came to perform.

The historic preservation crusade, begun during her White House years, continued throughout her life. Aiding in the rescue of Washington's historic Lafayette Square and New York's Grand Central Station from demolition are among Mrs. Onassis' best known achievements.

None of Mrs. Onassis' efforts, however, were as dear to her as the raising of her two children. She referred to that successful effort as the best thing she ever did, and her wish was to be remembered and emulated for that achievement more than for any other.

Mr. President, in his book "The Bouviers," John Davis writes:

President Kennedy's administration had captured the public imagination in a way few Presidents in the nation's history had done. His youthful sincerity and enthusiasm had inspired men everywhere with hope for a better world. In the last analysis, his major contribution to his country was spiritual rather than political, and after his death, it was primarily his widow who kept that contribution alive, who perpetuated it. Her majestic conduct at his funeral, from the march to St. Matthew's to the lighting of the eternal flame, her influence in changing the names of national landmarks to Kennedy, her helping with the design of his tomb, her role in founding the John F. Kennedy Center for the Performing Arts and the John F. Kennedy Library, all these contributed immensely to keeping the bright spirit of the slain President alive.

Closely allied with her efforts to perpetuate John F. Kennedy's memory is what may well prove to be her most significant contribution of all, as well as the most ephemeral: the presentation of an image of beauty, courage, and grandeur to the world during three of the most shameful and humiliating days in her country's existence. As an incomparable artist in life, it was her supreme privilege and achievement to grant an entire nation, at the time of her husband's funeral, some of the finest moments in its history. It is upon the enduring quality of those moments * * * that her place in history will ultimately rest.

Jacqueline Kennedy Onassis provided the quote from Shakespeare used by Robert Kennedy in his tribute to the President at the 1964 Democratic National Convention:

When he shall die
Take him and cut him out in little stars
And he will make the face of heaven so fine
That all the world will be in love with night,
And pay no worship to the garish sun.

I believe the words of Shakespeare are equally appropriate in memorializing her.

Two of the fairest stars in all the heaven,
Having some business do entreat her eyes
To twinkle in their spheres till they return.
What if her eyes were there, they in her head?
The brightness of her check would shame those stars,
As daylight doth a lamp; her eyes in heaven
Would through the airy region stream so bright
That birds would sing and think it were not night.

And so, the architect of the eternal flame at Arlington—Jacqueline Bouvier Kennedy Onassis—will now be immortalized by it. It will forever evoke the memory not only of a fallen President, but of the lady who served beside him and did so much to define his presidency during what was, in the words of the poet Robert Frost, "an age of poetry and power."

FOOD AID FOR CHILDREN IN THE FORMER SOVIET UNION

Mr. RIEGLE. Mr. President, as the Senate debates the fiscal year 1995 Foreign Operations Appropriations Act, I wish to address an issue that is of critical importance to the people of the former Soviet Union. Despite the great progress these nations have made in their economic transitions, large segments of the populations continue to suffer from lack of food. Those hardest hit are infants and young children. While the scope and scale of our food aid to these nations are likely to diminish in future years, we must ensure that the children receive the nourishment they need.

The help of the international community has been vital in helping the New Independent States [NIS] to continue their economic and political transformations. However, in light of the changing needs of these nations, international assistance is declining. In particular, our bulk commodity food aid will diminish and our overall agricultural assistance will likely focus more on technical and industrial investment. This shift is due to the fact that shortages are occurring primarily in regions torn by armed conflict, while the rest of the region is in need of infrastructure and technology.

Despite the improving conditions in much of the former Soviet Union, infants and young children continue to suffer shortages. Last year, the Belarus Ministry of Health reported that only 18.3 percent of infants have adequate amounts of fruits, vegetables, and juices in their diets. The Russian Ministry of Health reported an even lower total—13 percent. This situation will only worsen unless we take concrete steps to ensure that children in the NIS receive the nourishment they need.

On June 10, several of my colleagues and I wrote to the distinguished chairman of the Foreign Operations Subcommittee asking that the committee support the procurement of United States-manufactured processed baby food to be sent to the nations of the former Soviet Union as part of our international assistance program. The inclusion of processed baby food with our aid to the NIS will address a serious problem facing thousands of children in that area of the world. Moreover, improving the diets of these children now reduces the need for medical assistance later—a far costlier form of humanitarian aid.

In the report accompanying the Senate version of the fiscal year 1995 Foreign Operations Appropriations Act the committee included the following language.

Children and infants in the NIS continue to experience nutritional problems due to poor diets. Processed baby foods, juices, and cereals are not available in sufficient quantity in a number of places within the former Soviet Union. Russian and other former Soviet republics are beginning the process of rebuilding their processed baby food industry. The Committee agrees with the House that providing nutritional assistance for children and infants in the meantime would be a timely humanitarian gesture.

Mr. President, I am pleased that many of my colleagues have joined in their support of this type of program that will help thousands of children. We currently face the enormous challenge of reshaping our foreign assistance program to reflect changing economic and security needs worldwide. In doing so we must be aware of the humanitarian needs which are immediate and which we can address without great expense. The situation in the NIS is just such a concern and I urge all of my colleagues to support any program that will help ease the plight of children in this region.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Wednesday, July 13, at the close of business, the Federal debt stood—down to the penny—at exactly $4,624,337,130,856.67. This debt, mind you, was run up by the Congress of the United States; the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And disregard the nonsense from politicians to the effect that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say

George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,624 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands at 4 trillion, 624 billion, 337 million, 130 thousand, 856 dollars and 67 cents.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order morning business is now closed.

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

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4426, which the clerk will report.

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 Senate resumed the consideration of the bill.

Pending:

(1) Dole Amendment No. 2245, to establish a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti.

(2) McConnell (for Brown) Amendment No. 2247, to reduce available funds for the United Nations Development Program.

(3) McConnell (for Brown) Amendment No. 2248 (to committee amendment on page 2, lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(4) McConnell (for Brown) Amendment No. 2249, to freeze contributions to the International Development Association.

(5) McConnell (for Brown) Amendment No. 2250, to maintain funding for the Global Environment Facility at fiscal year 1994 level and to make the funds available pending certain reform measures.

(6) McConnell (for Brown) Amendment No. 2251, to establish an independent commission to study the salaries and benefits of the World Bank and the International Monetary Fund.

(7) McConnell (for Brown) Amendment No. 2252 (to committee amendment on page 2 lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(8) Helms Amendment No. 2253 (to committee amendment on page 2, lines 12–21), to prohibit U.S. Government intervention with respect to abortion laws or policies in foreign countries.

(9) Helms Amendment No. 2254, to prohibit the availability of funds for the United Nations Development Program.

(10) Helms Amendment No. 2255, to prohibit the use of funds for foreign governments engaged in espionage against the United States.

(11) Helms Amendment No. 2256, to prohibit funds for Russia while that country is not in compliance with the Biological Weapons Convention.

(12) Helms Amendment No. 2257, to limit the provisions of assistance to Nicaragua until a full investigation is conducted relating to the existence of a terrorist/kidnapping ring.

(13) Helms Amendment No. 2258, to limit the authority to reduce U.S. Government debt to certain countries.

(14) Helms Amendment No. 2259, to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China.

(15) Helms Amendment No. 2260, to establish an Ambassadorial rank for the head of the United States delegation to the Conference on Security and Cooperation in Europe.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield 10 minutes to the distinguished Senator from Pennsylvania, with the floor then reverting to me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont.

Mr. President, I had come to the floor at 10 o'clock in hopes that I might be able to offer an amendment which I have pending on the foreign operations bill, which has been accepted by the managers, and in the absence of formally starting on the bill or absence of one of the managers. I thank my colleague from Vermont for the time to speak on the amendment, perhaps there will be a procedural posture to be accepted before the 10 minutes have expired.

This amendment, Mr. President, would condition appropriations from the United States to the PLO on their strict compliance with their commitments in the Israel PLO peace accords.

We have found that since the historic events of September 13 of last year when President Clinton brought together the Prime Minister of Israel Yitzhak Rabin, and PLO Chairman Yasser Arafat, the progress has proceeded and the agreement entered into. But there have been many violations of the agreement by acts of terrorism by the PLO.

Speaking very candidly, Mr. President, it was a difficult moment for me personally to be at the White House last September 13, to see Yasser Arafat and the PLO honored in the Nation's capital in light of what they have done in the past. The record is plain that the murder of the United States Chargé, the second in command in the Sudan in 1974, directly implicated Yasser Arafat as well as the PLO; the murder of Mr. Klinghoffer on the *Achille Lauro* involved the PLO and Arafat, as have many, many other acts of treachery and terrorism. So it was a difficult moment to see Arafat honored at the White House.

But when the State of Israel, which had been the principle victim of PLO terrorism, agreed to that arrangement it seemed to me that the United States ought to be supportive, and I compliment President Clinton for what he has done in that historic setting. But since the accords have been entered into there have been repeated acts of PLO terrorism. They have been documented, and a good bit of the documentation has come from the Zionist Organization of America and the initiative of Mr. Morton Klein and Mrs. Sandy Stein.

It is vital that if the United States is to advance the substantial funding which we have appropriated, that there be compliance. This amendment which has been cosponsored by Senator SHELBY, Senator D'AMATO, Senator CRAIG, and Senator GRAHAM, would remove the authority of the President to advance the funds on certification of national security. That is, the President would not have the power to excuse what the PLO has done and allow the funds to be advanced without full compliance.

The second provision would recite the expectation of the Congress that the PLO will remove all of the provisions in its national covenant which state its intention to eliminate Israel.

In an original form, we had thought and drafted and proposed that the charter of the PLO be amended in advance of any moneys being given by the United States to the PLO. On reconsideration, we have noted that after this amendment was announced, there have been statements from the PLO that they do intend to amend their charter. So that in order to avoid a controversy and to proceed at this time with a clear-cut statement of congressional intent, this amendment just goes so far as to say that it is our expectation that the covenants of the PLO charter will be amended.

If that is not done, let there be no mistake that we will be back on the next foreign aid bill with the mandatory requirement that the PLO covenant be amended if any funds are to be advanced.

There are a number of provisions of the PLO covenant which bear on this question.

For example, article 15 of the Palestinian National Covenant from 1968 recites:

The liberation of Palestine, from an Arab viewpoint, is a national duty to repulse the Zionist imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine.

Obviously, that is a direct variance with the Israeli-Arab peace accord and that ought to be stricken.

Article 19 provides, in part:

The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void.

That, obviously, must be stricken.

Article 20 contains the provision:

The Balfour Declaration, the Mandate Document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with the historical realities nor the constituents of statehood in their true sense.

And that ought to be stricken.

Mr. President, I ask unanimous consent that the full text of this Palestinian National Covenant be printed in the RECORD at the conclusion of my remarks, along with an article from the New York Times on this subject.

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

[See exhibit 1.]

Mr. SPECTER. Mr. President, there has been established in both the Senate and the House of Representatives monitoring groups. In the Senate, we have a group of some 15 Senators, virtually equally divided among Democrats and Republicans. It is our intent to keep a very close eye on what occurs with respect to PLO compliance with their commitments. If the terrorism is not absolutely ended, then there is no reason whatsoever for the United States to be advancing funds to the PLO. That is a very, very reasonable request.

EXHIBIT 1

THE PALESTINIAN NATIONAL COVENANT, 1968

This Covenant will be called "The Palestinian National Covenant" (Al-Mîhâq Al-Watanî Al-Filastînî).

ARTICLE 1

Palestine is the homeland of the Palestinian Arab people and an integral part of the great Arab homeland, and the people of Palestine is a part of the Arab Nation.

ARTICLE 2

Palestine with its boundaries that existed at the time of the British Mandate is an integral regional unit.

ARTICLE 3

The Palestinian Arab people possess the legal right to its homeland, and when the liberation of its homeland is completed it will exercise self-determination solely according to its own will and choice.

ARTICLE 4

The Palestinian personality is an innate, persistent characteristic that does not disappear, and it is transferred from fathers to sons. The Zionist occupation, and the dispersal of the Palestinian Arab people as result of the disasters which came over it, do not deprive it of its Palestinian personality and affiliation and do not nullify them.

ARTICLE 5

The Palestinians are the Arab citizens who were living permanently in Palestine until 1947, whether they were expelled from there or remained. Whoever is born to a Palestinian Arab father after this date, within Palestine or outside it, is a Palestinian.

ARTICLE 6

Jews who were living permanently in Palestine until the beginning of the Zionist invasion will be considered Palestinians.

ARTICLE 7

The Palestinian affiliation and the material, spiritual and historical tie with Palestine are permanent realities. The upbringing of the Palestinian individual in an Arab and revolutionary fashion, the undertaking of all means of forging consciousness and training the Palestinian, in order to acquaint him profoundly with his homeland, spiritually and materially, and preparing him for the conflict and the armed struggle, as well as for the sacrifice of his property and his life to restore his homeland, until the liberation—all this is a national duty.

ARTICLE 8

The phase in which the people of Palestine is living is that of the national (Watanî) struggle for the liberation of Palestine. Therefore, the contradictions among the Palestinian national forces are of a secondary order which must be suspended in the interest of the fundamental contradiction between Zionism and colonialism on the one side and the Palestinian Arab people on the other. On this basis, the Palestinian masses, whether in the homeland or in places of exile (Mahâjir), organizations and individuals, comprise one national front which acts to restore Palestine and liberate it through armed struggle.

ARTICLE 9

Armed struggle is the only way to liberate Palestine and is therefore a strategy and not tactics. The Palestinian Arab people affirms its absolute resolution and abiding determination to pursue the armed struggle and to march forward toward the armed popular revolution, to liberate its homeland and return to it, [to maintain] its right to a natural life in it, and to exercise its right of self-determination in it and sovereignty over it.

ARTICLE 10

Fedayeen action forms the nucleus of the popular Palestinian war of liberation. This demands its promotion, extension and protection, and the mobilization of all the mass and scientific capacities of the Palestinians, their organization and involvement in the armed Palestinian revolution, and cohesion in the national (Watanî) struggle among the various groups of the people of Palestine, and between them and the Arab masses, to guarantee the continuation of the revolution, its advancement and victory.

ARTICLE 11

The Palestinians will have three mottoes: National (Wataniyya) unity, national (Qawmiyya) mobilization and liberation.

ARTICLE 12

The Palestinian Arab people believes in Arab unity. In order to fulfill its role in realizing this, it must preserve, in this phase of its national (Watanî) struggle, its Palestinian personality and the constituents thereof increase consciousness of its existence and resist any plan that tends to disintegrate or weaken it.

ARTICLE 13

Arab unity and the liberation of Palestine are two complementary aims. Each one paves the way for realization of the other. Arab unity leads to the liberation of Palestine, and the liberation leads to Arab unity. Working for both goes hand in hand.

ARTICLE 14

The destiny of the Arab nation, indeed the very Arab existence, depends upon the destiny of the Palestine issue. The endeavor and effort of the Arab nation to liberate Palestine follows from this connection. The people of Palestine assumes its vanguard role in realizing this sacred national (Qawmî) aim.

ARTICLE 15

The liberation of Palestine, from an Arab viewpoint, is a national (Qawmî) duty to repulse the Zionist, imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine. Its full responsibilities fall upon the Arab nation, peoples and governments, with the Palestinian Arab people at their head.

For this purpose, the Arab nation must mobilize its military, human, material and spiritual capabilities to participate actively with the people of Palestine. They must, especially in the present stage of armed Palestinian revolution, grant and offer the people of Palestine all possible help and every material and human support, and afford it every sure means and opportunity enabling it to continue to assume its vanguard role in pursuing its armed revolution until the liberation of its homeland.

ARTICLE 16

The liberation of Palestine, from a spiritual viewpoint, will prepare an atmosphere of tranquility and peace for the Holy Land, in the shade of which all the holy places will be safeguarded, and freedom of worship and visitation to all will be guaranteed, without distinction or discrimination of race, color, language or religion. For this reason, the people of Palestine looks to the support of all the spiritual forces in the world.

ARTICLE 17

The liberation of Palestine, from a human viewpoint, will restore to the Palestinian man this dignity, glory and freedom. For this, the Palestinian Arab people looks to the support of those in the world who believes in the dignity and freedom of man.

ARTICLE 18

The liberation of Palestine, from an international viewpoint, is a defensive act necessitated by the requirements of self-defense. For this reason, the people of Palestine, desiring to befriend all peoples, looks to the support of the states which love freedom, justice and peace in restoring the legal situation to Palestine, establishing security and peace in its territory, and enabling its people to exercise national (Wataniyya) sovereignty and national (Qawmiyya) freedom.

ARTICLE 19

The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void, whatever time has elapsed, because it was contrary to the wish of the people of Palestine and its natural right to its homeland, and contradicts the principles embodied in the Charter of the United Nations, the first of which is the right of self-determination.

ARTICLE 20

The Balfour Declaration, the Mandate Document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with historical realities nor with the constituents of statehood in their true sense. Judaism, in its character

as a religion of revelation, is not a nationality with an independent existence. Likewise, the Jews are not one people with an independent personality. They are rather citizens of the states to which they belong.

ARTICLE 21

The Palestinian Arab people, in expressing itself through the armed Palestinian revolution, rejects every solution that is a substitute for a complete liberation of Palestine, and rejects all plans that aim at the settlement of the Palestine issue or its internationalization.

ARTICLE 22

Zionism is a political movement organically related to world imperialism and hostile to all movements of liberation and progress in the world. It is a racist and fanatical movement in its formation; aggressive, expansionist and colonialist in its aims; and Fascist and Nazi in its means. Israel is the tool of the Zionist movement and a human and geographical base for world imperialism. It is a concentration and jumping-off point for imperialism in the heart of the Arab homeland, to strike at the hopes of the Arab nation for liberation, unity and progress.

Israel is a constant threat to peace in the Middle East and the entire world. Since the liberation of Palestine will liquidate the Zionist and imperialist presence and bring about the stabilization of peace in the Middle East, the people of Palestine looks to the support of all liberal men of the world and all the forces of good progress and peace; and implores all of them, regardless of their different leanings and orientations, to offer all help and support to the people of Palestine in its just and legal struggle to liberate its homeland.

ARTICLE 23

The demands of security and peace and the requirements of truth and justice oblige all states that preserve friendly relations among peoples and maintain the loyalty of citizens to their homelands to consider Zionism an illegitimate movement and to prohibit its existence and activity.

ARTICLE 24

The Palestinian Arab people believes in the principles of justice, freedom, sovereignty, self-determination, human dignity and the right of peoples to exercise them.

ARTICLE 25

To realize the aims of this Covenant and its principles the Palestine Liberation Organization will undertake its full role in liberating Palestine.

ARTICLE 26

The Palestine Liberation Organization, which represents the forces of the Palestinian revolution, is responsible for the movement of the Palestinian Arab people in its struggle to restore its homeland, liberate it, return to it and exercise the right of self-determination in it. This responsibility extends to all military, political and financial matters, and all else that the Palestine issue requires in the Arab and international spheres.

ARTICLE 27

The Palestine Liberation Organization will cooperate with all Arab states, each according to its capacities, and will maintain neutrality in their mutual relations in the light of, and on the basis of, the requirements of the battle of liberation, and will not interfere in the internal affairs of any Arab state.

ARTICLE 28

The Palestinian Arab people insists upon the originality and independence of its national (Wataniyya) revolution and rejects every manner of interference, guardianship and subordination.

ARTICLE 29

The Palestinian Arab people possesses the prior and original right in liberating and restoring its homeland and will define its position with reference to all states and powers on the basis of their positions with reference to the issue [of Palestine] and the extent of their support for [the Palestinian Arab people] in its revolution to realize its aims.

ARTICLE 30

The fighters and bearers of arms in the battle of liberation are the nucleus of the Popular Army, which will be the protecting arm of the Palestinian Arab people.

ARTICLE 31

This organization shall have a flag, oath and anthem, all of which will be determined in accordance with a special system.

ARTICLE 32

To this Covenant is attached a law known as the Fundamental Law of the Palestine Liberation Organization, in which is determined the manner of the organization's formation, its committees, institutions, the special functions of every one of them and all the requisite duties associated with them in accordance with the Covenant.

ARTICLE 33

This Covenant cannot be amended except by a two-thirds majority of all the members of the National Council of the Palestine Liberation Organization in a special session called for this purpose.

[From The New York Times, July 8, 1994]

ARAFAT PROMISING TO REPEAL CALL FOR ISRAEL'S DESTRUCTION

(By Marlise Simons)

PARIS, July 7.—Yasir Arafat pledged today to convene the Palestinian parliament-in-exile to eliminate sections of the Palestinian charter that call for the destruction of Israel.

Mr. Arafat said in a communique issued here that the meeting would be held "in the very near future" in Gaza, lending weight to the predictions that Gaza will be his base.

He told reporters that the meeting of the Palestine National Council, as the parliament is known, would take place "in a matter of months."

His pledge addressed a fundamental point that many Israelis have been doubting, namely that the Palestine Liberation Organization intends to repeal its call for the destruction of Israel, as promised last September in a letter from Mr. Arafat, the chairman of the P.L.O., to Prime Minister Yitzhak Rabin of Israel.

Mr. Arafat's failure to carry out that promise until now has become a weapon of the Israeli rightist opposition. It has argued that the P.L.O. has no intention of changing its constitution and that the Israeli Government is foolish at best and treasonous at worst to make accords with an organization that will not make good on such a basic commitment.

NEW MEETINGS ON MONDAY

Mr. Arafat and Mr. Rabin, who met in Paris, also agreed to begin a new and critical phase of the Middle East peace effort, with the first meetings starting in Cairo on Monday.

Joint working groups are to discuss unfinished business related to the transfer of power to Palestinians in the Gaza Strip and Jericho, a town in the West Bank, and how to go about expanding Palestinian administration in towns in other parts of the West Bank.

The two sides also said they would organize a conference with Egypt and Jordan on the future of Palestinian refugees. The P.L.O. has demanded the right to return for some 800,000 people, while Israel has said that up to 250,000 would be affected by an agreement on people displaced since the 1967 war.

Israeli and Palestinian leaders met twice during their 24-hour visit to Paris, to which they came to receive a Unesco peace prize. After their first meeting on Wednesday morning, they reconvened again just before midnight and broke up at almost 2 a.m. today.

AN ACHIEVEMENT

"This is a new commitment to negotiate and a plan how to do it," said a senior Israeli official. "We all see this as an achievement. The mood was very cooperative and business-like."

Mr. Arafat, before leaving for Tunis this afternoon, described the talks as "very positive."

Among the difficult points, a Palestinian delegate said, was his delegation's demand to include in the communiqué a reference to the organization of the first Palestinian elections. Israel refused, he said.

The delegate said that on elections, the two sides had in fact reversed positions: at first, Israel pressed for early elections, but now, the Palestinians were more eager to see the endorsement of Mr. Arafat and the P.L.O. as the legitimate authority. According to an Israeli official, the Government is not pressing for early elections because these will raise difficult questions about power and jurisdiction. While the September peace accord establishes the right of the Palestinian residents of Jerusalem to vote, the P.L.O. also wants such residents to be eligible for office.

NOT ACCEPTABLE TO ISRAEL

But in Israel's eyes, this is unacceptable. Enabling such residents to run for Palestinian office, so the Israeli argument goes, would mean inserting Jerusalem into the process of self-rule and recognizing part of Jerusalem as occupied territory.

Today's communiqué also said talks would be held on the release of more Palestinian prisoners held in Israeli jails. Palestinian officials here said that the freeing of more than 6,000 Palestinians in Israeli jails was indispensable.

The Israeli delegation said it would seriously consider the request to release imprisoned women.

Mr. Arafat also asked for the release of Sheik Ahmed Yassin, the founder of the militant Islamic movement Hamas. Today, Mr. Rabin said for the first time that he would consider the request to free Mr. Yassin, 58 years old, if he would leave the region for 10 years and tell others to refrain from terror and violence. The Hamas leader is serving a life sentence for ordering the murder of four alleged Palestinian informants.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has just 2 seconds over 3 minutes.

Mr. SPECTER. I thank the Chair.

AMENDMENT NO. 2245

Mr. SPECTER. Mr. President, in my remaining time, I support the amendment by Senator DOLE which would establish a congressional commission for

the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti, which report should be filed within 45 days of enactment.

Many Senators, including this Senator, have expressed concern on the floor about the potential of an invasion of Haiti by the United States. There has been a sense-of-the-Senate resolution passed saying that we do not believe there ought to be an invasion of Haiti.

There is no doubt that a military invasion would not be a very complicated matter and it is a war which could be won perhaps in a matter of hours. But what would happen after the military victory is very, very problematical and very uncertain.

The amendment by the distinguished Republican leader would establish the congressional commission to investigate the policy options. It is my view that the Organization of American States ought to have a large role in assessing what should be done in Haiti, and that if military action is to be undertaken, it ought to be joint action by the Organization of American States.

The saber rattling which the President has engaged in in Haiti, as well as in Bosnia, has undermined very materially the credibility of the United States, and it is at a very important time when we face a real crisis in North Korea where there are vital United States interests at stake.

With the sense of the Senate having been expressed against an invasion of Haiti, the establishment of this commission would again put the President squarely on notice—no invasion of Haiti. And the 45-day time limit would permit a report back with an assessment of policy options by the Congress.

If President Clinton wants to have the military option, then he ought to come to the Congress and ask for our authorization just as it was done on the authorization for the use of force in Iraq. The Constitution of the United States gives to only the Congress the authority to declare war. And while the President does have prerogatives under his power as Commander in Chief to act in an emergency and in the context of the Haiti situation, if he wants to exercise the option or have the option for military force, he ought to come to the Congress, there ought to be a full-fledged debate, and that authorization ought to be given only by the Congress.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I thank the Chair and I yield the floor

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, unlike the Senator from Pennsylvania, I take an entirely different view on the Dole amendment establishing a commission on Haiti policy.

Incidentally, I should note on the amendment of the Senator from Pennsylvania regarding the PLO, I am perfectly willing to accept that. Once the Republican floor manager is on the floor, I will, if I am not too close to the time of the next vote, propound a unanimous consent agreement that we be able to set aside the pending amendment temporarily so that we can adopt the amendment of the Senator from Pennsylvania. And I will do that as soon as the Republican floor manager or his designee is on the floor.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont for accepting the amendment. It is my understanding that it has been cleared with Senator MCCONNELL.

I ask, at the time it be accepted, that my formal floor statement, Senator SHELBY's formal floor statement, and the remarks I just made appear in context in the CONGRESSIONAL RECORD continuously with the events which Senator LEAHY has described.

The PRESIDING OFFICER. You are asking that that be included in the RECORD now?

Mr. SPECTER. I ask it be included at the point in the RECORD where Senator LEAHY and Senator MCCONNELL urge the adoption of the amendment.

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

Mr. LEAHY. Mr. President, let me talk about the Dole amendment on Haiti.

This is an amendment, as we know, to establish a congressional commission on Haiti policy.

This assumes that the relevant committees, key Members of the House and Senate in both parties, are not now discussing Haiti policy. The fact is that we are. The various chairmen of the appropriate committees, the ranking members as well as other key and knowledgeable Members of Congress—again, from both parties—have had lengthy discussion of Haiti policy. There is absolutely no need for a commission at this time. In fact, it would do direct harm to U.S. national interests.

All one has to do is look at the calendar. This calls for a commission, once having been set up, to report back in 45 days. It would not go into place until after this bill is passed and signed into law. That means passed by this body, gone through conference, then passed by both bodies, and then signed into law. As a practical matter, we are talking about a report back to Congress sometime after the Congress has recessed for the fall elections.

It is no wonder that one of the biggest supporters, according to the news today, is General Cedras of Haiti. He supports this amendment. Frankly, I support President Clinton on this matter.

I understand the concerns being expressed. But we have on the one side General Cedras, who thinks this is a great idea, and we have President Clinton and the administration, who think it is a bad idea. I side with President Clinton and the administration. It is a bad idea.

No mistake should be made. The distinguished Republican leader is right in saying the Haiti situation is critical, just as so many other Senators on this side, including the distinguished Democratic leader, Senator MITCHELL, are right in saying the Haiti situation is critical.

Mr. SPECTER. Will my colleague yield for a question?

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chairman.

The question which I have turns on the authority of the Congress contrasted with the authority of the President. We have had extensive debate on the Senate floor about the military option. The Senator from New Hampshire [Mr. GREGG] offered an amendment several weeks ago to limit the use of funds to foreclose the military option. That amendment had certain exceptions where the President could act in case of an emergency.

I have a question for my colleague from Vermont. We have debated these issues formally and informally during the 14 years that I have been in the Senate. We used to debate other issues when we were district attorneys in the good old days, or in the bad old days. It seems to me when there is a real national issue on what we ought to do in Haiti and the President has reserved the military option and there is no emergency, as we have had an opportunity to debate it, that we really ought to confront the issue head on in the Congress and ought to come to a conclusion as to whether Congress authorizes the use of military force in Haiti? And, if so, under what circumstances?

The question I have for my colleague, Senator LEAHY, is why should we not do that instead of leaving the matter up in the air?

Mr. LEAHY. Mr. President, I would respond to this. That is not, though, the Dole-Warner amendment. This establishes a commission that will report back sometime after the Congress has gone out of session for the year. We could then have a debate on it, maybe in February or March of next year. I cannot conceive, during the years of the Bush administration or Reagan administration, any of the cosponsors of this amendment standing for one second—for one second—for such an amendment if it was going to tie up, literally into months and months and months, the hands of the Republican President. That is the issue.

Should there be consultation? Should there be discussion of our Haiti policy? I have no problem with that at all. But to put in an amendment that basically says we are going to have a debate on this thing sometime in January or February, and then decide what will happen—I cannot imagine any President standing for that. We have had a number of instances where Presidents have taken actions and had the debate after. In what was probably one of the better debates—on the Persian Gulf—we debated a specific resolution then and there on it. That is a different thing than this. We did not debate a resolution which says we will determine the answer to this question several months from now.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Mr. President, I do not want to be discourteous to my colleagues but I know the Senator from Pennsylvania had a statement to make earlier. The Senator from Kansas had a statement to make on this. I would like to complete my statement.

I will be glad to yield for another question, of course I will, but then I am going to have to make my statement and then I will be glad to yield to all the questions they would like.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, just one quick question to my friend from Vermont. If this amendment were not crafted this way but crafted in a way similar to the Persian Gulf—because really that is the analogy here, where you have a long lead time. It is not an emergency, but a long lead time where there is, in essence, a national debate going on about whether or not we should use force in Haiti. If the amendment were crafted in a different manner and it was simply related to the question of Presidential consultation and ultimately approval from the Congress, would my friend from Vermont support that?

Mr. LEAHY. Mr. President, 92 of us voted for one a couple of weeks ago. Actually, I believe it was on this same bill. And we voted——

Mr. McCONNELL. Then I assume my friend would be unhappy if the President were to invade Haiti when we were out of town?

Mr. LEAHY. If the Senator from Kentucky wants to see the Senate debate a freestanding resolution saying whether the Congress would support Presidential discretion in the use of force in Haiti or would absolutely deny any ability, under any circumstances, of the President to utilize force in Haiti—if he wants a freestanding resolution on that, I am perfectly willing to have that and vote on it. Or even some of the varying degrees of that, which is basically what we did on the Persian Gulf. I have no problem with a debate of that nature.

But we have debated this issue already on this bill 2 weeks ago. The final resolution was to vote down the Gregg amendment, the amendment of the Senator from New Hampshire; 92 Senators voted in favor of a Haiti resolution. We now have a resolution and the fact of the matter is we have a resolution that is supported by General Cedras, according to this morning's press; opposed by President Clinton—again, according to today's press. Frankly, while that is not dispositive of the issue, it certainly should weigh on the minds of Senators why it is that General Cedras, a man who is holding this country under a military dictatorship, supports this resolution and why the Commander in Chief of the United States opposes it. It is a fairly simple issue to me.

Incidentally, I might mention to my friend from Pennsylvania, when he talks of our days as district attorneys, that is the last time either one of us had a job we truly enjoyed. But we are good friends, and of course I yield to another question.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont. I agree with much of what he has said as to the resolution by the Republican leader. I do not know that it would come up after the Congress is out of session, but I think its purpose is really to avoid an invasion while Congress is out of session. I appreciate what the distinguished Senator from Vermont has had to say, that he would welcome debate on a freestanding resolution for the use of force in Haiti.

Mr. LEAHY. With a realistic time, like a day or two or something like this—but something realistic—and have one drafted in such a way we knew the exact parameters. I think that is an appropriate thing for Congress to do. I would have no problem with that. But we could debate Haiti forever on this appropriations bill and the end result can be we have no appropriations bill on issues that are entirely different.

I think this issue on Haiti is a significant enough one. If we are going to debate it, let us debate just that without us thinking is this an amendment that should work or should not work on this bill? Is it going to end up making it impossible to pass this bill or not pass this bill? All of which are issues that should not be on the question of Haiti.

Mr. SPECTER. As usual, when the distinguished Senator from Vermont and I discuss a matter, we usually come to a meeting of the minds. I think we are very close on this one. I would not want to hold up this bill on the issue of a Haiti resolution.

It would be my hope that the President would come to the Congress and ask for authorization to use force in Haiti, just as the Congress authorized the use of force in Iraq, so that there would be a heads-up debate facing the issue squarely, with the Congress of the United States deciding whether there would be force used in Haiti, which is really the war power which is reserved solely to the Congress on our authority to declare war.

Then we would have a determination as to whether the Congress authorized the use of force and authorized a war and under what conditions. I hope that if the President wants to maintain that military option, he will come to the Congress and ask for that authority. In the absence of his doing so—and I think this is a less desirable alternative—for someone in the Congress to structure that kind of a resolution and bring it to a head, but perhaps that is what we should do if the President will not take the initiative and ask the Congress for that authorization.

Mr. LEAHY. Mr. President, I want to note that naturally there have been a number of times since both the Senator from Pennsylvania and I have been serving in the Senate where Presidents have not done that.

I ask unanimous consent that a list of some of the briefings, including the briefing by the administration of the Republican Policy Committee members in the House involving the CIA, DI, and others, be printed in the RECORD.

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

BRIEFINGS AND HEARINGS ON HAITI

28 June 1994, Hearing on US Policy Towards Haiti; Gray, Shattuck, McKinley testify before SFRC SC on Western Hemisphere Affairs.

15 June 1994, Hearing on Haitian Asylum-seekers; Ambassador Brunson McKinley testifies before the House Judiciary Subcommittee on International Law, Immigration, and Refugees on legislation on Haiti introduced by Meek and Dellums.

8 June 1994, Hearing on Haiti; William Gray III; before HFAC.

8 June 1994, Hearing on Haiti, CBI Parity, Cuba, Latin America Summit; Senator Bob Graham: Briefer: Alexander Watson.

1 June 1994, Briefing on Haiti Refugee Processing; HFAC Staff with RP and INS.

25 May 1994, Briefing on Haiti Intelligence Community Briefing (closed) HPSIC Members and Staff. Briefers: CIA/NIO Lattrel, INR, others.

24 May 1994, Briefing on Haiti Pre-trip Intelligence Community Briefing, Rep. Dixon and HPSCI staff. Briefers: CIA, InR, DIA, DEA, NSA, JCS/J-2.

12 May 1994, Briefing on Haiti Refugee Policy. House Judiciary Subcmte on Immigration; RP & INS.

3 May 1994, Briefing on Haiti Refugee Issues: RFAC Staff with RP, ARA, and INS.

3 May 1994, Briefing on Haiti. Senator Dodd and other SFRC Members. Briefers: Acting Secretary Talbott and NSC Sandy Berger.

8 March 1994, Hearing on Haiti. SFRC Subcommittee on Western Hemisphere. Witness: Ambassador Pezzullo.

9 November 1993, Briefing on Haiti: Hafac Western Hemisphere Members Briefing; (Amb. Pezzullo).

3 November 1993, Briefing on Haiti (closed); HPSCI Members & Staff. Briefers: State/CIA/DIA/DOD.

27 October 1993, Briefing on Haiti-Intelligence; House Republican Policy Committee Members. Briefers: CIA, DI.

20 October 1993, Briefing: on Recent Events in Haiti: House Intelligence Committee; State witness TBD (Pezzullo or Watson).

22 July 1993, Recent Developments in Haiti; HFAC W. Hemisphere Subcommittee

18 June 1993, Haiti; Cong. Toricelli and Hfac staff. Briefer: Amb. Pezzullo.

26 May 1993, Assistance for Haiti; Sen. Leahy. Briefers: ARA Pezzullo & Watson.

18 May 1993, Haiti: SACFO Minority Staff. Briefers: ARA–Pezzullo, AID.

13 May 1993, Haiti; SACFO Minority Staff. Briefers: ARA–Pezzullo, AID.

13 May 1993, Haiti; HAC Foreign OPS Subcommittee and Associate Staff. ATA/Pezzullo, AID, and DOD.

3 May 1993, Situation in Haiti/Request for Contingency Fund; SACFO Majority and Minority Staff. Briefers: ARA–Pezzullo, AID—Williams.

10 March 1993, Haiti; for HAC Foreign OPS Minority Staff w/Majority Staff.

9 March 1993, Haiti; for HAC Foreign OPS Minority and Majority Staff. Briefer: ARA/??.

26 January 1993, Haiti; HAC Foreign Ops Subcommittee Staff. ARA/Gelbard.

12 January 1993, Update on Haiti; Senate Judiciary Committee Staff Briefers: ARA/RP/INS.

Mr. LEAHY. Mr. President, when you have time to consult, I much prefer that. In fact, there was a consultation of key Members of the Senate, both Republicans and Democrats, last night. It was very extensive. I think it lasted a couple of hours and involved General Shalikashvili, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, William Perry, the Secretary of State, Warren Christopher, our U.N. Ambassador, Madeleine Albright, and the President's National Security Adviser, Anthony Lake, as well as others.

It was very, very extensive with a very candid, free exchange. I wish we could print in the RECORD the transcript, but much of it was classified. We did it in a secure room. I thought it was very open. I thought the answers of Secretary Perry and Secretary Christopher and Ambassador Albright and National Security Adviser Tony Lake were very honest, very forthright, very clear, and extraordinarily candid. It was one of the most candid briefings and consultations I have had in my 20 years here.

There have been other times when we have not had this. I think of when we sent the marines to Beirut. Here was the policy: From the time they were given the orders to go, to the time they were sent en route, to the time they arrived, to the time they were put in place, the reasons given by the administration and the White House for their being there changed every single time. Almost daily the policy of why they were there changed.

They were then put in a building which all our intelligence people said was a clear target of terrorists. And on White House orders, they were still put there. The White House, the President, the National Security Adviser—everybody else—ignored clear, clear warnings that there was going to be a terrorist attack on them this is in a country where car bombings were endemic. They ignored clear, clear reports of when that car bombing could take place and who might do it.

The marine sentries on duty under White House orders were not even allowed to have live ammunition in the chambers of their guns. Now this is under an administration where the President would always demonstrate he was the toughest President ever, President Reagan. Under White House orders, they were not even allowed to have live ammunition for the sentries.

They were not allowed to put up the normal type of tank traps that might stop a car bomber from coming through and, of course, what happened is a car bomber came through and 250 brave marines died needlessly. They died because of incompetence at the White House. They died because we had a policy that was designed more for show than for substance.

They were put there because nobody even knew why they were there, but we all knew they died. And then to make it even worse, when the bodies were brought back, it had to be after dark so it would not show on the national news.

And what was the response of the President of the United States? We invaded Grenada. Wow. And Grenada was such a success that if you were in the Pentagon during the invasion, if your elevator door opened, a hand reached in and slapped a medal on you. It was darn near that bad. We invaded Grenada. We ignored it for several days. The Cubans were trying to surrender: "We want to surrender." "Sorry, you can't surrender, we have to have a successful invasion here."

Other Americans died killed by Americans. We talked about how we are stopping the Soviet Union and communism in Grenada. We gave the Soviet Union enormous, enormous tactical intelligence on the United States. They found out that our ships could not talk to each other, ships could not talk to the Army. We had an Army commander who goes down and uses a pay phone in Grenada to call back to the Pentagon to ask them if they would tell the Navy to maybe shell a little bit closer to the Cubans and less on the Americans.

We had others who died needlessly. We could not even send information down from here to tell where they were supposed to be. Fortunately, there were a couple tourist shops open so our intelligence people could go in and buy a map. And this was our big victory, trying to overshadow the death of 250 brave marines who died needlessly—who died needlessly.

So maybe consultation and policy should be done. But maybe we ought to talk about substance and not symbolism. The symbolism was great. We defeated Grenada. Whoopee. Wow. The National Guard from most of our States could have done that. We did not need the might of the greatest power on Earth to do it. We have to ask ourselves what was the reason for it.

I digressed.

We have a situation in Haiti that is critical. We still come down to the point: This amendment meets the strong support of General Cedras. It is strongly opposed by the Clinton administration. Frankly, I think the choice is clear. All of us are distressed by the situation in Haiti. Look what the cruel and corrupt leaders are doing there—driving their own people to misery. This is a terrible, terrible thing going on there. Poor, poor people, the poorest of the poor in our hemisphere, and an oligarchy lives in great splendor, to go off and in an hour they can travel and go into stores where they and their families will spend more money than a whole village will make in a year. So they can buy their jewelry and their fancy cars and liquor and everything else while their poor country dies of economic deprivation.

We want to try to help. It is in our hemisphere. The entire international community agonizes over how to help. The members of the United Nations have joined together to apply stiff economic sanctions against the outlaw regime in Haiti, and I believe the American people strongly support these sanctions.

There is not consensus on the next steps. I do not think there is any enthusiasm in this country—certainly there is not in my own State of Vermont—for a military invasion of Haiti, but neither are many people comfortable about having the United States Government sit on its hands and watch the stream of refugees trying desperately to escape from Haiti and find refuge in the United States and see that stream grow steadily larger.

They do not want to stand by while innocent people are tortured, mutilated, and killed. Look at the pictures on our morning television today of the mass grave just discovered and you can understand why the United Nations was kicked out yesterday, why human rights observers were kicked out, so they will not find such things as mass graves where people have just been massacred, and with all signs pointing to the fact that it is the military and the police all under the command of the same people.

We do not want to let thousands of children starve. We do not want to see democracy thwarted by a group of corrupt, power-hungry thugs, which is what General Cedras and his people are.

Now, are there simple solutions to this crisis? Of course not. And I agree with the sponsors of the amendment,

with Senator DOLE and Senator WARNER and others that there are no simple solutions. But because there are no simple solutions, it is all the more reason not to preemptively tie the hands of the President in fashioning a responsible policy on Haiti in consultation with our allies.

The administration is consulting with our allies. It is consulting with the leadership, Republican and Democrat, in the Congress.

Public discussion of the proper role for the U.S. Government is not only valuable, but I feel that it is essential. Debate along lines we are having here is part of that discussion. It may not belong on this bill, but it does belong in this Chamber. And it is a legitimate area of debate for all of us, whether we agree with the administration's policy or disagree. It is a legitimate area of debate for the Senate. After all, we are supposed to be the conscience of the Nation, an issue and designation that all too many of us tend to forget. So that is why I, along with 92 of my fellow Senators, voted in favor of a resolution just 2 weeks ago calling on the President to consult with Congress before undertaking military action in Haiti.

Public debate is essential, but more study of the nature of this would be counterproductive. To have a study that would come back after the Congress is out, that we might vote on in January or February or March of next year, makes no sense, but it is why General Cedras wants us to pass this amendment and why President Clinton does not want us to. Again, it is a case where I will side with and support the President of the United States. I disagree with General Cedras. I disagree with this resolution.

The facts of this crisis are not hidden or complicated. American correspondents are providing a steady flow of reporting and analysis of the changing situation in Haiti. All you have to do is turn on your radio, turn on your television or read your newspapers. And I hear no one suggesting that the reason there is disagreement over Haiti policy is that we lack facts. Quite to the contrary. We are dealing with a tiny, little country in our hemisphere, and we can get all of the necessary facts. We do not need a study commission to get more facts. I suspect that most of us are not even fully keeping up with all the facts that are pouring in, to say nothing about adding more to it.

But if we establish that study commission, it sends the wrong message to the murderers in Port-au-Prince. We are going to be saying to them, if we establish this commission, "Relax. Don't worry about the sanctions. The U.S. Government is not going to act any time soon. We are going to study the situation for the next several months. You can keep on your stealing and your killing for a while longer because we have just put the brakes on everything."

Mr. President, is that the way to conduct foreign policy? Is it the way to conduct foreign policy, saying no matter what we say, we took the keys out of the car for the next several months; we turned the ships around; we have grounded the airplanes; we have told the Marines and others, "Don't worry; we are not going to do anything"?

What kind of diplomatic pressure do you bring on a country if they know, no matter what happens, you are not going to move, you are not going to do anything, you are going to talk, there is this congressional limitation which says nothing happens until the Congress gets around to it in January or February or March of next year.

Now, there is dispute in the country about what our policy should be, but I suspect there would be no dispute in the country among the people if asked: Do you think it really is the best way to set our foreign policy, to say we will set up a hiatus until the Congress gets around to work on this issue next spring sometime?

I do not think many people in the United States are that confident in the Congress that we might do it. And it also says to the international community, after we have been up there—Ambassador Albright has done a tremendous job in New York dealing with the international community, as has Secretary Christopher and everybody else. But this is the same international community we have gone to to seek their support. Now we say, "Relax, folks. We do not really support the U.N. Security Council's July 12 resolution calling for a 'rapid and definite' solution to the crisis," a resolution that we helped put through. We are saying, just a few days later, we do not agree with it. In fact, we are saying to them, "Why don't you just go home; it is hot in New York City at the United Nations. Go home, forget about Haiti for a while. We will check back with you in a couple of months." It will keep the undertaker business going in Haiti, but we are gone.

Our allies would have one more reason to question U.S. leadership in world affairs. The Haitian oppressors would go on oppressing. The flood of refugees would go on growing.

Mr. President, this is the wrong resolution and the wrong place at the wrong time, and I am going to vote against it. I hope my fellow Senators would, too.

I know that one of the people who has as much experience in this part of the world as any Member of the Senate is the Senator from Florida. Senator GRAHAM has gone down there. He has visited these areas. He has done it at personal danger. I know Senator GRAHAM is in the Chamber. If he wishes to speak on this resolution, I would be happy to yield to him at this point.

I should also note for my colleagues we are going to have a vote at 11:30 on another matter.

Mr. MCCONNELL. Mr. President, I was going to say I am prepared——

Mr. LEAHY. Reserving my right to the floor, I would like to yield for a question.

Mr. MCCONNELL. For a question. I am prepared to change the subject and discuss another amendment and lay it down, if that would be helpful.

Mr. LEAHY. Mr. President, earlier this morning the distinguished Senator from Pennsylvania had been on the floor discussing an amendment which I believe he sent to the desk.

Mr. MCCONNELL. Mr. President, I have a couple of amendments that have been cleared, while we are checking with Senator SPECTER.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and the Senator from Kentucky be recognized to introduce a couple of amendments that have been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senator from Kentucky.

Mr. KENNEDY. Mr. President, I ask unanimous consent to withdraw amendment No. 2252.

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

The amendment (No. 2252) was withdrawn.

AMENDMENT NO. 2261

(Purpose: Relating to U.S. contributions to U.N. peacekeeping operations)

Mr. MCCONNELL. Mr. President, I send to the desk an amendment by Senator PRESSLER, which I understand has been cleared on both sides, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. PRESSLER, proposes an amendment numbered 2261.

Mr. MCCONNELL. 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:

PAYMENTS-IN-KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States voluntary contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

Mr. PRESSLER. Mr. President, I have altered this amendment to reflect

the concerns of my colleague from Vermont, Senator LEAHY. This amendment is a sense of the Congress amendment, which allows U.S. voluntary contributions to U.N. peacekeeping operations to be made in forms other than direct cash payment to the U.N. bureaucracy.

My amendment would allow U.S. contributions to consist of excess Department of Defense articles or of direct payments to U.S. companies providing goods and services. Furthermore, the amendment calls for consultation between the Secretaries of State and Defense before any transfers or contributions are made.

During the Senate floor debate on the foreign operations appropriations bill, I have offered two other amendments which promote U.S. contributions of goods and services to U.N. operations. As the No. 1 contributor to the United Nations, the United States should be afforded the opportunity to promote U.S. business through a payment-in-kind process. For years, some European member States have utilized a payment-in-kind system to full U.N. obligations. It is time the United States was credited for the equipment and services we have been providing over the above our current assessments.

I urge my colleagues to support this amendment. It offers the United States fair opportunities in the U.N. contribution process. We owe it to U.S. taxpayers to get the most out of the dollars we contribute to the United Nations.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 2261) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2262

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 bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. HATFIELD, proposes an amendment numbered 2262.

Mr. McCONNELL. 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 11, line 19, after "1961" and before the period (.) add the following new proviso: "Provided further, that of the funds appropriated under this heading, not less than an amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office".

Mr. HATFIELD. Mr. President, this amendment seeks to maintain core funding for the Agency for International Development's excellent population program.

As AID seeks to reengineer itself, I am concerned that the population program not lose its effectiveness through well-intended but short-sighted experiments on its central funding. This amendment ensures that the amount of money going to the Office of Population in fiscal year 1995 will be at least the same amount the Office received for this fiscal year. My understanding is that figure is between $280 and $300 million.

Behind the great success of AID's population program is the efficiency of its current funding system, where field missions buy into the wealth of expertise, services, and commodities purchased in bulk through the central Office of Population. This economy of scale is what this amendment seeks to maintain.

Mr. McCONNELL. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 2262) 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 table was agreed to.

NUCLEAR REACTOR TRAINING SIMULATORS

Mr. WARNER. Mr. President, I rise with the distinguished ranking member of the subcommittee, Mr. McCONNELL, to express concern over the continued operation of the nuclear reactors in the former Soviet Union which do not meet international safety standards. These Soviet-built reactors are very dangerous; however, they are critical to the economic well-being of the countries they service. There appears to be no alternative but to improve the safety of these operational reactors if a future accident with very serious international consequences is to be avoided. Is it the understanding of the distinguished ranking member that there is little likelihood that these reactors will be shut down in the near term?

Mr. McCONNELL. I would respond to the Senator that the power these reactors supply cannot be economically replaced in the near term and the loss of the electrical energy which is generated by each of these units would cause significant damage to the economies of these countries.

Mr. WARNER. I understand that the construction costs to bring these reactors to the standards accepted in the United States is prohibitively expensive. Is that similar to the understanding of the distinguished ranking member?

Mr. McCONNELL. The Senator is correct. The amount required to improve the physical plant of these reactors is so large that improvements of this type, although very desirable, are very unlikely.

Mr. WARNER. I am informed that the International Atomic Energy Agency has initiated several programs to review, analyze, and diagnose the significant problems at these reactors and that these studies reveal that the root causes of many operational safety related events involve inadequacies in operator actions, procedures, and the design interface with the control boards. I am also informed that a cost-effective way to address these shortfalls is the procurement of analytical engineering simulators for use by the nuclear regulatory agencies of the former Soviet Union countries and by the crews of the reactors. For a relatively small sum, simulators for the most dangerous of the reactors could be procured, with corresponding improvements in the operational safety of these reactors in the near term. Would the distinguished Senator consider including language in the "Statement of Managers" which would encourage the Department of State to consider this course of action?

Mr. McCONNELL. I am happy to respond that I will press for such language in the conference between the two bodies, and I thank the Senator for raising this issue.

AMENDMENT NO. 2253

Mr. LEAHY. Mr. President, am I correct we are now back on the Helms amendment which is going to be voted on at 11:30?

The PRESIDING OFFICER. That is correct. We are on the Helms amendment, and will vote on it at 11:30.

Mr. LEAHY. Mr. President, again I state my strong opposition to this amendment. I believe it makes it impossible for us to even take part in the Cairo Conference on Population. But it also makes it impossible for us even to work with any country that wants to do away with abortion, make abortion safer, or find other methods of population control.

I know the Senator from Washington State is here. I would like to yield.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. the Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise in opposition to the Helms amendment, and in strong support of the upcoming International Conference on Population and Development. I believe the effect of the Helms amendment would be to undermine United States leadership at the upcoming Cairo Conference and at any events that will follow from that important event.

In just a few months, over 100 nations of the world will gather in Cairo for the International Conference on Population and Development, the most significant meeting in a decade to address issues related to population.

The purpose of the Cairo Conference is to assess the current state of global population, determine its impact on human development, and produce an action plan for the next decade and century to deal with this most serious issue.

The program of action—commonly known as the Cairo document—will represent the international consensus on population policy.

Today the world's population has swelled to over 5 billion people, with 93 million more added each year. Without strong leadership in support of voluntary family planning programs, experts predict that in just 35 years the world's population is likely to double to 10 billion.

We know that many economic, environmental, and health problems facing our world can be directly related to overpopulation. Global warming, stagnating economies in developing countries, teen pregnancy, and high maternal death rates all relate to overpopulation.

If we are to effectively address this problem, the success of the Cairo Conference is crucial. The goal of the conference is to vastly increase access to family planning and help establish improved reproductive health care.

Further, the conference will emphasize the vital need to improve the status of women worldwide, and most importantly, work to ensure that population programs are responsive and accountable to the people who use them—especially women.

Let us remember some of the history of this issue, and why adoption of the Helms amendment by the Senate today would be unwise.

The last major world meeting on population took place in 1984 in Mexico City. Until the 1980's, the United States had been at the forefront of efforts to increase access to voluntary family planning worldwide and address the problem of overpopulation.

At the 1984 Mexico City Conference, however, the United States sent chilling signals to countries around the world that our Nation had reversed course—that we were no longer concerned about promoting access to safe and effective family planning, and that the United States considered the entire question of global population growth to be a "neutral phenomenon" that would somehow take care of itself.

The United States maintained that harmful position throughout the remainder of the 1980's—refusing to recognize the correlation between unchecked population growth, poverty, hunger, or environmental degradation.

Fortunately, those days of putting our heads in the sand are over. President Clinton, together with the international community, is embracing a comprehensive approach to international population issues, which involves addressing a wide range of concerns.

President Clinton recognizes that there is no magic bullet to address the population issue, he knows that to be successful, population programs must not only focus on reducing birthrates but must also address human rights, women's health and status, and cultural differences.

Thus, to the Cairo Conference the United States is brining new approaches, emphasizing programs that enhance the ability of individuals and couples to freely and responsibly decide the number and spacing of their children. The overwhelming majority of states participating in the Cairo Conference have endorsed this approach.

In addition, the United States' long-term approach to population includes:

Promoting access to the full range of quality reproductive health care, including women-centered women-managed services;

Stressing the need for governments and public and private organizations to commit themselves to quality of care in family planning services;

Supporting the empowerment of woman;

Ensuring access to primary health care, with an emphasis on child survival;

Preserving the endangered natural environmental of our globe; and finally;

Ensuring that our population policy supports the world's priority for sustainable development.

So where does the Helms amendment fit into this important debate?

Because the document that is to be adopted at the Cairo Conference will speak to the next two decades, proposing recommendations for many years to come, I believe that if implemented, the Helms amendment will interfere with and obstruct United States activities after the Cairo Conference. Essentially, the amendment seeks to chill any of the important and ongoing dialog that our Nation will be involved in regarding population issues.

It is important to know that the Helms amendment misrepresents the United States position on abortion and the United States role at the Cairo Conference and at other population forums.

President Clinton has articulated his view on abortion numerous times and it is a view endorsed by the overwhelming majority of Americans: Abortion should be safe, legal, and rare. That is the position the United States will represent in Cairo and any related events in the years to come.

And for the record, let us be clear about current law on abortion funding internationally: Under existing law, U.S. funds may not be used either to fund abortions as a method of family planning or to motivate any person to have an abortion. Exceptions are permitted only in cases of rape, incest, or if the life of the woman is in danger, and then only in settings and institutions where such activities are legal and safe.

In addition, the notion that the United States will use the Cairo forum and other meetings like it to lobby other nations on abortion is just plain nonsense; the draft document for Cairo clearly acknowledges the sovereign right of each nation to implement its own policies.

And nowhere in the Cairo document is there any call for the legalization of abortion.

In any case, it is important to note that current U.S. law prohibits the use of Federal funds Governmentwide for lobbying purposes, so that the type of activity described in the Helms amendment is already prohibited by law.

So because this amendment will have no real effect on current law, it is really about the symbols and messages we send to the international community on the issue of population.

To me, the Helms amendment is deeply cynical. By attempting to cloud United States participation at the Cairo conference and the activities that will follow, the Helms amendment preys on the world's poorest women, who I believe have it tough enough already. Let's not add to their burden today by playing politics with one of the most daunting and complex issues of our time. The fact is that family planning saves lives and helps reduce abortion worldwide.

Experts estimate that the lives of 5.6 million children and 500,000 women could be saved each year if all the women who wanted to limit their families had access to family planning. If the intention of the Helms amendment is to prevent abortion—a goal which I strongly support—then I encourage the Senator from North Carolina to address that problem head on by seeking additional funds for our bilateral family planning program. Providing women with the means to prevent unwanted pregnancies will do more than anything else to reduce abortion.

In closing, I hope we can go on record today as sending our delegation to Cairo with the full support of this Senate, so that the United States team can continue efforts to develop and implement a plan to give families around the globe access to the reproductive health care services they need.

I strongly urge my colleagues to defeat the Helms amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Madam President, I rise in support of Senator HELMS'

amendment. I hope that my colleagues will support this amendment, as well. I have heard people say that if you support this amendment, we cannot participate in the Cairo Conference. That is not true. I read the amendment, and that is certainly not this Senator's interpretation.

What Senator HELMS is trying to do is prohibit the State Department and this administration from lobbying other countries to change their laws concerning abortion.

Madam President, there are 95 countries throughout the world that have various restrictions on abortion. Some are very strict against abortion; some are not quite so strict; and that is probably to be expected. We have had significant debate in this country about how restrictive we should be. We have had restrictions in this country dealing with abortion. This administration is now going international, using the influence and prestige of the United States, trying to change all other countries' laws concerning abortion, to make them identical with the philosophy of this administration.

I might mention that the philosophy of this administration is not the law of the land. They have not been successful in changing the laws of this country. We have laws that prohibit the use of taxpayer funds for abortions. We have laws in this country that this administration has tried to change, but they have been unsuccessful to date. They may be successful later on. This administration would like to have abortion as a fringe benefit under its health care policy. They may be successful, but they have not been successful yet. They would like to have a change in policy where taxpayers subsidize abortion under the Medicaid Program. They have not been successful yet. Yet, they want to change all other countries' laws.

Let me just read from an action cable that came on March 16 of this year from the State Department. This is part of the statement:

> Posts are requested to approach host governments to outline [our Government] negotiating priorities for the final preparatory meeting for the [U.N.-sponsored] International Conference on Population Development * * *. The priority issues for the United States include assuring * * * access to safe abortion * * *. The United States believes that access to safe, legal, and voluntary abortion is a fundamental right of all women.

Well, a lot of countries have laws prohibiting abortion. When I think about it, most people would say abortion is legal in this country, but that has never passed in the Congress. We have never passed a law legalizing abortion. That was done through the Roe versus Wade decision, not by a majority in Congress. Yet, this administration says we want to make sure abortion is safe and legal. In other words, in countries that have laws outlawing abortion, they think those are wrong and should be changed. So they are sending out delegates to approach host governments throughout the world saying: Change your laws.

A lot of countries are very offended by this cultural imperialism where the United States is going to try to dictate or direct what their policies should be concerning abortion. I am not talking about one or two countries, but a total population of about 2 billion people. About 37 percent of the world's population have restrictions against abortion, and this administration wants to eliminate that.

A lot of those countries are predominantly Catholic, and some are predominantly Moslem. A lot of those countries are our allies. If we put this kind of pressure on those countries, a lot of them are going to resent it. I really wonder why our State Department is doing it. I cannot help but think that we have serious problems. This State Department cannot decide what they want to do on Haiti, or Bosnia, or North Korea, where we have a vacillating policy, but they know what they want to do on abortion: Implement their philosophy, which they have not been successful in passing through the United States Congress yet—and I hope they will not be successful—throughout the world, and tell 95 countries that their laws should be replaced with the Clinton policy, a policy not even supported in Congress.

I will just mention that I asked a question of our former colleague, Senator Wirth, who is now the State Department counselor, at a hearing on March 8, before the Foreign Operations Subcommittee.

I said: "We are spending a significant amount of money on population control. Does that include abortion?"

He answered: "We believe that women have the right to a full range of women's reproductive right services, and that would include abortion, if necessary."

I informed Counselor Wirth that that was against the law. We have a law that says we are not going to use these funds for abortion. Yet, he said we want everybody to have a full range of services.

I said: "Well, does the Clinton administration want to repeal the present law that prohibits U.S. funds from being used to pay for abortions?"

Senator Wirth said: "That is right. We have asked for a complete rewrite of the Foreign Assistance Act, and in our submission to Congress, we did not include the language which we think is much too constraining."

In other words, they want to change the law we have been operating under, and the Foreign Assistance Act says we do not want taxpayers' money being used to subsidize abortion. We do not do it in the United States, except when necessary under certain circumstances—to protect the life of the mother, and in cases of rape and incest. And we want to make sure we do not do it internationally.

Senator Wirth and this administration want to change that. They think the taxpayers should be involved in funding abortions and the access to abortion, and should override the laws that these 95 countries have prohibiting abortion. They want to overturn those laws.

I think that is really wrong. I do not agree with the policy in the United States, but I think it is doubly offensive that we should try to impose this administration's philosophy on everybody else in the world. What about all the Latin American countries? I have a comment that was made by the Argentine President, Carlos Menem, on the so-called rewrite of the antiabortion policy. Abortion is illegal in at least 15 of the 16 countries that attended the Latin American summit.

He said:

> We renew our commitment to defend human life, in any of its expressions, from the moment of conception until death.

President Fidel Castro of Cuba was the only Latin American leader to differ. He said:

> The decision to abort should be made by the pregnant woman.

That was Castro's opinion. But 15 out of the 16 Latin American leaders said they are prolife, their countries are prolife, and they do not want to adopt this policy and do not want Uncle Sam coming in and telling them to change their policies. They are predominantly Catholic. Why in the world should we try to mandate a policy that has not even passed Congress on these Latin American countries?

What about Egypt, a predominantly Moslem country, 85 percent Moslem? They have laws restricting abortion. Why should we tell them they have to change their laws? I will tell you, that will help ignite a lot of the more radical members of the Moslem community against some of our friends and allies. I do not think we want to do that. I do not think we want to undermine some of the leaders in Egypt that have been working with the United States and who signed a peace agreement with Israel. That happens to be the largest Moslem country in the region. Why should we do something that would undermine that leadership? I think it would be a serious mistake.

Why should we tell these 95 countries that the United States knows best and that they should adopt the proabortion policies this administration is advocating? That is a serious mistake.

The amendment of the Senator from North Carolina is on target. We need to send this administration a signal and say: You can attend the Cairo conference; that is fine. You can participate in it. We can talk about world population. But we should not use that

conference or the United Nations or other multinational organizations to promote United States or Clinton administration proabortion policies.

Let us allow those countries that do have restrictions on abortion to continue those. Let us not interfere in their domestic policies and priorities.

I think it is a serious mistake if we do not pass this amendment, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from California.

Mrs. BOXER. Thank you very much, Madam President.

Mr. LEAHY. Madam President, will the Senator from California yield for a unanimous-consent request.

Mrs. BOXER. I yield.

Mr. LEAHY. Madam President, there have been a number of people who wanted to speak on this and a related subject.

I understand this has been cleared with the ranking member of the committee or has been cleared with the Republican leader.

I ask unanimous consent that the vote scheduled to take place at 11:30 a.m. take place at noon.

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

Mr. LEAHY. I thank my friend from California.

Mrs. BOXER. I thank the honorable chairman.

Madam President, I am very pleased to be able to participate in this debate. Many times constituents say, "Has it really made any difference now that there are more women in the U.S. Senate?"

This is one of those times that I feel it clearly makes a difference because we can join with the men in the U.S. Senate who share our view that women are not second-class citizens, that pregnancy-related services are matters of health, and, especially in this particular case, to speak out against Senator HELMS' amendment which is such a slap in the face of women all over the world, many of whom are struggling for their rights.

Madam President, I think it is very interesting that in this amendment Senator HELMS says that nothing in his amendment should stop the United States "from engaging in activities in opposition to policies of coercive abortion or involuntary sterilization."

I agree with that. I think the United States should be a sane voice for sane policies, and it is not a sane policy to force people to get sterilized, men or women, and it is not a sane policy to have coercive abortions.

I am pro-choice. That means it is up to the woman, in consultation with her doctor, and her God, whether she is here or anywhere else in the world.

Madam President, I feel very strongly about this amendment. Senator HELMS' amendment says that U.S. agencies should be able to express our views and strongly lobby against forced abortion and forced sterilization, a position which I share. But that same amendment says that we cannot exert any other influence on policies of other countries. That seems to me to be a very radical notion.

We have fought long and hard here, those of us who are pro-choice, to make sure that in our current policy there is an exception for the use of Federal funds when a woman's life is at stake or when a woman is raped or when there is incest. Madam President, that was not an easy fight. As a matter of fact, when I was in the House of Representatives, it was my amendment that ensured a rape and incest exemption, because nothing could be crueler than forcing a woman to have a child that is the product of a rape or the product of incest.

So I want to know, Madam President, why the Senator from North Carolina and his supporters would say in the same resolution that we can lobby hard to stop countries from involuntary sterilization and coerced abortion and yet not lobby equally as hard if they have laws that force women to carry a baby to term that is a product of rape or incest.

And that is exactly what this amendment does. It is radical, and I would join with you, Madam President, in opposition to this amendment. It is a terrible signal to women all over this world; a terrible signal that their life is not worth anything.

I say it is very fine that you are here to speak on it and that I am here to speak on it. I certainly hope other women in the Senate will have an opportunity to speak. I know some of them are caught up in the Judiciary Committee hearings this morning. I hope that every woman in the Senate will speak on it because I think it is an affront to us as women that the Senator from North Carolina would have this amendment before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, yesterday when the Senator from North Carolina [Mr. HELMS] was speaking about his amendment on the floor, I know it was of particular concern, that it would not be withholding money for attendance at the Cairo Conference. I wanted to clarify Mr. HELMS' intentions regarding U.S. participation in the International Conference on Population and Development and subsequent meetings.

After the Senate's discussion of this, I worked with others in trying to propose some language in an attempt to resolve the question. I regret to say we have not been able to work out substitute language that would be agreeable to everyone. But I believe it was important to try to work this out.

The language proposed by Senator HELMS is statutory language. However, it seemed to me that changing to a sense-of-the-Congress language would be a better way to provide some guidance to our delegation to the Cairo Conference about the concerns raised by Senator HELMS, and which I share to a certain extent. During our participation in this international conference I think we need to be mindful and sensitive to the diversity of cultures around the world.

I offered to the Senator from North Carolina a sense-of-the-Congress amendment that unfortunately has been rejected. This sense-of-the-Congress resolution would provide guidance to our representatives participating in the 1994 International Conference on Population and Development.

I personally believe that guidance could be a useful expression of our consensus as a Congress. My sense-of-the-Congress language addressed the issues which the Senator from North Carolina has identified as most problematic, specifically: that U.S. participation in and support for international family planning activities must not be withheld or reduced in countries where abortion is severely restricted or prohibited; and, second, that the United States should respect the diversity of international cultural and religious traditions and not actively attempt to change the abortion laws of countries where abortion is severely restricted or prohibited.

I, Madam President, believe abortion should be legal, but I do think we have to be sensitive to the cultures, religions, and customs of other countries.

In addition, the resolution which I proposed specifically stated that the United States should be a full and active participant in the Cairo Conference and subsequent activities arising from the conferences that will occur in the future. It is important, I believe, for us to not lose sight of the fact that the 1994 International Conference on Population and Development in Cairo, Egypt, is not just about family planning. It is not about abortion. It is about population and the rapid increase of population rates in many areas of the world. It is about child survival, migration, sustainable development, and economic growth. Each of these issues is of great importance to the United States and the world. These issues need to be understood and addressed, and we need to be full and active participants in these discussions.

I believe it is useful for Congress to send some guidance which reflects our concerns, to support the delegation that will be attending the Cairo Conference.

I thought it was important for us to do so not in statutory language as a sense-of-the-Congress, and I regret that

we have not been able to get agreement on this.

I will vote against the language of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I would like to take a few minutes to speak against the amendment offered by the Senator from North Carolina.

This amendment would severely hamper our ability to participate fully in the upcoming International Conference on Population and Development to be held in Cairo. It would also hamper our ability to participate fully in future conferences on population issues.

What this amendment would do is effectively prohibit representatives of the United States from discussing the laws and policies of any foreign country with respect to abortion.

While our representatives in Cairo will not be attempting to change the legal status of abortion in any country, they will be strategizing on ways to reduce injuries and deaths which result from unsafe abortions. It seems to me that the U.S. representatives will not be able, under this amendment, even to attempt to find a solution to this problem of deaths from abortions, deaths from abortions that take place in countries where abortions are forbidden. And if they cannot discuss the abortion laws and policies of other countries, obviously they cannot get into the problem of the deaths that arise in those countries from unsafe abortions.

Madam President, we have all lived through the agonizing debate and discussion on the gag rule and the Mexico City policy, policies which prohibited the mere mention of abortion in family planning clinics. Fortunately, we are rid of those misguided policies which unfortunately held sway for several years here. The amendment before us this morning would start us right down that same path of limiting the subjects that we may or we may not discuss.

At the last international conference on population, we came away with the onerous Mexico City policy which took us many years to do away with. I am pleased that we have an opportunity in Cairo for a fresh start. I look forward to the United States taking a lead role in reducing the incidents of unsafe abortions, as well as addressing the critical issue of population explosion throughout our world. These issues simply cannot be addressed without addressing the issue of abortion. Let us not tie the hands of our representatives by restricting what they can or cannot discuss.

I urge my colleagues to reject the Helms amendment.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, just a couple of comments.

A couple of our colleagues said, "Well, this will hamper our ability to participate"—some people even said we could not go to the Cairo Conference, and that is clearly not in the amendment—"and it hampers our ability in Cairo."

I think that is well and good, if our purpose in Cairo is trying to get 95 countries to change their laws to make abortion legal or to make it easier or more accessible or more prevalent.

I mean, we have 1½ million abortions every year in this country; maybe some people want more. We have some restrictions in this country. But I think we would kind of resent it if we had other countries coming in and saying, "United States, we really do not like your policy and therefore you ought to change it."

I think it is very legitimate in the foreign operations bill to say, "Wait a minute. We do not want to use U.S. funds to lobby other countries to change their law, because we do not think they are proabortion enough, or they do not give enough access to abortion, or they do not make abortion legal."

So my point is, if that is the purpose of the conference, we should not be participating in that part of the conference.

If we want to talk about global population, if we want to talk about some of the challenges we face there and other things, fine. But if we are going to use it as a method to lobby or trying to convince or use the power and prestige of United States to get other countries to change their laws, we are going to be really offending a lot of countries that are predominantly Moslem or predominantly Catholic, and I think that is a serious mistake.

Mr. President, I have to address one other thing, and that is the comment made by a couple of our colleagues in the debate both yesterday and today. They said, "Well, if we don't do this, we will not be able to convince countries to have safe abortions, and prevent some of the deaths from some of these unsafe abortions."

I just ask my colleagues to remember there are two lives at stake. How safe is an abortion to unborn children? Well, they are fatal. They should remember there are two lives at stake. So, in this interest to have safe abortions, they are talking about increasing the number of abortions that are fatal to unborn children and I think we need to keep that in mind.

And we also need to keep in mind that we do not want U.S. taxpayers' dollars used in the destruction of human life. That happens to be the present law. It is not this administration's policy. It is not this administration's wish. It happens to be the present law. We will not use U.S. funds for abortion. That is the law. They have not changed it yet. They want to change it. They testified they want to change it, but they have not been successful.

They want to repeal the Hyde amendment. They have not been successful.

So they are advocating policies that they have not been successful in changing in the United States. And they have not been successful in changing the law that says, "Hey, we are not going to use U.S. taxpayers' funds in the foreign ops bill for abortion." Yet it is quite obvious from Mr. Wirth's statement, and also from this State Department action cable that went out to all countries urging our people to contact the host government so we can convince them that this administration policy on abortion is correct. It is not correct. It has not passed the Congress. I think it would be a serious mistake, not only would it be a serious mistake but it would be fatal to countless lives throughout the world if this administration is successful.

I urge my colleagues to adopt this amendment.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the debate on this amendment is basically this: Can the United States go to the population conference in Cairo or not?

Now, we are a major, not the major, but we are a major provider of foreign aid. We have a lot of other countries that provide more foreign aid than we do, certainly as a percentage of their gross domestic product. Some countries actually, in the areas where population has caused the greatest problems, like sub-Saharan Africa, there are countries that provide actually more dollars than we do. In fact, we are rather shameful in the treatment of some of the developing countries in claiming we help and they look at what we do in other aspects of our budget.

But, be that as it may, we know and our allies know and everybody who tries to help these developing countries know that one of the greatest problems they face is unchecked population.

Now I will yield to nobody in my abhorrence of abortion as a method of population control or as a method of birth control.

I hope that some of the money that we are providing to the former Soviet Union, especially Russia, would be used to provide safe, effective methods of birth control. That is a country that has very effectively and I think outrageously used abortion as a method of birth control. I should not use the word "effective," because I do not consider that as an effective method of birth control, but they do it.

You have women who have had six, seven and eight abortions. Now that is wrong. It is flat out wrong. And I do not think anybody would suggest that we not work with Russia, especially as we send foreign aid over there, to help them find a better method of birth control, whether it is birth control pills, condoms, diaphragms, whatever else, things that are very expensive, not in easy availability in Russia. We could help them with that. Sex education itself, methods of preventing conception in the first place, can be done there. But it can be done in a lot of other countries.

Now, does anybody doubt that in Cairo the discussion is going to be had on all of these things? There is going to be a discussion of the status of women in these developing countries, and I think the United States has been the leader in bringing out that there should be a heightened status of women. In many of these countries they are treated as mere chattel. They have no rights. They certainly have no rights over their own reproductive abilities. That has to change.

There has to be a realization that with proper birth control and health and nutrition, that live births can go up in countries and children can live past their infancy. Perhaps we can, and I hope would, lessen the incidence of abortion worldwide as we bring to countries the ability to adopt birth control practices that actually make sense; in many instances birth control practices where the countries that provide foreign aid could pay the costs.

What in the United States might seem like a very small cost to carry out birth control practices, in other countries could be a very significant part of their income. Assuming the types of birth control that we would take for granted in this country, assuming they are even available, the costs could be too great. These are areas we could help. Certainly we ought to be talking to these countries. Nobody expects the United States to come over and pound the table, as has almost been suggested here, and say, "You have to start having abortions. You have to start adopting this method of birth control. You have to do this, that or the other thing." That is not going to happen.

But when, as the chair of the Foreign Operations Committee, I try to figure out how we are going to get money to the poorest of the poor in these countries; when I am asked how can we find a way to get alternative agriculture in so people can raise food to feed their families, how do we get in medical help and nutritional help so a poor, pregnant woman can go through her pregnancy and deliver a healthy baby; no matter how we try to answer these questions we have one dark cloud hanging over us. And that is in most of these countries the population is expanding so rapidly that it is expanding beyond the ability to even help the country. It outstrips the agricultural abilities of the country. It outstrips the housing ability. It outstrips the educational and medical abilities of these countries. They ought to at least have available to them the ability to control their own population size.

I said here yesterday that by the middle of the next century, only a little over 50 years away, at this rate the world's population will double. Think of that. Human beings have been on the face of the Earth for tens of thousands of years. It has taken us to this point to reach one level of population and we can double it in 50 years.

I am not suggesting a Malthusian paradigm here, by any means. But what I am saying is the countries where help is needed the most are the countries where the least efforts and abilities exist to control populations. Methods of birth control that most American families consider as a relatively minor part of their monthly bills are in many of these countries something that would wipe out virtually all disposable income that family might have.

Let us see if we can be realistic about this. The United States has clear prohibitions in our AID money against money going to use abortion as a method of birth control. We have been very straightforward and strong in our statements condemning China and other countries that have done that. We have made it very clear—many of us have and I have personally—to countries like Russia that their use of abortion as a method of birth control is abhorrent. It is abhorrent to me as a person. It also should be abhorrent to the women of that country to think that this is really what is available to them as a method of birth control. I suspect most women in these countries would want to have other methods of birth control available. This is not something where we are going to march out and say, "Abortion is your magic answer." Not by any means.

Each one of us will have to wrestle with our own conscience how we feel about abortion. Each of these countries, and the people within them, will wrestle with their own consciences how they feel about it. But allow the United States to at least join with other countries trying to figure out how to control population, how to raise the status of women, and how to make it possible to have healthy children that might live beyond their infancy. That is the issue.

The other suggestion made that we are going to be in there offending all these countries that come in, telling them what is going on—it is such arrogant disdain for these countries to even suggest it. This is a condescending statement of the first order. Madam President, do you think—does anybody think?—that these countries are sending a group of poorly educated, subservient people who will sit there saying, "Oh, yes, the United States wants to do this. We will do this. We will do this." Baloney. These are concerned men and women coming from each of these countries, well educated, who are looking for what is in the best interests of their countries. They are not coming in there to be suddenly mesmerized by some evil Svengali from the United States who is going to tell them what they have to do.

Everybody who comes there knows they are going to talk about birth control. They know they are going to talk about education. They know they are going to talk about health and nutrition. They know the subject of abortion, of course, will come up. They know the United States will follow the law on what it can and cannot talk about.

But they also know that they have a terrible population problem in a lot of these countries, a problem that is far outstripping their resources and their ability to feed their people; a problem that is making it impossible, many, many times, in many of these countries for the average child to live past a couple of years old. In fact, in a number of these countries the birth of the child is not even recorded until they are a year or 2 or 3 or 4 years old, because the deaths are so common.

Madam President, I cannot justify coming to the U.S. Senate and asking my colleagues in the Senate to vote for more foreign aid to countries where it is said we will kind of ignore the whole question of control of population, but we will send a little bit more money, a little bit more money. There is so much we can do in these countries if the question of population is at least addressed; not addressed by us telling them what they must do, but making choices available to them and letting them decide.

As chairman of the Senate Agriculture Committee, I am very proud of what we have developed, through our agricultural research in this country, insect resistant crops, crops that can grow in areas with little water or sunlight beyond anything that we are used to. All these things can help countries feed themselves. But you can only plant so many crops. You can only raise so many crops. And the population outstrips that. There is no genius in our Agriculture Extension Service or anywhere else in the USDA who can make a magic crop that, notwithstanding population expansion, notwithstanding whatever damage to the environment or soil is done by that, that this crop will somehow make it all better.

So, let our people go to Cairo and if——

Mr. NICKLES. Will the Senator yield?

Mr. LEAHY. I will yield for a question in a moment. Let me complete this thought.

If there are those who have differing views, let them also go to Cairo and express their views. I know a number of people who have been invited. There are still invitations open for those who want to go. I have declined an invitation to go because of my responsibility as chairman of this and being in another country during the same time. But if somebody disagrees with any administration official, go to Cairo and let them state their disagreements. Let them be heard.

I yield, Madam President, without losing my right to the floor.

Mr. NICKLES. Madam President, I ask my friend and colleague—I listened to a lot of his statement—was the chairman's comment if we adopt this amendment we could not attend the Cairo Conference?

Mr. LEAHY. In this effect, yes: That we end up spending a lot of money for a useless exercise because, as my friend from Oklahoma knows, the Cairo Conference is set up to set an ongoing procedure of meetings and discussions. Basically, we could get there, I am sure, and say, "But we are here under a gag rule for not only discussions at this, but certainly it would preclude us or make it a useless expenditure of money to go on for any of these discussions and meetings that might follow on from Cairo."

It would be questionable how we could justify expenditures of anybody going there, in effect, because they would be so blocked out of not only discussions in Cairo but, obviously, the discussions that would follow the meetings that would be set up from the Cairo Conference. That is my position.

Mr. NICKLES. Madam President, if I could just ask the chairman one additional question. Is it not correct that the Cairo Conference is in September and is covered under the 1994 appropriations bill? The bill we are working on right now that would have a prohibition—the Helms amendment would prohibit using U.S. funds to lobby other countries to change their laws—actually goes into effect October 1 and, therefore, would not affect the Cairo Conference that is scheduled in September?

Mr. LEAHY. That is not so at all. We are talking about legislation. This is not an appropriation. In fact, that is one of the problems we have with legislation on an appropriations bill. This legislation does not say it takes effect at the beginning of the next fiscal year. The way this legislation is written it would take effect upon the signing of the bill. Can you imagine——

Mr. NICKLES. Will the chairman——

Mr. LEAHY. If I could finish. Even if it could be argued that somehow it takes effect in the beginning of the next fiscal year, you have exactly the situation I just mentioned. What would be the sense of going to Cairo, talking about setting up the ongoing meetings, when you have this steel wall that goes in place at the very latest October 1, but in all likelihood would take place upon the signing of legislation?

Mr. NICKLES. If the chairman will yield for one final comment. I appreciate his indulgence. This language does say "none of the funds appropriated by this act," and this is an appropriations bill for 1995, which does not become effective until October 1 at the earliest. So I do not think it would prohibit the actual attendance.

I appreciate the chairman's remarks about it might have a stifling impact as far as the future but, basically, I think it—at least my editorial comment would be—I think it should have a stifling impact if our purpose in attending Cairo is to lobby other countries to change their laws. I think that is inappropriate, and I appreciate the chairman yielding.

Mr. LEAHY. We are dealing with legislation on an appropriations bill. We are not dealing with withholding specific funds in the 1995 bill. Whichever way, whichever interpretation is correct—the Senator from Oklahoma or the Senator from Vermont—the point is still the same: It has the obvious not only stifling effect for Cairo, but it really makes the attendance an exercise in futility, and that, I understand, is the intent of some of the backers of this resolution.

Just as I have led delegations in my capacity as chairman of the Agriculture Committee, in my capacity as chairman of the Foreign Operations Subcommittee or my capacity as chairman of the Technology and the Law Subcommittee, I led trips to various countries where I purposely invited Senators, both Republicans and Democrats—some of whom agree with me on some of the issues we are going to discuss but some of whom totally disagree with me—because I know that we are going to be meeting with heads of States, I know we are going to be meeting with foreign ministers, and others, and I want them to hear the kind of discussions that we have in a democratic Nation where people disagree with each other.

I led such a trip to parts of the former Soviet Union last year. We had—at least if our voting records on some of the issues that have come forward are any indicia—we had a number of Senators who have gone in numerous directions, certainly not all agreeing with me by any means. But we had the opportunity to sit down and have key figures in the countries we visited hear that kind of discussion.

Why not do the same thing in Cairo? If there are Senators who disagree with U.S. policy, well, they have a couple shots at this. One, of course, is on the floor as this amendment does. They might change our policy if their amendment is adopted. I hope it does not because I think what it does is say that the United States, the wealthiest Nation on Earth, the Nation with the largest economy on Earth, cannot talk about population with other countries, even though it is the population explosion in many of these countries that is the thing that drives most of their requests of us for foreign aid. I think that would be a ridiculous situation in which to put the United States.

But certainly if there are Senators who have a differing view, let them go to Cairo, let them express those views in the debates, let them tell the other countries, "Look, here is my idea of what is allowed birth control;" or maybe I feel no birth control is allowed. Let them say so. But that is not the policy of this country and this country is very specific. The policy is laid down.

Madam President, I encourage Senators to look at some of the requests, look at some of the things we face in the Foreign Operations Subcommittee. Since I have been chairman of this subcommittee, we have cut foreign aid by several billions of dollars. We have had some things that should have been cut out, because it is our desire to bring down the deficit, something we are finally doing now for the first time in years and years. The deficit is coming down, and this is doing its part. But when I look at our inability to make any real differences in countries we do try to help because we do not address the question of population, Madam President, that is not very sensible and that is not very realistic.

Madam President, how much time is there before the vote?

The PRESIDING OFFICER. All time has expired.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Madam President, I ask unanimous consent that the Senator from Kentucky be allowed to continue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I ask unanimous consent that the following Senators be added as cosponsors to the Helms amendment: Senators PRESSLER, NICKLES, SMITH, and COATS.

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

Mr. COATS. Mr. President, I strongly support the effort by Senator HELMS to prevent the use of U.S. taxpayer dollars to influence changes in the abortion laws of foreign countries, or to support any resolution by a multilateral organization which seeks to change such laws.

For a number of years, the United States has prohibited Government money from going to organizations which administer or promote abortion as a method of family planning. Last year, this position changed when President Clinton reversed the so-called

Mexico City policy. He also released U.S. funds to support the United Nations Fund for Population Assistance [UNFPA] which has been involved in China's population control program of forced abortions and sterilization.

The Clinton administration has made population control a focal point of its foreign policy. In September, the United States will participate in the International Conference on Population and Development in Cairo. Over the last several months, as we approach this date, there have been international meetings to define the policy statement to be adopted at the Conference.

Since last year, I have been troubled by news accounts and statements by administration officials which show a disturbing pattern. In its efforts to promote policies to stabilize world population, the administration is advocating a position which encourages greater use of abortion abroad.

Although President Clinton said, when meeting with the Pope at the Vatican in early June, that he does not believe abortion should be a method of family planning, statements, and actions by administration officials indicate a policy of just the opposite.

Timothy Wirth, Counselor to the President, has become the point man on international population programs. In a speech in 1993, he revealed the ultimate objective of the administration at the Cairo meeting. "The U.S. Government believes the Cairo conference would be remiss if it did not develop recommendations and guidance with regard to abortion. Our position is to support reproductive choice, including access to safe abortion."

Earlier this year he stated "* * * A determined cooperative effort must be launched to make * * * reproductive health services universally available."

Administration Spokesperson Dee Dee Myers said that the Clinton administration regards abortion as "part of the overall approach to population control."

Likewise, Victor Marrero in a speech to the U.N. General Assembly in 1993 said "Family planning programs should be viewed as part of a broader reproductive health program which also addresses closely related programs such as * * * safe abortion * * *."

Brian Atwood, Director of the Agency for International Development, said in regard to the population control policy: "* * * This administration will continue to stand for the principle of reproductive choice, including access to safe, voluntary abortion."

This policy, as articulated by administration officials, directly contravenes the consensus statement reached at the 1984 Mexico City meeting. That is that "abortion in no way should be promoted as a method of family planning."

It also contradicts statements included in the U.N. Convention for the Rights of the Child supported by the Clinton administration. "The child, by reason of his physical and mental immaturity, needs special safeguards, and care, including appropriate legal protection, before as well as after birth."

What is most troubling about this stance is the administration's determined effort to export their abortion ideology to other nations.

A March cable from the State Department to our overseas diplomatic posts directed Government officials to advance U.S. population policy interests through "senior level diplomatic interventions." These interests include, according to the cable, "a comprehensive strategy * * * to ensure universal access to family planning and related reproductive health services, including access to safe abortion."

In addition it reads that "the United States believes it is important to improve both the quantity and quality of family planning and reproductive health services. We would like the Cairo document to emphasize the goal of universal access to such services."

Let there be no mistake in understanding, when such terms as "access to safe abortion, reproductive health, and reproductive choice" are used they are but thinly veiled attempts to disguise a policy meant to promote abortion as a method of family planning.

"However cleverly the Cairo document may be crafted, in fact it continues to advocate abortion as a way of controlling population growth * * *" wrote Washington Archbishop James Cardinal Hickey and six United States archbishops in a letter to the President on May 28.

The pursuit of such a policy abroad directly undermines the laws of approximately 100 countries which have abortion restrictions in place.

According to a 1990 study by the Alan Guttmacher Institute, the research arm of planned parenthood, "some 53 countries * * * containing 25 percent of the world's population, fall into the most restrictive category," where abortions are prohibited except when the woman's life would be endangered if the pregnancy were carried to term.

In another category, 42 countries, comprising 12 percent of the world's populations, have statutes authorizing abortion on broader medical grounds * * * but not for social indications alone or on request.

In most Muslim countries and in Latin America and Africa, few legal abortions are performed under the health exception. These laws cover approximately 37 percent of the world's population, over 2 billion people.

The emphasis which our Government places on abortion as a fundamental human right of all women will mean that in the future these countries' foreign aid could well be jeopardized if they refuse to succumb to U.S. pressure or adhere to the Cairo document. Placing such a demand on other nations is unconscionable. And yet it is clear that that is where we are headed.

In declaring further in the State Department cable that "The United States believes that access to safe, legal, and voluntary abortion is a fundamental right of all women * * *." We are telling nations that abortion is a human rights requirement.

The next obvious step is to penalize, perhaps by restricting foreign aid, these nations for failing to comply with our policy. Already a number of countries have expressed concern about where such language will lead. Humberto Belli, Nicaraguan Minister of Education, has said he feared that not only the United States but international agencies such as the World Bank and the International Monetary Fund would make adoption of policies that are in harmony with the Cairo document a condition for getting aid.

President Carlos Menem of Argentina has also objected to the language. In a letter he wrote to the Pope he said:

> Population and development objectives should be a matter of competency and of sovereignty of each country, according to the orientation and basis of its national policies, guided by respect for human dignity and the free and responsible choice of individuals * * * population policies should be conceived in consonance with the ethical and cultural values of each particular society * * * in no circumstance should abortion be promoted or considered as a method of family planning.

Mr. President, the Helms amendment is reasonable restraint on our Government. I hope this body joins in support of this approach. We need to send a clear signal that in no way should the United States participate in a policy which seeks to change the laws of other nations—laws founded upon deep cultural and religious beliefs.

Mr. SIMPSON. Mr. President, I would like to further discuss some points that were brought up in yesterday's debate on this amendment introduced by my fine friend from North Carolina. As I said yesterday, even though this amendment does not specifically mention the 1994 Cairo Conference—and I know that was not the Senator's intent—it is written broadly enough to prohibit the United States from participating in the coming Global Population Conference in Cairo.

But, more importantly this amendment would go even further and prohibit the United States from participating in any future resolution or multilateral activity which even remotely touches upon the subject of abortion. It would prohibit participation in any future international conferences, programs, research activities or reports that pertain to women's health, migration, refugees, and so on. For example, two future international conferences would be affected: the World Social Summit that will be held later this year and the Women's Conference in

Beijing, that will be held in 1995. This amendment would certainly have a chilling effect on all of the State Department's activities pertaining to international population.

The United States has played a significant role at all of the preparatory conferences leading up to the Cairo Conference and is expected to be, and should be, a leader at the conference and in future international population conferences.

Over the past decade, the United States has more recently had its hands tied in terms of acting on the challenge of increasing population growth, and its impact on the environment, the global economy, and international standards of living. I am gratified to see this administration's renewed interest in these issues.

This is an important point to make. Even if the funds in this bill are not appropriated until October 1—the beginning of the fiscal year, the policies contained in this amendment would set a dangerous precedent. The State Department would once again have its hands tied because any of its deliberations and activities leading to the Conference, during the conference and after the Conference would be affected. Any follow-up activities that are agreed to by all 110-member nations at the Conference could not be implemented by the State Department.

As I stated yesterday, I plan to be a part of the United States delegation when the United States travels to Cairo this September. And, I strongly believe the United States should be leading the international community in a unified effort to meet the severe challenges involved with the issues of global population, economic opportunity, and sustainable development.

This administration has articulated its view on abortion numerous times: abortion should be safe, legal, and rare. The United States will continue to articulate this position at the Cairo Conference.

The administration is not going over to Cairo to vigorously and continuously lobby other countries to change or alter their laws or policies concerning the circumstances under which abortion is permitted, regulated, or prohibited in these countries.

President Clinton reiterated this position in a recent speech on June 29 by stating:

> We do not support abortion as a method of family planning. We respect the diversity of national laws, except we do oppose coercion wherever it exists.
>
> In other countries, where abortion does exist, we believe safety is an important issue. We also believe that providing women with means to prevent unwanted pregnancy will do more than anything else to reduce abortion.

Most importantly, the U.S. position on population that will be articulated at the Cairo Conference is not about abortion policy. It is about ensuring access to high-quality family planning and related reproductive health services, increasing child survival programs, addressing migration and environmental degradation, strengthening families, and addressing the needs of adolescents.

It would be a real shame if the United States could not resume its leadership in global efforts to achieve responsible and sustainable population levels.

I earnestly feel that this amendment would prohibit the United States from playing a key role in this International Conference and in subsequent international population activities and conferences. It is not consistent with our leadership responsibilities regarding this critical global problem. I urge the defeat of the amendment.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2253.

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

The legislative clerk called the roll.

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

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—42

Bennett	Durenberger	Kempthorne
Bond	Exon	Lott
Breaux	Faircloth	Lugar
Brown	Ford	Mack
Burns	Gorton	McCain
Coats	Gramm	McConnell
Cochran	Grassley	Murkowski
Coverdell	Gregg	Nickles
Craig	Hatch	Pressler
D'Amato	Hatfield	Roth
Danforth	Heflin	Smith
DeConcini	Helms	Thurmond
Dole	Hutchison	Wallop
Domenici	Johnston	Warner

NAYS—58

Akaka	Graham	Murray
Baucus	Harkin	Nunn
Biden	Hollings	Packwood
Bingaman	Inouye	Pell
Boren	Jeffords	Pryor
Boxer	Kassebaum	Reid
Bradley	Kennedy	Riegle
Bryan	Kerrey	Robb
Bumpers	Kerry	Rockefeller
Byrd	Kohl	Sarbanes
Campbell	Lautenberg	Sasser
Chafee	Leahy	Shelby
Cohen	Levin	Simon
Conrad	Lieberman	Simpson
Daschle	Mathews	Specter
Dodd	Metzenbaum	Stevens
Dorgan	Mikulski	Wellstone
Feingold	Mitchell	Wofford
Feinstein	Moseley-Braun	
Glenn	Moynihan	

So the amendment (No. 2253) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2245

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER. The question now before the Senate is amendment No. 2245, offered by the Republican leader, Mr. DOLE.

Mr. LEAHY. Mr. President, I do not know if they are ready to go to a vote on that. Yesterday, I discussed on the floor, as has Senator MCCONNELL and others, our concern about crime in the former Soviet Union. I mentioned discussions I had with Director Freeh prior to his trip over to Russia and other countries.

It was the intention of Senator MCCONNELL, Senator D'AMATO, and myself, to have an amendment that would earmark specific funds to be used as part of our aid package to Russia, in helping to fight crime there, something that would be done on my part because of the tremendous respect I have for Director Freeh and the way he has run the FBI, and the enormous need for help, and because I am convinced that Director Freeh and the FBI could help considerably in Russia, the former Soviet Union, to get ahold of the major crime problem they have.

So, Mr. President, I ask my friend, the Senator from Kentucky, if he could let us know, should we be prepared to go forward on the Dole amendment, or should we set that aside and go to this?

Mr. MCCONNELL. Mr. President, I say to my friend from Vermont that the Senator from New York is here with an amendment on crime in Russia, and I have one as well. Our plan had been to offer and discuss them in tandem and vote on both. So we are ready to go on those issues.

Mr. LEAHY. I also see the Senator from Florida, who was here earlier to speak on the pending amendment.

Mr. MCCONNELL. We would also be willing to have a short time agreement on this, and we can get a couple of votes out of the way. If our colleague from Florida could indulge us, that would be a good way to move this bill forward.

Mr. LEAHY. 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. 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 am shortly going to propound a unanimous-consent agreement. So that people understand what it is going to be, I am going to ask for a relatively short amount of time to deal with two amendments on crime that will require the setting aside of the pending amendment, but it would then be our intention that once those crime amendments are disposed of, we would then go back to the Dole-Warner Haiti amendment and will stay on that until it is disposed of.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment, the Dole-Warner amendment, be temporarily set aside, that it then be in order for the Senator from Kentucky, the Senator from New York, and myself, to bring forward amendments on which there will be a time agreement of 40 minutes to be equally divided between the Senator from Kentucky and myself.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2263

Mr. MCCONNELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator D'AMATO, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. D'AMATO, proposes an amendment numbered 2263.

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

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

The amendment is as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add a new subsection:

Not less than $15,000,000 of the funds appropriated under this heading shall be made available to the International Criminal Investigative Training Assistance Program (ICITAP) to undertake a police development and training program to assist in institutional reforms and improve the professional capabilities of Russian police agencies: *Provided further*, That funds made available shall be used to support the following activities:

(1) develop and professionalize the criminal justice agencies;

(2) improve criminal investigative and forensic capabilities;

(3) establish institutional training capabilities based on democratic principles of policing, and respect for human rights and the rule of law;

(4) improve accountability of law enforcement agencies by introducing systems and procedures for investigating allegations of abuse or malfeasance;

AMENDMENT NO. 2264

(Purpose: To provide the Federal Bureau of Investigation with $15,000,000 to be earmarked for international law enforcement cooperation with the New Independent States of Eastern Europe)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of myself, Mr. MCCONNELL, and Mr. LEAHY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MCCONNELL, and Mr. LEAHY, proposes an amendment numbered 2264.

Mr. D'AMATO. 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:

SEC. . Of the funds appropriated for the New Independent States of the former Soviet Union and Eastern Europe, not to exceed $15,000,000, shall be made available to the Federal Bureau of Investigation for transnational and international law enforcement cooperation with the New Independent States of the former Soviet Union and the emerging democracies of Eastern Europe to combat organized crime.

Mr. D'AMATO. Mr. President, presently, one of the greatest threats facing democracy in Russia, and indeed in Europe, is the rapid expansion of organized crime. The situation is so bad that organized crime literally threatens to undermine the very democracy that the United States and the West seek to protect through their assistance programs and, more so, by connection, our own security.

Let me read to you, if I might, a letter I received from the Director of the FBI, Louis Freeh, dated June 23, 1994. We had discussed this, and I think that the Director's trip to Russia amplifies his concern, in a very vivid way, that the problems of organized crime in Russia are so great that democracy is threatened. There are those who say: We are better off in the old ways. We at least had stability and did not have to worry about our safety. We were not being robbed and mugged or have financial institutions which are being threatened, which is the case today.

So it is with that in mind that he sent the letter to me in which he said:

DEAR SENATOR D'AMATO: Thank you for advising me of your efforts to earmark funding for law enforcement assistance and training for the Newly Independent States and emerging democracies in Eastern Europe.

It is critical that the FBI and other criminal justice agencies begin a long-term commitment to international law enforcement. Major problems which demand our immediate attention involve the possible theft of nuclear weapons or nuclear materials from the former Soviet Union, the emergence and spread of organized crime and drug trafficking groups from Russia and Eurasia and the growth of similar Neo-Nazi hate groups in the United States and Germany.

As you know, I am leading a Federal law enforcement delegation traveling to Europe on June 24th. Meetings with senior law enforcement officials of 11 European and Eurasian nations have been scheduled through July 6th. These important discussions will forge the framework for what I believe will be unprecedented levels of international law enforcement cooperation.

During my visit to Russia, I will open the FBI's new Legal Attache post in Moscow. This trip also provides a unique opportunity for me to see first-hand where additional FBI presence is needed in the Newly Independent States and Eastern Europe.

I am greatly encouraged by the support that these efforts to enhance international law enforcement have garnered and I look forward to keeping you and other Members of Congress abreast of our progress in these crucial areas.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. President, let me say that it does not make much sense to invest billions of dollars in helping to stabilize the Eastern bloc and Russia in particular and have these efforts undermined by this kind of organized crime which is involved in everything from terrorism to drug trafficking to forgery, to contract killings, and indeed there are connections with these Russian gangs from Russia right here into this country.

Indeed, in New York, the organized Russian gangs in Brighton Beach have become very much involved in violence on a large scale. The local FBI and law enforcement officers indicate to us they are into all kinds of criminal activity, intimidation, blackmail, gasoline tax scams, insurance frauds, drug trafficking, forgery, and, as I mentioned before, even contract killings. They have their ties to and roots in Russia.

That is why we offer this amendment in a bipartisan manner to say that we can utilize the capacities of the FBI and their training abilities to help our Russian brethren, for otherwise the very stability of any kind of government and particularly one which is trying to nurture democracy, will be and is being undermined.

Bankers today are threatened if they are successful. They or their families are kidnapped, or worse, killed. Entrepreneurs in every area are regularly having to pay extortion money to organized crime in what used to be the Soviet Union, and they face the prospect of death to themselves or to their families if they fail to cooperate.

The fact is that the Russians do not have the kind of management in this area to deal with this. They have gone from an autocratic society to one now in which the instrumentalities of control, in many cases, have been totally lost and that vacuum has been filled by organized crime.

Let me conclude by saying about these funds, because some of our colleagues were concerned how these funds would be used. We have agreed with the appropriators, specifically the Commerce, State, Justice Subcommittee, as to the appropriate language. With these funds, the FBI will be able to initiate international cooperation on a level heretofore not seen in international law enforcement. The FBI will be able to provide training in organized crime and related investigative matters, forensic and other advanced investigative technological support, and continue the goodwill efforts begun with Director Freeh's visits to the region, because the countries of Eastern Europe are facing the Russian crime gangs first before they come here. This

type of cooperation is vitally necessary and unprecedented in the history of law enforcement.

Mr. President, this earmark is a good one and it is appropriate.

I thank both the managers, the chairman and the ranking member, of the bill, Senator LEAHY and Senator MCCONNELL, for their strong support and for their contribution to bringing us to this point.

Again, it makes little sense to be investing billions of dollars and not allocating some scarce resources to see to it that we can take on the organized crime efforts which are undermining the opportunity for democracy.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from New York for his involvement and leadership in this most important issue, as well as my friend and colleague Chairman LEAHY.

Many of our colleagues may have seen an article in the Atlantic Monthly of June of this year entitled "The Wild East" by Seymour Hersh, and on the cover of the Atlantic Monthly it says, "Organized crime has strangled business in Russia and is now reaching for the nation's nuclear stockpile."

We are talking about a very, very serious problem here, as Senator D'AMATO has pointed out.

This is an extremely depressing article about the state of law and order in Russia. As the Senator from New York has pointed out, it has even reached into the United States. Russian organized crime here. Of course, it is obviously more rampant in Russia and the countries surrounding that area.

Each of us has spoken with the Director of the FBI. I did yesterday morning. He just got back from a trip to that part of the world. We are working with the Russians to try to help them. Obviously, it is an enormous problem. But the United States through the FBI is reaching out to try to help.

Both the amendments that we are discussing which we will vote on back to back at the end of this time agreement deal with the question of crime in Russia.

Mr. President, as we deal with the issue of how to encourage private investment in Russia and effectively administer United States aid to Russia, we need to take a clear-eyed look at the growing problem of crime that I have just outlined earlier.

Of course, nearly every country has some sort of crime problem. Certainly we do. It is the No. 1 issue in the United States. All the polls indicate that. We are trying to grapple with that problem here at home.

But there are many who are concerned that the crime problem in Russia has evolved to the point where it literally threatens to disrupt consistent private economic engagement with Russia, as well as the provision of foreign assistance that we are discussing in this bill.

Last summer, when Chairman LEAHY and I visited Moscow, issues of crime and law enforcement were already weighing heavily on the minds of people there. Businessmen told us stories of Mafia shakedowns, and told how they all traveled with heavily armed bodyguards.

I remember talking to one American businessman in Kiev who said he got a phone call, and he has gotten a number of them over the months, but this particular phone call he had remembered. He ignored the requests for $5,000. He just called him often and said, "I want $5,000." He essentially ignored the request that had gone on for a couple weeks. This final time he got a phone call the guy said: "I want $5,000. If you don't give it to me, I'm going to kill your secretary." He said, "It got my attention." That is how rampant this problem is.

The diplomatic community swapped horror stories of being stopped by local policemen. So it is a problem of the police as well. They are not paid very well there. They are obviously very subject to bribery and other activities.

Among the things that happened in our diplomatic community over there, Americans are stopped by local policemen and threatened with on-the-spot drunk driving blood tests, administered with a dirty needle, unless they are willing to pay the fine up front. That is the police.

It is a year later, and we are starting to hear more than just those individual horror stories.

FBI Director Freeh recently testified that the United States is threatened by a major international criminal community, operating out of Russia, which the Senator from New York was talking about, that is engaged in drug trafficking, money laundering and even smuggling nuclear weaponry. Let me repeat, Mr. President. We are talking about even smuggling nuclear weaponry. I mean, it could be argued this is the most serious crime problem in the world that potentially affects all of us.

CIA Director Woolsey testified that there may be as many as 5,700 organized crime groups operating in Russia—5,700 organized crime groups operating in Russia. Of those, Director Woolsey's words, "200 are large, sophisticated organizations engaged in criminal activity throughout the former Soviet Union and 29 other countries."

So this is not a mom and pop criminal operation, Mr. President. We are talking about sophisticated organized crime operating on an international basis.

And the problem is far broader than organized crime controlling illicit activities like drug trafficking and money laundering. The pervasive reach of these organized crime rings extends into otherwise legitimate business activities as well, corrupting the entire economic infrastructure.

I referred earlier to the article in the Atlantic Monthly. Seymour Hersh painted a brutal portrait of how crime has affected every single aspect of Russian life. Much of the information he detailed was corroborated in a report by the Russian Ministry of Internal Affairs and the DOE Threat Assessment conducted last November.

According to Seymour Hersh, roughly 40 percent of private businesses and 60 percent of state-owned enterprises are corrupted by organized crime. Half of all the Russian banks and up to 80 percent of the hotels, shops, warehouses, and service industries in Moscow are run by the Russian Mafia.

Let me repeat that, Mr. President. Half of all the Russian banks and up to 80 percent of the hotels, shops, warehouses, and service industries in Moscow are run by the Russian Mafia, according to Seymour Hersh. Just as troubling is the fact that 70 to 80 percent of the private enterprises are victims of extortion—70 to 80 percent of the emerging private enterprises are victims of extortion.

No wonder he picked the title for the article, "The Wild East." We had "The Wild West" here for awhile. This is a serious problem.

Criminal activity has also seeped in to the Russian police and military forces, adding another layer of harassment and danger for business.

In 1993, about 3,000 army officers were disciplined for "questionable business practices"—the army now—and 46 generals faced court-martial for corruption.

Sy Hersh goes on to point out:

> Russian armories are physically deteriorating and are guarded by soldiers whose indifference makes them vulnerable to criminal elements.

Why should this matter? Well, Hersh says:

> There is powerful evidence that organized crime in the former Soviet Union has been systematically seeking access to the nuclear stockpiles, with their potential for huge profits.

Now, bear in mind we are talking about organized crime trying to get ahold of nuclear stockpiles. Is there any, Mr. President, potentially scarier development in the world than that? I would argue not.

> There is strong evidence that the Russian Government is unable to account for all of its bombs and all of its weapons-grade uranium and plutonium.

Rising crime in the Soviet Union presents a direct threat to our security—our security, here. It also makes it virtually impossible for the private sector over there to invest and to grow.

As President Yeltsin noted in his State of the Union Address, crime and corruption must be tackled, and tackled soon. Failure to provide meaningful

and immediate relief will generate both an antimarket and antidemocracy backlash over there.

As we debate this bill, Judge Freeh has just returned from the region, as we have discussed, after opening a new FBI legal attaché office in Moscow. Prior to his departure, Senator D'AMATO and I sent a letter advising him we intended to earmark funds to support his important efforts to lay the groundwork for further law enforcement cooperation.

Chairman LEAHY has also been heavily involved in this and help shape our views.

I ask unanimous consent that the letter that Senator D'AMATO and I sent to Judge Freeh, and his response, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 20, 1994.

Hon. LOUIS FREEH,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR LOUIS: We understand that you are leaving for Russia at the end of this week for further discussions about joint efforts to combat crime in the former Soviet Union. We appreciate the fact that the Russians are eager to address this problem of compelling mutual concern. We thought it would be helpful if you knew of our intention to introduce two amendments during consideration of the Foreign Operations Appropriations bill when it comes to the Senate floor.

First, we intend to earmark $15 million for an International Crime Investigative Training Assistance Program (ICITAP). Recently released statistics illustrate why Russians consider crime one of the greatest problems they face; 5,600 criminal gangs have been identified and over 25,000 crimes were committed involving firearms. We believe an ICITAP program could make an important contribution both developing and professionalizing the criminal justice agencies. In particular, we would like to see the Bureau assist in training which would improve investigative and forensic capabilities as well as strengthening institutional accountability within agencies to prevent corruption.

Second, we intend to direct that $15 million in funds be provided to the Bureau to open Legal Attache offices in Eastern Europe and the republics of the New Independent States. Reports of the significant increase in transnational threats such as terrorism, narcotics trafficking, and smuggling of nuclear material and weapons suggests a vital role for the Bureau in the region to protect U.S. security and interests.

We would appreciate any thoughts you may have on these amendments and look forward to working with you in the coming months to assure the Bureau has the resources necessary to address these urgent priorities.

Sincerely,

MITCH MCCONNELL,
U.S. Senator, Ranking Member, Subcommittee on Foreign Operations.
ALFONSE D'AMATO,
U.S. Senator.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, June 23, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for advising me of your efforts to earmark funding for law enforcement assistance and training for the Newly Independent States and emerging democracies in Eastern Europe.

It is critical that the FBI and other criminal justice agencies begin a long-term commitment to international law enforcement. Major problems which demand our immediate attention involve the possible theft of nuclear weapons or nuclear materials from the former Soviet Union, the emergence and spread of organized crime and drug trafficking groups from Russia and Eurasia and the growth of similar Neo-Nazi hate groups in the United States and Germany.

As you know, I am leading a Federal law enforcement delegation traveling to Europe on June 24th. Meetings with senior law enforcement officials of 11 European and Eurasian nations have been scheduled through July 6th. These important discussions will forge the framework for what I believe will be unprecedented levels of international law enforcement cooperation.

During my visit to Russia, I will open the FBI's new Legal Attache post in Moscow. This trip also provides an unique opportunity for me to see first-hand where additional FBI presence is needed in the Newly Independent States and Eastern Europe.

I am greatly encouraged by the support that these efforts to enhance international law enforcement have garnered and I look forward to keeping you and other Members of Congress abreast of our progress in these crucial areas.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. MCCONNELL. As I indicated earlier, I spoke with Judge Freeh about his trip and asked him how serious the problem was. His response was somewhat surprising. He said:

> The problem is huge—in fact greater than we anticipated. Democracy is on the edge. The ultra-nationalists are exploiting the perception that democracy is failing because the government cannot protect the basic safety of its citizens.

The Russian Government cannot protect the basic safety of its citizens.

He went on to elaborate on the scope of the problem—there are no organized crime or racketeering laws, so even if you catch a crook—this is Judge Freeh talking about the Russian circumstance—even if you catch a crook, there is not a lot that can be done with him. Police officers are paid a few hundred dollars a month, which, as I indicated earlier, obviously makes them vulnerable to bribes and corruption. And the problem does not stop at the Russian border. At least 300 of the more than 5,000 criminal groups operating in Russia have established transnational ties; in other words, they are operating outside of Russia. Judge Freeh said every country he visited—from Poland to Ukraine to the Baltic Nations—every one is overwhelmed by the same problems—and a great deal of criminal activity can be traced right back to Russia.

Officials in every country he visited pleaded with him to open legal attache offices, establish joint law enforcement strategies, and provide access to our FBI Academy over here.

Mr. President, they understand the full dimensions of the problem they are up against and they are eager to have our help.

I believe Judge Freeh deserves our support in this effort—that it is in our direct national interest to assure the effective training of Russian law enforcement officers and to establish a professional criminal justice system from judges to juries. Unless we earmark the funds, he, the director of the FBI, will not have the resources necessary to combat crime and secure our interests.

For that reason, Senator D'AMATO and I have offered two amendments, which we are discussing, that I view as mutually reinforcing in tackling present issues of crime and corruption.

The first amendment, which Senator D'AMATO has joined in cosponsoring, will earmark $15 million for the International Criminal Investigative Training Assistance Program [ICITAP]. To date, nominal ICITAP resources have been dedicated to training programs in Russia to improve investigative, forensic and other basic professional police skills.

The second amendment, which the Senator from New York offered and will be voted on shortly, will transfer $15 million to the FBI to carry out joint law enforcement training and activities. Originally, Senator D'AMATO and I planned the funds to be dedicated to opening legal attache offices throughout the NIS and Eastern Europe. However, bureaucratic interagency infighting, combined with the urgency of the problems abroad, suggest we should be more flexible. It could take months and months of negotiations between State and the FBI before legal attache offices could be established abroad. As we work toward establishing permanent offices, it is a good idea for the FBI to be given the opportunity to move forward with the training and exchange programs to fill the enormous law enforcement gap.

Mr. President, the crime problem has a direct and devastating impact on the willingness of American companies to invest in the Russian economy—which, in turn, prevents job creation and economic growth, both of which are essential to the future of Russia.

Moreover, this is not just an isolated Russian problem. Judge Freeh concluded our conversation by saying the Russian problem is our problem—there is strong evidence that Russian groups have established ties with the Cali cartel and is exporting cocaine into the United States.

I think we all believe Judge Freeh is on the right track. The question to me

is whether the administration will support his efforts to solve the problems. These earmarks are a stopgap effort to assure some initiative is taken with the hope that a strategy will emerge and be implemented.

So, Mr. President, we offer these amendments, even though we expect they will be approved overwhelmingly, to bring the Senate, in effect, up to date on a most, most serious problem.

I particularly want to thank the chairman for his involvement and leadership in this issue, as well. This is an extremely, extremely serious problem.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry. As I understand it, the first amendment that will be voted on is the one submitted by Mr. D'AMATO, Mr. MCCONNELL, Mr. DOMENICI, and myself, that would transfer $15 million to the FBI?

The PRESIDING OFFICER. The first amendment to be voted on is amendment No. 2264 by Senator D'AMATO—the Senator is correct.

Mr. LEAHY. I thank the Chair.

I have spoken already on the problem of crime in Russia. I have followed this with a great deal of interest, both in my trips there and in discussions I have had with Director Freeh and others. I am concerned at the degree of crime. I am concerned, of course, that AID money goes to the wrong places. I am also concerned, if you have an air of criminal activity as a part of the lifestyle, it makes it impossible to go forward in the way we should with efforts to improve democracy.

As a former prosecutor, I well realize the need for a judicial system that works. AID is working in this area. They have had training for judges, prosecutors and lawyers. They work on creating an independent judicial system, drafting new laws and procedures, working to reintroduce a trial by jury system, and drafting a new civil code. There are a lot of things that have to be done and there are a lot of things that are being done.

I discussed this with Director Freeh. I believe the FBI can bring its expertise, and that is why I support this amendment.

I told yesterday of the situation, as reported in our press, of a car driving up in front of an office and people stepping out of that car and firing automatic weapons into the ground-floor office until a secretary opens a drawer, pulls out a grenade, pulls the pin, and rolls it under the car.

Crime is becoming a bit too much of a way of life when you file grenades in your filing drawer. I do not know whether you do it under B for "boom" or G for "grenade" or what.

I know in our office we have file drawers with pens and papers and stamps, and this, that, and the other thing. Even in my days as a prosecutor, we never had a filing drawer with grenades.

If it comes to the point that, to get a job, they ask how fast do you take dictation and what kind of an arm do you have for throwing a grenade—this is kind of bad.

A lot can be done. A lot will be done. I am concerned about the rise of criminal activity. I think Russia was right to move forward as they have in privatization but, obviously, like everybody else, I am concerned about how fast crime has risen in this country. Those of us who have served in law enforcement, as well as those who have not, have to understand how the tentacles of crime destroy a judicial system, destroy a commercial code, destroy a free enterprise system, and destroy the trust people have in their government. Organized crime is moving into all areas, from law enforcement to the private enterprise system. There is probably nothing that can work more against democracy in Russia, more against the security of the people, more against the kind of economic basis they need than the spread of crime.

I will support this amendment. I am about to yield the remainder of my time so we can go to the vote. During the vote, I urge cosponsors of the second amendment, which is related, and which I also support, to see if it is possible to do that on a voice vote. If not, I hope we could have the rollcall as quickly as possible, just to make things easier.

Before I yield the remainder of my time, I yield whatever time the Senator from Kentucky wishes.

Mr. MCCONNELL. I say to my friend, the Senator from Vermont, my thought was we would have rollcalls back to back, one 15 minutes and one 10, and then move on. I think we need the yeas on both of the amendments.

Mr. LEAHY. Mr. President, we have one amendment now before us. I ask unanimous consent it be in order to order the yeas and nays en bloc on that amendment and on the second amendment.

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays en bloc on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I ask unanimous consent that, upon the completion of the rollcall vote on the first amendment, we go immediately to a rollcall vote on the second amendment, and the second rollcall vote be a 10-minute rollcall vote.

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

Mr. LEAHY. I yield the remainder of my time.

Mr. MCCONNELL. I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment, No. 2264.

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

The bill clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—100

Akaka	Feingold	McConnell
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durenberger	Mack	Wofford
Exon	Mathews	
Faircloth	McCain	

So the amendment (No. 2264) was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to amendment No. 2263 offered by the Senator from Kentucky [Mr. MCCONNELL]. The yeas and nays have been ordered. The clerk will call the roll.

The Chair will advise that this is a 10-minute rollcall vote.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—100

Akaka	Bumpers	Danforth
Baucus	Burns	Daschle
Bennett	Byrd	DeConcini
Biden	Campbell	Dodd
Bingaman	Chafee	Dole
Bond	Coats	Domenici
Boren	Cochran	Dorgan
Boxer	Cohen	Durenberger
Bradley	Conrad	Exon
Breaux	Coverdell	Faircloth
Brown	Craig	Feingold
Bryan	D'Amato	Feinstein

Ford	Kohl	Pressler
Glenn	Lautenberg	Pryor
Gorton	Leahy	Reid
Graham	Levin	Riegle
Gramm	Lieberman	Robb
Grassley	Lott	Rockefeller
Gregg	Lugar	Roth
Harkin	Mack	Sarbanes
Hatch	Mathews	Sasser
Hatfield	McCain	Shelby
Heflin	McConnell	Simon
Helms	Metzenbaum	Simpson
Hollings	Mikulski	Smith
Hutchison	Mitchell	Specter
Inouye	Moseley-Braun	Stevens
Jeffords	Moynihan	Thurmond
Johnston	Murkowski	Wallop
Kassebaum	Murray	Warner
Kempthorne	Nickles	Wellstone
Kennedy	Nunn	Wofford
Kerrey	Packwood	
Kerry	Pell	

So the amendment (No. 2263) was agreed to.

AMENDMENT NO. 2245

The PRESIDING OFFICER. The question now before the Senate is amendment No. 2245 offered by the Republican leader, Mr. DOLE.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I do not have much more to say on this amendment. It is a question of whether we want the facts or not. If you do not want the facts, vote against it. Or you can take 45 days to get the facts with a bipartisan factfinding commission.

I do not think it would do anything but help all of us who are very concerned about Haiti and very concerned about our policy there. There are no easy answers. I have listened to the distinguished Senator from Florida, Senator GRAHAM, on the floor, and on "Crossfire," and other programs. Certainly, he understands the problem there very well.

I want to clear up just one issue. I do not care what General Cedras or the other thugs running Haiti think about this or any other proposal. I do not check with Cedras or Aristide, or any other Haitians on my view of American national interests. I have never met with Aristide, and he has never asked to meet with me. I do not check with him or anybody else. That is what the Haiti policy is all about—our national interests.

Those who support invasion and nation building in Haiti have an obligation to say what interests are at stake. Is it because we are so close to Haiti? That is certainly not the reason. Are any Americans being threatened? None. There are a lot of rumors and stories, and maybe some distortions.

I agree completely with the chairman of the Armed Services Committee, Senator NUNN, who said this morning:

> If the mission is to alleviate the refugee problem, then I think we first ought to try adjusting the sanction policy * * * but if the mission is to restore democracy, that's a different mission. It is not primarily a military mission. It is a nation-building mission. And we need to think through that one very carefully.

We just went through a nation-building exercise in Somalia. Many of us supported President Clinton when he decided to withdraw, and he had wide support because we had deviated from the original course, from humanitarian aid to nation building. But that was done by the United Nations. Here, it seems to me, we are going to set it out as our own course.

We invaded Haiti once this century to reverse a military coup. After 100 American casualties and 19 years, America left Haiti. And Haiti returned to violence and anarchy. In my view, we ought to spend some time learning lessons from that intervention before beginning a new one.

Before we get engaged in nation-building in Haiti, we ought to listen to Haiti's democratic parliamentarians. We ought to look at Aristide's leadership in power and in exile. And we ought to look at why reconciliation has not worked in Haiti. That is exactly what a commission would do. If you oppose this commission, you are saying no to the facts and yes to writing a blank check for military invasion and nation building in Haiti.

The administration opposes the amendment, and I do not know why. Maybe they are afraid of an objective assessment. Maybe they do not want to know the facts and they like it the way it is. There is a lot of rhetoric, and every night on television Mr. Gray, or somebody else, says that an invasion is not imminent—whatever imminent means. Maybe they have decided what they want to do, and maybe they want to wait until Congress is in recess, or some other time, before taking final action. Maybe it is a setup to make invasion the only option after creating a refugee crisis. Certainly, this was created by the administration's policy. They have had a number of policies in Haiti.

Quoting from the New York Times of 1 week ago—and I do not quote from them frequently—it reads:

> After months of vacillating from one policy to another, America faces the troubling prospect that Mr. Clinton is drifting into using troops in Haiti because he wants to compensate for policy embarrassments and does not have a better idea.

That is exactly what the New York Times said, and they are not exactly a Republican mouthpiece in this country. That is their conclusion. This article has been put in the RECORD so I will not ask that it be printed again.

There is always a possibility that this commission might lead to some better ideas. It might lead to a resolution, as a commission appointed by President Reagan did in 1984, dealing with some of the Central American problems. It made a number of recommendations; it was bipartisan, and many things that they recommended were later adopted by Congress.

I do not know why a 45-day delay would bother the administration—unless they want to invade between now and then. Forty-five days is not very long. We are going to be here, and Congress will be back, if there is a recess. Nothing in this amendment ties the President's hands—it does not even mention the President.

In fact, we do not even need the resolution. If the majority leader would agree, I would certainly agree that we could name some of our colleagues today. Start today. We will not wait until this bill goes through conference and all that. Start today with the factfinding commission if time is a problem. We can do that on our own. We have that right. Some Members have gone to Haiti. Our colleague from Florida, Senator GRAHAM, has been to Haiti. Others of my colleagues—I think one of my House colleagues is going to be in Haiti this week, Congressman RICHARDSON from New Mexico. A number of them have gone there. Certainly, we have that right if we want to exercise it. I assume that people go there to get the facts. This would be a bipartisan effort, with no politics in it. It seems to me that the President would welcome it.

I think it is probably time to vote on this simple idea to get the facts and an objective assessment. As I said, let us not shoot first and ask questions later. But I am afraid the gun is already loaded and pointed in that direction. We have a lot of warships down there, and they are not all there to rescue Americans, none of whom, as far as I know, are under any personal threat of any kind.

Mr. President, this amendment is offered in the same spirit that I suggested it probably 2 or 3 months ago. It is not offered in any way to frustrate the President's plan or in any way to frustrate what other ideas other Members may have. They may be better than this one. It seems to me that if we are really concerned, and if we want the facts, what is wrong with having a factfinding commission for 45 days, who would report back to the U.S. Senate and the Congress? Then we might be able to find some way to do what most people want, which is to try to restore democracy to Haiti—though it was a pretty fragile democracy even when they had it.

For all the reasons stated today and yesterday, I hope that this amendment will be accepted. And if not accepted, I hope it will be adopted with an overwhelming vote.

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

Mr. GRAHAM. Mr. President, it is clear what the purpose of this resolution to establish a joint congressional committee to study the issue in Haiti is, and the purpose is to restrict the President's range of options for an indefinite period of time, especially his option to use force.

The Senator from Kansas, the distinguished minority leader, has stated that he did not consult with General Cedras before drafting this proposal. However, it is not without significance that General Cedras, upon becoming aware of this proposal, has adopted it.

It is clear that this degree of gridlock in the United States foreign policy as it relates to Haiti would serve the primary purpose of emboldening the thugs who have stolen the sovereignty of the people of Haiti.

Mr. President, I want to discuss some of the consequences should this Senate, in a fit of ill wisdom, adopt this proposal. But before I do that, I would like to turn to the proposal itself and just a few areas in which it is factually erroneous.

The premise of this amendment is that Congress has been insufficiently consulted on Haiti, that there is some mystery, some attempt to disguise and keep from Congress the facts of what is occurring in Haiti.

Mr. President, up until just a few days ago when commercial aviation service was cut off to Haiti—and even today, as the Senator indicated, the delegation will go to Haiti through the Dominican Republic this weekend—Haiti was a country in which Americans could visit, travel, talk to people, and gather information and form their own opinions. This is not a country which is thousands of miles away and, until recently, difficult to gain access to.

This is also a country on which this administration, since January of last year, has had almost 30 briefings or presentations before appropriate congressional committees on Haiti.

So people who wanted to get information about Haiti had the opportunity to do so. We do not have to defer to this Commission and place our policy in limbo for 45 days after the enactment of this bill, which could be well into September or October, in order to learn about what is happening in Haiti.

So the basic premise, a premise of ignorance—and even more than ignorance, a premise that there has been some conscious effort to deny to the American people and to its representatives in Congress information as to what is occurring in Haiti—is fundamentally erroneous.

Second, reading the proposition itself, on page 2, lines 1 through 4, it states under the category of "Congressional Findings":

> Haiti's elected President who is in exile and the de facto ruling junta in Haiti have reached an impasse in their negotiations for the reinstitution of civilian government.

That is blatantly false. First, there was a good-faith effort to negotiate a restoration of democracy in Haiti, an effort which was frustrated in October of last year by the military regime which reneged on its commitments. The most dramatic example of that occurred in Port au Prince Harbor when the United States and the Canadians, pursuant to a provision in the Governors Island accords, the agreement which structured the return of democracy in Haiti, under that agreement, the United States and Canada had committed troops to come to Haiti not as warriors, but as workers and educators, to work as Seabees and Corps of Engineers personnel to help in the rebuilding of the country, and at the same time to educate elements of the Haitian military as to how they could perform those functions for the benefit of the people of Haiti.

The Haitian military regime had committed to the international community that ship would be allowed to dock and that those men and women would be protected while they were carrying out their international responsibilities.

What in fact occurred, as we all know, is first the Haitian Government arranged for a ship to be tied up at the only dock in the harbor of Port au Prince, which was large enough to accommodate the Harlan County, our ship, which contained those United States and Canadian troops; and, second, then brought to the dock a group of hoodlums who demonstrated against the United States and Canadian troops being disembarked. As a result of that gross breach of their commitment, the military of Haiti caused the United States and the Canadian troops to withdraw.

It was not an "impasse in negotiations" which caused the process leading toward the restoration of democracy to break down. It was an arrogant, purposeful abrogation of obligations by the Haitian military which caused the negotiations to break down.

In paragraph 3, it states:

> The extensive economic sanctions imposed by the United Nations and United States against the de facto rules are causing grave harm to innocent Haitians.

That is erroneous, Mr. President. The sanctions are not a means of inflicting pain on the mass of the citizens of Haiti. The sanctions are a means of attempting to bring pressure towards the end of a voluntary transfer of power from those who seized it illegally at the point of a gun, ousted a democratically elected President, and have taken over the sovereignty of the state.

What is causing the grave harm to Haitians is 30 years of despotic rule, and what is causing it today is that that long, dark period of the history of Haiti has reached a new low as to the level of human rights abuses, the level of violence directed against the people, a record of almost 100 political murders per month since the 1st of February, and a government which has driven the economy of the poorest country in the Western Hemisphere even further into disarray, resulting in more than 50 percent of the people of Haiti being unemployed.

Those are the factors that have caused grave harm to innocent Haitians. Sanctions were intended to be a means of giving relief to the masses of the Haitian citizens by causing this illegitimate government to give way to the democratically elected President.

In paragraph 5, Mr. President, it is stated:

> An armed invasion of Haiti by forces of the United States, the United Nations, and the Organization of American States would endanger the lives of troops sent to Haiti, as well as thousands of Haitians, especially civilians.

I agree with the thrust of that paragraph. But what it fails to say is what of the dangers to democracy in this hemisphere and to the citizens of Haiti by a continuation of our current policies or by the policy which so many on the other side of the aisle are advocating, which is essentially a policy of surrender? Let us recognize the illegitimate regime. Let us stop a policy which commenced with President George Bush, and that is to commit our Nation and the international community to a restoration of President Aristide. Let us forget that commitment. Let us lift the embargo. And let us let this reign of terror continue unabated.

Those, Mr. President, are the factual inaccuracies contained within this resolution.

Mr. President, a great American theologian, Harvey Cox, once observed that not to decide is to decide. There are consequences from indecision.

I consider this resolution to be a statement of indecision. We are traumatized by all of the unpleasant choices that are before us. We are traumatized by what we see daily of the events from Haiti. We are traumatized by the thousands of people who are fleeing Haiti.

Thus, our answer is let us not decide. Let us set up an ambiguous commission with an indeterminant reporting date, with a very vague charter. And let us let that substitute for making tough choices.

But there are going to be tough choices, even if we were to adopt this resolution, Mr. President.

What are some of the consequences of adopting this resolution? One of the consequences is that any prospect of achieving the result of a voluntary transfer of power by the current military regime to democratically elected President Aristide will be smashed. The only hope for a voluntary transfer of power, as bleak as I believe that hope to be, is if the United States and the international community present a clear, sustained, consolidated position demanding that there be such a transfer back to the legitimate government in Haiti.

Every time we send a signal that there is fracture and division and discord in this country, we make it even

less likely that there will be a diplomatic resolution of this issue. We make it more likely that we will be faced with either abject surrender or the use of military force.

The second likely consequence of the adoption of this resolution, Mr. President, is to unleash a reign of terror in that country that even pales that which is occurring today.

We have seen this week that the illegitimate regime told to the 100 United Nations and Organization of American States observers: "Out. 48 hours. Pack your bags and leave."

I personally think that the international community made a very serious error in accepting that order to leave. The policy of the international community had been not to recognize orders of this illegitimate regime. The policy of the international community had been to provide a presence inside Haiti to give some degree of protection to the people of Haiti. At least these acts of violence would have a capacity to be reported from a credible source and the world community informed as to what is happening in Haiti. As a result of the international community's acceptance of this demand to leave, we have lost that capability.

Now, if we were to pass this resolution and send a signal that there is division within this country and that we are going to be incapacitated to act for an indeterminate period, I believe that we would have blood on our hands, as we would be a coconspirator in a plot to butcher the people of Haiti.

Third, Mr. President, I believe a consequence of this action would be to undercut our leadership in the international community. We have had many debates on this floor in recent months on the issue of Bosnia. One of the recurring themes in those debates has been that Bosnia should be the special responsibility for leadership of the European community. Bosnia is a European state. Europeans are going to be particularly affected by the consequences of what occurs in Bosnia. Europeans have been the ones who have been willing to step forward and place some of their troops on the ground in Bosnia.

I believe that that is an appropriate assignment, a primary, regional, continental responsibility.

In that same light, Mr. President, I believe that the United States has a special role in the Western Hemisphere. Throughout our history, we have taken an interest and a leadership position in terms of shaping policies for the Western Hemisphere. Many of those past actions are now legitimately subject to criticism. Maybe they were overreaching and overbearing and created the concept of the ugly American in Latin America.

But today, Mr. President, we hope that we are embarked on a new course and that the fundamental premise of our policy in the Western Hemisphere is to support the development of functioning democratic governments which respect the rights of their people and provide a basis in which there is some hope for a prosperous future for their and future generations of our fellow occupants of this New World.

If we were to adopt this resolution, Mr. President, in the face of our commitment to the United Nations and the Organization of American States, I think that we would be essentially abdicating, certainly raising serious questions about, the credibility of U.S. leadership and influence in this region of the world.

Mr. President, I believe there are serious adverse consequences to adopting this resolution. This is not a free vote.

Mr. President, in conclusion, let me raise what I consider to be the most serious implication of this debate and this issue which is before us, and that is as another example of the shattering of the concept of bipartisanship in foreign policy.

We have been joined by my good friend from Arizona. I know we disagree on this issue, but I respect Senator MCCAIN, and we have spent more time together than maybe he would have preferred. But I know that he is deeply committed to the belief that, when the United States speaks to the world, it should speak with a single voice.

Yes, we are going to have debates like this in arriving at what that voice will be, but, once the issue is joined, that we are all Americans.

I believe that there is the basis of this position in some previous statements that have been made by Senator DOLE. You will recall in the fall of 1989, there was an attempt to overthrow then General Noriega from his despotic position in Panama. The effort at that overthrow failed and there was considerable criticism directed at President Bush for the failure of the United States to support those who were involved in the coup.

According to an article that appeared in the Congressional Quarterly in December of 1989:

> Senate Minority Leader Bob Dole spoke for many Republicans—

And I am now quoting from the article—

> Who lamented the administration's hesitancy to get directly involved in the anti-Noriega insurgency, but who blamed a decade and a half of congressional effort to restrict the use of military or paramilitary force overseas.

And now quoting Senator DOLE:

> A good part of what went wrong * * * did not happen last weekend. It started happening many years ago when Congress first decided to start telling the President how he ought to manage a crisis.

I think there is some wisdom in that statement; that we have to put aside whether we are Republicans or Democrats and recognize that we are Americans with a responsibility for this Nation's position of leadership and the special role that the United States has played throughout its over 200-year history as the prime example of a Government of, by, and for the people.

I think we ought to have a debate about American national interests. Is there a sufficient United States national interest in Haiti for us to be involved at all? Should we have our role in the economic sanctions and as a political isolation, which are our current policies? Should we be prepared to go beyond those current policies? What is our interest in Haiti?

I would like to briefly suggest, Mr. President—and I hope this would become the basis of further debate as we form our opinions on Haiti and as we use this as a basis of forming opinions as to what our interests are in this post-cold-war era—that the United States has a number of critical interests at stake in Haiti. Let me suggest a few of those interests.

Just a few years ago, you could have counted on the fingers of your hand, with several fingers left over, the number of democracies in the Western Hemisphere. This was a very unstable and violent place.

We can all recall the pictures from countries like Chile and Argentina, where depravation of basic human rights and flagrant homicides were a regular part of government action to intimidate its people.

Today, Mr. President, every country in the Western Hemisphere is democratic except for Cuba and Haiti. I believe that it is very much in the interest of the United States of America to maintain this movement towards democratic governments in the Western Hemisphere. It is those democratic governments with which we can have peaceful, productive, relationships, political, cultural, and economic. It is that stability within this region which will limit the instances in which we will have to have a debate such as we are engaged in today.

The reality is that because so many democracies in the Western Hemisphere are both new and fragile, that they are also vulnerable. All over this hemisphere there are the sons and the grandsons of former military dictators who are waiting in the barracks, waiting for a signal that it is permissible to institute an old-style military coup. And their eyes have turned to Haiti as an example of whether the international community is in fact prepared to be faithful to its commitments to support democratic governments.

I suggest if we fail this test that what we have already seen in countries such as Venezuela, which has had two military coup attempts since the deposing of President Aristide from Haiti, in Guatemala, which almost had another, that we would see those as

just the beginning of a chain reaction of assaults against fragile democracies within this hemisphere.

You talk about the danger that is involved in dealing with this current crisis in Haiti, and the danger that may befall some civilians within Haiti. I suggest the greater danger is to allow the signal that it is acceptable in 1994 to continue to have a military regime which acquired power not through the legitimacy of the ballot box but through the force of the machinegun.

Second, we do have an interest in human rights. We just passed the Fourth of July where many of us participated in patriotic observances. The Declaration of Independence was widely read around the smallest villages to the biggest cities of our country. That statement of basic beliefs in the rights of mankind was not written by Thomas Jefferson to only refer to the relatively small number of colonialists who lived along the Atlantic seaboard. It is a statement of universal principles. It is a statement which has guided U.S. foreign policy throughout our Nation's history. In my opinion it has guided our foreign policy when we were acting to our greatest national benefit.

We have within our own neighborhood—not thousands of miles away in Somalia but in our neighborhood—an example of horrendous human rights abuses. Every principle that Thomas Jefferson asked this Nation to stand for is being violated on a daily basis in Haiti. I believe that ought to be of concern to us.

I believe that a sense of compassion is an appropriate quality in a great Nation's foreign policy. When bad things happen in Haiti we are not going to be immune from the consequences of those evil deeds. We see it most dramatically in the thousands of Haitians who are leaving that country. Some 50,000 have left the country since the coup in September of 1991. The numbers have accelerated in recent weeks as the conditions inside the country have collapsed.

We are going to pay a heavy price for those refugees. We are going to pay a heavy price, whether we decide to provide safe havens or admit them into the United States.

Haiti has also become a significant transshipment point for drugs. Drugs that used to flow through other places in the Caribbean are now coming through Haiti into the United States, showing up on the streets of Milwaukee as well as Miami.

We are paying a price for what has happened in Haiti. We are not immune to the adverse consequences.

I believe we do have interests in this country which warrant the firm resolve that our President is now proclaiming. I believe we have interests that warrant us not adopting a resolution that will clearly be seen as a signal of a lack of that resolve; of a withdrawal of any hand of hope and friendship to the mass of people of Haiti.

I hope we will use this debate as a serious effort to begin to restore the principle of bipartisanship in foreign policy. There are serious issues here, issues that affect the future of our Nation and the world; issues which affect the lives of individuals who have been caught in the hell that today is Haiti.

I hope the Senate, in its wisdom, will defeat this resolution. I hope by maintaining a constancy of position, that we might be able to achieve our goal of restoration of democracy in Haiti without the resort to force. I hope, should we find that desire is not possible of achievement, that we would abstain from the temptation to accept surrender and abdication to this group of international criminals who have taken over the sovereignty of Haiti; that we in the international community would be prepared to stand for the values of human dignity and respect and the democratic process as the surest means of protecting those human values.

That is what I believe is at stake in this issue. We would take a serious step away from those important commitments by adopting this resolution. I urge my colleagues to vote no.

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

Mr. GRAHAM. I will yield for a question.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Virginia.

Mr. WARNER. The Senator from Florida and I attended a briefing yesterday given by the Secretaries of State and Defense, our distinguished Ambassador to the United Nations, Madeleine Albright, and Tony Lake, the National Security Adviser; a briefing that took place for almost 2 hours.

The distinguished Senator from Arizona was present. I know the distinguished Senator from Connecticut and the Senator from Vermont, who are here on the floor today, were also present.

But as I left, having listened very carefully to a free and open dialog between some 20-odd Senators and these key administration officials, I asked myself, was there a clear expression of the justification for the United States to invade Haiti?

Candidly, Senator, I did not find it in that briefing.

The matter is classified so we cannot go into specifics. But I did not leave with a clear understanding. I would like to ask the Senator if he left with a clear understanding of the justifications that the administration would allege for any decision to invade Haiti?

There was a discussion about preserving democracy in this hemisphere. If we look at the U.N. Charter, there is no clear mandate for the nations of the world, and particularly the nations that are part of the Security Council, to send forth their forces in support of the cause of democracy. I could show where there are 60-odd places on the globe today where conflict is taking place, human rights being violated, casualties, human suffering of enormous proportion—60 today, compared with a mere 30 such places 6 years ago—demonstrating how all over the globe the world is becoming a more unstable place.

But I ask the Senator, what was the clear justification that the Senator from Florida may have received that the Senator from Virginia did not receive, as to the basis for the United States intervening militarily in that nation?

Mr. GRAHAM. Senator, I must not have been even as vaguely articulate as I tried to be in my earlier statement. Because in part I was attempting to restate what the President has said publicly, and what we have heard in other forums as to the basis of the United States interest. This is not an issue which is a question that you can convert to numerical certitude.

It is an issue that finally comes to one of values and judgment. Is it in the United States vital interest that the principle of democracy in the Western Hemisphere be preserved? You can debate that issue.

I might point out to my friend from Virginia that on June 5, 1991, during the administration of President George Bush, the United States supported and voted for a resolution called the Santiago accord, which was adopted by the Organization of American States which stated in its preamble that the charter of the Organization of American States establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region. And under the provisions of the charter, one of the basic purposes of the OAS is to promote and consolidate representative democracy.

Mr. President, I believe that the United States, in many forums, has taken a position that democracy in this hemisphere is a matter of vital national interest. I also state that the eloquent words of your fellow Virginian, Thomas Jefferson, I believe, established that one of the principles—the way in which the United States acts in a world, a principle we have acted upon on many occasions—is to protect those inalienable rights which he declared to be universal.

I also believe that protecting the United States from the adverse consequences of the deterioration in Haiti, whether it be drugs or refugees, is in the interest of the people of the United States of America.

Mr. WARNER. If you wish to quote Thomas Jefferson——

Mr. McCAIN. Regular order, Mr. President. I ask for the regular order.

Mr. WARNER. If I can have 1 minute, I will sit down, Mr. President.

Mr. McCAIN. The Senator has not yielded the floor. Otherwise, I ask for the regular order. Some of us have been waiting to talk for some period of time.

Mr. WARNER. I apologize to my colleague. If the Senator will yield for one question. He quotes Thomas Jefferson. I would like to quote Senator NUNN, chairman of the Armed Services Committee, appearing on national network this morning. I quote him:

When I think about whether to invade Haiti, I think we have to carefully think about what our mission is going to be. If the mission is to alleviate the refugee problem, then I think we first ought to try adjusting the sanction policy. If the mission is to protect American lives right now, they're not under threat.

And the Senator and I know from the intelligence briefing this is a correct fact.

If they come under threat, we have to be prepared to move rapidly. But if the mission is to restore democracy, that's a different mission. It's not primarily a military mission. It's a nation-building mission, and we need to think through that one very carefully.

And, I say to the Senator from Florida, that is the purpose of the commission recommended by the distinguished Senator from Kansas [Mr. DOLE].

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

Mr. GRAHAM. Could I answer the question, if there was a question? It is not my position that the Haitian issue is resolved when the military, illegitimate regime is deposed and the democratically elected President restored. That is a necessary prerequisite for what must follow, not the last chapter. Some of those things that need to follow after that were laid out in the Governors Island accord. We need to have an international presence in Haiti in order to create a passive environment in which democracy and its institutions can begin to function again.

I might say that it is going to make it more difficult to create that international peacekeeping course if we adopt a resolution such as this.

Second, it is going to be necessary to have a very effective political reform, starting with the separation of the police from the military, and economic reform, starting with creating the stimulus for the private sector to commence activities again in Haiti, if the benefits of democracy are going to be realized.

So I agree that the military use, which is a use that nobody wants to have, is not an attractive option. It just happens to be, in my judgment, the only option we are going to have other than surrender, and it is not a substitute for those steps economically and politically that will have to follow. It is a necessary prerequisite to those steps.

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

Mr. GRAHAM. Yes.

Mr. LEAHY. Especially while the Senator from Virginia is also on the floor. The Senator from Virginia asked a question whether the meeting yesterday was justification for an invasion.

Was it not clearly stated at that meeting, in answer to a specific question that was clearly stated by the Secretary of State on behalf of the administration, that they oppose the amendment now pending before us?

Mr. WARNER. Mr. President, if the question is directed to me——

Mr. LEAHY. It is directed to Senator GRAHAM because he had the floor.

Mr. GRAHAM. I was not present when that question was asked, but I know from subsequent inquiry that, in fact, the administration opposes this proposal for basically the reasons which I attempted to articulate.

Mr. LEAHY. I wonder if the Senator from Florida had an opportunity to hear part of the discussion this morning when I laid out that by the normal time it would take to get through this bill, conference and so on, that this study would actually come back, in all likelihood, after we have recessed for the November elections, and if that is the case, would the Senator agree with me that we really would not even be debating this issue probably until some time in February or March of next year?

Mr. GRAHAM. I agree with the Senator, and I will state again what our distinguished colleague, the minority leader, stated in reference to the Panama crisis, that a contributing cause to that crisis was "when Congress first decided to start telling the President how he ought to manage a crisis."

I believe the best chance of our getting through this crisis without having to use force is if we speak with a single, firm voice to the military leadership in Haiti and they, in fact, believe that we are serious about the necessity of their removal.

Mr. LEAHY. And moving to my final question—I ask this as manager of the bill—while every Senator will make up his or her mind based on what he or she feels, and not what anybody else tells them to do, is it not a fact that the military ruler of Haiti, General Cedras, has stated his support of this amendment while the President of the United States has stated his opposition to it?

Mr. GRAHAM. On national television last night on NBC, General Cedras endorsed the principle of this resolution, which comes as no surprise. It is very consistent with his own self-interest.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, to pick up on that, President Aristide has come out in opposition to any U.S. invasion. So if we are bound by the views of foreign leaders, then I suggest that we then would not invade Haiti since the elected President Aristide has come out against it.

Before the Senator from Florida leaves the floor, I would like to, again, voice my respect for his knowledge, his articulate and impassioned arguments for his side. I have found it a very educational experience debating him on many occasions in the past few weeks. I do believe that we share the same goal, and that is the restoration of freedom and democracy, not only in Haiti but throughout our hemisphere. I want to repeat my respect for his ample and articulate expression of his point of view.

But I would also like to pick up with a little different view of something that the Senator from Florida was just discussing, and that is bipartisanship. I regret to tell the Senator from Florida and my colleagues that one of the reasons why I am in strong support of the Dole amendment appointing the commission is because there has been virtually no bipartisanship in addressing this issue.

I just asked the Republican leader if he has been consulted in any way, asked his views of the Haiti situation, asked his recommendations as to what should be done in Haiti, and his answer was no.

Speaking for myself, which probably is not too important, nor have I, nor has any Republican Senator, that I know of, been consulted in any way.

I point out to my colleague from Florida, and my colleagues on the other side of the aisle, that did not characterize the previous administration's response to crises.

Now, we all have a problem with the fact that the War Powers Act, which is a law that this body passed and overcame the veto of the President of the United States, has been routinely disregarded. I think it will be disregarded again in the case of an invasion of Haiti. But on this issue, and Bosnia and Korea, there has been no bipartisan consultation, and it is time that the White House woke up and started, if not consulting with the Senator from Arizona, which I do not expect, certainly they could consult with the Senator from Kentucky, the Senator from Kansas, and other leadership of the Republican Party. I suggest they do that soon, and if they had done that, they might not be facing what in all candor, Mr. President, is a very difficult vote not for those of us on this side of the aisle, but for those on the other side of the aisle.

So I urge my colleagues to tell their leadership in the executive branch, let us sit down together and discuss these issues.

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

Mr. McCAIN. I will be glad to yield to the Senator from Vermont.

Mr. LEAHY. Was not the Republican leader invited to the consultation that the distinguished Senator from Virginia [Mr. WARNER], and others, were discussing that was held yesterday?

Mr. McCAIN. I would be more than pleased to answer that question because I was there, I tell my friend from Vermont. Frankly——

Mr. LEAHY. We sat beside each other.

Mr. McCAIN. I am astounded he would ask. There was no consultation. It was a briefing, in fact. As the Senator from Vermont knows and I do, too, it was a briefing which could easily be seen on any of the major networks or read in any newspaper or magazine in America. I learned zero, zero, in additional information that was conveyed there. And there was no request by any of the individuals there for any advice or input or counsel from the Members who were in attendance. I think my friend from Virginia will agree with that.

So, yes, questions were asked. Questions were asked. No advice or counsel was requested nor, frankly, did the environment lend itself to that.

I say to my friend from Vermont, he knows as well as I do, the way to consult with people on this issue is to call them down to the White House, sit around a table or, as the Senator from Vermont told me he did in a previous administration, go up to private quarters, sit there, and have a free exchange of ideas and views. That is the way that we can consult in a bipartisan fashion.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. McCAIN. I will be glad to yield.

Mr. LEAHY. The Senator knows, first off, that I feel this is an issue that should have significant consultation, to be sure, as I have said both on the floor and privately. And I wish the administration would make a stronger effort at consultation with Members of both sides.

But does the Senator also not agree with a suggestion made by me in response to a speech by the Senator from Pennsylvania this morning that maybe a better way to do this would be to have, not as an amendment to this appropriations bill, a freestanding resolution under a specific period of time, a couple days or whatever it would take, where we debate whether the Congress would grant the President authority to invade or not to invade, somewhat similar to what we did prior to the Persian Gulf war?

Would the Senator agree with me that a better procedure—I am not asking him to back off from his support of this resolution—but a better procedure would be that both bodies might debate something similar to what we did in the Persian Gulf war and debate whether we in the Congress, with our duties and responsibilities of warmaking, debate whether yea or nay, the President can do it if within his judgment as Commander in Chief he thinks he should or, no matter what his judgment is, the Congress would not allow him to do it?

Mr. McCAIN. Mr. President, in response to my friend from Vermont, first of all, let me say that in my dealings with the Senator from Vermont, he has always been bipartisan on these issues. We may have disagreed on numerous occasions, but there has been consultation and discussion. I was speaking, obviously, of the executive branch.

But the problem with the proposal of the Senator from Vermont is that that would have to be triggered by a request from the White House for authorization. Otherwise, I think we would be acting in an unconstitutional manner.

I voted against the amendment that was offered by my colleague from New Hampshire that prevented the President of the United States from going into Haiti militarily not because I want the President to go in militarily—and there are other Members in the Chamber in agreement with me—but because it violated constitutional principle.

So if we somehow got to debate here—let me just finish my answer to my friend from Vermont. If we debated whether we should authorize the President to invade Haiti or not without the executive branch requesting that, then I think we would be turning the process on its head.

Mr. LEAHY. I am sorry, I say to my friend from Arizona; I did not state my question as well as I should. I am presupposing such a request from the administration.

Mr. McCAIN. From the White House.

Mr. LEAHY. In other words, I am saying—and I realize this is not the situation before us—would not the best situation be that we do it similar to the Persian Gulf: There be a request; we have a debate in both bodies within a compressed period of time, something realistic, a couple days or so, and then vote either for it or against it?

Mr. McCAIN. I say to my friend from Vermont that would be an ideal situation. My understanding is that the administration says it is not contemplating an invasion at this time, so therefore it would put the administration, obviously, in a very awkward situation.

I agree with the Senator from Vermont; the best of all worlds would be if the executive branch came—after I answer the Senator from Vermont, I would like to respond to the Senator from Connecticut—if the executive branch came and said we want authorization to use whatever force is necessary in Haiti to protect American lives, restore democracy, stop the flow of refugees. I think that would be the best of all worlds, I say to my friend from Vermont.

Mr. DODD. Will my colleague yield?

Mr. McCAIN. I yield to the Senator from Kentucky. Then I will yield to my friend from Connecticut. He was waiting first.

Mr. McCONNELL. I thank the Senator from Arizona.

The Senator from Vermont expresses a view that I mentioned to him privately a few moments ago. If we had been in fact consulted, as the Senator from Arizona asserts—and he is correct; we have not been consulted—the advice I would have given, I gather from listening to him, the chairman of the subcommittee would have given, and I am rather confident the advice the Senator from Arizona would have given is come up here and ask us for the authority. Come up here and ask us for the authority.

My guess is that the authority would be granted. I might even vote for it. And then the administration would have that option, just as President Bush had that option, which they might or might not choose to use. It would be there. But that way we would have a sense of leadership from the administration, which I gather is exactly what the Senator from Arizona is saying.

I am going to vote for the Dole amendment. I think it is a good amendment. But had I been consulted, I would have said to the President: Send up a resolution; let us have a good Persian Gulf-type debate; make your best case that you would like to have the military option; and my guess is Congress will give it to you.

I thank my friend.

Mr. McCAIN. I will briefly respond to the Senator from Kentucky and, before yielding to the Senator from Connecticut, make two quick points. There is a lesson from this debate that I hope the executive branch receives. That is, let us sit down and consult together. Some may not believe it, but most of us are not comfortable in leveling criticism at the administration on the conduct of foreign policy because we still believe in the old adage of partisanship being left at the water's edge. But we also have the overriding national interest which causes us to speak up.

My second point is, especially given the presence on the floor of the Senator from Connecticut, as well as the Senator from Rhode Island, that we need to sit down in a bipartisan group and work out this issue of the War Powers Act. We have violated the War Powers Act. We are telling the American people we pass laws that we are supposed to abide by and we do not; and we pass laws that they are supposed to abide by and when they do not, they are punished.

And so I would urge, especially with a lot of the collective knowledge we have in this body, that we try again to modify the War Powers Act so that it is a workable document rather than a law which is passed and fundamentally ignored, which I think erodes people's confidence in Congress.

I would like to yield, without losing the floor, to my friend from Connecticut.

Mr. DODD. I thank my colleague from Arizona. I did not want to disrupt his thought. I knew he wanted to point out the issue of consultation. And again, I do not know if anyone objects here, but I think for purposes of the RECORD, it is noteworthy to point out since January 1993, on the subject of Haiti, we have had 27 hearings and briefings in the Congress.

I held two of them. One was an all-day hearing on Haiti just a few weeks ago; in fact, twice in just the last several months.

I point out to my colleagues again—and I know people are busy—other than the ranking minority member, Senator COVERDELL of Georgia, no one showed up; nor did I have any requests other than from the Senator from Florida to testify before the hearing. The hearing is not a consultation per se. But clearly the administration was there testifying at great length about it. That is an opportunity granted, a public forum, but, nonetheless, an opportunity to ask questions, to raise issues about various policies.

Twenty-seven hearings and briefings are not insignificant. I point out again, knowing there are busy schedules, when you have an all-day hearing inviting people from all different points of view to come and you get one colleague to show up, it certainly does not bode well when you get the issue about consultation and concern about the matter. So I really make that point because it is, I think, worthwhile to note.

I apologize to my colleague.

Mr. McCAIN. Mr. President, I say to my friend from Connecticut that he makes a very valid point. This issue has been ventilated through congressional hearings and by the Senator from Connecticut, who has a very important position on the Foreign Relations Committee. It has been certainly well ventilated in the media.

But hearings and briefings, I know that my friend from Connecticut knows, are different from bipartisan consultation where people sit down and solicit the views of one another and try to have a consensus. We never achieve consensus in a hearing. We achieve consensus by sitting down with the same goal in mind that opponents as well as proponents of this amendment share and trying to work out something that we can go and stand in front of the American people with and say we agree on this course of action. We have been able to do it in the past. I hope we can do it in the future.

Mr. President, by the way, the Senator from Connecticut is as well versed on this hemisphere's issues as any Member of this body. I think he has played an important and vital role in informing the American people through his chairmanship of the subcommittee with jurisdiction on this issue.

Mr. President, I want to mention several reasons why I believe it is important to pass the Dole amendment.

Fundamentally, the overriding reason is that I believe we are lurching towards an invasion of Haiti. We are lurching towards that debacle without the full consultation and approval of the American people, without proper consultation with Congress and, in my view, without proper examination of what is at stake and what the consequences of an invasion of Haiti are.

Mr. President, I do not say those words lightly. I think that the Senator from Florida—and I know the Senator from Connecticut and others—can make a compelling argument of the terrible tragedies that are unfolding on a daily basis, hourly basis in Haiti; the human rights abuses, the refugee problem, et cetera.

But several questions must be asked, and among them are:

Have we a consistent policy towards Haiti?

Is it really a solution to continue to support Aristide, who, although democratically elected, has certainly conducted himself in office in a way which would give one grave and serious concerns about his return to power?

What should our policy be?

And, finally, as the Senator from Florida said, is it in the United States' vital national security interests?

I would like to address those briefly.

As far as the consistency in policy is concerned, we have reversed several policies regarding the situation in Haiti. They have changed very dramatically. They have served, in my view, to confuse our allies and to encourage our adversaries. As we all know, the first policy was that of candidate Clinton who said: "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."

The second policy was after President Clinton became President and he basically, after becoming aware of the hundreds of boats that were being built all over Haiti to bring refugees from Haiti to Florida on Inauguration Day, basically announced a policy identical to the Bush policy.

The third policy, and frankly the most disturbing one to me, Mr. President, is policy by hunger strike. After a hunger strike by an individual and pressures from the Congressional Black Caucus, the new policy proposed to process refugees on ships off the coast and in third countries. The new policy took effect on June 16, 1994, and then began a new flood of refugees, exactly what we sought to avoid.

Between June 16, when the policy changed, and July 7, roughly 14,000 Haitians were picked up at sea. That is a massive number, and, of course, one that would not be sustainable. We just could not at that level of refugees continue to find sufficient safe havens in order to accommodate them.

The fourth policy came this last Tuesday. This was a policy once again designed to stem the flow of refugees. And the policy was that refugees would be taken to out-of-country processing centers. If they were found to have a legitimate claim of persecution, they would be allowed to stay in the refugee camp. If not, they would be returned to Haiti.

This was backed up by statements from the administration such as the special envoy on this issue, Mr. William Gray, who said: "Those who take to the boats will not have resettlement possibilities in the United States."

One day later, apparently under pressure from the Congressional Black Caucus and others, a tougher policy designed to stem the flow was overturned for what could only be viewed as political reasons. Refugees would not have to prove a fear of persecution to stay in the third country refugee camps.

Mr. President, hopefully, a bipartisan commission could come up with a consistent policy as regards Haiti. You cannot conduct foreign policy lurching from one press conference to another. You cannot conduct foreign policy by making off-the-cuff remarks on one day intimating that military action in Haiti is imminent and on the next day saying it is not an option that is seriously considered. You cannot do it, Mr. President, without ending in the kind of debacle that we have today. These policy flip-flops are painting us in a corner for which the only exit is an invasion of Haiti.

Mr. President, I want to talk just a minute about Mr. Aristide because this policy has been consistent in one respect, and that is its insistence on the return of Aristide to power.

The State Department in a 1991 human rights report said that, under Aristide, "The government proved to be unwilling or unable to restrain popular justice through mob violence."

In January 1991, according to Msgr. William Murphy, of the Catholic Church:

A group of thugs, supporters of newly-elected President Aristide, went on a rampage. They destroyed the old Cathedral, gutted the archbishop's house, and then went on to the nunciature, home of the Pope's representative, where they completely destroyed the building, attacked the nuncio and his press secretary, broke both legs of the press secretary, and roughed up and stripped the nuncio, which was saved only by the intervention of a neighbor.

Did President Aristide do or say anything to oppose this action, and is there any evidence that his supporters carried it out?

In August 1991, the democratically elected Parliament of Haiti met to question President Aristide's Prime Minister Preval to consider voting no confidence in him.

According to a report by Donald Shultz and Gabriel Marcella of the Strategic Institute of the U.S. Army War College:

During these sessions, pro-Aristide demonstrators filled the public galleries. Some openly threatened to lynch the opposition. On August 6, the deputy was assaulted and beaten. The following day the crowd stoned a home of another. On August 13, a mob of some 2,000 people surrounded the Parliament screaming threats of "Pere Lebrun," which means necklacing, if the legislators voted to censor the Prime Minister. Two deputies were attacked. One of them was badly hurt. A mob torched the headquarters of the Autonomous Federation of Haitian Workers, and then went on to loot the offices of the Confederation of the Democratic Unity, burning barricades which were set up in various parts of the city. Public transportation was halted. Businesses came to a standstill. Parliament adjourned without issuing a vote on Preval.

The report goes on to say:

The government eventually moved to halt the government violence and restore order, but the message had been understood.

To oppose Aristide was to court mob retaliation. In the weeks that followed, political party members attempting to hold meetings were threatened with necklacing, effectively bringing party operations to a near halt. Mr. President, if this account is true, how does it square with the statement that restoring President Aristide is to restore democracy?

On July 26, 1991, a Captain Neptune, commander of the antigang unit of the police, arrested 5 Haitian youths in a supermarket parking lot in Port-au-Prince. According to reports, Neptune summoned an assistant second lieutenant, Richard Salomon, deputy chief of the antigang unit, who was the duty officer that evening. Salomon arrested the youths and, with three of his men, took them to the antigang office at Port-au-Prince headquarters, where they were severely beaten and shot at point-blank range with several weapons. They were executed in a sugar plantation near police headquarters. Despite pressure from Cedras for an investigation, Aristide publicly praised Salomon on September 11 and blocked the investigation. This terrible abuse of human rights is mentioned in the State Department's 1991 human rights report.

Is this report true? Did President Aristide publicly cover up the torture and murder of 5 Haitian youths? The same report claims that the Aristide government made no effort to investigate the death of an American citizen, Richard Andre Emmanuel, who was killed by mob violence in late February. Is this true? And has the Aristide government made any effort to identify the killers of this American citizen? Did President Aristide urge the use of necklacing in an address to students on Saturday, August 3, 1991? Did President Aristide, in an address to his followers on September 27, 1991, urge his followers, "If you want to shoot, go ahead"?

In this speech, did he urge his followers who were brandishing tires and machetes that they use necklacing as a weapon against their enemies? Did a pro-Aristide mob in Les Cayes necklace the Reverend Sylvio Claude, the head of Haiti's Christian Democratic Party, 2 days after this speech?

As you know, the Reverend Claude had been a prisoner under Duvalier and was one of the country's foremost defenders of human rights.

What evidence does the United States have in its possession that President Aristide ordered the September 1991 murder of Roger LaFontant in his prison cell? Are there transcripts of interviews of two of the participants in this murder, including the results of a lie detector test of one, which provide direct testimony that Aristide personally ordered this murder?

These are not idle questions, Mr. President. The American people may risk American lives to restore President Aristide to office. I suggest that a bipartisan commission should and would investigate these allegations, which are of the most serious nature, and perhaps force a change of administration policy, which I strongly favor, and that we do not insist on the return of Aristide to power. Instead, we call for a free and fair election.

I have a couple more quotes from the U.S. Department of State's Country Reports on Human Rights.

"President Aristide failed to condemn categorically all reports of popular justice through mob violence." "The Haitian Government repeatedly attempted to interfere with the judicial process or usurp it through mob justice." "On August 13, Parliament, as well as the officers of the number of Aristide Government critics, were attacked by mobs, who many observers believed were inspired by those close to the administration." "The most serious 1991 violation of freedom of travel occurred shortly after Aristide took office when hundreds of former officials of previous governments were subjected to a constitutionally questionable ban on foreign travel." "After his election victory, President Aristide and his supporters often excluded or intimidated their political opponents, or those perceived as such."

I believe that a bipartisan commission would look very carefully into those charges.

Mr. President, we need to ask ourselves two more questions: What is the effect of the present policy? The effect of the present policy in Haiti is to ratchet down conditions on poor, hungry, starving Haitians, who are faced basically with two choices—starving to death, or getting on boats and going to sea in hopes of finding someplace where they can find food and a place to live decently. It is these sanctions which inconvenience the Haitian leadership and prevent them from flying to Miami and shopping that are causing the death and starvation of innocent women and children in Haiti.

Mr. President, it is hard to justify that in exchange for the return of Mr. Aristide to power. So let us remember what the effect of this policy is: One, the sanctions are causing the starvation and death of innocent Haitians. The rich people in Haiti are not starving. In fact, the ability of essential supplies to come in to feed many of these people has been dramatically impaired.

The second effect of this policy is to drive us to a situation where one of several things happens. First, an American citizen is attacked somewhere in Haiti. Therefore, the United States, with its Marines, is ready to invade in order to "protect the lives of American citizens." Second, that because conditions are so bad, and the refugee problem so large, that we must find it incumbent—since we have no other place to cut the continued flow of refugees—to go overthrow the government and put President Aristide back in power.

Mr. President, the question must be asked not whether we can overthrow the Haitian Government. We can do that in 6 hours or less. The U.S. marines could overthrow that Government in a New York minute. But once we are in power, how does the United States then run that country? How does the United States of America restore democratic institutions where there have never been democratic institutions? How does the United States of America react when the first mob forms and begins throwing rocks at the U.S. Marines? How does the United States react the first time a bomb goes off in a cafe or a hotel where American troops are quartered? I think our previous experiences in Beirut and Somalia indicate what the answer to that is.

Advocates of the administration policy will say: Oh, well, bring in a multinational group, and they will take over within a short period of time, and they will be able to run the country. That presupposes that there will be democratic institutions that can be run. That presupposes that all the animosity generated by an invasion by a foreign country will have dissipated. That presupposes that all of those Haitians that are presently in the Haitian military, who will simply have taken off their uniforms and melted into the local population, will no longer resist an American occupation. We have also learned, sadly, in Somalia and in other countries, that there is really only one military unit, one military organization that is capable of exercising the kind of discipline and military capability to keep things under control and even then not without casualties.

So, Mr. President, if we invade Haiti, we should not only think of the initial effect, which I predict would be a rallying around the President on the part of the American people, it would be a long, drawn-out experience, not unlike that which we underwent between 1915

and 1934. I have heard it said on this floor that it is not the same as it was between 1915 and 1934. Mr. President, it is not the same, but there is an enormous chilling number of similarities between Port-au-Prince today and Port-au-Prince in 1915. There were no democratic institutions. There was violence in the streets. There was a condition of anarchy which made Woodrow Wilson feel as some in the administration feel today, that the way to take care of all of these problems was to have the United States invade. Frankly, I think that that would be a very serious mistake today, as it was then.

Finally, Mr. President, and I know there are others who are waiting to speak, we have to ask ourselves again, is it in the United States' vital national security interests?

I certainly understand the arguments of the Senator from Florida concerning refugees. I certainly understand the arguments other Senators are making here that we want to have democratic governments in countries in our hemisphere.

With all due respect, I would say to my friend from Connecticut there was a very different view about restoration of democracy in Nicaragua and restoration and maintenance of democracy in El Salvador by those who are interested in having an invasion of Haiti in order to restore democracy there.

There were those of us, and I was heavily involved in this debate for many years, who thought that support with arms and ammunition and supplies for the freedom fighters in Nicaragua was an appropriate method as opposed to invasion.

I never supported the United States invasion of Nicaragua. There were those of us who felt that aiding El Salvador, in assisting them against an insurgency which was at least to some degree orchestrated and assisted from Cuba, did not require a United States invasion.

Now we find ourselves in a curious situation where there is a country that does not have democratic institutions, where there are human rights abuses, and people are calling for an invasion. It is a curious reversal of priorities in my view, Mr. President.

So are the United States' vital national interests at stake here? They could be, I guess, if things got bad enough, if there were enough people starving to death, if there were enough people being killed, if American citizens were being killed because of the desperate straits of the Haitian people, possibly. But if we adopt different policies and if we do not invade that country, I think our chances of achieving our goals are greatly enhanced.

I was in a debate with a Member on the other side of the aisle some time ago, and I said we must respect the lessons of history in Haiti. He said, well, that was history. That was a long time ago.

Mr. President, our only guide to the future is things that happened in the past. We must examine our future plans in light of our experiences, as well as our knowledge of the present. Otherwise, we have no way of knowing what future actions to take.

Finally, again, I would like to reiterate my strong recommendation that domestic politics not drive foreign policy and national security policy ever again. No matter who goes on a hunger strike, no matter who feels one way or another, our policy should be driven only by what the U.S. national security interests are.

Let us address this issue in a bipartisan fashion. I know that I speak for every Member on this side that we want to consult, we want to advise and consent, which is the role of this body and the Members of this body, and hopefully we can stop this sharp division which is afflicting our country, as well as this body, over our Nation's policy toward Haiti.

The PRESIDING OFFICER (Mr. PELL). The Senator from Connecticut.

Mr. DODD. Mr. President, let me just take a couple minutes, if I can here, to focus on the matter before us, and that is the wisdom of a commission.

We have had ample opportunity, and will I presume over the coming weeks and months, to debate policies in Haiti. Let me just say to my colleagues that I, for one, have not been an advocate for the use of military force in Haiti and have said publicly from the very beginning what my hopes would be. In fact, I felt very strongly that a well-designed sanctions effort ought to be able to produce the desired results. If it cannot work successfully in Haiti, we ought to scrap sanctions as a policy everywhere in the world. If it cannot work in this country under these circumstances, given the dependency of this little nation on Europe, the United States, and Canada, then sanctions as a foreign policy instrument ought to be forever relegated to the junk heap.

But I believe sanctions can work. I do not think that the military invasion of Haiti is warranted. That may change. I would not remove the military option as a potential policy option. I would not take it off the table. I never did during the 1980's in Central America. I never believed you ought to ever say what you would never do.

But in the particular case of Haiti, it seems to me we ought to be at least rallying around the sanctions policy, particularly when the military option is not one with which any of us agree. I have not heard anyone say they are for using the military option at this time.

If that is the case, then what can we do to try to change the situation in Haiti? We can rally international support, which this President has done. He has succeeded in garnering United States support for a resolution at the United Nations condemning the actions of the present holders of power in Haiti for throwing out the freely elected government. Similar support has also been forthcoming from the OAS.

Why is it, in this institution, we find it so difficult to rally around at least some points on which we agree? The imposition of sanctions ought not to create this kind of debate.

The future use of military force is obviously left for future debate.

I was informed at 2 o'clock in the morning by then Secretary of State James Baker when the Bush administration sent troops into Panama. At the time of the call they had already landed. That is all the notice I got in the previous administration. Is that the kind of consultation to which my colleague refers? I went to the national media and supported President Bush's decision. I supported the use of force in Panama in that instance.

And I supported President Reagan's decision to use force in Grenada.

There were no commissions formed in either instance. We all knew what was happening in Panama. This did not happen overnight. There was great concern about Noriega, about the safety of American citizens, about the security of the Panama Canal, and about the security of United States military forces there.

But I did not hear anybody in the body get up and offer to set up a commission on Panama. We all knew the deterioration in Grenada, the likely problems there. I did not hear anybody calling for a commission in either case.

Can anyone tell me as to any crisis where this body went around and formed a commission ahead of time? The only one I know of is the so called Kissinger Commission, and that was set up pursuant to an executive order by President Reagan. It was a Presidentially established commission to look at Central America and included not just Members of Congress, but representation from organized labor, the academic community, and recognized experts in the field.

So the notion of the commission as envisioned by this amendment is unprecedented. My colleague on the other side got up last week and properly pointed out that the amendment being offered by the Senator from New Hampshire to require prior congressional approval before any military action could be taken in Haiti was unprecedented and dangerous.

I would not suggest that this particular amendment offered by the Senator from Kansas, the minority leader, falls into that category. It is not a dangerous amendment. But it is not an amendment that we ought to be adopting because it will come back to haunt us. I guarantee you, at some point in the future, on some other crisis, someone on this side will get up and offer a commission for some future President. We need to think here.

My colleague just talked about history. We create history every day in this body. If you are going to suggest that we pay attention to history as we formulate our policies for the future, then you also have to be conscious of what you do as you write history.

If this amendment is adopted today, we are writing history for future Presidents and future Congresses, and it is an unwise step.

If you disagree with President Clinton on Haiti, fine. We will debate it and discuss it. But do not go around creating the precedent of establishing congressional commissions every time we do not like a foreign policy decision by the President.

Why not a commission on North Korea? Why not one on Bosnia? Why not one on Somalia? Why not one on Rwanda? Why not go to all 60 crises around the world and form congressional commissions? How ridiculous is that? How ridiculous is that, and at what cost to the American taxpayers?

Putting aside the issue of Haiti for the moment, and the merits or demerits of sanctions and future military action, the notion of establishing a congressional commission is a foolish idea and it ought to be, just on its merits, rejected summarily. We should move on and debate and discuss the issue of Haiti and other foreign policy issues as this forum provides us the opportunity to do so, and has historically.

So I hope that on a bipartisan basis, thinking about history, thinking about the future, thinking about future Presidents, that we will reject this amendment. Whether it is on Haiti, North Korea, Bosnia, or about any other place in the world, for an ad hoc congressional commission to all of a sudden become the forum of resolving the particular crisis of the moment is not a sound idea.

When it comes to the issue of Haiti itself, we ought to be able to develop a consensus around what policy makes sense. President Bush set the precedent in the Persian Gulf. He set the precedent of building an international response to the crisis in Iraq and Kuwait.

I think he did an incredibly fine job of not just acting unilaterally, which he would have been justified in doing, in my view, but he built an international response within the world community.

That took a lot of courage, a lot of hard work. It was tremendously painstaking to go through that process. His efforts set a new framework by which we would respond or try to respond to future crises.

In the case of Haiti, President Clinton has done much the same by going to the United Nations, by going to the OAS, by building the necessary international consensus.

I would think at least on the issue of sanctions, we all should be singing from the same hymn book. We should at least be trying to make that work. If my colleagues are so concerned about the use of military force in Haiti, then the one way I know to avoid that possibility is by strengthening the sanctions implementation, not by calling the very policy into question. We all know the problems with it—the Dominican Republic, the Haiti elite who seek to circumvent it. All the efforts made to thwart the effects of the embargo.

But you cannot, on the one hand, denounce the sanctions and say that it is a terrible thing that is going on in Haiti and also exclude the use of any kind of military force unilaterally or multilaterally down the road to deal with the problem.

What are the options at that point? Do we merely sit in the bleachers and watch one crisis after another unfold around the world and because of the cold war we do nothing; we absolutely do nothing? Is that the role of a great leader in the world? Do we lack the imagination and creativity to try and come up with some answers to these problems? That is the challenge of this body, to debate and discuss how you move forward.

I know of no significant debate over the conditions that exist in Haiti today. They are deplorable. I know of no one who argues of the importance of a deteriorating situation in a country that is 95 miles from our shore. We ought to be able to rally at least on those points.

I, for one, as I said earlier, am not enthusiastic at all about a military option here, for all the reasons that have been cited by people who are much more knowledgeable than I about the complications associated with military intervention.

But, again, I do not know of anyone who would disagree with me that we ought to absolutely eliminate that option from our potential options in terms of responding to this situation.

So, Mr. President, I will not spend a great deal of time on this.

I merely point out, by the way, that I do not know of anyone here who thinks that General Cedras and his bullies down there deserve any comfort and support from this institution. And yet, anyone who has read—and I will put it in the RECORD, Mr. President—the comments of General Cedras in response to the Dole amendment, his response was that he strongly supports it.

Now, my lord, that ought to be enough to cause concern here. Can you imagine?

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

Mr. DODD. I will in a second. Let me finish these thoughts and I will be glad to yield.

But those remarks ought to concern every single Member of this body, whatever else.

To provide some sort of cocoon of protection for the next 45 or 50 days here, that is just what this guy wants. That is what that crowd wants. If we are all in agreement that these fellows ought to go, that there ought to be a new chance in Haiti, then, on a practical level, having an amendment like this adopted would, in my view, even make it that much more difficult to achieve the desired results.

Mr. LEAHY. Will the Senator yield on that point?

Mr. DODD. Mr. President, I will yield to the Senator, if I could just finish this.

Mr. WARNER. The Senator agreed to yield to me.

Mr. DODD. I will yield to both.

I come back, again, Mr. President, to the point of—putting aside the issue of Haiti—establishing congressional commissions on each foreign policy issue before us would be taking an unprecedented step, in my view. It would be a grave mistake. Second, on the issue of Haiti, at least as to where we are today, this body ought to be speaking far more closely with one voice. I do not expect unanimity. I know that is impossible. But we ought to at least say that this is a deplorable, dreadful situation. Sanctions at least are an option which could avoid the use of military force and they may just produce the desired results.

On those notes, we ought to be able to strike some agreement.

With that, I am happy to yield to my colleague from Vermont, without losing my right to the floor.

I am still holding the floor.

Mr. LEAHY. Mr. President, I want to propound a unanimous-consent request, if I might.

Mr. President, I ask unanimous consent—and I understand this has been cleared on both sides—that the vote on or in relation to the pending amendment occur at 4 p.m. today, and that no second-degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been here well over an hour waiting to speak. I do not object to when we set the vote. I would only ask that those of us outside the Foreign Relations Committee have the opportunity to speak when this colloquy is finished, with the list of questions apparently of the Senator from Connecticut, that others of us be allowed to speak. And if there is time for that, I will not object.

Mr. LEAHY. I just made the request.

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. If we are going to have a fixed time certain, there are still people who want to speak. I am in the

same situation as the Senator from North Dakota. I would like to get a unanimous consent that at least embraces those that are here.

The PRESIDING OFFICER. What is the specific request?

Mr. KERRY. Mr. President, I ask the distinguished manager of the bill whether or not his request would embrace the Senator from North Dakota and the Senator from Massachusetts?

Mr. LEAHY. How much time do they want? I will make it that way.

Mr. DORGAN. Ten minutes.

Mr. KERRY. Ten minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that we vote 1 hour from now—that we vote at 4:05 p.m. this afternoon—on or in relation to this amendment, with no second-degree amendment being in order; that the Senator from North Dakota be recognized during that hour for 10 minutes; the Senator from Massachusetts [Mr. KERRY], be recognized during that hour for 10 minutes; and the Senator from Rhode Island, [Mr. PELL], be recognized for 5 minutes.

Mr. WARNER. Reserving the right to object.

Mr. DODD. Mr. President, parliamentary inquiry. Who has the floor?

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

Mr. WARNER. Reserving the right to object to the UC, Mr. President, I would like to be included in that, such that I could have no more than 5 minutes to entertain brief questions and a colloquy with the Senator from Connecticut.

Mr. LEAHY. Mr. President, and that the Senator from Virginia be recognized for 5 minutes.

Mr. WARNER. For the purpose of the colloquy with the Senator from Connecticut.

Mr. LEAHY. For whatever purposes.

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

Mr. DODD. Mr. President, I yield to my colleague from Virginia, if he has a question.

Mr. WARNER. I thank the distinguished Senator from Connecticut.

Mr. President, I would like to engage in a brief colloquy for the purpose of a question with the chairman of the subcommittee of the Foreign Relations Committee which embraces this hemisphere.

The question essentially arose out of a briefing we had yesterday. I have made reference to it before. I failed to indicate that the Chairman of the Joint Chiefs of Staff was also present at that time. It relates to the U.N. Charter.

Time and time again, there was an assertion that the situation in Haiti threatens democracy, threatens stability in this hemisphere. But, as I examine the charter, the chief purpose of the United Nations was to maintain international peace and security, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace; in other words, to confront aggression.

Restoring democracy, in my judgment, was not one of the principles established in the U.N. Charter.

Now, if the United States invades Haiti and American lives there presently are not threatened—and there were no facts given to us in the Intelligence Committee or indeed in yesterday's briefing which, in the judgment of the Senator from Virginia, imply imminent danger to any Americans—and if other vital national interests are not at stake, there is a real question about the international legal justification for military intervention.

I do not see the instability in region resulting from the problems in Haiti. Truly, I am compassionate regarding the Senator from Florida and the problems of his State, as occasioned by the refugees, and such other nations and parts of the United States that have received an influx of the refugees. I am truly disturbed about the human rights violations. I am disturbed about many, many things, but it is not tantamount to the need for a U.S. invasion force to restore democracy.

The nation right next door, the Dominican Republic, conducted a democratic election for president in May of this year, May 16 to be exact. Now to my question: Did the disturbances and violations that were then occurring in Haiti in any way affect that election so as to destabilize it, prevent it from happening?

I say to the Senator from Connecticut, it did not happen. And, indeed, the normal orderly process of elections and governments in other nations in the hemisphere seem to be going forward.

Mr. President, I ask that of the distinguished chairman.

Mr. DODD. Mr. President, if I may reclaim the time, with regard to the elections in the Dominican Republic, the jury is still out. There continues to be great controversy over the conduct of that election. There may need to be additional elections in some areas of the country. As to whether the situation had a destabilizing effect on the Dominican elections, I do not think so, although the subject of Haiti was an issue during the campaign.

But by engaging even in a response to the question, I am not agreeing with the premise of the question of the Senator from Virginia, and that is that there is absolutely no justification on the grounds of potential instability or restoring democracy as a legitimate rationale for U.S. involvement.

Our colleague from Arizona recently raised the issue of the great concern expressed in this body during the 1980's about the $5 billion that was spent in El Salvador, along the deployment of a significant number of military advisers; and in Honduras where we had significant military presence as a result of our policy in opposition to the Government of Nicaragua. One might argue that these situations constituted a kind of intervention. It did not amount to a battalion marching into the country, but nonetheless it was not benign. The arguments made at that time for justifying the expenditure of funds and for deploying military advisers was primarily to help restore democracy in those countries and to protect them from having democracy denied them.

So I think we have to be careful about deciding here that these narrow concerns, only a canal or an oilfield, somehow, are the grounds under which we can exercise the option of the use of military force.

Let me quickly point out, and I want to emphasize—and I do not think we ought to go into the details of the briefing yesterday, but this Senator certainly left that briefing without any impression that this administration is on the brink of a military invasion in Haiti. In fact, they very much want the sanctions to work. They are not enthusiastic about sending military personnel into Haiti. I know honest people can attend the same meeting and leave with different impressions.

I have been in close contact with the administration. I have expressed to them my views as I have here on the floor. I do not think we need to use force to resolve this problem. At some point we may need to, but we do not today. So I think the more legitimate question is how do we make these sanctions work. How can we rally together here to express with one voice to the military leaders in Haiti that they should leave, and allow the legitimate government to return? We could provide invaluable assistance in that effort, instead of acting here as though we are divided over the issue of Haiti, which I do not think we are. I think we all would like democracy to come back. We would like to see the legitimate government restored in that country. We would like to see human rights abuses eliminated.

Why can we not speak about what we agree upon and send the message to Gen. Raoul Cedras and his cohorts in Haiti that this body, this United States Senate, is united in its determination to stand up for a freely elected government and a people living in a country that is being deprived of that basic freedom? That would be a great asset. Instead, we are debating something that is not even remotely close to occurring. That is not a great service in the conduct of foreign policy.

So, with all due respect, coming to the question of military force and justifications for it, I think, as other Presidents have done, you can find rationales. My colleague from Virginia

and I have seen that in the past—Grenada, Panama, the Dominican Republic—in the use of advisers, whether it is Vietnam, Honduras, or El Salvador, Panama, we have found justifications when it has been necessary to do so. But at this point, how about trying to figure out a way that this body can play a constructive and supportive role and bring about the desired changes we all seek in Haiti? That would be a far more constructive debate, in my view.

Mr. WARNER. I thank the Senator for his response to my question. As I listened to him clarify his remarks, the Senator is in support of the goals sought by the distinguished Republican leader in his amendment. Call it something other than a commission, it is consultation here in the Congress to answer the very question the Senator raises.

Mr. DODD. Mr. President, reclaiming my time if I can, I would just merely say to my colleague from Virginia, this is an unprecedented action, to form a commission. We did not form commissions on other crises. This is a subterfuge. This is designed to divert and to draw attention in a different direction here. We do not need a commission. We have had 27 hearings in the last year and a half in this Congress. I have held two of them. One of them all day long.

I say to my good friend from Virginia, I had only one or two Members on the Republican side show up during those hearings where there was extensive debate and discussion of all views. Where was the great interest in Haiti on those days?

All of a sudden there is a great interest in commissions and meetings and consultations. But the fact of the matter is when we do our work here and we bring together the experts, the knowledgeable people representing a wide array of ideas and perceptions and views, no one shows. All of a sudden it gets to be a minicrisis here and everybody has a great interest.

Mr. LEAHY. Mr. President, if I might, I am going to be very brief on this. We debated this yesterday. We debated it for hours this morning.

Let us not lose sight of what we are talking about. This is not a debate on whether we invade or do not invade. This is basically a way of giving an opening until next spring to Raoul Cedras. What this amendment does—let us not make any mistake about it—because of the congressional schedule, the amount of time it will take to pass this bill, go through conference, get the conference passed, get it signed into law, this commission would not report back until we have adjourned for the year and we would debate on it in February or March of next year. And that is why Raoul Cedras likes this amendment. That is why General Cedras is in support of this amendment. It is why President Clinton opposes this amendment. Because it gives a blank check to the rulers of Haiti; it removes all pressure from them until sometime next spring. They know it. Senators know it. The American people know it. That is why this amendment ought to be rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to use my 10 minutes under the unanimous-consent request.

I oppose the amendment offered by the Republican leader, Senator DOLE, for the reasons I think were well articulated by my friends from Connecticut and Vermont and by others. However, I would like to talk about the sanctions against Haiti for a moment, and about an amendment of mine on that subject.

Although I have sat here awhile and listened to this debate, I may be one of the few Senators who does not claim to know what we should do in Haiti. But I understand what we should not do in Haiti. We should not, in Haiti, add to the burdens of those who are hungry and those who are sick.

I support the international economic embargo. I understand the reason for the embargo. We are trying to bring pressure on a government that came to power by force and replaced someone who was elected at the ballot box.

I respect that embargo and support it. But I also understand a little about Haiti and conditions in which the Haitian people live.

I should say I do not claim to be an expert on Haiti. Many people here have traveled many times to Haiti. I have been to Haiti, but I am not a frequent visitor. The last time I saw Haiti was through an airplane window looking back as we took off.

You could tell Haiti from the Dominican Republic. The Dominican Republic half of that island was green, and Haiti was brown, because in Haiti these desperately poor people have cut down most of the vegetation for fuel. In places that used to be rain forests there are now deserts.

This is a country where there is the most gripping, wrenching, awful, desperate poverty I have ever seen in my life. These are people who are hurting badly.

And while I support this embargo, I understand the committee will accept an amendment I am offering that says:

> It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

What does this amendment say? It says we want it to be within the power of our officials to expedite flights in and out of Haiti that are emergency flights, that evacuate people out or that bring desperately needed food and medicine in.

Why do I offer this amendment?

Let me quote from a newspaper piece.

You do not believe everything you read in the newspaper. I fully understand that. Let me at least give a description.

The headline reads, "Haiti's Tiny Victims. As Embargo Tightens, Hospital in Slum is Crowded with Malnourished Babies."

I have leaned over the cribs in this hospital. It is St. Catherine's Hospital. It is in Cite Soleil where people live in open garbage dumps and sewer pits. I have had a dying child lifted up to put her arms around my neck. She did not want me to leave. I was the only thing she had, and I was only going to be there 5 minutes.

The fact is, people in Haiti are suffering desperately for lack of food and lack of medicine.

> The children in the pediatric ward of St. Catherine's Hospital lay in tiny cribs, many with intravenous needles providing vital nourishment sticking in their legs because the veins in their arms had collapsed. Those who could, cried. Most lay silent and listless.

That is exactly what it is in that hospital. This hospital is not bad. I toured hospitals in Haiti that did not have doors. There are not enough hospitals, and in the hospitals, there is not enough medicine and not enough anesthetic.

My point is, yes, let us tighten the embargo against Cedras and the people who took power by force in Haiti. But let us make sure in every instance that humanitarian flights carrying medicine and food for Haiti get in and get out, and that we have people in our Government who will approve that with and through the United Nations.

Two organizations that fly supply missions to Haiti have flown one flight each since early May. They used to fly several times a week. Twenty medical teams who have been planning the work in Haiti have had to cancel their plans because they knew flights had been shut down. This is a country where 51 percent of the children are malnourished; 51 percent of their children are malnourished.

Let me talk about how aid gets in by air—if it does.

Under Resolution 917, the members of the Security Council have 48 hours in which to object to a proposed waiver for a humanitarian flight to Haiti, a flight that would evacuate somebody who is desperately ill or get some desperately needed medicine in.

However, the private aid organizations tell me that the waiver process is taking more than 2 weeks. Why does it take so long? Let me give an example.

Say a private aid group wants to fly a humanitarian mission to Haiti with desperately needed medicine. The

Agency of International Development gets the application. They forward it to the Treasury Department and the State Department. At Treasury, the Office of Foreign Assets Control looks over the application. Then at State, the Office of Sanctions Policy checks it out.

If the application is OK'd at this level, then it goes to the International Organizations Bureau at State, which forwards it to our U.N. mission in New York, which gives the application to the U.N. Secretariat, which distributes the application to the 15 Security Council members and tells them the 48-hour clock has begun to run. All of this while some people are probably dying because they do not have medicine; all of this while kids are malnourished or starving because they do not have food.

I hope, Mr. President, that this sense-of-the-Senate amendment—even as we retain the embargo, which is good policy—will send a signal to the poor people of Haiti, the people today who are hungry, who are suffering, who are sick, that we will not stand in the way of humanitarian flights, and that we will do everything we can to expedite the movement of food and the movement of medicine to the suffering people of Haiti.

This is a desperate situation. These are our neighbors. This is a country nearly as close to Washington, DC, as the capital city of my home State, Bismarck, ND, is. You get on a plane and fly to Haiti, which is part of our neighborhood, and you will find some of the worst poverty in the entire world. We need to care about that.

As I said when I started, I do not know what the answer is. When I was in Haiti, I thought what would I do if I had the opportunity to do anything there to fix it. The challenges Haiti has are so numerous and intractable and complex and deeply rooted that one barely knows where to begin.

It is a difficult, difficult thing, but I know what we should not do. We should not, with this embargo, in any way prevent the flights of humanitarian aid to people who are suffering and who need international aid. So I ask that we, with the chairman and the ranking member's blessing, include this sense-of-the-Senate resolution. We can all agree on this message, notwithstanding our disagreements on other aspects of our Haiti policy. The Senate should say to a kid that is lying in a crib in that hospital today that we care about you, and if you need medicine, we are going to try to help people, help organizations, help governments get you that medicine. If you are hungry we are going to try to help people get you that food.

That ought to be a truly bipartisan message that we can send today by approving this amendment.

Mr. President, I ask unanimous consent that the Post article I read from, as well as two letters from private relief groups that support this amendment, be inserted into the RECORD following the conclusion of my remarks.

Mr. President, I thank the chairman and the Senator from Kentucky, and I yield the floor.

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

[From the Washington Post, June 30, 1994]

HAITI'S TINY VICTIMS

(By Douglas Farah)

PORT-AU-PRINCE, HAITI.—The children in the pediatric ward of St. Catherine's Hospital lay in tiny cribs, many with intravenous needles providing vital nourishment sticking in their legs because the veins in their arms had collapsed. Those who could, cried. Most lay silent and listless.

One of the silent ones was 3-month-old Johanne Dessosiers, who weighed less than seven pounds and breathed with difficulty. Her mother sat nearby, looking lost. A needle delivering dextrose for rehydration was taped to Johanne's left ankle, and her oversized head had only a few tufts of discolored hair, indicating severe malnutrition.

"Most do not even come here because they are malnourished; they come for other problems, because almost all of them are malnourished," said Magid Cobdy, director of the hospital in the heart of Cite Soleil, the capital's biggest slum. "Then they stay until they are healthy enough to leave."

Those who have made it to St. Catherine's are the fortunate few. This is the only hospital in the sweltering slum, where about 200,000 people live crammed into three square miles. In Cite Soleil, life always has been bad. Children play in the open sewers that cut through the rough streets lined with crowded tin shacks.

"But things have gotten worse in the past 18 months," Cobdy said, "Many parents have no money to fee their children at all, so they leave them here even after they are treated. The embargo has made things dramatically worse. I would say that 90 percent of the children here [in the hospital] are malnourished."

In an effort to force Haiti's military regime to relinquish power and allow the return of ousted president Jean-Bertrand Aristide, the United Nations, led by the United States, has placed Haiti under an almost complete commercial embargo. The international community says the military is responsible for the embargo and can prompt its lifting by stepping aside.

But, while inconveniencing the rich, the embargo has thrown hundreds of thousands of people out of work and caused the price of food and medicine to soar. As more and more people have lost jobs and basic food prices have doubled since December, people's small reserves of cash or livestock have disappeared, leaving no safety net at all. The decline in economic well-being has led to a sharp drop in sanitary conditions, with garbage piling up and the area's few clean water sources becoming fouled.

Food and medicine are exempt from the embargo. But getting the necessary U.N. waivers is time-consuming, and the lack of fuel has forced prices up anyway.

"They say you can bring in medicines, but the truth is there is no transport," said a businesswoman who imports pharmaceuticals. "Practically, we are not able to bring in anything. These are sanctions without thinking about the logistics."

The main problem, according to health care professionals, is that many medicines must be kept within certain temperature ranges and have to be flown into the county. All commercial flights to the United States have been cut off, and charters require special U.N. approval.

Private organizations are scrambling to find carriers and are trying to put together loads large enough to make chartering economically feasible.

Cobdy said even dextrose and basic medicines are no longer available on the open market and must be imported. He said the hospital had two containers of medicine sitting in Miami, waiting for clearance through the embargo.

A U.S. official acknowledged medicine shipments are "episodic, a day-to-day operation" but said the United States felt it was "critical" to keep health programs going. The official, as others have, called sanctions a "blunt instrument" and said that "in and of themselves, they do not represent a policy."

"We recognize this falls fairly indiscriminately on people," the official said. "We want sanctions that achieve their goal without hurting people who are not responsible, but sanctions really do not work so neatly as to do that."

Evidence of just how blunt an instrument the embargo is can be seen in the rising malnutrition.

In Port-au-Prince, according to a monitoring report released in April by the U.S. Agency for International Development, 57 percent of the children 5 and under were malnourished, up from 42 percent in 1992. About 28 percent are considered severely malnourished, against 20 percent two years ago.

Across the country, 51 percent of Haiti's children were malnourished, according to the April report, and about 17 percent severely so.

Karine Chassagne, a spokeswoman for the Centers for Development and Health, the private foundation that runs St. Catherine's, said the hospital has had to turn away a growing number of cases because its 42-bed pediatric ward is constantly full. The patients are referred to other hospitals that have virtually no medicine either. Children who are left at St. Catherine's are turned over to the state welfare agency after their treatment.

"Some of them refuse to go, even if it means dying," Chassagne said. "That is how bad the other facilities are now."

In addition to malnutrition, diarrhea and other common ailments, Cobdy said, about 11 percent of the children are HIV positive and will likely develop AIDS. Because AIDS breaks down the body's immune system, its symptoms are often those of the diseases it brings on.

AIDS prevention programs have all but disappeared as the economic crisis has worsened, health care professionals said, losing most of the ground gained in the 1980s through education and the distribution of condoms.

In the pediatrics ward, the mother of Merystil Leickensia, a wispy 5-month-old who weighs about eight pounds, gently stroked her daughter's gaunt arms.

The treatment for severe malnutrition takes 20 days, and the hospital charges only a total of $3. "I have 10 other children," said the mother, Lesnier.

"She has a bad heart, but now they told me she was sick from other things. I don't know what to do. She has to stay here but what am I supposed to do now?"

A nurse standing nearby said:

"We don't know what to tell them. It is a very difficult moment."

WORLD HUNGER YEAR,
New York, NY, July 7, 1994.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR BYRON: I want to commend you for your efforts to ensure that the people of Haiti receive needed humanitarian assistance and to speed the delivery of that support.

As you know, World Hunger Year has been concerned about hunger and poverty in Haiti for several years. Past issues of our quarterly, Why magazine, have addressed the challenges facing that nation and the need for international assistance.

Since the 1991 military coup ousting President Aristide, the situation is Haiti has dramatically worsened. Nearly a million Haitians each day rely on private voluntary organizations to provide them with food for survival. Millions of others are affected by the critical shortage of medicine, anesthetics, and other necessities for basic health care. This crisis has caused tens of thousands of Haitians to flee their country, resulting in the drowning of thousands at sea.

We at World Hunger Year understand that the political and diplomatic situation in Haiti is a difficult one, but we strongly believe that the international community should not sit idly by while millions of innocent Haitian men, women, and children are caught in the crossfire. We support your efforts to speed the delivery of humanitarian assistance to this desperate people, and we thank you for your continuing commitment to the poor and hungry who share our planet.

Peace,

BILL AYRES,
Executive Director.

CATHOLIC RELIEF SERVICES,
Baltimore, MD, July 13, 1994.

Hon. BYRON DORGAN,
Hart Building, Washington, DC.

DEAR SENATOR DORGAN: Thank you very much for your concern regarding assistance to Private Voluntary Organizations (PVOs) to enable us to continue our humanitarian assistance programs in Haiti. CRS is in agreement with the draft amendment to H.R. 4426, stating that approval of applications for medical evacuation and aid flights should be expedited.

The immediate initiation of regular chartered flights into Port-au-Prince is essential to the continued functioning of our programs in Haiti and to our current efforts to increase outreach and beneficiary levels to in response to increasingly difficult conditions in Haiti. Office supplies and equipment, including computers, spare parts, vehicles, etc. are urgently required.

Moreover, the safety of our staff members living and working in Haiti is fundamental. In this regard, we have been working with International SOS Assistance, the Agency for International Development and the Department of State to assure that waivers are obtained for medical evacuation flights within one hour of the request. We are deeply concerned that the procedures currently laid out recently required six hours for approval. This is unacceptable, and we would like to see this situation resolved without delay.

Thank you again for your interest and support of humanitarian programs.

Sincerely,

MICHAEL R. WRIST,
(For Kenneth Hackett, Executive Director).

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Oklahoma.

AMENDMENT NO. 2245

Mr. NICKLES. Mr. President, first, I ask unanimous consent to be added as a cosponsor to the Dole-Warner-Helms-McCain amendment.

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

Mr. NICKLES. Mr. President, I also wish to compliment Senators DOLE, MCCONNELL, and MCCAIN for their speeches in favor of this resolution. I had the pleasure of witnessing and listening to Senator MCCAIN who spoke at length about this administration's policy and really I must say, a failure of policy in regard to Haiti.

I also would like to echo his desire to have a bipartisan foreign policy. But I am very concerned about the direction that this administration is taking toward Haiti and what they might do in the upcoming weeks or months. They are certainly laying the groundwork, if not the greater probability, for an invasion. I think the risk to the lives of American men and women to reinstate Mr. Aristide would be a serious, serious mistake, one that probably will have some fatal consequences. I do not think it is worth the life of one U.S. military person to reinstate Mr. Aristide.

Senator MCCAIN talked about his questionable past as a leader. I have attended some of the briefings that talked about some of his involvement in encouraging necklacing. I just cannot imagine that we would risk the lives of U.S. men and women to reinstate somebody with such a questionable record in the past.

I also am critical of the administration's policy concerning Haiti. They have made a lot of changes. It was mentioned before that candidate Bill Clinton had a policy of: Well, we are going to reverse the Bush policy. But even before candidate Clinton was sworn into office, he changed that and he was right to change his policy. His policy as a candidate was irresponsible because it would encourage countless refugees coming to the United States. So he changed his policy even before he was sworn in as President of the United States, and he was right in doing so.

Then he made a major change, actually announced it on May 8 and it became effective on June 16. I think Senator MCCAIN referred to it as the "hunger strike policy" because of the hunger strike and also the pressure put on by the congressional Black Caucus to change policy.

I noticed today's New York Times talks about: "With Persuasion and Muscle, Black Caucus Reshapes Haiti Policy." I will read the first paragraph:

In March, the 39 Members of the congressional Black Caucus in the House introduced a bill to tighten the economic embargo against Haiti, sever its commercial air links to the United States, halt the summary repatriation of Haitian refugees picked up at sea and block financial assets held in America by Haitian nationals.

The measure has not yet come up for a vote in Congress. But now it hardly matters. Virtually all of its provisions have been adopted as President Clinton's policy toward Haiti.

"It was a blueprint for what was done in the coming months," said a congressional staffer who closely follows Haiti. "This is what they rallied around and pushed for. And they got almost everything."

Mr. President, I ask unanimous consent the article be printed in the RECORD.

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

WITH PERSUASION AND MUSCLE, BLACK CAUCUS RESHAPES HAITI POLICY

(By Steven A. Holmes)

WASHINGTON, July 13—In March, the 39 members of the Congressional Black Caucus in the House introduced a bill to tighten the economic embargo against Haiti, sever its commercial air links to the United States, halt the summary repatriation of Haitian refugees picked up at sea and block financial assets held in America by Haitian nationals.

The measure has not yet come up for a vote in Congress. But now it hardly matters. Virtually all its provisions have been adopted as President Clinton's policy toward Haiti.

"It was a blueprint for what was done in the coming months," said a Congressional staffer who closely follows Haiti. "This is what they rallied around and pushed for. And they got almost everything."

GROWTH OF BLACK CAUCUS

The Administration's adoption of the group's ideas is indicative of the political influence of the black caucus, whose numbers in Congress rose to 40 from 26 after the 1992 election. But in pushing the Administration to take more robust action on behalf of the ousted Haitian President, the Rev. Jean-Bertrand Aristide, the caucus, in the eyes of some in Congress and the State Department, is leading the United States inexorably toward military intervention—an issue that has divided the caucus itself.

From the dismissal in May of Lawrence A. Pezzullo as the Administration's special adviser on Haiti and his replacement by William H. Gray 3d, a former member of the caucus, to the warmer embrace of Father Aristide and the new-found reluctance of his detractors in the Administration to make their private doubts public, the caucus has played a key role in steering Haiti policy in the Administration.

Members of the caucus tend to describe its contribution to the Administration's Haiti policy in modest terms and to stress that others have also played a role.

A ROLE IN POLICY CHANGE

"We've made legislative suggestions in a number of areas and have had limited success in a number of areas," said Representative Donald M. Payne, a New Jersey Democrat and the highest-ranking black lawmaker on the House Foreign Affairs Committee. "I think we certainly have played a role in the changing of the policy."

But others say the influence of the caucus is more profound.

"The basic components of the black caucus approach—the military is the problem, Aristide is the solution; we shouldn't move away from him even two inches; we should

do nothing that smacks of any kind of alternative to Aristide, like work with a prime minister—all that has been adopted," said a State Department official who requested anonymity.

One lawmaker who follows Haiti grumbled that Administration officials consult more with key members of the black caucus about the crisis than they do with the chairmen and ranking members of House and Senate committees with jurisdiction over foreign policy or Caribbean affairs.

But the solicitation of the views of the caucus and the appointment of Mr. Gray have failed to silence criticism of the Administration's policy by some caucus members. Last week representative Kweisi Mfume, Democrat of Maryland, the caucus chairman, termed the Administration's efforts "a policy of anarchy, one that changes by the moments."

Representative Robert Torricelli, a New Jersey Democrat, suggested that the black caucus having gotten much of what it wanted, is simply keeping the heat on. "It has been a spiral of influence," he said. "The President has listened and the voices have been raised. the President has responded and the voices have been raised further."

HUNGER STRIKE BY ROBINSON

To be sure, the group cannot take credit alone for having altered Administration policy. It was a 27-day hunger strike by Randall Robinson, the director of the TransAfrica lobbying organization, that galvanized the public and the black caucus to place more pressure on Mr. Clinton to change his Haiti policy. Florida lawmakers and groups advocating the rights of refugees also played a role.

Still the caucus's interest in the issue kept it alive when many of the caucus members' colleagues in Congress and some in the Administration might have let it die. Its accusations of racism in the treatment of Haitian refugees got the attention of a Democratic President.

The caucus's 40 votes—39 in the House and one in the Senate—are an unspoken part of the calculation. While there has been no explicit quid pro quo, some in Congress and the Administration are counting on the caucus to provide critical support for domestic initiatives like health care, welfare reform and the crime bill.

But while the caucus has helped push Mr. Clinton into a more confrontational stance against the military rulers who overthrew Father Aristide, the black lawmakers have yet to agree among themselves on the most critical question when it comes to Haiti: Whether military force should be used to restore democracy.

Some, such as Representatives Major Owens of New York and Maxine Waters of California, have advocated armed intervention to restore Father Aristide. Others, like representative Ron Dellums of California, the chairman of the Armed Services Committee, have voiced strong reservations on the use of military force.

"We have not been, generally speaking, a group that supported gun-barrel diplomacy." said Mr. Payne. "But we are seeing a changing world. I don't think any of the members of the caucus initially supported military intervention and there are still some who oppose it. But I do think the majority of the members are slowly moving toward the point where it might be the only solution at the present time."

Mr. NICKLES. Mr. President, this is a vacillating policy, one, I might mention, set up and announced on May 8, almost identical to that which was pushed by the Black Caucus, and I guess Mr. Robertson, that has had a disastrous result. It has tightened up the economic leverage; it has tightened up the leverage on Haitians; it increased the poverty, the misery, the problems in Haiti; and it has greatly increased the number of refugees coming to the United States.

I will read a couple things:

The upsurge in the number of intercepted Haitians coincided with a more generous assessment of whether they were genuine political refugees eligible for resettlement in the United States. For example, of the 1,705 Haitians interviewed offshore at Kingston, Jamaica, some 515, about one-third, were judged to be fleeing a "well-founded fear of persecution," the necessary legal standard for refugee or asylum status. This compares to a rate of about 5 percent judged to be political refugees at interview centers inside Haiti.

The simple message to Haitians: If you want to improve your chances of being judged a political refugee rather than an economic migrant, get in a boat.

Mr. President, the net result was an upsurge of Haitians, thousands of Haitians, fleeing in boats. The policy of this administration, this change of policy, has cost in all likelihood hundreds of lives—we do not know how many lives—hundreds of lives, where individuals would take their families and risk everything getting in an old, rickety boat, thinking they might have an increased chance of coming to the United States because of this change in administration policy.

They have modified this policy recently, and I think they have improved it, to discourage emigration. They said we are going to have "safe havens" in other areas, so we are not going to have emigration automatically to the United States. They said we are going to have greater repatriation back to Haiti. So that has discouraged some refugees. That is some improvement.

But this administration's policy of tightening the sanctions has basically encouraged an exodus from Haiti, greatly increased the pain and suffering of poor people, and I doubt it has really put that much pressure on the people they are trying to get the attention of, the military junta that is now running Haiti. I do not exonerate them from wrong or evil, but I think the administration, through its efforts, has been largely unsuccessful, and has greatly increased the pain and suffering among a lot of innocent individuals.

The resolution that we have sponsored by Senator DOLE and Senator WARNER, Senator MCCAIN, and others, I think is very positive. It does say let us look at having a bipartisan commission. There is a wealth of information in this body and in Congress and elsewhere, people I think would be willing to work together in a bipartisan manner to try to find some positive solutions.

I do not think that Mr. Aristide is one of those solutions, and I do not think he should be the linchpin or the focal point or the foundation of United States efforts in Haiti. I think if we restore Mr. Aristide with the military intervention, sure, it could be done. But we are going to be making a long-term commitment of U.S. troops, risking lives, probably costing lives, to reinstate somebody who, as I mentioned earlier, has more than questionable credentials and background in human and civil rights. Anyone who would encourage necklacing, which is probably one of the most inhumane methods of killing and torture known—I question whether our Government should be backing such an individual.

I happen to have a little difference of opinion with our colleague from North Dakota. I do not think we should be tightening the sanctions. My guess is we should be loosening them. I do not think this policy has done anything but increase the number of refugees fleeing to the United States.

And I also really question whether or not the U.S. military should be in the business of nation building, and I think if we have a military invasion to reinstate Mr. Aristide, we are going to be in the nation building business for a long time, maybe 15 years, 10 years. Who knows?

Mr. MCCONNELL. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. MCCONNELL. We just had an experience with nation building within the last 2 years, I say to my friend from Oklahoma, we lost 18 servicemen who were out of the 101st from Fort Campbell, KY, as the mission in Somalia slid from feeding people into nation building.

So I want to commend the Senator from Oklahoma for his observation. We do not have to go back to 1915 and study the last time we were in Haiti to remember an experience that we have had where we used our military in nation building. We have had it within the last 2 years with an important lesson. We got out of there.

I thank the Senator from Oklahoma for raising that point.

Mr. NICKLES. I compliment my colleague, because I think he is exactly right. I do not believe we should forget the lessons in Somalia. And if one thinks, well, that could not happen in Haiti, it is closer to home, I would just totally disagree. If we go in and try to restore Mr. Aristide with bayonets, there are a lot of people who will not be eliminated in the first day or so who will be hiding in the hills, who will be not only against Mr. Aristide but now they will be against the United States. And so we will have some enemies.

Can we occupy Haiti successfully? Sure. But at what expense? And what happens when we leave? My guess is

probably quite comparable to when we left Somalia: You are going to see a return to chaos. And I am afraid that is what you are going to see in Haiti. In other words, we restore Mr. Aristide and he is going to either eliminate all of his opposition, probably murder or jail them, or whatever, and they are going to try to eliminate him. And so there is going to be significant opposition, probably for a long, long time, and we would be involved with United States military, which is not their role. They have not been trained for nation building; they have been trained to win wars. They were not trained as domestic police officers.

I think this resolution is a step in the right direction. I compliment the sponsors of it. I hope we will be successful in passing it later this afternoon.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Vermont.

Mr. LEAHY. Mr. President, we can debate whether we should be involved in nation building or not. I feel as a general rule we should not. We can debate whether we should invade Haiti or not. As I have stated before, there is no great desire in my State, nor do I suspect throughout the country, to invade Haiti. I am certainly not someone who is standing here suggesting we invade Haiti.

But that is not the issue. That is not the issue with this amendment. This amendment, whether intended or not, will have the effect of giving a blank check to the military dictatorship in Haiti until sometime next spring. What this amendment says, in effect—let us not make any mistake about it—is that neither the President of the United States nor the United States acting as part of the United Nations body or anything else can make any threat with any teeth in it until sometime next spring because basically it says that a congressional commission, study commission—boy, and that is going to thrill the American people, to know there will be another congressional study commission—that this congressional study commission will go out and report back sometime after we have recessed for the year so that we can debate next January or February or March about what we might do.

That makes no sense at all. What it says is that while the Congress of the United States is gone for at least several months, the President cannot say or do anything with any force regarding Haiti.

Now, I am not encouraging us to invade. I am not encouraging the United States to get into the exercise of nation building. But I do think that the President of the United States, as our chief foreign policy spokesperson, ought to have the ability to reflect the full power of our great and powerful Nation.

This will do just the opposite. We cannot have a situation where we pretend that the Congress does not know what is going on. Anybody can pick up the newspaper and read it. Anybody can turn on television and watch it. It is very easy to tell what is going on down there in Haiti.

They are talking about not having consultation. Well, we had consultation yesterday. There has been a whole list already put in the RECORD of the types of consultations we have had. It is said that the distinguished Republican leader was not consulted yesterday, but he was invited to the meeting, as were a number of the rest of us. Some went, some did not. But it was a very extensive discussion and consultation.

The fact is, this says that the Congress, sometime after we have recessed for the year, can go out and study the matter. Whoop-de-do. That is going to start the ruling dictatorship in Haiti quaking in their boots. That is going to make them mend their ways. They will certainly stop the killing knowing that during our election campaigns, during the recess, during Christmastime, a group of Members of Congress will study this issue.

Come on. Let us be serious. If we want to have a debate on whether we should or should not invade, let us do that. And we have had some debate on that issue. It was defeated in the Senate. If we want to have another one, let us have a freestanding resolution and do just that. But let us not pretend on an appropriations bill that an amendment designed to put this subject off and to tie the hands of the President until sometime next spring is good foreign policy. It is not. But it is why General Cedras supports this amendment and why President Clinton opposes it, and I daresay any President, Republican or Democrat, would oppose it. But any dictator in the position General Cedras is in would be all for it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the parliamentary procedure, the Senator from Massachusetts is guaranteed 10 minutes, and the chairman of the Foreign Relations Committee 5 minutes, so as long as everyone understands that.

Mr. McCONNELL. That would leave 10 minutes remaining. I ask unanimous consent that the Senator from Georgia have at least 5 minutes of those 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, just 3 days ago the military leaders of Haiti issued a direct challenge to the international community by expelling the United Nations and the Organization of American States human rights observers. France has announced that it will end all commercial flights to Haiti and other countries are likely to take additional steps to increase pressure on the regime in response to the coup leaders' actions.

If we adopt this amendment before us, the message we send to the coup leaders will be that instead of taking action, the United States is going to study, review, and analyze the situation. This amendment says that 45 days after this bill is enacted into law, the United States will issue a report and recommend policy options. I do not believe this is the correct course of action for the United States, which has taken a leadership role on resolving a crisis only a few hundred miles from our border.

As the commission reviews the situation and issues its report, the coup leaders will continue to murder, rape, and terrorize its opponents. Haiti's rogue leaders will come to the conclusion that the United States is not serious about its commitment to the restoration of democracy in Haiti, as will other military leaders and potential dictators in the hemisphere. Clearly the coup leaders in Haiti support the concept of forming a bipartisan commission as General Cedras made clear several months ago, since it buys them time, and diminishes the pressure exerted by the international community.

This amendment is not about whether you agree with the current policy against Haiti; it is about limiting the power of the President. Congress has ample opportunity to express its opinion on United States policy toward Haiti and there is no lack of information on the situation in Haiti. Administration officials have appeared at 26 hearings, briefings, and consultations on Haiti since January 1993 and Members and cleared staff have access to intelligence information on a daily basis.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. Mr. President, I wish that this was really a serious debate as the time that has been consumed in the last hours might indicate. But this Senator at least cannot help but feel that there is a brazen, political element to this particular amendment that defies any of the assertions put forward to try to justify it and certainly that defies any of the so-called merits that have been asserted on its behalf.

We have heard talk about the Kissinger Commission as a precedent. But the Kissinger Commission was not imposed by a minority of the U.S. Senate that opposes almost anything a President does. It was set up by the President of the United States himself, Ronald Reagan, in an effort to try to enhance an already troubled policy in Central

America, Latin America. So the President sought the Kissinger Commission as a means of enhancing his policy. It was not something congressionally mandated.

Second, the Kissinger Commission involved people from outside the U.S. Congress. This amendment is such a patent charade it defies the imagination. There is not a Member who is on this amendment who cannot accomplish through their committee or their current responsibilities what this amendment seeks to do. Every single member of this so-called commission which the minority leader seeks to establish is already a Member of Congress, already has responsibilities of oversight, and already should have done every single thing that this amendment calls on them to do.

It is almost insulting that days into our policy in Haiti, years into it with respect to refugees, because it was after all President Bush who began the policy with respect to the refugees, that they now call upon on the Congress to assess the humanitarian, political, and diplomatic conditions in Haiti. I mean, that is almost an admission of dereliction of duty, that now they are coming to us and saying, "Oh, by the way, there is a problem in Haiti, and we ought to take 45 days to figure out what it is."

You can laugh at that, if that is what this is about. But that is not what this is about. This is about the scorched Earth policy similar to that on health care, where we try to deny the President any victory, deny the President any rights to exercise his responsibility, deny him certainly what Presidents Reagan and Bush were granted by every Member of the majority here.

This Senator learned about the invasion about 1 o'clock or midnight, I think it was, when we got a telephone call telling us the airplanes were in the air and the troops were being dropped. This Senator woke up in the morning to find pictures on national television of our Navy Seals landing in Somalia. There was not one 45-day commission. There was not one consultation about it. It just happened.

Do you know, Democrats did not run to the floor, and, say "Stop the policy, let us have 45 days to figure out whether it makes sense." We supported the President of the United States in both instances; most of us. And we suggested that, yes, the President has the right to conduct that foreign policy, though we might disagree with it ultimately. In these cases we thought it was appropriate.

Why did we go into Somalia? We went into Somalia to feed people and to try to create some order out of chaos. I did not hear a lot of Republicans down on the floor questioning the vital national interest. There was no hue and cry about defining national security. What a brave President to put our troops in there in the interest of feeding human beings who are dying.

They are dying in Haiti.

Here is the minority leader. He wants to come to the floor and figure out what is happening in Haiti. He wants to determine what is happening in Haiti and suggests that Haitians may be put at risk if somehow the American military has not become involved.

Haitians are at risk today in Haiti. They are taking the rickety boats, they are being eaten by sharks, and they are drowning because they are at risk today because a couple of thugs have taken over the government. What has happened to our friends on the other side of the aisle who used to rail against dictators and totalitarianism? Totalitarianism is what exists in Haiti today, brutal, repressive, oppressive totalitarianism. Twelve young Haitians turned up in shallow graves yesterday. And they want 45 days to figure out what is happening in Haiti.

This resolution is an admission of dereliction of responsibility to know what is happening in Haiti. What is the policy of those who say we are on the wrong track? They say lift the embargo; in effect, capitulate, grant a victory to the thugs who took over the government; tell them there is no price to pay, the international community is impotent, the United States of America is impotent, and everybody is impotent in the face of those thugs who want to take over a government. And, by the way, if at the same time you want to involve yourself in drug schemes with thugs in Colombia and sell the drugs in America, go right ahead because the United States is not going to do anything about it.

Is that the policy? I mean, think, maybe we ought to negotiate. Well, folks, we did negotiate. Cedras went to New York. There was a great discussion. They signed an agreement: Come on in, we are going to get out, here is the agreement. President Aristide, in fact, has bent over in a number of different ways to include people who are totally inamicable to his political view. But he built a coalition. He turned over power to a Prime Minister who was acceptable to parties, and they still reneged. They still went back on their word. And now we have the very thug that was in charge of this operation applauding the Republicans for this particular amendment. They should be ashamed.

General Cedras says this is a good amendment. General Cedras says by all means pass this. If ever there was a message to Members of the Senate, "Don't vote for this," it ought to be the support of General Cedras for this effort.

Mr. President, the Members of the Senate voted 65 to 34 a few days ago to respect Presidential power. I was at that briefing yesterday. There is no imminent military effort. It has been made very clear that there are a number of different interests at stake here, but they have not ripened to a point where that should be considered. We do not have Americans in jeopardy today. We do not face a situation where there is chaos in the streets. We do not have the same numbers of refugees pouring out of the country. I read nothing in that, except that the military option is still very much on the table, and well it ought to be very much on the table.

What President of the United States in his right mind, in an effort to try to leverage the United States in the diplomatic arena, is going to take away one of the most important tools we have? I have never heard one Republican come to the floor and suggest that in Grenada, Panama, Somalia, or elsewhere, we ought to have a commission made up of only Congressmen who have the power to do what the commission is asking them to do, and they have not done it anyway.

We have had 27 different briefings and consultations between the House and Senate. We have had eight different hearings in the Senate alone. So what is this? What is going on here? Is this an effort to tie the Senate up in a debate so that we are sending a message to the country that there is somehow great uncertainty about this President's foreign policy? Is that the message? Is the message that somehow we have to question, at every step, what this President is doing and weaken him in the effort of simply questioning and therefore create a self-fulfilling prophecy? Whatever happened to bipartisan foreign policy where we worked together to advance the interests of the United States of America rather than the interests of one party in returning to the White House?

I have no illusions, because I know that the American people are not watching every nuance of a debate like this, and they are not even going to read some of the central stories about it. It is not engaged in the American public yet. But that is what this Senator believes is going on. It is sad for this country. We agree that these thugs ought to go. We agree that democracy ought to be advanced. And we owe it to this President to have the opportunity to see if this policy could work and to speak in one voice about that.

The administration made it very clear in the briefing yesterday that they intend to return, they intend to consult, they intend to talk to the leadership and follow the rules.

So I respectfully hope that colleagues will summon the same sense of responsibility that they exercise in protecting the constitutional rights of the President, 65–34, and indicate again their willingness to stand up for the Constitution and for the prerogatives, and not to wind up in a situation where day-after-day and week-after-week we display such a split message that we in

fact enhance the ability of these thugs to continue to do what they are doing today.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I rise in support of the amendment, and lest there be any confusion about the reason for it, it is because I believe that it, in essence, is an expression of concern against invasion. We remove all the explanations about why something is done or is not done. This resolution expresses a desire to go slow on the utilization of military intervention.

I do take some exception with the analogy utilized by the Senator from Massachusetts. I am rather surprised that he would match Somalia with Haiti. The match is not a good one. It is true that we sent military forces to Somalia for the purpose of a humane distribution of food to nearly one-half million people who were destined to starve. No one took exception with that mission. But this administration decided to change that mission and make it one of military intervention in the outcome of a domestic crisis, which I might add, goes on yet today. And when that mission changed to one of being an interloper in a domestic dispute, to change who would lead the country, the United States and United Nations fell into disrepair and ultimately had to leave.

This resolution argues that we should not do that again in Haiti. We have a severe—everybody admits—domestic crisis there. There is no moral standing for the leadership. But it is a domestic crisis, and we do not want to set the doctrine that the United States, through the use of its military, will intervene in every domestic crisis in this hemisphere or around the world to resolve it.

Mr. President, I would like to remind my colleagues that in the last few years, there have been 10—I repeat, 10—overthrows of democratic governments by dictators or the military in such countries as Ecuador, Honduras, Chile, Uruguay, and Argentina. Are we saying, as we come to the new century, that if there is a domestic turmoil, the doctrine of the United States will be to send in the marines and settle it; that we will flex our muscle and come into a domestic crisis and pick who will sit in power?

I do not believe that ought to be the doctrine of this country as we come on the new century. Yes, we should exert international pressure and work for international cooperation; and, yes, we should try to be a good neighbor, but not a policeman and not a military hammer to settle every domestic crisis in our hemisphere. This resolution moves toward that expression. I might say again to the Senator from Massachusetts, this amendment—forgetting General Cedras—speaks to the will of the American people today who are telling this President, this administration, and this Congress that this is not where American blood should spill. And they are right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair reminds the Senators that there are 7 minutes left in the debate.

Mr. PELL. 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 (Mr. KOHL). Without objection, it is so ordered.

TELECOMMUNICATIONS IN EGYPT

Mr. GRAMM. Mr. President, I would seek to address a question to the ranking member of the Foreign Operations Subcommittee. As the Senator knows, priority is given in this bill, as has been the case for several years, to our relations with Egypt. One of the projects that we have supported with our financial assistance to Egypt has been the development of telecommunications in that country. Telecommunications are an essential element of the modern economic infrastructure of a nation and are of course vital to the economic growth of any country. The question that I would address to my colleague is whether he agrees with me on the importance of telecommunications in fostering the growth of the economy, and especially the private sector, in Egypt? I would also ask if he would concur with me in concluding that this type of infrastructure, and the economic growth that it promotes, will enhance political stability as well?

Mr. MCCONNELL. Mr. President, I would agree with the Senator, that the development of modern telecommunications plays a fundamental role in the economic and political development of Egypt. In fact, I have raised this issue on a number of occasions with the Administrator of AID and our Mission Director in Cairo. I have been somewhat frustrated by their approach to American commercial interests.

Mr. GRAMM. Then the Senator also agrees with me that, in the process of procurement in connection with this assistance to Egypt, AID should follow procedures that do not disadvantage United States producers of telecommunications equipment and services, that we would expect AID to give United States producers, world leaders in this industry, full and fair opportunities in the procurement connected with this United States-funded project?

Mr. MCCONNELL. Absolutely. I would say to my colleague that it is misguided and inappropriate for the procurement process for a U.S. AID project to disadvantage in any unfair manner any U.S. producer from providing goods or services for this project.

Mr. GRAMM. I thank the Senator.

AMENDMENT NO. 2245

Mr. PELL. Mr. President, what is the present business?

The PRESIDING OFFICER. The pending business is amendment No. 2245.

Mr. PELL. Mr. President, I move to table the Dole amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion of the Senator from Rhode Island to lay on the table amendment No. 2245. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—57

Akaka	Ford	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Graham	Mitchell
Bingaman	Harkin	Moseley-Braun
Boren	Heflin	Moynihan
Boxer	Hollings	Murray
Bradley	Inouye	Nunn
Breaux	Jeffords	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Riegle
Campbell	Kerry	Robb
Conrad	Kohl	Rockefeller
Daschle	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dodd	Levin	Shelby
Dorgan	Lieberman	Simon
Feingold	Mack	Wellstone
Feinstein	Mathews	Wofford

NAYS—42

Bennett	Durenberger	Lugar
Bond	Exon	McCain
Brown	Faircloth	McConnell
Burns	Gorton	Murkowski
Chafee	Gramm	Nickles
Coats	Grassley	Packwood
Cochran	Gregg	Pressler
Cohen	Hatch	Roth
Coverdell	Hatfield	Simpson
Craig	Helms	Smith
D'Amato	Hutchison	Specter
Danforth	Kassebaum	Stevens
Dole	Kempthorne	Thurmond
Domenici	Lott	Warner

NOT VOTING—1

Wallop

So the motion to lay on the table the amendment (No. 2245) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

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

Mr. LEAHY. Mr. President, if we could have order, please?

The PRESIDING OFFICER. The Senate will come to order.

Mr. LEAHY. Mr. President, we have now had 2 or 3 days of debate on this bill regarding Haiti. Obviously, between now and 6 o'clock, if there is anything else submitted on Haiti we will be able to vote on it. I would hope we will not have more. I hope we would feel there has been strong enough statements on this issue.

I appreciate those Senators who voted with the position that I had taken as manager of the bill; with the position of the distinguished chairman of the Foreign Relations Committee in moving to table this.

Mr. President, I would note that I did not question the concern of Senators, of all Senators, on Haitian policy. It is a difficult question. I would suggest that it is not a question that can be settled on amendments to this appropriations bill. It is something that is going to be difficult enough for the President and his Cabinet to grapple with. I urge the President and his Cabinet to continue real consultation with both Republicans and Democrats alike, the leadership of the House and the Senate, on this issue. I urge the President to seek a consensus among us.

That consensus does not mean that the President is necessarily going to take a position that is a popular one. Quite often, in such major foreign policy issues, the decision cannot be made by public opinion polls or by what might be popular at the moment. But usually, if these decisions are to work, they require bipartisan cooperation and bipartisan support. I suspect that that is available.

I hope, though, we would not have amendments to this bill that are designed more, as happens on occasion, to raise polarizing opinions than the consensus necessary. But in this case, the Senate did absolutely the right thing. Had this amendment been agreed to, it would have given a time of isolation for General Cedras which would extended well into next spring, a time isolating him from the pressures of the United States, of the United Nations, and others. It would have given a green light at least well into the spring for any actions to be taken by the dictatorship in Haiti.

So I am glad that we did not give them that green light. I am glad the President now has the ability to continue at least to seek the support of our allies, but also, if he is to make threats or to take steps necessary to carry out U.S. policy, that they will be credible threats, it will be credible policy.

Several Senators addressed the Chair.

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

Mr. MCCONNELL. Mr. President, I say to my friend, I am not aware of any more amendments on Haiti.

Mr. President, I ask unanimous consent that the pending amendments and the committee amendments be laid aside in order to offer a series of amendments for my colleagues.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, I understand this is so as to comply with the standing unanimous-consent agreement.

Mr. MCCONNELL. That is right.

Mr. BUMPERS. Further reserving the right to object, what is the procedure?

Mr. MCCONNELL. If I can respond to the Senator from Arkansas, under the unanimous-consent agreement, amendments have to be in before 6 o'clock. I am simply complying with the unanimous-consent agreement.

Mr. BUMPERS. Would the Senator be willing to offer one for me while he is doing it?

Mr. MCCONNELL. I will be happy to.

Mr. BUMPERS. If he prefers, I will ask the distinguished floor manager on this side.

Mr. GRAHAM addressed the Chair.

Mr. MCCONNELL. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator making the request has the floor. Is there any objection to the request?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Am I correct that if we submit amendments to the manager of the bill, that the manager of the bill will offer them and they will be considered to be in compliance with the 6 p.m. deadline?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I have no further objection.

Mr. MCCONNELL.. Mr. President, I further ask unanimous consent that it be in order for me to offer the following amendments to the desk en bloc; that they be considered as having been offered under the terms of the consent agreement; and that they be laid aside for further consideration at a later time.

The amendments are as follows:

Six McConnell amendments, one relevant, one on the Middle East, one on AID, congressional presentation, documents reform, NIS; a Helms-Murkowski amendment; a Dole-Murkowski amendment; a Murkowski Japan Commission amendment; a Nickles amendment; a Pressler U.N. amendment; a Helms-Roth U.N. amendment; a McCain Cambodia amendment; a McCain IESC amendment; a McCain NATO amendment; a Helms Colombia amendment; a Helms Israel amendment; a Cohen Germany amendment; and two Domenici relevant amendments.

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

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that following the standing unanimous consent agreement, it be in order for me, under that unanimous consent agreement, to send to the desk amendments on behalf of Senator WELLSTONE regarding Indonesia; Senator LAUTENBERG regarding an extradition matter; myself regarding Indonesia; Senator BUMPERS regarding the People's Republic of China; Mr. GRAHAM regarding Colombia and Bolivia; Mr. GRAHAM regarding Peru; and Mr. DORGAN regarding Haiti.

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

Mr. MCCAIN addressed the Chair.

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

Mr. MCCAIN. If I am correct in the parliamentary situation, I ask the pending amendment be laid aside in order that my amendment be considered at this time.

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

AMENDMENT NO. 2265 TO THE COMMITTEE AMENDMENT ON PAGE 2

Mr. MCCAIN. Mr. President, this amendment is agreed to on both sides. It is to eliminate an earmark in the bill which directs funds to certain organizations which promote democratic institution building in China.

I believe we all agree on the need to support such democracy programming to further our Nation's interests and the democratic aspirations for the people of China.

I believe, however, that funding selections for democracy building, as with all Federal grants, should be subject to merit-based competition.

The amendment will delete the earmark and clarify that the funds should be allocated based solely on competition.

I would like to note that one of the organizations which is identified to receive the earmark is an organization on which I serve as chairman of the board of directors. I am honored the committee thinks highly enough of the organization to select it for this program.

It is not an earmark, but we request the funds should be subject to competition. Yet, I want to be clear that I oppose congressional earmarks. Funds should be competitively allocated for

democracy building in China, just as they should be in any other area of Federal grantmaking.

I believe the amendment will accomplish this goal. I want to thank the managers of the bill for accepting this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2265.

Mr. McCAIN. 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 pending committee amendment add the following:

"Provided further, That of the funds appropriated under Title II, not less than $600,000 shall be available to support democracy programs in the People's Republic of China: Provide further that the Agency for International Development shall make these funds available for the activities described in the previous proviso on a grant basis to U.S. non government organizations, on a competitive selection basis, notwithstanding any other provision of law."

Provided further that the following section of the bill is null and void. "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 of 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."

Mr. LEAHY. 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. 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 am certainly ready to accept the amendment of the Senator from Arizona.

The PRESIDING OFFICER. Is there any further debate on the McCain amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 2265) 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.

AMENDMENT NO. 2266

(Purpose: To require a report on NATO eligibility criteria)

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, I am about to call up an amendment that is at the desk under the UC agreement. I am trying to ascertain what its number is. I will report to the Chair momentarily.

Mr. LEAHY. Mr. President, I wonder if the Senator wants to describe what it is while they locate the number?

Mr. McCONNELL. I call up amendment No. 2266, which is already at the desk under the UC agreement. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2266.

Mr. McCONNELL. Assuming the amendment might have been about to be read, let me ask unanimous consent the reading 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:

SEC. .

(a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations defining specific military, economic and political standards required to gain admission to NATO; Provided further, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

The PRESIDING OFFICER. Is there any debate on the amendment?

Mr. McCONNELL. Mr. President, for nearly half a century, NATO has advanced U.S. interests in peace and in security in Europe. With the end of the cold war, it seemed appropriate to reassess NATO's future role in the region.

Because of its success, because its role has been so central to Europe's stability, many of us felt it would be prudent to expand its influence east and draw in former members of the Warsaw Pact. A number of Senators have had a great interest in NATO expansion: Senator BROWN, Senator SIMON, and others, and there may be other amendments on this subject yet on this bill.

Unfortunately, the administration has opted to take a wait and see approach which they called the Partnership for Peace.

Now, Mr. President, from my perspective, the administration missed a historic opportunity to turn adversaries into permanent allies to advance our global interests in peace. Instead of defining our interests, we deferred to Russian sensitivities. The administration claimed they did not want to draw any new lines. My view, Mr. President, is that they did not want to make any tough choices.

At the time of the NATO summit, the administration offered a number of nations eager to join NATO the assurance that participating in the Partnership was a first step in that direction.

So 21 nations, including Russia, endorsed the principles in the Partnership calling for expanded regional cooperation. Then they waited and wondered what the whole arrangement really meant.

I questioned Secretary Christopher and Deputy Secretary Talbott about the Partnership, asking them what could these nations expect from participation in the PFP. They assured me each nation would work out terms of participation which reflected their own capabilities. I kept hearing that the goal was to strengthen cooperation. To what end, I asked. And I must say to date it is still rather murky.

Now, Mr. President, several nations have now advanced detailed plans outlining their interests in integrating specific defense capabilities as a steppingstone toward NATO admission. Those plans are still under consideration and no doubt will be carefully considered right through the end of this century.

My frustration and the frustration of the Polish leadership, the Lithuanians, the Hungarians, and others stems from a sense of futility over this Partnership for Peace exercise. This is really a peculiar shell game which has been difficult to argue against and even more difficult to defeat.

The administration maintains that many of these nations interested in becoming members of NATO do not meet the appropriate standards for admission which, of course, raises the obvious question: What are the standards? What are the standards to get into NATO, Mr. President?

In a hearing before the Foreign Operations Subcommittee, Secretary Christopher told me he meant the standards in the NATO Charter. So I picked up the charter, and pointed out that the only standard appears to be a commitment to support the alliance and its goals of regional peace and security. So there are not any clearly defined standards for admission into NATO, and in effect admission into NATO is if members of NATO want to allow you in. There are no standards.

The next argument is whatever the standards, the partnership is the appropriate stepping stone, the PFP. Yet, here again no common requirements for participation are spelled out in the PFP either. Each country endorses

principles and then negotiates integrated agreements for joint military activities.

Mr. President, this is bound to produce distrust, competition, and disappointment. Believing an annual joint exercise will trigger admission, a participant may eventually learn that their neighbor integrated air defenses, and conducted joint air exercises, giving them an advantage.

My amendment is an effort to define just what a nation must do to be eligible for admission into NATO. It is quite simple. To define just what a nation might do to be eligible for admission to NATO, the amendment essentially has three parts.

First, it asks for the administration to report on the military, political, and economic standards and obligations which must be fulfilled to secure admission into NATO. In other words, we are asking the administration to really think through that which has never been thought through, certainly not in the post-cold-war period. What are the standards for admission to NATO?

Second, it asks the administration to assess what measures must be taken to meet those standards by seven specific nations: Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, and Estonia.

So we have said in No. 1, what are the standards. In No. 2, these are the countries.

Finally, the amendment would make available excess defense articles from our NATO inventories to improve the capabilities of those nations in order to meet the standards which this amendment calls upon the administration to set. We are not writing the standards. We are simply asking the administration to write the standards. I think that is a reasonable approach. For 6 months these nations have been told they do not qualify for NATO admission. Yet no one can define with any precision what test they have failed to meet.

Let us go over that again. Imagine desiring to enter an organization like NATO. It is sort of like getting into a club, I guess. What do I have to do to get in? And you are told by the members of the club, "We cannot reveal to you the requirements for membership." It is an incredibly frustrating experience for the nations of Eastern Europe that have had so much frustration over the last 50 years under the domination of the old Soviet regime.

So we are saying here we are calling on the administration, not writing it for them, not telling them what the standards ought to be, but to come up with some standards so that those who seek to get in will know what they have to do to get in.

The frustration that I am referring to was evident again last week during the President's trip to Europe. As reported in the New York Times, the President's major address in Poland was characterized as "more an exhortation than a plan of action." His vagueness on when Poland would be welcomed into NATO provoked the Foreign Minister of Poland to comment, "Our expectations were not completely fulfilled. I would have liked our dialog on NATO to have gone much further than it did."

Imagine the foreign minister saying that publicly, presumably while the President was just there or had just left.

This disappointment was echoed by the chairman of the parliament's foreign affairs committee, the Polish foreign affairs committee, who said President Clinton's speech "Did little to satisfy our security expectations. To us this represents a lack of momentum." This is the Polish chairman of the foreign affairs committee.

Clearly, when you look at this, you would have to agree. It seems past time to move beyond exhortation and develop a clear plan of action.

There has been a lot of discussion here today on other amendments, and yesterday on other amendments about the Congress is trying to tell the President what to do. We are not writing the standards for him under this amendment. We are asking him to come up with clear standards.

It seems to me, Mr. President, this will be a good exercise for all of NATO to try to discover for the first time, other than opposition to communism, what the criteria for admission to the most effective treaty alliance in the world ought to be.

I do not want to see NATO's strength compromised nor its capabilities degraded. That is why I would like to hear what the administration has to say about the standards it expects should be upheld to safeguard NATO's effectiveness and its future.

Without a sense that they can and will be offered a real opportunity to participate in the most important treaty which has shaped European history, many may seek alternatives. I think we need to think that through. In the absence of a real opportunity to get into NATO, what alternatives might be sought by those countries, bearing in mind the last 50 years and there fear of renewed Russian national ambitions? This holding pattern may encourage Central and Eastern Europeans to form an alliance with a nuclear nation such as Ukraine or resurrect old ties.

My view is that this is a dangerous and unnecessary risk, and there is a sensible alternative. There really is a sensible alternative. Spell out the expectations, and offer these new and struggling democracies the guidance, and the means to fulfill the goals. Tell them what the standards are, and help them meet those standards so that they can be admitted into NATO.

We can work toward a common purpose, or we can abandon these nations to regional and ethnic and religious rivalries protected only by the uncertainties of the Partnership for Peace.

I hope my colleagues will support this amendment as an affirmation of NATO's important role, both now and in the future.

Mr. President, this is an issue unlike a lot of foreign policy issues we deal with with an American constituency. I have, for example, earlier this year on similar amendments received letters from the Polish-American Congress, also from the Slovakian Ambassador, and the Polish Foreign Minister, and many of us have gotten similar letters—I am certain I am not the only one who has—expressing in slightly different ways the very same frustration.

I ask unanimous consent that those letters appear in the RECORD at this point.

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

POLISH-AMERICAN CONGRESS,
Annandale, VA, February 28, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: In view of your greatly valued support for our concerns over the security of Poland and other nations of East Central Europe, I felt you may be interested in seeing my recent memorandum on the subject to the National Security Council.

As you know, there have been a number of important developments since President Clinton visited Brussels, Prague, and Moscow. They further strengthen the case for your Amendment and the Senate Resolution that Poland, Hungary and the Czech and Slovak republics be accepted without delay as members of NATO.

Time is not on our side, and the extension of the Alliance may be much more risky when the worst (and unfortunately the most likely) scenario becomes a reality.

With deep appreciation for your understanding of this problem, I remain.

Yours sincerely,

JAN NOWAK,
National Director.

POLISH-AMERICAN CONGRESS,
Annandale, VA, February 25, 1994.

Hon. RICHARD SCHIFTER,
Special Assistant to President and Counselor, National Security Council, Old Executive Building, Washington, DC.

DEAR MR. SCHIFTER: Thank you very much for offering me the opportunity to share with you our concerns. Let me summarize briefly my main talking points.

The Partnership for Peace (PFP) does not fully satisfy the security needs of East Central Europe, but it is perceived by us as a first step in that direction.

We welcome the continuation of the Administration's dialogue with our ethnic communities initiated in Milwaukee by Vice President Gore and Deputy Director Berger, and we are looking forward to our meeting in the White House on March 2. It is greatly appreciated that the Administration listens to our views and takes them into consideration. I particularly have in mind inclusion in the drafting of the PFP framework document of international rules of conduct, as proposed by us in Milwaukee. It is our understanding

that these rules would exclude from future membership in NATO any state guilty of using coercion or intimidation in dealing with other countries. Making respect for sovereignty and territorial integrity a condition of PFP partnership provides a certain protection against great power expansionism.

We also welcome public assurances by the President, Vice President, Chairman of the Joint Chiefs of Staff and the United States Ambassador to the United Nations that any threat to East European countries subscribing to the PFP would be considered a threat to the United States. While such pronouncements do not provide guarantees of security in any formal sense, they will remain on the record.

There are still four remaining sources of our concern:

(1) The imperialistic rhetoric emanating from policymakers in Moscow has not, so far, met with any unequivocal rejection or opposition from the United States.

(2) United States attention and support remain focused on Russia, to the exclusion of other CIS states.

(3) Developments in Russia are likely to make the future extension of NATO to the east more difficult and risky than today.

(4) The high cost of PFP membership may prove incompatible with the policy of economic austerity and balanced budgets required by international financial institutions.

Enclosed please find a few relevant quotations from statements by Russian policymakers in the past few weeks. There is a visible escalation in the claims to domination over other countries of the former Soviet bloc. It appears that the lack of any response from the United States and its allies may be creating a dangerous perception in Moscow that the West will not attempt to oppose the reintegration of the Soviet Union under the banner of Russian nationalism.

Any attempt to achieve this goal by force, blackmail or economic pressure will create a threat to the former Warsaw Pact countries. It is therefore in the interest of the peace and security of Europe and the United States that warning signals should be given to Moscow at this early stage, when Russian foreign policy is still in its formative stage.

The failure of economic reforms in Russia and even partial return to the old economic system would unleash hyperinflation. The further deterioration of economic conditions will favor extremist and authoritarian elements on both wings of the political spectrum. Under such circumstances, the extension of NATO would pose greater risk of confrontation with Russia in the future. Time may not be on our side. This is why, in our opinion, the United States should not postpone the issue until the worst scenario becomes a reality.

We take the position that East Central Europe should be integrated as soon as possible in the Atlantic and European community. The old lines of division were created in the Cold War. They should not be allowed to separate the Western democracies from countries which are struggling to consolidate their independence, democratic systems and a free market economy. Petrification of the old lines dividing the continent is detrimental to the enlargement of democracy and should be ended as soon as possible.

Sincerely,

JAN NOWAK,
National Director.

QUOTATIONS

Andrei Kozyrev, at his press conference in Beijing:

Talk about neo-imperialism diverts attention from the real problems associated with the specific role of Russia in maintaining stability in the Confederation of Independent State, which is in the vital interest of the vast region of Central Asia.—Siegodnia, No. 19, 2/1/94.

Andrei Kozyrev, at the meeting with heads of the North Caucasus region:

Voices are raised in the West about Russian imperial ambitions. They are teaching us the rules of good behavior. We do not need any lessons about the rules of the UN or the CSCE. What we need is practical assistance in the implementation of those rules in the Caucasus and the entire post-Soviet area.—Siegodnia, No. 22, 2/4/94.

Viktor Komplektov, Minister for Special Assignments, at the round table discussion on Russian foreign policy:

We repeat continuously that foreign policy should have some priority list. Reactivation of the Soviet Union is now put forward as the first priority. Does this reflect the frame of mind of our people? In my view it does. Russia is now being called an empire, not in the socialist but in the old Russian sense of the word. * * * We should conduct an active policy to the near abroad in accord with this old tradition.—Niezawisimaje Gazietta, No. 20, Feb. 1994.

Pavel Grachev, Minister of Defense, in an interview with Interfax, February 2, 1994:

We cannot support PFP if it becomes a vehicle for the gradual extension of NATO to the countries of the former Warsaw Pact and Baltic states without consultation and the consent of Russia.

EMBASSY OF THE
SLOVAK REPUBLIC,
February 2, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I wish to express our sincere gratitude and admiration for your initiative and efforts to speed up the process of admitting the new democracies of the Central Europe to NATO.

Your amendment No. 1279 to the State Department Authorization Bill expressing the sense of the Senate regarding the participation of new democratic nations of Central Europe in The North Atlantic Treaty Organization is a great contribution to the vital discussion about NATO's future.

We support the idea that it is in the interests of the Western Countries to enlarge the space of stability and security in Europe and to offer the new democracies, which have demonstrated both the capability and willingness to join NATO, an unambiguous chance to become part of this most reliable security structure in Europe in the nearest future.

Central European countries on their unpaved roads of transition have to face a number of difficulties and challenges including the lack of security guarantees.

I am convinced that the NATO security umbrella would enable the Central European countries to concentrate on a quick economic and political transformation. The existing security vacuum and possible destabilizing effects generated by a negative development in the close proximity may have negative influence on the process of the advanced stabilization in Central Europe.

The Slovak Republic like other countries of the Visegrad Group have passed a vital political decision to strive for its integration into European and Transatlantic political, economic and security structures. Therefore it also has launched numerous diplomatic activities aiming to demonstrate its desire and preparedness for incorporation into NATO without needless delay.

Slovakia by sharing the same democratic principles and values like NATO countries is ready to be an active participant in projects and missions within the framework of the "Partnership for Peace". At the same time we will continue our diplomatic efforts for convincing Russia that our participation in NATO is not posing a threat to its security.

I would be glad to inform you on our approach and activities connected with Slovakia's goal to reach a full NATO membership. In this connection enclosed find the Memorandum of the Government of the Slovak Republic on joining Partnership for Peace by the Slovak Republic.

I wish to thank you once again for the attention you pay to the problems and concerns of new democracies of Central and Eastern Europe.

Sincerely

PETER BURIAN,
Charge d'Affaires a.i.

REPUBLIC OF POLAND,
MINISTER OF FOREIGN AFFAIRS,
Warsaw, February 2, 1994.

Senator MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I would like to thank you for your interest in and support for the Amendment No. 1280, concerning the extension of NATO membership. In my opinion, the Amendment is an important step in the right direction: the issue of NATO membership is of great significance to Poland and we are grateful for your opinions.

The Amendment will, I believe, influence the process of admitting new democratic nations of Central and Eastern Europe to NATO and will serve the important objective of deepening the trust between our countries and the United States.

Yours sincerely,

ANDRZEJ OLECHOWSKI.

Mr. MCCONNELL. Mr. President, clearly, not only what these countries in Eastern Europe are saying, but the Americans who came from those countries who live in many of our States can give us some criteria that can be met. It is so murky now. And vague promises that someplace sometime down the road admission into NATO might be possible is not enough.

I commend the President for moving in that direction with the Partnership for Peace. But it is obviously that the PFP has not satisfied the concerns that those countries have, and that the American constituents of all of us who came from those countries have, that we are unwilling to provide clear guidance as to how a country could aspire to be a member of NATO.

We are not writing the guidelines for the President under this amendment. We are saying simply, Mr. President, it is high time maybe, after 50 years and after communism died, if NATO continues to have admission—and we all believe, I think, that it does—and if we believe there might be some circumstances under which it ought to expand—and I think we all believe those circumstances are there—what are the criteria? What are the criteria?

So this amendment calls upon the administration to come to grips with the issues of establishing the criteria for admission into NATO, and once those criteria are determined it suggests that there are seven countries that are clearly first line candidates for admission, and that we ought to through foreign assistance and military cooperation to provide them help in meeting the guidelines.

And to our friends, the Russians, I say there is nothing to be threatened about here—nothing to be threatened about. But you can understand—we can all understand—the nervousness of those countries that were under the Soviet boot for all of these years, particularly when they hear utterances from people like Zhirinovsky, and when they hear these expressions from Russian leaders, you can imagine their concern.

So I hope this is something the Senate might adopt. I do not think it is in any way threatening to the administration. We are not substituting our judgment for their judgment. We are simply suggesting to them that they decide what NATO is all about. What is the mission in the post-cold-war period?

Madam President, I want to, at this point, ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mrs. MURRAY). Is there a sufficient second?

There is not a sufficient second.

Mr. MCCONNELL. Madam 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. LEAHY. 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. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Madam President, I ask unanimous consent that my name be added as a cosponsor to the McConnell amendment.

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

Mr. BROWN. Madam President, I might observe for the body that this simply gives the administration an ability to lay out in a report the kind of cooperation they feel is appropriate and needed. It is not, at least in my view, binding on the administration in terms of forcing them to do something they wish not to do. It simply makes it clear that the Senate has an interest in doing the appropriate things in cooperation with these countries.

I strongly support the McConnell amendment. I think it is a plus to this bill. I support it because I think it has implications beyond simply the requested report. I support it because I think it is terribly important that this Nation do all it can to make sure that the dark wall of domination not fall over these countries again.

This amendment does not commit us, but it certainly sends a message that we have an interest in the freedom of these nations; that we care about their opportunity to determine their own destiny; that we believe the family of mankind should be concerned about their independence and their opportunities to control their own world and their own future.

This is a small step, but it is an important step. It sends a signal that this Nation still cares about freedom and democracy, and that the slowness that has developed in Europe with regard to extending the umbrella of NATO is one that we are concerned about. This, I think, sends a message that we intend to move forward in that process and, as such, I commend the Senator from Kentucky. I think he is one that still holds that torch of liberty aloft for others in the world to see and appreciate. I think his effort here is particularly important.

I might observe that his measure includes some countries other than the ones we spelled out in the Brown-Simon amendment, which at the appropriate time we will offer. But with regard to the Slovak Republic, let me mention that I, this day, talked to the Ambassador of Slovakia, and he indicated in strong terms that Slovakia is interested in entering NATO and cooperating with NATO in working toward peace and freedom within the NATO framework. So the fact that Slovakia is not included in my amendment in no way indicates a reluctance or failure or unwillingness of the Slovak Government to enter NATO. I must say that I am delighted that Slovakia is included in the McConnell amendment.

I yield the floor.

Mr. MCCONNELL. Madam President, I commend the Senator from Colorado. He and the Senator from Illinois have been very involved in these NATO issues. We have had discussions at various times about different approaches to it. I am glad that he and Senator SIMON are going to offer their amendment as well, which I intend to support.

There are some nuances or slight differences between these approaches on these NATO amendments, but I think the message is clear. If I may speak for myself—and I think I am also speaking in similar language to Senator BROWN—the message is clear that there has to be some criteria for admission to NATO, or just tell them no. If it is never going to happen, the best thing the President could do would be to look them in the eye and say: NATO is never going to expand, and it is never going to develop a post-cold-war mission, and we do not know, quite frankly, what is going to happen to NATO.

It seems to me that if NATO is going to be a vibrant, living organization, it must change like all organizations do with changed conditions. We have an enormous number of recently freed Eastern Europeans, who are looking to us for some clear guidelines to getting into an organization that they view is central to the defeat of the old Soviet Union.

So I commend the Senator from Colorado for his excellent work in this area. This is an area in which I expect all of us to continue to work in the coming months, until we get a better result from the administration than we have gotten to date.

Mr. BROWN. If the Senator will yield, I cannot help but reflect—and I know every Senator has strong feelings in this area—I cannot help but reflect on how terribly important this issue is that the Senator has brought to the floor. Every Senator, I believe, has read of the tragedy of 1939, of the failure of the free world to respond when Poland sought to maintain its freedom and independence. I cannot imagine anyone that does not pray, when they reflect upon the failure of the free world to come to the defense of Poland.

Everyone knows that the failure to maintain Polish freedom added to the challenge and burden of maintaining American freedom as the years of World War II advanced. Everybody knows if we had stood up at that time, that the loss of life in World War II would have been a small fraction of what it eventually turned out to be.

I suspect that every Senator is well aware of the tragedy that occurred when our Government—the Government of the United States—urged the freedom fighters in Poland, the resistance leaders, to surrender to Soviet authorities, and what I believe is a true conviction that they would be negotiated with and be involved in developing the leadership and control of Poland after the war. I think every Senator is aware of the fact that the Soviet authorities then turned around, rather than negotiate with those leaders, arrested them, imprisoned them, tried them and executed them.

Everyone's heart breaks who thought the second time we failed to guarantee or failed to cooperate or failed to aid in securing the peace and independence and freedom of the Polish people.

I know of no one who looks at the Yalta agreements, that saw Poland fall behind the Iron Curtain, who does not regret—and I do not mean to suggest that everyone agrees that the compromises that were made there were bad; obviously there are differing opinions on that—but I know of no one who would not, if they had their preference, have insisted that Poland be guaranteed its freedom and independence.

I cannot help but reflect on the fact that we are now at a crossroads where history could repeat itself, where the question of whether Poland remains free and independent and able to determine their own destiny is very much on their table. And the question is whether or not we make a clear statement that we believe Poland ought to be free and Poland ought to be the master of their own destiny, or whether we send a message that the freedom and independence of Poland and other countries in Central Europe is in play.

My own belief is that if we are ambiguous at this time in history, if we fail to step forward, if we fail to make our convictions clear, if we fail to stand up for the freedom of the Polish people, the Czech people, and the Hungarian people, that we send an invitation that it is all right for other countries to reassert control over Central Europe, that it is all right for others to seek to dominate them once again.

That is not a message that it is in our interest to send, nor is it a message in the interest of the people of those countries to send, nor do I believe it is in the interest of any free people around the world.

So I once again commend the Senator. I think by acting here today, we send a very strong message, one that has enormous potential in years ahead.

Mr. McCONNELL. Madam President, I thank my friend from Colorado.

It seems to me that reasonable people would conclude that the Soviet Union, the Russians, should not be offended by this. After all, they are supposed to be our allies now. They are professing not to have nationalist ambitions anymore.

That certainly has not been the policy of the Yeltsin government.

So what is the problem here? I mean, who are we worried about offending—an ally? I do not think the Russians should view NATO anymore as an enemy. We are supposedly all developing a friendship here.

But what we are talking about here with this amendment and what Senator BROWN and others have talked about on amendments that they have offered on other bills is reassuring countries in Eastern Europe, who have had a recent—they have actually had this experience before, but they certainly had it in the last 50 years—a horrible experience with occupation.

Now, our assumption is the Russians have changed, but just in case that may not be true, just in case that may not continue—who is to say what could happen if the Russian election in 1996 produced a new President who appealed to the Russian people to forget their internal problems and reassert their nationalism? It will not be the first time a politician in a country anywhere in the world running for election seeks to divert attention away from domestic problems by focusing on international affairs.

What if someone gets elected President of Russia who says, "My principal goal is to reassert the Soviet empire"?

It seems to me it would be exceedingly difficult to carry out that campaign message if NATO by that time had, in a friendly and nonthreatening way, simply moved out to include some very, very obvious candidates for admission to this collective security umbrella.

So what we are saying in this amendment, Madam President, is define the criteria. Maybe that was not necessary in the forties. It was pretty clear what the motivation was in pulling NATO together in the forties. It was to stop communism.

But at this point, maybe they do need some criteria for NATO, and we are asking the administration to draft some criteria so that these aspiring Eastern European countries will have a sense of what standards they have to meet in order to get in. And beyond that, once we draft the criteria, let us help them meet that criteria with the transfer of military equipment or whatever we may have in excess capacity to help bring them up to whatever standards we may conclude that NATO would require its members to meet.

We do not know what the standards are today. They are not written down. There is not a word about what the standards are.

That is what this amendment is about. I hope the Senate will approve it. I think it makes a lot of sense. It will really hold out some genuine hope, Madam President, to the aspiring members of NATO that there are specific criteria written down that they could meet, and actually meet with our assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, may I ask the distinguished manager on this side of the bill, is it his intent to proceed now to a rollcall vote on his amendment? I hope that he will.

Mr. McCONNELL. We have the yeas and nays. I do not know whether there are other speakers. I do not see the manager.

Mr. HELMS. May I ask the manager of the bill, would it be appropriate for me to ask unanimous consent to be recognized to call up amendment No. 2254 after this amendment has been disposed of?

Mr. LEAHY. Madam President, I certainly will not have any objection.

I was thinking. We have been sort of trying to see about possibly going back and forth. I wonder if we could just hold on just for a minute and let me just check. Sooner or later, we are going to get rid of them anyway. I know we are going to be here very, very late tonight voting on them. So I am perfectly willing to. Let me check on that.

Mr. McCONNELL. I am not sure who has the floor. Does the Senator from North Carolina have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I have the floor.

Mr. LEAHY. The Senator was addressing a question, and I was striving to answer.

Mr. HELMS. Would it be in order for me to ask unanimous consent that I be recognized to call up this amendment unless a Senator designated by the distinguished manager of the bill on the other side has an amendment to offer? Would that be all right?

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. McCONNELL. Will the Senator from North Carolina allow me just to add one amendment to the list?

Mr. HELMS. Absolutely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2293

(Purpose: To express the sense of the Senate concerning World Bank loans to countries acting to enforce the Arab boycott of Israel)

Mr. McCONNELL. Madam President, consistent with the unanimous consent agreement under which we are operating, I send to the desk an amendment by Senator BROWN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. BROWN, proposes an amendment numbered 2293.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . Loans to Nations that enforce the Arab boycott of Israel.

"The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel."

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the Senator from Arkansas [Mr. BUMPERS] has an amendment at the desk, and as soon as we ascertain the number, I am going to ask unanimous consent that it be withdrawn and one that apparently corrects an error in it replace it.

AMENDMENT NO. 2289

Mr. LEAHY. Madam President, I ask unanimous consent that amendment No. 2289, on behalf of Mr. BUMPERS and others, be withdrawn.

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

So the amendment (No. 2289) was withdrawn.

AMENDMENT NO. 2294

(Purpose: To delete funding for parliamentary training and democracy in the People's Republic of China)

Mr. LEAHY. Madam President, I ask unanimous consent that the amendment I now send to the desk be substituted in its place under the earlier unanimous consent agreement.

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

Mr. LEAHY. I thank the Chair.

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 assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator will withhold.

The clerk will report the last amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BUMPERS, proposes an amendment numbered 2294.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the pending committee amendment add the follows:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China."

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment by the Senator from Kentucky be temporarily laid aside so that the Senator from North Carolina may be recognized to offer an amendment.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2295

(Purpose: To clarify the intent of Section 577 of H.R. 4426 regarding the U.N. War Crimes Tribunals)

Mr. HELMS. Madam President, I send an amendment to the desk which has been agreed to by all concerned. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2295.

The amendment is as follows:

In Section 577, strike "other bodies" and insert in lieu thereof, "commissions".

Mr. HELMS. Madam President, I rise today to offer an amendment that would clarify a provision adopted earlier in these proceedings. I feel obliged to do so in light of the fact that this provision could be misinterpreted.

Chairman LEAHY offered an amendment creating section 577 in the bill—amendment No. 2110—that appropriated up to $25 million in goods and commodities to be offered to the United Nations in its efforts to investigate war crimes.

I only wish to clarify what I understand was the intent of the committee that these funds should be directed to investigate charges regarding genocide or other violations of international humanitarian law. My proposed technical changes clarify that the funds being made available will only be used for tribunals and commissions whose sole responsibility is the investigation of crimes of genocide or other violations of international humanitarian law.

I understand this amendment has been agreed to by the managers of the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no objection, the amendment is agreed to.

So the amendment (No. 2295) was agreed to.

Mr. HELMS. Madam 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. Madam President, for the interest of those who may be watching back in their offices, we are going to have at least one rollcall vote, I would guess, around a quarter of 6. If there is any other amendment requiring a rollcall vote, if any Senator could bring that matter forward, possibly before then, we may be able to stack some votes.

I say around a quarter to 6, and that is assuming there are not other Senators who wish to speak on the McConnell amendment.

But I urge Senators who have amendments that they want considered to come forward.

I could think of very few places I would rather be than on the Senate floor. A few come to mind—at my home with my family, accomplishing some things in my office, back in Vermont with friends. But, other than that, of course, I would much rather be here. And I expect the distinguished Senator from Kentucky and I are going to be here until the wee hours of the night.

I just urge those who may not find this the place that they love the most, that they may want to come forward and move their amendments with the idea that we may get out before midnight this evening.

But we will continue. We have a number of amendments at the desk. By 6 o'clock tonight, we will have a finite number of amendments at the desk. It would be my intention to start disposing of those.

But I do not want any Senator to come over at 11 o'clock tonight and suddenly say I really want to speak on this amendment, when they probably have a good opportunity to do that right now.

Madam President, I yield the floor.

AMENDMENT NO. 2266, AS MODIFIED

Mr. McCONNELL. Madam President, I send a modification of my amendment to the desk.

Mr. LEAHY. The yeas and nays have been ordered.

Mr. McCONNELL. Madam President, I ask unanimous consent to modify the amendment.

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

Mr. McCONNELL. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2266), as modified, reads as follows:

At the appropriate place in the bill insert the following:

SEC. .

(a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations, the Committee on Foreign Relations and Armed Services defining specific military, economic and political standards required to gain admission to NATO; Provided further, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovkia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

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

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

AMENDMENT NO. 2296

Mr. LEAHY. Madam President, I ask unanimous consent that an amendment on behalf of Senator LEVIN be offered appropriately under the overall unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. LEVIN, proposes an amendment numbered 2296.

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

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

The amendment is as follows:

On Page 22, after line 12, add the following new sections:

( ) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall not be used to support activities or projects that will significantly harm biological diversity or environmental quality.

( ) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

Mr. LEAHY. Madam President, I will just note that there are about 14 minutes left if anybody is wanting to offer an amendment under the unanimous consent agreement entered into a couple weeks ago. They have just about 14 minutes left to do so. I thank the Chair.

Mr. HELMS. Madam President, may I ask my friend when he desires to ask for the rollcall vote to begin?

Mr. LEAHY. Madam President, the amendment of the Senator from Kentucky is one that reflects substantially on the jurisdiction of another committee, in this case the Committee on Armed Services. We are checking with the leadership of the Armed Services Committee to see if they are going to have a position on it. That is why we have not gone to a rollcall vote yet.

Madam President, I am going to reserve the remainder of whatever time I have, and I will yield the floor and at the appropriate time I will call up amendment No. 2254 relating to the remarks that I have just made. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that amendments 2282, 2294, 2272, 2281, and 2275 be considered second-degree amendments to the committee amendments which they propose to amend.

Mr. LEAHY. Madam President, I have no objection.

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

AMENDMENT NOS. 2297 AND 2298

Mr. MCCONNELL. I ask unanimous consent that an amendment by Senator DOLE and an amendment by Senator SPECTER and Senator SHELBY may be offered under the unanimous consent agreement under which we are operating.

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

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments en bloc numbered 2297 and 2298.

AMENDMENT NO. 2297

Mr. MCCONNELL offered amendment No. 2297 for Mr. DOLE.

The amendment is as follows:

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program"

AMENDMENT NO. 2298

(Purpose: To enhance congressional review of efforts to facilitate peace in the Middle East and for other purposes)

Mr. MCCONNELL offered amendment No. 2298 for Mr. SPECTER, for himself, and Mr. SHELBY.

The amendment is as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

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

"(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

ENHANCE CONGRESSIONAL REVIEW OF THE OBLIGATION OF FUNDS TO THE PLO

Mr. SPECTER. Madam President, I have sought recognition to speak briefly on an amendment offered by me and Senators SHELBY, D'AMATO, CRAIG, and GRAMM and which is being accepted by the distinguished managers of the bill.

Several weeks ago, joined by Senator SHELBY as cochair and 12, now 13 other Senators—a broad bipartisan group—I announced the formation of a new Senate caucus intended to monitor compliance by the PLO with the Mideast peace accords and to provide watchful oversight of State Department monitoring of PLO compliance.

The other Senators who have thus far joined this caucus are Senators BROWN, BRYAN, D'AMATO, DURENBERGER, INOUYE, LAUTENBERG, LIEBERMAN, MACK, MCCONNELL, PRESSLER, REID, SIMON, and HELMS.

The amendment which is being accepted today—and I would like to thank the distinguished chairman, Senator LEAHY, and ranking member, Senator MCCONNELL, for their cooperation in reaching agreement on the important principles advanced by this legislative action—will give Congress the statutory tools to ensure that United States taxpayer funds not be released for the benefit of the PLO unless the PLO complies with its freely undertaken obligations to renounce and control terrorism and to live in peace with Israel.

Under existing law, the PLO is classified as a terrorist organization prohibited from receiving, directly or indirectly, United States taxpayer funds unless the President suspends this prohibition by certifying that the PLO is honoring its commitments to renounce terrorism and live in peace with Israel.

As the months have passed since the historic handshake on the White House lawn, however, there has been both a pattern of PLO violations of the accords—continued terrorism, undenounced and unredressed by Chairman Arafat and no change to the Palestinian National Covenant to eliminate calls for the destruction of Israel—and a distinct lack of State Department vigilance in monitoring the PLO noncompliance.

Regarding PLO violations, the Zionist Organization of America has issued a series of weekly reports, as well as summary studies, which charge the PLO with scores of terrorist acts, none of which have led to discipline by the PLO. Without accepting ZOA data, or any other data, as beyond critical review, clearly there is a pattern of PLO violation that cannot be ignored.

Regarding the State Department reports on PLO compliance, for example, Senators LIEBERMAN and MACK have pointed out that these reports have read "like a defense of the PLO's lapses."

In response to this situation specifically, the amendment being accepted today does the following:

First, it strikes the "national interest" proviso from section 565 of the 1995 Foreign Operations appropriations bill concerning "Limitation on Assistance for the PLO for the West Bank and Gaza." This leaves the President with only certification of PLO compliance with the peace accords, under the Peace Facilitation Act, as the means to obligate appropriated funds. This is as it should be. Would it be an urgent national interest of the United States for the President to provide United States funds to a PLO which the President was not able to certify as in compliance with the peace accords, a PLO still engaged in terrorism and pledged formally to the destruction of Israel? Clearly, it would not.

Second, the amendment amends the Peace Facilitation Act so as to express, with the force of law, an expectation by the Congress that the PLO will honor its pledges and actually amend its National Covenant, eliminating calls for the destruction of Israel.

Let me remind my colleagues of just some of what makes up the PLO's Covenant. The document makes no reference to any principle of peaceful coexistence but instead speaks repeatedly of the "liberation" of the entire territory of the former British Mandate. It affirms "armed struggle" as the strategy for this "liberation" and speaks of a "national duty to repulse the Zionist, imperialist invasion from the Great Arab homeland and to purge the Zionist presence from Palestine."

Adding to the law governing the release of taxpayer dollars to the PLO a clear statement of a congressional expectation that this genocidal tract will be changed sends a powerful message. I wish to make the point for the record, however, that if the PLO has still failed to act to change its charter, I will seriously consider asking the Senate to make such action by the PLO an explicit condition on Presidential authority to obligate funds appropriated for the benefit of the PLO.

As we are all aware of the PLO's record of treachery and butchery—of Americans as well as Israelis and others—this amendment will help ensure that United States funds are not spent for the benefit of the PLO without real compliance with the terms of the peace accords.

Mr. SHELBY. Madam President, Senator SPECTER and I offered the pending amendment before the recess to ensure that taxpayer dollars would not be used to subsidize terrorists. I am pleased that we could work out an agreement for the committee to accept a modified version of this amendment. On June 15, I joined Senator SPECTER as the cochair of the bipartisan Peace Accord Monitoring Group. The group is committed to monitoring PLO compliance with last September's Peace Accords, and as part of this commitment, to making sure that the PLO complies fully with the accords before one dime of taxpayer money is sent to the West Bank or the Gaza Strip.

Madam President, since the signing of the peace accords, the record of PLO compliance has been less than stellar. The PLO has neither foresworn terrorism nor submitted changes to its charter's call for the destruction of Israel. Unfortunately, the State Department continues to gloss over or simply ignore these and other violations of the accords.

Madam President, I believe that the American taxpayer is already perplexed enough that his or her money is being sent to a group directly responsible for the murders of U.S. citizens. We do not need the State Department further adding to this confusion and disbelief by failing to ensure that the PLO reforms itself in return for these dollars. If the executive branch will not see that our taxes are well spent in this situation, then it is incumbent upon the Congress to guarantee compliance with the peace accords before the United States sends its support to an unreformed terrorist organization.

This amendment would allow the President to obligate funds appropriated for the West Bank and Gaza only if he can certify PLO compliance with the accords. He could not waive compliance requirements by invoking the vague language of the "national interest" as would be allowed by the appropriations bill before us. In addition, the amendment would add a congressional expectation to the Peace Facilitation Act that as a condition for continued assistance the PLO amend its charter to delete its call for the destruction of Israel.

Madam President, these safeguards are necessary to protect the taxpayer from unwittingly subsidizing terrorists. I personally am skeptical that the PLO will actually reform itself by renouncing terrorism and agreeing to peacefully coexist with Israel.

Having been heartened by the ceremonies on the White House lawn this past September, I sincerely hope that this peace agreement will form the basis of a lasting peace in the Middle East. However, a lack of vigilance and a blank, unconditional check to the same organization that was connected to the attack on the *Achille Lauro* will not ensure or guarantee peace. Rather, turning a blind eye to a lack of compliance with the peace accords will in fact aid in the undermining of the peace process and make it even more likely that the PLO will not reform itself.

Madam President, the American taxpayer is already skeptical of foreign aid in general, let alone giving money to terrorists. This amendment is a step to making sure that any aid to the PLO is tied to full compliance with the accords. I thank the chairman and ranking member for accepting this amendment to protect the taxpayer and appreciate their cooperation in this matter.

Mr. D'AMATO. Madam President, I rise today in support of Senator SPECTOR'S amendment that would condition American aid to the PLO upon a commitment by them to adhere to the Middle East Peace Agreement and to remove from its national covenant any reference to the destruction of Israel. I would like to commend the Senator from Pennsylvania for offering this amendment, and I am pleased to be a cosponsor of it.

I feel that the PLO has a long way to go before it convinces this Senator that it is truly committed to peace with Israel. One need look no farther than today's New York Times, to see that Yasir Arafat himself tried to smuggle into Gaza, four known arch terrorists. One of these murderers, has been identified by Israel as being the mastermind of the Ma'alot school massacre in 1974, in which 22 Israeli school children were murdered.

Madam President, if Yasir Arafat in fact did smuggle a man who murdered 22 schoolchildren into Gaza, then I have even less confidence in his commitment to peace then before.

Let me just finish by saying that I feel that this is a worthwhile amendment and it will hopefully go some way towards ensuring greater compliance by the PLO with the recently signed peace agreements.

I ask unanimous consent that the text of the New York Times article concerning this situation be included in the RECORD following the text of my remarks.

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

[From the New York Times, July 14, 1994]

ISREAL BARS PALESTINIAN OFFICIALS FROM GAZA

(By Joel Greenberg)

GAZA, July 13.—Israel barred new officials of the Palestinian National Authority from entering Gaza and Jericho today in a dispute over the arrival here of four P.L.O. men, two of whom allegedly planned a 1974 attack on a school in which 22 Israeli students were killed.

The dispute strained the self-rule accord between Israel and the Palestine Liberation Organization and highlighted a lingering lack of trust. It also touched a raw nerve in Israel, where the raid on the high school, in the northern town of Maalot, is remembered as one of the most horrific terrorist assaults.

Though three of the four men had left Gaza for Egypt by the end of the day, Israel said no new officials of the Palestinian authority would be allowed into the self-rule zones until the fourth man was sent back to Egypt.

"As long as all of the four who entered illegally are not outside the area, no officials of the Palestinian National Authority will be allowed to come in," said Obed Ben-Ami, a spokesman for Prime Minister Yitzhak Rabin.

Mr. Ben-Ami said the four, who had joined Yasir Arafat's entourage when he returned to Gaza on Tuesday from Egypt, had not been given permission to enter. Israel controls the border crossing, and under its agreement with the P.L.O., it must approve the entry of Palestinian officials.

Mr. Ben-Ami said two of the men had planned the Maalot raid, in which three Palestinian gunmen took scores of students hostage. When Israeli soldiers stormed the school, the gunmen opened fire killing 22 students and wounding dozens more. The gunmen also died in the assault.

The alleged mastermind of the attack, who arrived today, was Mamdouh Nofal, now a leader of the Palestinian Democratic Federation, a P.L.O. group that strongly supports the accord with Israel. With him were Mustafa Liftawi, the former head of the P.L.O.'s Western Sector group, which had planned dozens of attacks on Israel; Jihad Amarin, a member of the same group, and Nihad Jayusi. Mr. Amarin was reportedly still in Gaza tonight.

Two rightist opposition parties submitted a no-confidence motion in Parliament, saying the Government should have arrested the men.

Dr. Ahmad Tibi, an adviser to Mr. Arafat who mediated the men's departure, said the Israeli objections had little basis.

"The person responsible on behalf of the Palestinian people for everything that was

done in the Israeli-Palestinian conflict is Yasir Arafat, and this man shook hands with Yitzhak Rabin," Dr. Tibi said in a radio interview. "With that we turned over a new leaf. The goal is to overcome and forget the past. The people who carried out these acts now support the peace process."

But Mr. Ben-Ami said the men posed a security risk. "Mr. Arafat committed himself to carry out the accord," he said. "It's not certain that other people who want to reach the area are indeed coming in order to implement the agreement."

At the Allenby Bridge crossing into the West Bank, Israel barred a group of 18 Democratic Federation members from entering Jericho from Jordan. The party leader, Yasir Abed Rabbo, who holds the information and culture portfolio in the Palestinian authority, was also prevented from crossing from Egypt into Gaza.

AMENDMENT NO. 2282, AS MODIFIED

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that I be allowed to modify my amendment at the desk, No. 2282, and I send the modification to the desk.

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

Mr. HELMS. I thank the Chair.

The modification is as follows:

At the appropriate place in the Committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) None of the funds appropriated by this or any other Act may be obligated or expended for any officer of employee of the United States government to meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. LEAHY. 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 assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Madam President, I ask unanimous consent that the pending amendment be considered a second-degree amendment to the committee amendment.

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

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The pending amendment is amendment No. 2266.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2266, AS MODIFIED

Mr. LEVIN. Mr. President, I rise in opposition to the pending McConnell amendment for a number of reasons.

This amendment is far more than simply an amendment that would require the President to report the pros and cons and whether something is feasible.

This amendment would require a report to accomplish certain specific goals within 60 days.

Goal No. 1, the President is told by this amendment that he must report to us as to the specific military, economic, and political standards that are required to gain admission to NATO on the part of all the partners that have signed the Partnership for Peace agreement.

That language runs right smack against the NATO Charter which says that NATO will define criteria for membership. Not that the United States unilaterally will define the criteria for membership to NATO, but that the 16 NATO nations as equal NATO members will define who gets into NATO and who does not and what the criteria are.

But what this amendment does is usurps that NATO authority which belongs to all the NATO members and says that the President of the United States shall submit a report to the three committees defining specific military, economic, and political standards required to gain admission to NATO.

So the first reason that I believe this amendment should be defeated is because it takes unto ourselves a responsibility which belongs to us and our NATO partners now, and I think in doing so is going to create real mischief inside of NATO between ourselves and our partners.

So problem one is that internally to NATO it creates a problem because what belongs to NATO now, which is the determination of the criteria of membership to NATO, which belongs to all of the NATO nations, is suddenly by this amendment told to be the responsibility just to the President of the United States to determine what the criteria are for membership to NATO.

But it also creates a problem, I believe, between NATO and our new partners in Eastern Europe because it singles out certain countries for which the criteria will be specified, and leaves out more countries that have signed up as partners for peace in terms of what criteria will be available for them to become members of NATO.

I happen to be one who has believed over the past few months that the Partnership for Peace has moved this process forward. I also believe, and I think I may share this actually with my friend from Kentucky, that we should try to push the process of becoming partners and establishing criteria faster. In fact, I have said so publicly, that we should try to get that criteria established so that countries that have signed the Partnership agreement will know what that criteria is.

I have also stated that I believe that when those countries do become members of NATO, that it would be useful to have a special relationship established between NATO and Russia.

But in any event, this goes way beyond that. This amendment does not just require the President to establish criteria for all partners. It singles out certain partners and says that just for those partners the President must establish criteria, thereby drawing new lines in Europe. We are drawing the lines under this amendment. It is not the criteria which will determine which states will be able to join and which states will not. But this amendment singles out certain states for which specific criteria must be designed, and leaving out a whole host of other states, including some good allies of ours, like Sweden and Finland that are left out of this list, by the way.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NUNN. Mr. President, I pose a brief observation and question to my friend from Michigan.

I read this, and I have not heard the explanation of the Senator from Kentucky of what perhaps the answer to this.

But the part of this resolution that involves me is section (b), and perhaps there are changes in language where it could be worked on.

I think I understand where the Senator is coming from and I understand that we want to begin to have interoperability, or work toward interoperability, with Poland, Hungary, the Czechs, and others. I think with the Senator from Michigan we are not ready to narrow down that list yet but NATO will have to make that decision.

But this paragraph (b) says:

Notwithstanding any other provision of law, 120 days after enactment of this act, excess defense articles made available under section 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

Section (a) says: "Provided such report shall include an assessment of measures which would be necessary to

guarantee" that armed services to these seven countries "are capable of military interoperability with NATO and fulfilling other member responsibility."

When you use the word "guarantee" and basically mandate the turning over of defense articles, without regard to cost, without regard to transportation, without regard to any kind of preliminary assessment of need, it seems to me we are mandating for these countries that are in the Partnership for Peace what we never achieved for NATO. We do not have complete interoperability, unfortunately, in many aspects, of military equipment with our own allies.

We have been basically prepared to defend Western Europe in partnership for the last 40 years. As a matter of fact, as recently as the Grenada operation, we did not have interoperability within the Navy and Army within our own military services.

We are talking here, in a floor amendment that cannot be amended, as I understand the procedure, we are talking about turning over excess defense articles that guarantee that interoperability and do it in 120 days.

I would say to my friend from Michigan, the way I read this amendment, it is mission impossible, if the words are to be taken as they are written. If they are not to be taken as they are written, then what we need really is an amendment here so that we basically get the information that the Senator from Kentucky seeks without imposing basically conditions that are impossible; meaning making the amendment really, I think, something that really cannot be supported on the floor in good conscience.

So I hope the Senator from Kentucky will agree to work on his amendment and take out some of the language, like "guaranteed" and recognize that interoperability is a process that takes years and years, and not single out certain countries in the Partnership for Peace to the exclusion of all the others.

I happen to think these are the ones that are more likely to move toward the front of the list, but I do not think we, on the floor of the Senate, should be making that decision tonight when NATO is going to make that decision.

So I guess my questions to the Senator from Michigan is whether he agrees with these observations, particularly with regard to paragraph (b) on excess defense articles. And I guess my question to the Senator from Kentucky is, is he willing to work on this amendment so that we can get him this information without basically these exact words.

I pose the first question to the Senator from Michigan. I know he has the floor.

Mr. LEVIN. Mr. President, I respond by saying, I think the observations the Senator from Georgia has made as to (b) and (a) are right on point.

It is not just (b), which the Senator has focused on, which does purport to mandate a transfer to comply with the guarantee in (a), but also the singling out provisions of (a) which the Senator from Georgia has pointed to as also being a problem.

And I would like to see both those problems addressed in any modification of this amendment.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NUNN. Mr. President, I say to my friend from Kentucky, I think this amendment could basically be modified in a way that would produce the information required here, but the way the amendment here now basically includes certain countries, it makes the Senate of the United States, at 6:30 at night, after seeing the amendment for just a few minutes, vote and make a decision about who is going to be out by implication and then, as the Senator has already heard, it requires the turning over of the equipment to guarantee a result which is usually, at best, a 10- or 15-year process, even among our own military services.

Mr. McCONNELL. Is the Senator asking me a question?

Mr. NUNN. I guess the question is, Would the Senator be willing to modify his amendment?

Mr. McCONNELL. Mr. President, let me respond to the observations by both the Senator from Georgia and the Senator from Michigan.

It seems to me this is a little like deja vu all over again. We have been visiting the issue on the floor of the Senate most of this year and I am sure, as members of the Armed Services Committee, you have been contemplating the future of NATO for some time now, particularly in the wake of the end of the cold war the difficulty maybe of determining what the mission may be for the future.

I have had a number of exchanges with members of the State Department about the absence of criteria. There are none, as the distinguished chairman of the Armed Services Committee knows. Not only are there no criteria, there is no interest in developing any that I am aware of.

And I think an awful lot of other people, both in this country whose ancestors came from Eastern Europe and ambassadors of those countries, from whom I and others hear from on a weekly basis, cannot understand why there cannot be some established criteria so that any country that could reasonably aspire to be a member of NATO might be able to ascertain what the criteria might be.

So the fundamental goal of this amendment was to ask the President to get serious about addressing that question,

Nothing, I would say to my friend from Michigan, prohibits him from consulting with his allies in the process of doing that. That is not prohibited by implication.

With regard to the excess defense articles transfer, the Senator from Georgia is the expert, but it is my understanding that those are transferred anyway. I mean, are not excess defense articles transferred? That happens. I do not know what the cost of that is to us, but they are usually given away, no matter what.

And our feeling here is that even though it says "shall," it does not really say when. Even though it says "shall," it does not really specify exactly what time at which those articles would be transferred.

My final observation is with regard to the listing of the seven countries.

It would be perfectly all right with me to include every country in Eastern Europe. The reason I specified the seven is because those are the seven that most people seem to feel might likely be the first candidates for admission. But if we would like to widen the array of possibilities even further, I am sure that would be reassuring to other Eastern European countries who might aspire someday to be part of the NATO umbrella.

So those are just some random observations to the comments of the Senator from Georgia and the Senator from Michigan.

Mr. LEVIN. If I could quickly respond, I think it would be helpful, for instance, to urge the President to propose criteria to NATO for admission of all partners, and then which partners can meet the criteria, would meet the criteria. I think it would be useful to urge the President to try to recommend those criteria within a fixed period of time.

But that is very different from this, which is a requirement that the President set specific criteria for certain countries.

Mr. McCONNELL. If the Senator will yield, the President does not want to do that. I wish he did. I have asked the question numerous times. They do not want to establish criteria for admission to NATO. They want to have some Catch-22 situation where nobody can ever ascertain the answer to the question. I do not understand it.

Mr. LEVIN. Again, the resolution of my friend from Kentucky goes way beyond that. You are talking about specific criteria for specific countries you listed, not criteria we are urging the President to propose to NATO for all countries. That is very different. NATO establishes the criteria, not us.

I think my friend from Georgia wanted to intervene.

Mr. McCONNELL. If the Senator from Michigan would be prepared to support my amendment if I broadened it and did not specify which country,

that is a change this Senator would be willing to make.

Mr. LEVIN. There are a number of changes I would like to suggest.

We ought to change the excess equipment and whose responsibility is it to guarantee interoperability. Is that the responsibility of the United States of America or is that the responsibility of other nations?

I would suggest a number of changes here would make this amendment acceptable, at least to me. One of them would be that it is the Senate's desire, sense of the Senate, however we phrase it, that the President, within a reasonable amount of time, determine what criteria for membership to NATO he will recommend to NATO for all partners. That would be one of the changes that I would recommend, so that whatever partner met those criteria would in fact be eligible for admission to NATO as a recommendation of the President to NATO, not a unilateral determination by this President as to who is going to be allowed to come into NATO and who is not.

And the other part is the part that the Senator from Georgia spent some time relative to, and that has to do with the equipment and whose responsibility it is to assure interoperability.

We cannot guarantee interoperability, so changes in the language relative to section (b) I think would also make this amendment much more acceptable, at least to me.

Mr. McCONNELL. Let me say I am not interested in making it into a sense-of-the-Senate resolution. Of course, the Senator from Michigan can feel free to vote against this and urge others to do so, as I gather he is prepared to do. With regard to some of the other suggestions, I am perfectly willing to discuss them with him. But I am not interested in turning it into pap. The Senator from Michigan can feel free to oppose. That is what we do frequently around here. But with regard to some of the other suggestions, I am certainly open to expanding the membership opportunities to a greater number of frustrated Eastern European countries. That would be perfectly all right with me. So that is one we can work on right there.

And with regard to the interoperability problem, that is something we can discuss, too. So I would be happy to move on to other amendments, and maybe we could have some discussion of this and see if it is not possible to reach some kind of accommodation.

Mr. President, maybe we can move on and deal with some other amendments, and let me talk to the Senator from Michigan and see if there is some chance of a meeting of the minds here, although we tried this before on a similar issue on a previous bill.

Mr. LEVIN. I thought we succeeded, as a matter of fact.

Mr. McCONNELL. Sort of.

Mr. LEAHY. Mr. President, I have some very real problems with the amendment pending. Rather than to prolong the debate, they are the same problems the Senator from Michigan and the Senator from Georgia have raised.

I think we are talking about doing in 3 or 4 months by legislative fiat, something that is going to require some very extensive work at the diplomatic level, certainly at the military level, in trying to carry this out. I do not think we 100 Members of the U.S. Senate can, by some kind of legislative fiat, do what is probably going to take hundreds and hundreds of extremely experienced men and women in the United States and in these other countries to try to work out. And even then, they will not be able to do all the things within the interoperability and other issues raised here.

I discussed here earlier our own invasion in Grenada, where our ships could not talk to each other, the Navy could not talk to the Army, the Army could not talk to the Air Force, our intelligence people in Washington could not talk to intelligence people on the ground in Grenada, and so on. You just cannot do these things overnight.

But it would be helpful, and I certainly would have no objection, if the proponents of the legislation and the opponents wanted to set it aside without losing any of the rights the Senator from Kentucky would have, set it aside temporarily and go on to something else. I am stuck here all night with this thing anyway, so I am happy to do whatever might move the thing along. We probably have at least another 6 or 7 hours of work this evening, to say nothing about what might happen tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. We can argue about interoperability. But the issue here is criteria for admission to NATO, whether NATO will now, or ever, be extended to include the countries of Eastern Europe, which have recently been occupied—for 50 years—by the former Soviet Union. So I am perfectly happy to discuss with the Senator from Michigan some of the details of this. But let us not get too hung up on the fine points. The principle is, are there going to be criteria for admission to NATO? My fear is the administration prefers no criteria at all.

Are there going to be criteria for admission to NATO and are we going to help countries meet those reasonable criteria and thereby expand the NATO umbrella into Eastern Europe? That is the fundamental question.

So I will be happy to have some discussions with my friend from Michigan, as we have previously, on this issue, and see if we cannot reach some meeting of the minds.

Otherwise, what I suggest to the Senator from Michigan is simply vote against the amendment. That is the way we decide things around here. We do not need to hold up the Senate. Let us just have a vote and then move on to the next amendment because I, like my friend and colleague from Vermont, am going to be here until the end of the evening anyway.

With that, Mr. Chairman, why do we not urge someone else to process an amendment, and I will huddle with my friend from Michigan.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there is another more substantive issue though, of course. And that is, this is an amendment I certainly saw just within the past couple of hours. It asks, on an Appropriations Committee bill, appropriations for foreign operations to undertake something and to make a conclusion about something that could require a great deal of debate and thought by both the Armed Services Committee and the Foreign Relations Committee. This is a matter of very great significance.

To handle it simply as an amendment—technically, as the Senator from Kentucky knows, an amendment that is not even within the Senate Rules because it is legislation on appropriations; that is probably not the first time that has happened, but it is legislation on appropriations of a major nature. For us to go forward with it when it is something that should be a matter, not only within the Congress but within our own administration, for some significant debate—I do not think the Senate has before it enough information to be prepared to take a step of this nature, nor could I imagine us ever being able to complete—by complete I mean sign into law—a foreign aid bill that had this with it. Those are my views and the views of only one Senator.

Mr. McCONNELL. Mr. President, I do not believe this is the only amendment on the NATO issue we are going to have on this bill. In order to facilitate this one, might I suggest we go ahead and have a vote at 7? It gives 15 minutes for the Senator from Michigan and myself to see if we can work this out. If not, maybe he will have the votes and the amendment will be defeated.

But rather than hold the Senate up, why do we not go ahead and dispose of this amendment? The chairman and I have been urging people to offer amendments. I have offered mine and I would like to get it disposed of.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think there are a number of Senators interested in looking at the language of this, because this goes way beyond the question of whether or not criteria are going to be established for admission to NATO. I happen to favor the establishment of criteria for admission to NATO. I favor that.

This amendment says the President will tell us what those criteria will be for NATO, not that NATO will establish the criteria. This amendment says the President of one out of 16 nations belonging to NATO will take unto ourselves that determination. That is going to fracture NATO and weaken NATO instead of strengthening it. This amendment also, then, talks about an assessment of what is necessary to guarantee interoperability—to guarantee interoperability—something which we have been unable to achieve with our NATO allies, as the Senator from Georgia points out, much less with the newcomers which we hope will join NATO.

And then paragraph (b) talks about implementing that guarantee in subsection (a) through the transfer of American property to these new nations. So there are a lot of problems with section (a). It draws new lines. We pick out the countries that we say specific criteria should be adopted for.

I favor criteria. But I also favor any country that can meet those criteria being admitted into NATO. I do not favor us picking and choosing the countries on the floor of the Senate. I favor the criteria being established by NATO—not by us unilaterally—and then every Partner for Peace, many more than the number that have been identified in this amendment, any Partner for Peace that can meet those criteria ought to be allowed into NATO and we should not draw the line here and say one country is in because here are the specific criteria; another country does not get specific criteria.

There are some pretty good allies and friends of ours who are left out of this amendment. I think it is a divisive amendment. It will weaken NATO, and it will hurt our chances to strengthen and broaden NATO. I think it is going to take some time to modify it. I am perfectly happy to sit down with my friend from Kentucky to try to do so, but I caution there are a lot of other Senators that I think have some feelings on this who might want to participate in those discussions relative to the language that would go into the final amendment.

Mr. McCONNELL. Mr. President, at the risk of being redundant, several of the things the Senator from Michigan has suggested I am open to discussing. But I would like to move forward. We are all interested in finishing the bill. I will be happy to discuss it with him, or we can just go to a vote, if he is ready to vote.

I do not know if anybody else is here to speak on this. If they are not here to speak, maybe one way to resolve it is simply go to a vote. The Senator may well prevail, and then we will be through with this amendment and move on to others.

Mr. President, I yield the floor.

Mr. LEAHY. I suggest the absence of a quorum.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Vermont withhold his request?

Mr. LEAHY. I withhold.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, there are several problems with this amendment. First, it puts the United States in the position of guaranteeing that certain Central European countries' forces are interoperable with NATO. It mandates that the President report on what would be necessary to guarantee interoperability, and it then instructs him to provide excess defense articles necessary to make those forces interoperable. I do not see how we can ask the President to provide those guarantees. That is not the sole responsibility of the United States.

Second, the amendment singles out certain countries, which I believe draws dangerous new lines in Europe. It sets a dangerous precedent by specifically naming some countries and not others.

Third, I am concerned by the breadth of this amendment. Namely, paragraph (b) would require the President to provide Poland, Hungary, the Czech Republic, Slovakia, and the Baltic countries whatever excess defense articles are necessary to make their forces interoperable with NATO.

At this point, we do not know what is required to make those countries' forces interoperable. Accordingly, we are setting ourselves up to provide potentially limitless excess defense articles. This is far too open-ended.

What would happen if the President wanted to provide excess defense articles to other friends and allies other than those named in this amendment? If this amendment is adopted, I am concerned that the President's hands will be tied. He will have to provide excess defense articles to those Eastern European nations—perhaps to the detriment of our other friends and allies.

Mr. LEAHY. Mr. President, I think the only thing we can do to get this decided is to move to table, which I am about to do. I think the Senator from Kentucky has nothing further.

Mr. McCONNELL. No, Mr. President, I think it is a good idea.

Mr. LEAHY. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2266, as modified.

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 Oklahoma [Mr. BOREN], and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—53

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Robb
Chafee	Kassebaum	Rockefeller
Conrad	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
Dodd	Leahy	Wellstone
Dorgan	Levin	Wofford
Exon	Mathews	

NAYS—44

Bennett	Feingold	McCain
Bond	Gorton	McConnell
Brown	Gramm	Mikulski
Burns	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Pressler
Cohen	Helms	Roth
Coverdell	Hutchison	Simon
Craig	Kempthorne	Simpson
D'Amato	Kohl	Smith
DeConcini	Lautenberg	Specter
Dole	Lieberman	Stevens
Domenici	Lott	Thurmond
Durenberger	Lugar	Warner
Faircloth	Mack	

NOT VOTING—3

Boren	Riegle	Wallop

So the motion to lay on the table the amendment (No. 2266), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, Senators have been asking what is going to be the order. I know the Senator from North Carolina had asked prior to this vote if he might be recognized for an amendment, unless there was a Democrat Senator seeking recognition. That is the normal practice of going from side to side, the last amendment being for the Republican side, the next for the Democratic side.

If there is not a Democrat seeking recognition to propose an amendment, we then would go to the Senator from North Carolina. But it would be my hope to start shortening the time on amendments to keep the votes going so we might have made good progress by midnight or 1 o'clock or so.

AMENDMENT NO. 2294

(Purpose: To delete funding for parliamentary training and democracy in the People's Republic of China)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I have an amendment that I would like to offer at this point. If I understand the procedure set out by the distinguished floor manager, the time is now ripe to offer an amendment on the Democratic side. Is that correct?

Mr. LEAHY. Yes. Madam President, I answer my friend from Arkansas this way. There is no unanimous consent. But it has been the usual agreement of comity going from side to side. The Senator from North Carolina is not on the floor right now, but I can represent that he had said earlier that if there was no Democrat seeking recognition, he asked to be recognized next.

There is now one seeking recognition. So it is in order.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

It is in order for the Senator to do that at this time. That is now the pending question.

Mr. BUMPERS. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senator's amendment numbered 2294.

Mr. BUMPERS. I ask that the amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. DORGAN, and Mr. BROWN, proposes an amendment numbered 2294.

The amendment is as follows:

At the end of the pending committee amendment add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China.

Mr. BUMPERS. Madam President——

Mr. WARNER. Parliamentary inquiry, Madam President. Would the Senator be kind enough to advise the Senate as to whether or not a rollcall vote is required, and how much time might be consumed on debate?

Mr. BUMPERS. I say to the Senator from Virginia, my guess is that a rollcall vote will be required. I would defer to the Senator from Kentucky on that.

Mr. MCCONNELL. I would say to the Chair, there certainly will be a rollcall vote required. We could have a relatively short time for debate.

Mr. WARNER. Did the Senator give a time limit?

Mr. MCCONNELL. As far as I am concerned, 15 minutes on this side is enough.

Mr. BUMPERS. So 30 minutes equally divided is agreeable to me.

Mr. LEAHY. Madam President, reserving the right to object. I will yield the manager's time on this side to the Senator from Arkansas under his control.

Mr. BUMPERS. I thank the Senator very much.

Mr. JOHNSTON. Will the Senator from Vermont yield?

The PRESIDING OFFICER. Did the Senator so request that there be 30 minutes for each side, to be equally divided?

Mr. BUMPERS. No. The request was for 30 minutes equally divided, 15 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. If the Senator from Arkansas will yield, considering those of us who want to see our visiting daughters and granddaughters, I wonder if it is possible to have votes stacked so that we can have a window?

Mr. BUMPERS. Let me ask my cosponsors, Senator BROWN and Senator DORGAN, if they have any objection to stacking this vote. Does the Senator from Colorado have any objection to that?

Mr. BROWN. I have no objection.

Mr. DORGAN. I have no objection.

Mr. BUMPERS. I want the Senator from Louisiana to have the opportunity to visit his granddaughter. That is much more important than anything we will do here tonight.

Mr. LEAHY. Perhaps we can leave it this way, and I ask unanimous consent that what I am saying not come out of the time of either side.

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

Mr. LEAHY. Madam President, what I will do is this: During this debate, and prior to the time of the vote, I will try to make sure there is another vote coming up that is also going to have a time agreement, so we can put the two together. But I would not agree to start stacking until that time. I tell my friend from Louisiana that I know the situation he is in. I have been there many times myself. I would like to get two or three votes so we do not end up with a 2-hour quorum call.

Mr. BUMPERS. Do I understand the Senator to say he is, at the present time, objecting to stacking the votes?

Mr. LEAHY. The Senator is, but I suspect that by the time we are going to get done, we are going to be able to do that.

Mr. BUMPERS. As I understand the situation, Madam President, there are 30 minutes equally divided, 15 minutes on a side, and the vote is not yet ordered to be stacked with other votes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me read to you the language of the bill I object to:

Provided further that of the funds appropriated under this heading "Agency for International Development" not less than $600,000 shall be available to support parliamentary training and democracy programs in the People's Republic of China.

That is almost an oxymoron, to talk about democracy and the People's Republic of China. And the thing that makes it even more offensive, besides being an oxymoron, is the fact that $600,000 would not be enough to transport the people to China and pay their hotel bill, to teach the Chinese parliamentary procedure and give them democracy programs, even if they wanted them.

Madam President, we are spending $13 billion in the very bill we are debating at this moment, trying to win friends around the world with money. We are parcelling out $13 billion to countries all over the globe, hoping that when push comes to shove, they will remember who their friends were, and they will be on our side in any controversy that might arise in their region of the world.

Why, out of this $13 billion, would we set aside $600,000 to teach China, one of the last two or three autocratic, tyrannical, Communist governments—why would we spend $600,000 which, admittedly, is just a pittance, on such a country which could not possibly amount to a hill of beans.

Madam President, China has a $10 billion to $15 billion trade deficit against this Nation, and we debate constantly here about prison labor and human rights violations and the autocracy that exists in China, which is still a hard-line Communist nation.

Not only are we spending $13 billion in this bill, this afternoon in Appropriations we appropriated $35 million to the National Endowment for Democracy. And the National Endowment for Democracy is supposed to do exactly what this $600,000 is designed to do—teach people why democracy is superior to other systems.

The distinguished Senator from Kentucky and the Senator from Arizona very thoughtfully offered an amendment to this, to strike a provision which was in the original bill that said this money would go to two of the four core grantees of the National Endowment for Democracy, namely, the National Democratic Institute and the International Republican Institute. Madam President, would you like to know who that is? That is the Democratic Party and the Republican Party. They are two of the biggest grantees of the National Endowment for Democracy. And until the Senator from Kentucky struck that from the bill, it provided that this $600,000 would go to them.

I am very pleased that he struck that, in case this amendment fails. But his amendment also said this will be granted to some nongovernmental group to go to China to teach China democracy and parliamentary training.

Madam President, China has 1.2 billion people. You tell me what you think $600,000 is going to do to promote democracy in China. It is not a lot of money, Madam President. It is more than most people in this body pay in

income taxes each year. And even though it is a small amount, we ought not to be wasting it on something like that.

The Agency for International Development has serious challenges. There are other earmarks in this bill, and I compliment the Senator from Vermont and the Senator from Kentucky on some of the other earmarks in here. They are for health items, and they are for things people really need. I am offering this amendment, and I hate to take up the Senate's time for a mere $600,000, but it is such a sheer utter waste, I could not resist it.

I yield the floor and reserve the remainder of my time.

I yield 5 minutes to the Senator from Colorado. I would like to announce that Senator BRYAN of Nevada and Senator FEINGOLD of Wisconsin, as well as the Senator from Colorado and the Senator from North Dakota, have cosponsored this amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I will not take all 5 minutes, but I want to commend the distinguished Senator from Arkansas for bringing this matter forth and having the courage to speak out.

This is a pretty straightforward proposition. We have the leaders of our parties, the Democratic Party and the Republican Party, and other big interest groups who found out a way to tap the Government till. By getting together, they figured out that they can divide the money from the U.S. Treasury.

Is it the best way of spending the taxpayers' money; that is, giving it to big special-interest groups when they agree? I do not think so. We have had talks about this in the past. One of the problems with this is that this money gets awarded in other areas without competitive bidding.

Frankly, some of the money ends up being used by both parties to support people who no longer have a job in Government, and my impression at least is that some of the people are committed and dedicated and do a wonderful job on these projects and some of them could not get a job anywhere else.

The simple fact is if we are going to be careful in using the taxpayers' money, it ought to go through a regular procedure with AID or whatever other program you want to do. But what this is is a procedure of having finally agreed on the maximum amount we are going to give to the political parties—something I think everybody in this Chamber ought to be a little hesitant about—having finally agreed on that maximum limit, then someone is figuring out a new way to get around the limit. That is what this is. This is the way to get around the limit. This is the way to say, yes, we agreed on the limit as to how much we were going to hand out to political parties. By the way, we figured out a nice project. Indeed, this is. It has a wonderful purpose, and we are going to slip in a little provision in the process to give more money to them.

Madam President, this is not right. This is a way around reasonable limits. This is a way around reasonable controls. This is a way around a proper approach to spending the money.

The last thing in the world either the Democratic Party or the Republican Party needs is a bunch of party insiders deciding and dividing the public treasury without reasonable scrutiny, without fair controls, and without insisting on proper accounting for the money.

After having fought this through about the limit that they should receive, this is a way around those limits. I think it is wrong. I think it is a mistake. And frankly, I think the members of the Democratic Party and Republican Party who take advantage of their position to divide up the public treasury in this manner ought to be ashamed of themselves.

I have said that to the Republican Party leadership. I know others have said that to the Democratic Party leadership. But to take advantage of your power because you control the party, to take money out of the treasury is just plain wrong, and there ought to be a limit to it.

I commend the Senator from Arkansas for having the courage to stand up and try to insist that at least some limit stands on how much they take away from the taxpayers of this country.

I yield back the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be deducted equally from both sides.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, if no one wants to speak further on this, I wonder if all time could be yielded back. I know Senator BROWN has been waiting to offer an amendment that he and I are cosponsoring along with many other Members.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, in answer to my friend from Illinois, I think the time is going to be used. There are a couple of speakers in opposition to the Bumpers amendment. Senator SIMON and Senator BROWN will be next in line.

Mr. BROWN. If the Senator will yield, would it be all right if Senator SIMON spoke with regard to the upcoming amendment until someone else arrives to speak on the pending amendment?

Mr. MCCONNELL. Madam President, under the agreement, the time reserved prior to the vote on the Bumpers amendment is to discuss the Bumpers amendment, and we will be doing that shortly.

Mr. BUMPERS. Madam President, I did not understand what the Senator from Kentucky just said.

Mr. MCCONNELL. It is my understanding under the agreement the 30 minutes referred to is for discussion of the Bumpers amendment. The Senator from Arkansas has been discussing it. The Senator from Colorado has been discussing it. The Senator from Arizona and the Senator from Kentucky are about to discuss it.

So the answer to my friend from Illinois is that we will be discussing the Bumpers amendment during the time allotted for that shortly.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMON. Madam President, I note the presence of the Senator from Vermont here. If he wishes to speak on this, I certainly will yield. If he does not, I ask unanimous consent that this be temporarily set aside, with everyone keeping their time, so that I could speak on the Brown amendment for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object.

Mr. BUMPERS. I object.

I say I want the Senator from Illinois to have time to speak on this amendment that is pending at this time. I have one other speaker who wishes to be heard.

I would like to yield such time to the Senator from North Dakota as he may wish to use within the limits of the remaining time I have.

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes and 12 seconds remaining, which is yielded to the Senator from North Dakota.

Mr. BUMPERS. Let me retract that, Madam President. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Madam President, thank you very much.

I thank the Senator from Arkansas. The Senator does a service to this Senate by offering this amendment, which would strike $600,000 of funding for parliamentary training in mainland China.

Simply, this is a waste of money. It is only $600,000, but it is still $600,000. As the fellow said as he spit in the ocean, every little bit helps. And $600,000 is a lot of money to some folks, and we ought not waste it.

The issue here, as Senator BUMPERS has said, is giving $600,000 to the two political parties, in effect, and saying go to China and teach them parliamentary training and democracy programs. They need to learn about parliamentary training and democracy programs.

With due respect, the issue is not learning in China. The issue is yearning. They yearn for freedom and they yearn for democracy.

Have we forgotten that those students in Tiananmen Square built a papier-mache Statue of Liberty and then were slaughtered? Have we forgotten that shortly after that Bush administration officials were over there drinking wine with Chinese leaders?

China knows about democracy. That is what Tianamen Square was all about. They fully know about democracy. We do not have to spend $600,000 flying people from the Democratic and Republican parties over there to give seminars. What a waste of money.

My Lord, we have so many needs and so many problems in this country, and we are going to spend $600,000 on this program? This funding ought not to have been in this bill in the first place.

When the Senator from Arkansas offered this amendment this year, I told him at the time it was too timid. He and I would have liked to repeal the whole National Endowment for Democracy program. What a waste of millions of dollars.

But this $600,000 is in this bill, and in my judgment, it is a waste of money. Let us dump it. Let us adopt this amendment and demonstrate that we understand the difference between what is needed and what is not, what works and what is waste.

What would Harry and Louise think of this, for God's sake, sitting on the couch, talking about what Government is doing?

"Harry, did you hear what they are going to do next? They are going to send people to China to teach democracy." And Harry would say, "Gee. Don't they know about democracy? They were over there fighting and dying for it."

China's knowledge of and desire for democracy is clear and obvious. To spend $600,000 to try to spur China's desire for democracy is not only ridiculous, it is insulting.

Let us do the right thing. Let us pass this amendment. Just start 1 inch down the road, and hopefully down the road a way we will repeal the National Endowment for Democracy for good and stop wasting the taxpayers' money.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BUMPERS. I am happy to yield to the Senator from Vermont 30 seconds. I yield him a minute. He cannot speak for only 30 seconds.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I think the Senator from Arkansas is right and the Senator from North Dakota is right. I will vote for his amendment. In fact, I will join in doing away with the National Endowment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. Madam President, never has so little money generated such elaborate rhetoric.

Let me just say that this vote is about democracy in China. It is whether you support giving reformers in China a chance or not. It is a vote to provide aid to organizations which are working with legislators working with democratic activists in China, and there are democratic activists in China.

No funds; I repeat, no funds. This debate reminds me of the big shootout we had over the National Endowment for Democracy recently. But I want to say, this is not about the NED. I know there are heated passions here that tend to come to the fore when we talk about the NED.

The NED has always prevailed in the Senate, but this is not about that. I kind of wish it were, because I know what the outcome of the votes would be if it were about NED. The Senator from Arkansas would probably be defeated.

But there are not any funds directed to either the International Republican Institute, the National Democratic Institute, or any other organization, frankly. The provision in the bill specifically says that the funds should be available on a competitive basis. Just on a competitive basis.

Among the organizations that might qualify for this would be the Ford Foundation, or the AFL-CIO, or maybe even the University of Arkansas.

So I do not think, to be perfectly frank with you, this deserves an extensive debate. But it seems to me that if you would concede there are some democratic reformers active in China—and I know there are—and that this might be a way to provide some organizations a chance to help them move forward, this should not be all that controversial.

But, the Senate can work its will on it. It seems to me this is largely about a democracy in China.

The 10 most wanted Tiananmen Square dissidents who escaped to the U.S. strongly support this particular provision of the bill. Let me repeat, for those of you who think this may be a rerun of MFN, the 10 most wanted Tiananmen Square dissidents who escaped to the U.S. strongly support this provision.

So let us not make this into, what we used to say in law school, a Federal case. It is an important provision to those dissidents who had the courage to stand up to the government in Tiananmen Square.

Beyond that, Madam President, I rest my case. I thought the Senator from Arizona was going to speak to this amendment, but he is not here yet.

That basically concludes my observations. I hope the Bumpers amendment will be defeated. But I am sure China will move forward with or without it.

I yield the floor.

Mr. LEAHY. Madam President, have the yeas and nays been ordered on this amendment.

The PRESIDING OFFICER. No, they have not.

Mr. BUMPERS. I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that the rollcall vote on this amendment, which would take place at the expiration of the time under the unanimous-consent agreement, occur immediately following the next rollcall vote.

The PRESIDING OFFICER. Is there objection? There being none, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I ask unanimous consent that the distinguished Senator from North Carolina [Mr. HELMS] and the distinguished Senator from Illinois [Mr. SIMON] be added as cosponsors.

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

Mr. BUMPERS. Madam President, I am prepared to yield back such time as I have. I just want to make one closing point.

As they say, $600,000 is not much money. But it is too much to waste. If we were really serious about trying to help China democratize, $600 million would be a more appropriate figure. You might accomplish something with that.

But you will not accomplish anything with $600 million, $60 million, $6 million, $600,000 trying to teach democracy to the same people who slaughtered young innocent students in Tiananmen Square because they wanted democracy.

To follow up on what the Senator from North Dakota said on Harry and Louise, there has to be a better way. Why squander $600,000?

Madam President, I yield back the remainder of my time.

Mr. McCONNELL. Madam President, let me say, probably in conclusion, this is not about providing money for the National Endowment for Democracy. This is about earmarking some funds for organizations that are interested in promoting democracy in China to compete for.

The 10 most wanted Tiananmen Square dissidents who managed to escape support this provision. This is not about MFN. This is not about the NED. This is a symbol for the 10 most wanted Tiananmen Square dissidents who managed to escape the country.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes and 9 seconds.

Mr. McCONNELL. I am going to reserve the remainder of my time, because I understand there might be at least one other speaker on this side.

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

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I ask unanimous consent that this amendment be set aside and the time reserved, and that I be able to speak for 3 minutes on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I definitely will not object, but has the Brown amendment been offered?

Mr. McCONNELL. It is at the desk.

Mr. LEAHY. I would only urge, while Senator SIMON is speaking, that somebody could probably call the Senator from Colorado and they could bring up his amendment. If we could do that next, it would probably make some sense.

I do not object.

The PRESIDING OFFICER. Is the Senator from Illinois calling up the Brown amendment?

Mr. SIMON. I am not calling up the Brown amendment. I am just asking unanimous consent to speak on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, I think we all understand each other. The clock is not running on the Bumpers amendment.

The PRESIDING OFFICER. That is correct.

The Senator from Illinois is recognized.

Mr. SIMON. Thank you, Madam President.

AMENDMENT NO. 2248

Mr. SIMON. My colleague from Colorado has offered an amendment that is cosponsored by a great many on both sides and I hope can be accepted and I think should be noncontroversial that says the President may—and I underline "may"—transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 or under the Arms Export Control Act to Poland, Hungary and the Czech Republic. Later, other nations could be added if other nations establish solid democracy.

These three have led the way. And I am pleased to say that other nations in that area are moving in this direction. When others want to add other nations, I will probably support that when those nations appear to qualify.

But it does seem to me that we ought to recognize that, to the extent that we can encourage security cover for these nations, it is desirable.

For those who feel, and particularly some of my friends in the State Department feel, that this is an anti-Russian thing, not at all. The reality is, when the time comes when democracy is well-established in Russia, then Russia can become part of this whole alliance. In fact, the real military threat to Russia long term is not from Poland, not from Hungary, not the Czech Republic, but it comes from China.

And so I think this amendment by my colleague from Colorado makes sense. I am pleased to be a cosponsor. I hope it can be accepted without controversy by the Senate.

Madam President, if no one desires to speak, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

AMENDMENT NO. 2294

Mr. McCAIN. Madam President, could I ask the Senator from Kentucky if he will yield me some time?

Mr. McCONNELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes 57 seconds.

Mr. McCONNELL. Madam President, I yield to the Senator from Arizona however much time within that limit he may desire.

Mr. McCAIN. Madam President, I will ask another question of the Senator from Kentucky, who is the ranking member, in the absence of the other manager of the bill. I ask, first of all, did the committee propose this to be part of the bill? The funding?

Mr. McCONNELL. Madam President, yes, I say to my friend from Arizona, it did. The subcommittee did. It was subsequently approved by the full committee.

We have been sort of kicking this around here on the floor. I do not want to represent the arguments of the other side, but I think underlying those arguments is the notion that there are no reformers in China. I know there clearly are. This rather small amount of money would be available on a competitive bid basis for organizations like the Ford Foundation or the AFL/CIO, or for that matter the University of Arkansas, to help with the development of democratic institutions within the country.

The final observation I will make, that I did make earlier on the floor, is that the 10 most wanted Tiananmen dissidents who managed to get out of the country and are here in the United States strongly support this funding. So I am a little mystified, I would say to my friend from Arizona, how this has become a matter of such controversy.

Mr. McCAIN. Madam President, the reason why I asked my colleague is because I think there is a little more to this than that. Here is $600,000 of a $14 billion piece of legislation that seems to have aroused all this. What we are really talking about is the National Endowment for Democracy, which the distinguished Senator from Kentucky knows, coincidentally, the cosponsors of this amendment have tried to kill several times. They got beat badly in the House the other night. They know they will get beat badly here. So we have to go through this exercise.

Is it apparent to my friend from Kentucky that the Senator from Arkansas and the Senator from Colorado know better what is best for China? They are not, obviously, experts on China. They know better than General Scowcroft, former National Security Adviser; Larry Eagleburger, former Secretary of State; Jim Lilley, former Ambassador to China; Doug Paal, NSC's Director of Asian Affairs, and the agency's 10 most wanted. So they know much better than these individuals; is that not a correct assumption to make, if you support this amendment, I ask my friend from Kentucky?

Mr. McCONNELL. I will say the National Endowment for Democracy is not specified in here as a recipient of this money, but the debate did sound remarkably similar to the one we have had here on several occasions on which the Senator from Arizona and I had participated. I asked the staff here earlier if they could give me the outcome. Maybe the Senator has the outcome. The last time we had the NED battle here it was rather lopsided. The Senator from Arizona is certainly correct, it sounds quite similar.

Mr. McCAIN. I thank my friend from Kentucky. Again, I am astounded at the knowledge of China and the situation there. Frankly, I am incredibly impressed by the Senator from Colorado and the Senator from Arkansas, especially. Frankly, their in-depth knowledge of China had somehow escaped me over the years. But it is clear to me they know more than Larry Eagleburger, General Scowcroft, Doug Paal, and the Chinese dissidents who fled to this country who believe they know what is best for their country. So I certainly hope my colleagues will take into consideration the different balance of views here.

What this is, as my friend from Kentucky knows, is some way to get at, again, the National Endowment for Democracy, a debate we have had many

times in the past and we will probably have in the future. All this malarkey about people who are involved in the National Endowment for Democracy, I have to say to my friend from Kentucky, I resent it, from the Senator from Colorado especially, who also knows better.

The fact is, in the view of almost every unbiased expert, the National Endowment for Democracy has done some very important and credible things, which is why the last time the National Endowment for Democracy was attacked, literally every editorial page in America, conservative and liberal, took on the opponents by name. I have never seen such support from columnists, from David Broder to George Will, et cetera, et cetera.

I do not want to waste the time of this body. We can decide. This body can decide very quickly. Shall we take the word of Gen. Brent Scowcroft, former National Security Adviser to the President; Larry Eagleburger, former Secretary of State; Jim Lilley, former Ambassador to China; Doug Paal?

Let me tell you, Madam President, what Chai Ling—I am sure that is a mispronunciation of his name—a 1989 Tiananmen student commander twice nominated for the Nobel Peace Prize, said: "Unless China starts constitutional reforms, setting up its own checks and balances mechanism within its system, it is unrealistic to expect outside pressure to change the situation. After escaping from China and living in the U.S. and studying at Princeton University, I am more convinced than ever that China's future is through constitutional reform."

That is what this amount of money is for.

I am sure Mr. Chai Ling, having been gone since 1989, is not as up to date as the Senator from Colorado nor the Senator from Arkansas.

They are much more aware. In fact, they may even travel there in the meantime. Or Liu Binyan, who said:

All people—

Obviously with the exception of the Senator from Arkansas and the Senator from Colorado—

All people concerned about China's future and democratization have reached consensus that China's transformation must be peaceful and gradual. During the process of peaceful transformation, the most important thing is to implement the constitution and gradually amend it. Whether China avoids great turmoil depends on successfully implementing gradual political reform.

And another dissident says the same thing.

It is clear here. And finally, Madam President, here we are—I feel like I am in a ludicrous position. I opposed an amendment prohibiting the President going into Haiti. I opposed an amendment tying the President's hands on Bosnia. I opposed amendments time after time that have prospectively prohibited the President from taking certain action. And here I am, again, opposing an amendment that says that the President cannot do something.

It is a priority for AID, and I thought that those who opposed just recently the Dole Haiti amendment might not want to tie the President's hands in this instance.

Madam President, I say to my friend from Kentucky, I thank you for your support. It is not that big a deal. If this body wants to kill this $600,000 because they feel that all these people are wrong, then so be it. But I do not think it deserves, frankly, a great deal more debate.

I yield to my friend from Kentucky.

Mr. McCONNELL. Madam President, I want to thank my friend from Arizona for his very persuasive observation. The last time we had this debate—the position the Senator from Arizona and I are advocating—on another matter, the outcome was 74–23.

Even though this amendment does not specify any recipient agency—it could be the Ford Foundation or the AFL–CIO—I certainly share the Senator's view: Why are we here trying to knock out a relatively modest amount of money to try to help this vast country move in the direction we all hope it will go?

I thank the Senator from Arizona for his fine remarks.

Mr. McCAIN. Madam President, there is one more point I would like to make, and it needs to be on the record again.

When I found out that this money was earmarked for the National Endowment for Democracy, I came down here with an amendment, which the distinguished managers of the bill were kind enough to accept, which removed that.

This money, if it is appropriated, will go on a competitive basis conducted by the Agency for International Development.

So I say to my friend from Kentucky, our attacks on the National Endowment for Democracy may be misguided because they may not get the money, depending on what AID decides.

I reserve the remainder of the time of the Senator from Kentucky.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I rise simply——

The PRESIDING OFFICER. Time has expired——

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. McCONNELL. I think the case against the amendment has been adequately stated by the Senator from Arizona and, hopefully, by myself. I will be glad to give the Senator from Colorado my last 2 minutes. Then we can move on to his next amendment.

Mr. BROWN. I will not take 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I simply want the RECORD to indicate the way the Senator from Arizona has summarized the issue, and the impact of his amendment, I believe, is accurate. I believe the McCain amendment significantly improved the measure that was in the bill.

I think the Senator is to be praised for that. I certainly think that his efforts made a significant improvement in the measure and one that I think, whether this particular amendment is adopted or not, will have been a help. I yield back any remaining time.

Mr. McCONNELL. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MIKULSKI). All time has expired. The Senator from Vermont.

Mr. LEAHY. Madam President, absent the unanimous-consent agreement that we entered into earlier, there would be a rollcall vote now. I see the Senator from Colorado on the floor. He also has an amendment which I believe he is going to bring up. There may be someone to speak on this side. I would like to know if perhaps we can get a time agreement on that, and then if there is going to be a rollcall vote on that, then we would know when the time would be, because we would have two rollcall votes together, and that is probably about as late as I would want to go before we had some more rollcall votes because I find as we have the rollcall votes, a lot of the Senators who cannot seem to be reached by phone to work out these time agreements are suddenly on the floor.

Mr. BROWN. If the chairman will yield, I know the distinguished chairman of the Foreign Relations Committee, Senator PELL, has an interest in the Brown-Simon amendment. I know he will want to be heard on it. I offer to the chairman that I will be happy to agree to whatever time limit the Senator from Rhode Island would wish to place on the amendment.

Mr. LEAHY. Let us do this. Why do we not set 1 hour evenly divided, if that would be OK with the Senator from Colorado, and if we do not need the time, we can always yield it back.

Mr. BROWN. For my purposes, I would be happy to agree with that. I believe it is possible to conclude it more promptly than that.

Mr. LEAHY. Madam President, parliamentary inquiry. Are we now on the Brown amendment? I ask unanimous consent that when the Brown amendment is brought up—and I understand from the Senator from Colorado he is about to do that momentarily—that when it is brought up, that there would be 1 hour evenly divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object. I ask the Senator from Vermont, following that would he anticipate two rollcall votes?

Mr. LEAHY. Madam President, the Senator from Arizona is correct, we would. I would also note that I am doing this only because it would take longer to go on the hot line to find out who wants to speak. I hope on this side we will be yielding back a considerable amount of that time. But then there would be a vote—let me state it this way.

I ask unanimous consent that we now go to the Brown amendment; that there be 1 hour evenly divided in the usual fashion; at the end of that hour, there be a vote on, or in relation to, the Brown amendment, with no second-degree amendment to it in order; and that upon the completion of that vote, whatever it is—rollcall or otherwise—that we then immediately vote on the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I feel the need to have a short quorum call. I want to discuss it.

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

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

Mr. HELMS. I have no objection to the request.

Mr. LEAHY. I renew my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Vermont?

Mr. COHEN. Reserving the right to object, is it clear that an hour must be consumed?

Mr. LEAHY. No. Time could be yielded back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2248

The PRESIDING OFFICER. The pending amendment is the Brown amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Madam President, I believe we have called up for consideration amendment 2248, and I ask unanimous consent that the following Members be added as cosponsors: Senators ROTH, MIKULSKI, DOLE, WARNER, DOMENICI, LIEBERMAN, HELMS, PRESSLER, FEINGOLD, NICKLES, MCCAIN, and SIMON as well.

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

Mr. BROWN. Madam President, I also ask unanimous consent that Senator CRAIG be added as a cosponsor, and Senator COHEN.

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

Who yields time?

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BROWN. Madam President, this amendment is quite straightforward. It merely adds the authority for the President to extend to the countries of Poland, the Czech Republic, and Hungary an ability to participate with our Defense Department as many other countries do. Let me be specific. Currently, we have the ability to transfer excess defense articles to other countries around the world. Those include, in addition to our NATO allies, Egypt, Israel, Morocco, Oman, Bahrain, and Senegal. This amendment would add Hungary, Poland, and the Czech Republic to the existing list of countries. These three countries are anxious to participate with us. They are anxious to become part of NATO. They have democratized their nations. They are anxious to work with our military and they are anxious to stand among the countries that not only believe in democracy and freedom but are willing to defend it, and they seek an opportunity to have closer ties with the West.

Members will ask whether or not the President should be authorized to put these three countries in the same category as Senegal or Oman. It is my belief that they more than qualify and should be included. It would also put the three countries in a list of countries that are authorized to receive leases and loans of major defense equipment. It would put them among nations with whom the United States maintains cooperative military airlift agreements. Let me emphasize, Madam President, this amendment does not require the President to take any of these actions. It leaves the final decision with the President.

Why should the Senate support the NATO Participation Act of 1994? If I may, I would like to share with the body a letter that I received from former Secretary of State Henry Kissinger. His letter reads as follows.

> Thank you for bringing to my attention the Brown-Simon "NATO Participation Act of 1994" and your plan to offer it as an amendment to the Foreign Operations Appropriations bill.
>
> In my view, continuing security in Europe hinges upon a stable NATO alliance open to early membership by countries like Poland, Hungary and the Czech Republic. Ambiguous western security arrangements for the heart of Europe will not serve the cause of peace there. Rather they will generate uncertainty and instability.
>
> The "NATO Participation Act" sends a strong indication of the United States' support for Poland, Hungary and the Czech Republic. By extending to these fledgling democracies some of the most important security benefits that U.S. law extends to existing NATO members, the Act will speed their transition into NATO.

Madam President, that is exactly the purpose of my amendment.

Dr. Kissinger concludes:

> I strongly support the Brown-Simon amendment and urge your colleagues of both parties to join in passing it at its earliest opportunity.

Madam President, this is not a partisan amendment. It is offered to the body with the leadership of Senator SIMON, who has long been concerned about not only the plight of Poland but the plight of those in Central Europe, along with three other Democratic Senators who have been leaders in this particular area.

I am particularly interested in the plight of Central Europe, Madam President, for this reason. The year before I was born, the world saw Poland disappear as it was engulfed by Germany and the Soviet Union. Many important historians looking back on those events cite the perception created by democracies of the world that they would not stand with Poland as the impetus behind the Nazi invasion. Because our support was ambiguous, because those of good faith who believe in democracy did not stand together, each country fell separately to the totalitarian aggressors.

Imagine the millions of lives that could have been saved if democracies had stood up at the time Poland was threatened. Other Members will recall the dismemberment of Czechoslovakia. Then, the leadership of the West, hoping against hope, abandoned Czechoslovakia, believing this offering would satiate Hitler's appetite. It did not. Tragically, after swallowing up a portion of Czechoslovakia, the Nazi hunger remained. While the West stood silent, the Nazi hordes finished off the remainder of this once prosperous nation and proceeded on their path.

Other Members will recall the valiant struggle of the Polish underground during World War II against the Nazi invaders. As the end neared, the Soviet Army asked these partisans to surrender and negotiate for control of the country, for the bringing of democracy and stabilization to Poland. The Polish underground leaders were reluctant to do so and only agreed to surrender to the Soviet authorities after the United States urged and assured them that they would be well treated and that they, indeed, would be a respected part of the leadership they sought to bring to their country.

The tragedy of history is that those valiant leaders of the Polish underground were arrested, were imprisoned and eventually executed. The defenders of freedom and the defenders of the fight against the Nazis in Poland were executed. And what did the United States do? Tragically, little.

I do not want, for this generation, for it to be said that we did not do what we could to make sure these same events do not happen again.

Madam President, how can we look at the Czech Republic and not feel twangs of the heart. How can we not wonder if there was something the United States could have done at the time that would have stopped their misery and circumvented the cold war? How can we even think about Poland and wonder if we could not have done a better job to stand with the Polish people? How can we even think about preserving freedom in this world and not know that it is important for men and women who sincerely believe in freedom and democracy to stand together?

Now, the facts are these, at least as this Member sees it. There are radical elements within Russia today that would like to reassert their control over Central Europe. Thankfully, thankfully, we believe the leadership of the country does not share that enthusiasm.

Madam President, I believe that if we make our intentions with regard to Central Europe unclear, if we are unwilling to make it clear that they are part of the family of free nations, if we are unwilling to show that they have a right not only to protect freedom but to be part of the defense network that stands up for it, then I believe we send a signal that reasserting domination over the Central European powers is all right; that once again free men and women will stand idly by while their freedom and independence is crushed.

Madam President, that would be a tragedy. This amendment will begin to make our intentions clear; namely, that we intend to take the issue off the table; that reasserting control over Poland, Hungary, or the Czech Republic will no longer be considered viable by anyone in Russia; that Russia will feel an obligation to respect the freedom and independence of these countries just as we feel an obligation to respect their freedom and independence.

I offer this resolution only because the governments of those countries have expressed their interest in becoming part of NATO, not because we are pushing them to join. We should not do anything to jeopardize the hard won and cherished freedom that these countries now enjoy. By moving quickly, by holding out the hand of friendship and participation, we can short circuit those who would reassert domination over central Europe.

Madam President, I ought to mention that, in addition to these three Republics, the Slovakians have indicated an interest in joining NATO and, as a matter of fact, would like to be included in this amendment. They are not included in this amendment, and my sense is that it is not appropriate to change the amendment at this time. But I must say my own feeling is that Slovakia should be considered as a candidate for NATO membership. I personally favor their inclusion, and I hope that at some time in the future, we can consider them and make our feelings known to the Senate.

But my hope is also that we do not miss this opportunity to send a clear signal that we want Poland and the Czech Republic and Hungary to enjoy the freedom and the independence that they sacrificed so much for and long for so greatly.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Madam President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

Mr. LEAHY. Madam President, I yield such time as he may need to the Senator from Rhode Island, the chairman of the Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

Less than 2 weeks ago, the Senate adopted an amendment to the Defense Department authorization bill that addressed the issue of participation in allied defense cooperation. As I said at the time, we should encourage the President to use existing authorities to provide excess defense articles and other benefits to our friends particularly our friends participating in NATO's Partnership for Peace.

I am concerned, however, by any attempt to draw unnecessary lines in a newly undivided Europe as the proposed amendment would do. The administration has worked very hard to be inclusive in developing NATO's Partnership for Peace. For example, Russia joined the Partnership with no special conditions—on the same terms as other countries. If we begin to differentiate now, we undermine the concept of a whole and free Europe. We fought the cold war for a half century with hopes that one day, we could bring down the Iron Curtain that bifurcated Europe. Why on earth would we want to redraw lines that we struggled so hard to erase?

The amendment before us specifically mentions Poland, Hungary, and the Czech Republic as countries that should be eligible to receive excess defense articles. I want to emphasize that those countries are already eligible for excess defense articles, and the President has, in fact, already offered Poland and Hungary excess equipment. Both countries, however, have declined the offer due to financial difficulties. I reiterate: the President has already tried to do what this amendment asks, but was turned down by the relevant countries.

This amendment would also amend existing law to specifically mention Poland, Hungary, and the Czech Republic as eligible to receive other benefits such as communications support, leases and loans of defense equipment, and cooperative military airlift agreements. Again, under existing law, the President already has the authority to grant these benefits to Poland, Hungary, the Czech Republic, as well as to other countries that he determines are appropriate.

Madam President, I wish to stress that Poland, Hungary, and the Czech Republic are all members of NATO's Partnership for Peace, and are extremely deserving of military cooperation and benefits. Indeed, they have been offered the type of assistance that this amendment would authorize. Accordingly, I believe this amendment is unnecessary and would serve only to draw new lines between our friends in Central and Eastern Europe, and would make a division rather than unification.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has 26 minutes 24 seconds. The Senator from Colorado has 19 minutes 10 seconds.

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, the distinguished chairman of the Foreign Relations Committee has accurately advised the body that these countries are now able to receive some excess defense articles. I think it is fair to describe them as nonlethal items that can be shared with these countries.

The amendment before us provides authorization. Let me emphasize that it is authorization; it is not a requirement. It is merely discretionary for the administration and provides authorization that extends not only to subsection (b) but also includes subsections (c) and (d).

It merely adds options for the President that he does not now enjoy. It extends to Poland, the Czech Republic, and Hungary the ability to participate in these programs, should the President decide.

I think it is fair to describe the additional areas as ones that go beyond nonlethal equipment, ones that involve a broader range of military hardware capabilities. Let me emphasize how important this change is. It is important because these countries want to communicate with us, they want to develop joint procedures, they want to work with our personnel, and they want to

learn from our personnel. The ability to work together in these areas expands their ability to become effective allies.

Madam President, let me emphasize again what is important here. The NATO Participation Act goes far beyond simply the hardware which we might share, the joint exercises that we might perform, or the good will that might come from closer cooperation. What comes here, frankly, is a signal, a signal that we care about these countries, a signal that we want to be close to these countries, a signal that we understand that it is important that they remain free, a signal that we are not only interested in their freedom, but willing to work with them toward that future.

Madam President, let me also emphasize how important it is right now. Right now, these countries are deciding what their future will be. If we turn our back on them, if we ignore them, if they gain the impression we do not care about their security, they will be forced to make other security arrangements.

What a tragedy it would be if, when finally they have achieved their peace and freedom and independence, that we would treat them with disdain. Whether we realize it or not, our willingness or unwillingness to work with them is viewed as a strong sign of what their future will be. Will it be to the West or will it be to the East? Surely, it is in our country's interest to make sure that they receive a strong signal of our interest, our friendship, and our willingness to work with them.

The Senate earlier tonight had gone on record in opposition to the McConnell amendment.

The NATO Participation Act is a bit milder than the McConnell amendment. It has a number of cosponsors that did not support the McConnell amendment. While it is not as strong—at least in some ways—as the McConnell amendment, it does send a positive signal. I think it would be a tragedy if what comes out of our deliberations tonight is a negative signal to those who seek our help and comradeship in preserving their freedom.

I ask unanimous consent that a copy of the analysis that I asked be prepared by the Congressional Research Service on this particular subject be printed in the RECORD at this time.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC. June 28, 1994.

SUBJECT: Current Statutory Authority for Certain Defense-Related Activities Involving Poland, Hungary, and the Czech Republic

TO: Hon. Hank Brown

FROM: American Law Division

This memorandum responds to your request for an analysis of whether the President currently has statutory authority to undertake the defense-related activities that would be authorized in a proposed amendment to S. 2182, 103d Cong., 2d Sess. (1994), the Department of Defense (DOD) authorization bill for FY 1995. The amendment, according to the text that you have provided to us, would authorize the transfer of excess defense articles to Poland, Hungary, and the Czech Republic under the Arms Export Control Act and the Foreign Assistance Act, and would specifically extend the authorities of various other defense-related statutes to cover leases and loans of defense articles to and various cooperative defense activities with these countries. The amendment would add Section 1017 to the proposed bill. Given the brevity of our deadline, we are providing only a preliminary discussion of the provisions that may be implicated by the proposed amendment. Except for indicating AECA eligibility dates for Poland, Hungary, and the Czech Republic, we do not discuss Executive Branch implementation of the provisions discussed below.

Section 1017(b) would authorize the President to transfer excess defense articles under the foreign Assistance Act of 1961 (FAA)[1] or the Arms Export Control Act (AECA) to Poland, Hungary, and the Czech Republic.

As a general matter, §620(f) of the FAA prohibits the furnishing of assistance to any Communist country unless the President makes certain findings. Until October 1992, the Czechoslovak Socialist Republic, the Hungarian People's Republic, and the Polish People's Republic were specifically listed as Communist countries for purposes of the prohibition. These countries were removed from §620(f) list in §901 of the FREEDOM Support Act, Pub. L. No. 102–511, 106 Stat. 3355. At present, there do not appear to be any other general FAA provisions specifically prohibiting FAA assistance to the Czech Republic, Hungary, or Poland.

Section 517 of the FAA[2] specifically authorizes the President to transfer excess defense articles, without cost to the recipient countries, for modernization of the defense capabilities of countries of NATO's southern flank. The term "excess defense article" is defined in §644(g) of the FAA as "the quantity of defense articles (other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors) owned by the United States government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess or the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act."

Eligible recipients under §516 are (1) NATO member countries on the southern flank of NATO that are eligible for United States security assistance and which are integrated into NATO's military structure; (2) major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance; and (3) those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in FY 1990 or are in the Near East region and received FMF assistance in FY 1991 on FY 1992. A member of NATO on the southern flank of NATO is defined to mean Greece, Italy, Portugal, Spain, and Turkey (§516(e)). While category (2) is not defined in the statute,[3] it would not appear that Poland, Hungary, and the Czech Republic fall within any of the three categories of authorized recipients for purposes of this section.[4]

Section 518 authorizes the President to transfer nonlethal excess defense articles and small arms to friendly countries for resource conversation and management purposes.

Section 519 authorizes the President to transfer to countries for whom an FMF program is justified for the fiscal year in which the transfer is authorized, such nonlethal excess-defense articles as the President determines necessary to help modernize the defense capabilities of such countries, in accordance with the provisions of the section. Transfers are authorized only if (1) the equipment is drawn from existing stocks of the DOD, (2) no DOD funds available for procurement of defense equipment are expended in connection with the transfer, (3) the President determines that the transfer will not have an adverse impact on the military readiness of the United States and (4) the President determines that transferring articles under §519 is preferable to selling them, after taking into account the potential proceeds from, and the likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of either a transfer or sale.[5] Transfers may be made under this section notwithstanding any other provision of law, except title V of the National Security Act of 1947. Further, the Foreign Operations Appropriations Act for FY 1994, Pub. L. No. 103–87, provides at §555, that §519 may be used in FY 1994 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 §519(a).

The President also has special authority under the FAA to transfer defense articles in emergency situations or notwithstanding other provisions of law. Section 506 authorizes the President to direct the drawdown of defense articles from Department of Defense stocks in the event of an unforseen emergency requiring immediate military assistance to a foreign country or international organization and the emergency requirement cannot be met under the authority of the AECA or any other law except §506. Section 614(a) authorizes the President to authorize the furnishing of FAA assistance without regard to any other provision of the FAA, the AECA, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the FAA if he determines and notifies Congress that to do so is important to the security interest of the United States. Section 614(b) authorizes the President to make sales, extend credit, and issue guarantees under the AECA if the President determines and notifies the Congress that doing so is vital to the national security interests of the United States. The amount of assistance that may annually be provided under these special authorities is limited by statute.

The Arms Export Control Act authorizes, *inter alia*, government-to-government sales of defense articles and services to eligible countries.[6] Poland, Hungary, and the Czech Republic have been rendered eligible for AECA transactions as provided under §3 of the

Footnotes at end of article.

Act.[7] Section 21 authorizes the President to sell defense articles and defense services from DOD stocks to any eligible country or international organization if the country or organization agrees to pay in United States dollars—(A) in the case of a defense article not intended to be replaced at the time the agreement is entered into, not less than the actual value of the article or (B) in the case of a defense article intended to be replaced at the time the agreement is entered into, the estimated cost of replacement of the article. While §21 does not use the term "excess defense article," its reference to defense articles that are not intended to be replaced would appear to indicate that excess defense articles may be sold under this provision. A preference for sales of excess defense articles would also appear to be indicated in §21(i), which provides that sales of defense articles that "could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum." The statute was recently amended, however, to require the President to "first consider" the technological impact of sales of excess defense articles from stocks before entering into such sales.[8] The Act also authorizes the President to enter into contracts for the procurement of defense articles for cash sales to any foreign country or international organization (§22) and to finance the procurement of defense articles by friendly countries and international organizations (§23). Foreign Military Financing (FMF) programs may be established under the authority of §23 of the AECA for countries determined to be eligible for AECA programs. As indicated earlier, a country for which an FMF program is in effect for a particular fiscal year may be the recipient of excess non-lethal defense articles provided under §519 of the FAA.

Section 1017(c) would eliminate the legislative review requirement set forth in §63 of the AECA for leases of defense articles under §61 of the AECA and loans of defense articles under the military assistance provisions of the FAA (Part II, Chapter 2) above certain amounts, where such leases or loans are made to the Czech Republic, Hungary or Poland. Under current law, legislative review does not apply with respect to loans or leases to NATO, any member country of NATO, Japan, Australia, or New Zealand. Neither Poland, Hungary, nor the Czech Republic are specifically exempted from this requirement; nor is there a general provision allowing for their exemption from §63.

Section 1017(d) would amend §65 of the AECA to specifically allow the Secretary of Defense to loan to Poland, Hungary, and the Czech Republic supplies and equipment for the purposes of carrying out a program of cooperative research, development, testing or evaluation. Under current law, such loans may be made to a country that is a NATO ally or to a country that is a major non-NATO ally. Pursuant to §65(d), these countries include a member country of NATO (other than the United States) or a foreign country other than a member nation of NATO designated as a "major non-NATO ally" under 10 U.S.C. §2350a(i)(3).

Section 2350a authorizes the Secretary of Defense to enter into memoranda of understanding (or other formal agreements) with one of more major allies of the United States for the purpose of conducting cooperative research and development projects on defense equipment and munitions. A major ally of the United States is defined in §2350a(i)(2) as a member nation of NATO (other than the United States) or a "major non-NATO ally." The term "major non-NATO ally" is defined in §2350a(i)(3) as "a country, other than a member nation of the North Atlantic Treaty Organization, that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State." Were Poland, Hungary, or the Czech Republic to be designated "a major non-NATO ally" under this provision of Title 10, the country or countries so designated would apparently be eligible to receive the materials, supplies or equipment referred to in §65. The proposed amendment, however, would seemingly allow the loan of §65 items to the Czech Republic, Hungary or Poland without the need for a special country determination under Title 10.

Section 1017(e) would amend 10 U.S.C. §2350c(e)(1)(B) to specifically allow the Secretary of Defense to enter into a cooperative military airlift agreement with the government of the Czech Republic, Hungary for Poland for the transportation of the personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the United States in return for the reciprocal transportation of the personnel and cargo of craft operated by or for the military forces of the other country. Section 2350c allows the Secretary to enter into such agreements with the government of "any allied country." Under current law (22 U.S.C. §2350c(e)), the term "allied country" is defined as: (A) a country that is a member of NATO; (B) Australia, New Zealand, Japan, and the Republic of Korea; and (C) any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrences of the Secretary of State. Again, were the Czech Republic, Hungary or Poland to be designated an "allied country" under §2350c(e)(1)(C), the Secretary of Defense could seemingly enter in to a cooperative military airlift agreement with the country or countries so designated. The proposed amendment would presumably allow the Secretary to enter into such an agreement with Poland, Hungary or the Czech Republic without first making a special country determination under §2350c(e)(1)(C).

Section 1017(f) would amend 10 U.S.C. §2350f(d)(1)(B) to specifically allow the Secretary of Defense to enter into a bilateral arrangement with Poland, Hungary or the Czech Republic or to enter into a multilateral arrangement with these countries under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to those countries, an equivalent value of communications support and related supplies and services. Section 2350f(a) allows the Secretary to enter into such agreements with the government of "any allied country." Under current law (22 U.S.C. §2350f(d)), the term "allied country" is defined as: (A) a country that is a member of NATO; (B) Australia, New Zealand, Japan, and the Republic of Korea; and (C) any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State. As with the two preceding provisions, were Poland, Hungary, or the Czech Republic to be designated an "allied country" under §2350f(d)(C), the Secretary of Defense could presumably enter into §2350f agreements with the country or countries so designated. The proposed amendment would seemingly allow the Secretary to enter into such agreements with Poland, Hungary, or the Czech Republic, either bilaterally or multilaterally, without first making a special country determination under §2350f(d)(C).

We hope that this information is helpful to you and that you will call on us if you have any additional questions.

JEANNE J. GRIMMETT,
Legislative Attorney, American Law Division.

FOOTNOTES

[1] Section 503 of the Foreign Assistance Act provided the authority for the FAA grant military assistance program (MAP). Grant assistance formerly provided under the MAP is now apparently provided under the Foreign Military Financing (FMF) program established under the Arms Export Control Act. *See, e.g.*, Congressional Presentations for Security Assistance Programs for FY 1991 and FY 1992, prepared by the Department of State and the Defense Security Assistance Agency of the Department of Defense.

[2] Sections 516 and 519 of the FAA were recently amended to require the President to consider the effect of a transfer of an excess defense article on the national technological and industrial base. Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103-236, §731.

[3] This category was added in the DOD Appropriations Act, 1988, Pub. L. No. 100-202, §8143, 101 Stat. 1329-89.

[4] *See infra* note 7 regarding dates of these countries' AECA eligibility.

[5] Estonia, Latvia, and Lithuania have been made eligible to receive nonlethal excess defense articles under §519 without regard to the restrictions in §519(a). FREEDOM Support Act of 1992, Pub. L. No. 102-511, §906(a).

[6] Sections 21 and 61 of the Arms Export Control Act were recently amended to require the President to consider the effect of a sale or lease of an excess defense article on the national technological and industrial base. Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103-236, §731.

[7] Poland and Hungary were determined to be eligible on December 6, 1991; the Czech Republic and Slovakia on December 27, 1993.

[8] Pub. L. No. 103-236, §731, *adding* §21(k).

The PRESIDING OFFICER. Is the Senator from Colorado finished?

Mr. BROWN. Yes.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Kentucky?

Mr. BROWN. I yield such time as he may consume to the Senator from Kentucky.

Mr. McCONNELL. Madam President, I commend the Senator from Colorado for his amendment and for his work in this area. He is absolutely correct when he says what this is about is sending a signal. If the Senate was unwilling, on a vote of 53 to 44, to go quite as far as the Senator from Kentucky was willing to go, maybe it will be willing to go as far as the Senator from Colorado is now advocating.

I think the Senator from Colorado is offering an excellent amendment. I think he shares my view that the people of Eastern Europe are waiting around to see if there is ever going to be a time that we will make a meaningful gesture. With all due respect to the President, I do not believe anybody believes the Partnership for Peace is a meaningful gesture. I suppose the Senator is talking to the same people I am, and I do not find anybody who is convinced—the ambassadors of those countries or the Americans whose ancestors came from those countries and care about their fate—that the Partnership for Peace is anything other than words.

So what we have been groping for here in amendments to previous bills and in amendments to this bill, is something tangible, something meaningful, that sends—as the Senator from Colorado put it—a very clear signal that there is a future, at least for some of those countries, sometime soon, in a new and expanded NATO. So I hope the Brown amendment will be approved.

It seems to me that, as he indicated, if you thought the McConnell amendment was a little too strong—and the Senate by a very narrow vote reached that conclusion—then maybe this is the amendment that they are willing to pass that will send that signal we all feel is so important for the people in Eastern Europe.

I thank the Senator from Colorado for his fine contribution.

Mr. BROWN. Madam President, I have no wish to unnecessarily prolong the debate. At this point, if the other side would like us to yield back time and move to a vote, I would be happy to comply.

Mr. LEAHY. Madam President, again, we have a matter that—on my time, of course—we have a matter that was raised on the defense authorization bill and was opposed at that time. It is really not something that should be on this bill.

With little debate before a committee that has not considered this matter, we will decide to start dumping lethal weapons in Eastern Europe. We have no way of knowing where these weapons will end up. There is a procedure being followed as to how they might go. I know we send weapons all over the world, but every so often this comes back to haunt us. We are deciding legislation on an appropriations bill to make a major policy decision. It would normally be done on the defense authorization bill or elsewhere. But we want to do it here.

That is a decision the Senate is going to have to make. I am willing to yield back the remainder of my time. The only reason I have not, I tell the Senator, is we are checking to see if there are other Senators who may need to speak.

So I am going to suggest, in a moment, the absence of a quorum, and ask that the time run equally. With that, Madam President, I do suggest the absence of a quorum and ask that the time run equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Madam President, what is the pending business?

The PRESIDING OFFICER. Brown amendment No. 2248.

Mr. BROWN. Madam President, I ask unanimous consent that that amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2293

(Purpose: To express the sense of the Senate concerning World Bank loans to countries acting to enforce the Arab boycott of Israel)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2293.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL.

"The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel."

Mr. BROWN. Madam President, I rise in support of amendment No. 2293. I will simply go through it. It is quite succinct.

It says:

At the appropriate place in the bill, add the following new section: Loans to nations that enforce the Arab boycott of Israel. The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary, or tertiary boycott of Israel.

Some may ask why in the world is this appropriate on this measure. Let me try and respond to that.

Shockingly, even though we are many years down the road after the Egypt-Israel accord, even though we have made enormous progress in terms of bringing peace in the Middle East, even though there is every reason to hope that the Palestinians may develop a peaceful cohabitation with Israel, tragically and shockingly, a number of countries in the Middle East continue to engage in the very intensive effort to boycott Israel. Specifically, Middle Eastern countries continue to urge American businesses not to do business with Israel. Shockingly, many of them even threaten to cut off business with American companies if those companies continue to do business with Israel.

This is simply not acceptable. The purpose of this amendment is to make our feelings clear that this kind of activity not only is not acceptable but is one that should be addressed through the very influential arm of those multilateral banks which have so much influence in the Middle East.

I believe by using our vote and using our voice of influence we can have a significant and a substantial impact on those countries that continue to insist on this kind of extortion against American businesses.

Madam President, there are many others who have expressed their views on this in other measures that have come before the Senate. But I believe that this measure expresses the feelings of all American citizens and their sense of outrage that American businesses should be subjected to this kind of influence, pressure, and extortion. My hope is that the Chamber will include this as a sense of this body's feelings on this practice.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Madam President, I understand this amendment will be accepted.

I ask unanimous consent, while the principals are on the floor now, that we agree on this amendment, but as to the amendment on which the yeas and nays have been ordered that we begin the rollcall vote on that at 9 o'clock. So whatever remaining time remains each side would have to yield back an appropriate amount so that we have that vote at 9 o'clock and that Bumpers vote would follow immediately.

Mr. McCONNELL. Ten minutes.

Mr. LEAHY. And the Bumpers vote be a 10-minute vote. I make that request, Madam President, that the Brown amendment on which the yeas and nays have been ordered, the rollcall vote on that begin at 9 p.m., and that immediately following that we go to the rollcall vote on the Bumpers amendment on which the yeas and nays have been ordered, and that the Bumpers amendment vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection to this unanimous consent agreement?

Without objection, it is so ordered.

AMENDMENT NO. 2293

Mr. LEAHY. Madam President, I am willing to accept the amendment of the Senator from Colorado, the current amendment.

If that is accepted we can probably clear up a few other amendments between now and the hour of 9 o'clock.

The PRESIDING OFFICER. Is there further debate on the pending amendment?

The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 2293) was agreed to.

Mr. LEAHY. Madam President, the Senator from Colorado has time remaining on his amendment as we do on

this side. I wonder now since we will have a vote at 9 p.m. if we might yield back all that time except for 5 minutes evenly divided and then in that 10 minutes between now and 8:55 p.m. the Senator from Kentucky and I can probably dispose of a pile of amendments. I would make that request. I wonder if the Senator from Colorado would have any objection?

Madam President, between 8:55 p.m. and 9 p.m. we will see what we can process.

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

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

AMENDMENTS NOS. 2257, 2258, 2269, 2273, 2274, 2276, 2277, 2278, 2283, 2286, 2287, 2288, 2292, 2296, AND 2298, EN BLOC

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order now for me to call up en bloc the following amendments, that they be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table en bloc. These amendments are: 2257, 2258, 2269, 2273, 2274, 2276, 2277, 2278, 2283, 2286, 2287, 2288, 2292, 2296, and 2298.

I note that this has been cleared with the concurrence of the ranking member, the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, the Senator from Vermont is correct.

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

Mr. McCONNELL. Madam President, reserving the right to object, we need to withdraw one of the amendments that the Senator from Vermont read. I ask unanimous consent to withdraw amendment 2273.

The PRESIDING OFFICER. Amendment 2273 offered by the Senator from Kansas [Mr. DOLE], is withdrawn from the request by the Senator from Vermont.

The amendment (No. 2273) was withdrawn.

Mr. LEAHY. Madam President, I amend my unanimous consent request accordingly.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Vermont?

Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 2257

(Purpose: To limit the provision of assistance to Nicaragua)

Mr. HELMS offered amendment No. 2257.

Mr. HELMS. Mr. President, section 557 of the bill prohibits foreign aid to the Government of Nicaragua, unless certain conditions are met. I thank the managers for their cooperation and I welcome Senator McCONNELL as a principal cosponsor.

The provision is identical to a provision in last year's bill, with one exception—language is missing that would require a full and independent investigation into the terrorist network involved in the Santa Rosa arms cache. Senators will remember that the Santa Rosa arms cache exploded on May 23, 1993. That huge arms cache made clear that a Nicaraguan terrorist network was involved with kidnapping, gun-running and other illicit activities.

I am confident that omitting this language was an oversight. Normally, it would be perfectly reasonable to assume that substantial progress would be made on a year long investigation. But that's not the case. During the past year the Nicaraguan Government has done next to nothing. So, my amendment corrects this oversight by simply inserting into section 557 the identical language from last year's foreign aid bill regarding an investigation.

The Congress considers Nicaraguan Government attempts to satisfy the conditions in last year's bill to be a total failure. In fact, the Nicaraguan Government didn't even make an effort. If Mrs. Chamorro would have satisfied even one condition I am sure the managers of the bill would have dropped that particular condition from the section. But that didn't happen.

What the Nicaraguan Government purports to be an investigation into the activities of terrorists in Nicaragua, is merely a dog-and-pony show to fool the gringos. The Sandinista-controlled National Police is conducting the investigation, so Mrs. Chamorro has put the fox in charge of the henhouse.

The situation is so blatant that even the State Department admitted to my office recently that no progress had been made on the investigation. That's why this amendment is needed. [I add parenthetically, Mr. President, that the State Department also told us that no progress had been made on any of the other conditions.]

It will be impossible, in my judgment, for Nicaragua to satisfy all the conditions in last year's bill before the end of the fiscal year. The managers of the bill understand that fact and that's why they included all of last year's conditions in this year's bill. I can't imagine that the State Department will approve sending more bilateral foreign aid to Nicaragua until those conditions are satisfied. To remind the Senate, those conditions are regarding: (1) terrorism; (2) property rights; (3) human rights; (4) civilian control of the military; (5) civilian control of the police; and (6) judicial reform.

As I stated earlier, Mr. President, there hasn't been an investigation into the numerous terrorist arms caches found in Nicaragua. Naturally, since there has been no investigation, there have been no prosecutions. It is a fact that Sandinista military authorities knew of the existence of these arms caches—and the United States Congress wants all those at the highest levels of the Nicaraguan Government who knew of their existence to be punished.

Properties stolen from U.S. citizens are not being returned. When I checked recently, the Nicaraguan Government had made significant and tangible progress resolving only 22 property claims of United States citizens. This is a miserable effort considering the fact that more than 650 Americans, owning more than 1,500 properties, have outstanding claims. I am informed that the Nicaraguan Government may resolve several of the high profile cases soon. But, Congress has a right to expect much more from the Chamorro Government, in light of the fact that American taxpayers have handed over more than $1 billion to her government in a few short years.

Regarding the condition pertaining to the recommendations of the Tripartite Commission, last year I reported that 300 demobilized and disarmed former resistance members were murdered by the Sandinistas. At the time, only two people were in jail as a result of the Commission's recommendations. The only change from my report last year is that more demobilized and disarmed former Resistance members have been murdered, and nothing is being done about it. Those same two people are still the only people reportedly in jail.

There is no civilian control over the military. General Ortega is still head of the Sandinista Popular Army. They say he'll retire next year, but I've got to see it happen before I can believe it. I am confident that Mrs. Chamorro will replace Ortega with another Sandinista thug. Furthermore, nothing has been done to put the Sandinista National Police under civilian control.

Finally, significant and tangible reform of the Nicaraguan judicial system means that corruption and bribery must end. The only way of accomplishing this is for Mrs. Chamorro to appoint non-Sandinista judges so that the Sandinistas will no longer hold the majority. But she has done the exact opposite. She has appointed virtually all Sandinista judges or judges who always vote with the Sandinistas.

Mr. President, the Nicaraguan Government has broken every single one of those promises it has made to the United States government, not to mention promises it made to the long-suffering people of Nicaragua. The days of broken promises are over.

There should be no more foreign aid to the Government of Nicaragua until after it complies with each condition. I

am persuaded that withholding aid until after real progress is made is the only way to restore freedom and democracy to the Nicaraguan people.

AMENDMENT NO. 2258

(Purpose: To limit the authority to reduce U.S. Government debt to certain countries)

Mr. HELMS offered amendment No. 2258.

Mr. HELMS. Mr. President, this amendment is to Section 561 called "Authority to Reduce Debt". More specifically, Section 561 provides authority to cancel various debts owed by foreign governments to the United States. I welcome the able Senator from Arizona (Mr. MCCAIN) as a principal cosponsor of this amendment.

The bottom line, in my judgment, is that the entire Section 561 should be stripped from the bill. Otherwise Congress might as well propose that money be handed out willy-nilly to foreign countries. (Of course, that money being given away so freely belongs to the U.S. taxpayers.) The bottom line is that canceling these debts owed by these countries is just more foreign aid with the American taxpayers again left holding the bag.

Now, Mr. President, Section 561 identifies four conditions that would make a country ineligible to have its debt canceled: (1) excess military spending, (2) support for terrorism, (3) noncooperation in narcotics control matters, and (4) human rights abuses. My amendment simply adds a fifth condition. No nation can be eligible to have its debt to the U.S. Government canceled if it confiscates, without just compensation, property owned by a U.S. citizen.

The United States Government has already forgiven billions of dollars in debt owed by numerous countries that have stolen property of U.S. citizens. The word "stolen," Mr. President, is justified because these governments are refusing to compensate American property owners. My office has received appeals from American citizens with legitimate claims that their property has been confiscated by countries, including Argentina, El Salvador, Honduras, Jamaica, Nicaragua, and Uruguay. Every one of these countries have had their debts to the U.S. Government forgiven during the past 5 years.

In fact, from 1990 to 1993, our Government canceled $1.399 billion owed to the United States by these six countries. Nicaragua alone had $284.3 million in debts owed to the United States forgiven, while that government flatly refused—and still refuses—to resolve hundreds of property claims of United States citizens. This makes no sense, Mr. President, and if Congress has any concern for American citizens who have been ripped off by foreign governments, this amendment will be approved overwhelmingly.

I have done my best to help these Americans. So has the excellent staff from the minority on the Foreign Relations Committee. Bud Nance and I have written letters to administration officials pleading for help. We have requested assistance, both in writing and in face-to-face meetings, from foreign officials. My office has produced several detailed reports on the subject. We modified U.S. foreign aid law—known as the Hickenlooper and Gonzalez amendments—to enable U.S. citizens to gain compensation for confiscated property. We are assisting U.S. citizens with their property claims every day.

Nevertheless, these foreign countries are thumbing their noses at these American citizens whose properties have been confiscated. The Clinton administration continues to jump to the defense of these foreign governments. Secretary Bentsen told me on June 24—and Secretary Christopher told me on June 30—that the administration would waive the recently modified Gonzalez amendment in order to support multilateral bank loans to Nicaragua, despite the fact that Nicaragua refuses to resolve the vast majority of hundreds of outstanding property claims. This is an outrageous treatment of American citizens by the officials of their Government.

Sure enough, a few days later, the United States voted to give Nicaragua $173 million in new loans from the International Monetary Fund [IMF]. And, guess what, Mr. President? In September, the Nicaraguan Government intends to ask the Paris Club—that's the official entity established by the major industrial countries to coordinate debt policy—to cancel $500 million it owes to various multilateral banks.

There can and will be no progress on these cases unless and until real pressure is brought to bear on the offending government—and financial pressure is one of the strongest means available. The U.S. Government shouldn't hand out foreign aid to these countries, and if an offending country owes the U.S. Government money, all confiscated property cases should be resolved before any debt is canceled.

Mr. President, for years now, I have received letters from hundreds of American citizens who have had their homes and/or businesses confiscated in various countries around the world.

Last year a letter came from Louis Valentine of Vermont describing how he was treated—which is typical of the way Americans have been treated.

In 1972, the Honduran Government forced Mr. Valentine to hand over two prime commercial lots in exchange for allowing his wife to travel to the United States for emergency medical treatment. Mr. Valentine has spent the last 13 years working to receive compensation for property confiscated by the Honduran Government. He won his case in court—several times—but the Honduran Government refused to provide compensation. And bear in mind, Mr. President, that another 50 Americans have filed property claims with the United States Embassy in Honduras. And in 1991, the United States Government forgave $333 million owed by Honduras.

I am aware that the manager of the bill, Senator LEAHY, pressed the former President of Honduras to resolve Mr. Valentine's case. But, nothing was done. I know that Vice President GORE asked the new Honduran president, President Reina, to resolve this case quickly. But Mr. Valentine waited and waited.

My office facilitated meetings between Mr. Valentine and Honduran government officials in Honduras in February. We featured the Valentine case prominently in a recent committee report on expropriations. But, nothing happened. Friendly persuasion was not getting the job done.

On June 13, we received another letter from Mr. Valentine. Let me read some pertinent remarks:

> In spite of the fact that President Reina has issued strict and special orders to the Ministry of Economy to pay our company * * * not one cent has been disbursed as yet.
>
> In the interim, I had a mild heart attack in Honduras—due, the cardiologist says, to the thirteen years of stress and strain in connection with this case * * * my wife and I are returning to Honduras on the 14th to continue the struggle. Any additional pressure you can generate at your end will be greatly appreciated.

Mr. President, yesterday, United States Ambassador to Honduras, Bill Pryce, called to tell me that the Honduran Government finally—after more than 13 years—compensated Mr. Valentine.

Well, Mr. President, I appreciate President Reina resolving this one case. But Mr. Valentine was not the only American waiting to be compensated. The Honduran government should compensate for property taken from all American citizens before they are eligible to have the $95 million that they currently owe to the United States Government forgiven. And that's precisely what this amendment requires.

Mr. President, Secretary Christopher stated at his confirmation hearing before the Foreign Relations Committee that he intended to have an American Desk at the State Department. I've reminded the Secretary of his statement on numerous occasions. Well, with all due respect, Mr. President, if there is in fact an American Desk down at Foggy Bottom, it must be hidden in a dark corner in the basement. More needs to be done. Foreign countries should understand there will be a price to pay if they confiscate, without just compensation, property owned by U.S. citizens.

Congress must make the State Department put American interests first. I imagine that some Senators might

ask, "Which countries will be affected by this amendment? Will it hurt a country we like?" Well, we shouldn't fret about which countries will be affected. The over-riding principle is that Congress should give top priority to protecting the rights of American citizens abroad.

This amendment will make it perfectly clear to all those countries asking the U.S. taxpayers to forgive their debt, that all American property claims must be settled beforehand. Such countries should have three choices: First, to give the property back; second, to provide fair compensation for the property; or third, to be refused debt forgiveness. It's that simple, and it's fair to American citizens.

AMENDMENT NO. 2269

Mr. McCONNELL offered amendment No. 2269.

The amendment is as follows:

On page 53, line 11, strike the word "Provided" and insert the following:

Provided, That only those activities, programs, projects, type of material assistance, countries, or other operations referred to under this paragraph which have been justified through Congressional Presentation documents and/or budget justification documents presented in the same format and in the same level of detail as provided in fiscal year 1993 shall be considered to be justified under the language of this paragraph: *Provided further*

Mr. McCONNELL. Madam President, over the last several months, in hearings of our subcommittee and in meetings with administration officials, I have expressed my concern about the inadequacy of the administration's budget justifications for its foreign assistance program. The chairman of the subcommittee has likewise expressed such concern.

During a hearing at which the AID Administrator testified, I pointed out that there are domestic regulatory agencies with $40-million budgets which provide more justification material than AID provided for the $1.2-billion Russia/NIS and Eastern European programs. Indeed, we got more information on some individual projects in Uganda than we did for all of Russia.

I finally found it necessary to object to any more money flowing to Russia and the NIS until the administration agreed to rework and supplement their justification material, also known as congressional presentation documents, for Russia and the NIS and submit them to us before the beginning of the new fiscal year.

Expressed in its simplest form the appropriations procedure I am addressing today is as follows:

First, we receive budget requests from the administration for various broad appropriations categories;

Second, the administration provides us with detailed documentation—the budget justification material—telling us exactly how they plan to spend the money;

Third, Congress appropriates the requested money assuming it will be spent in the manner and for the specific purpose requested, or in some cases through the law or in accompanying reports, Congress tells the administration to spend the funds provided in some other fashion.

Fourth, throughout the year, the administration sometimes finds, for good fiscal or policy reasons, that its spending decisions need to change. Perhaps they want to spend funds justified for one purpose or project for something which they have not requested funds or to spend more for that purpose or project. The administration is allowed to make such changes, by law, by notifying the committee through what is commonly called the reprogramming process.

Fifth, the committee reviews these changes, and while it almost always accedes to the administration's requests, it can say "no" or perhaps suggest modifications.

The amendment I have offered addresses these last two parts of the process which the administration is now trying to short-circuit by not sending us notifications for certain changes they wish to make in AID's Development Assistance Program. Specifically, they seek to eliminate projects as the base for notification for the Development Assistance Program, contrary to what they have done for at least the last 18 years. This change would eliminate congressional approval or input to most of the changes, heretofore made by this and previous administrations.

I do not believe Congress should give such wide latitude to the administration. While this stated goal—reduction of time-consuming paperwork—is laudatory, I do not believe it should come at the expense of Congress' constitutional power over Federal spending.

This issue is not new. A reading of the history of the appropriations process, since the creation of the Appropriations Committee in 1867, records many attempts by the executive branch to usurp or restrict congressional spending power. During times of national emergency, Congress has temporarily given the executive more latitude over spending decisions. This was true during the Civil War, World War I, World War II, and during many of the Vietnam war years. Now is not such a time.

I am not trying to argue that the attempt by the Department of State and AID to usurp congressional spending authority is comparable to some of these earlier, more significant battles between the legislative and executive branches, but it is in the same family.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2274

(Purpose: To amend the Japan-United States Friendship Act to broaden investment authority and to strengthen criteria for membership on the Japan-United States Friendship Commission)

Mr. McCONNELL offered amendment No. 2274 for Mr. MURKOWSKI and Mr. ROCKEFELLER.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational cooperation shall be drawn for among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at post-secondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life."

SEC. . BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "'Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments or public debt with maturities suitable to the needs of the Fund"; and (2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".

AMENDMENT NO. 2276

(Purpose: To reaffirm the applicability of section 401 of Public Law 103-236, relating to the establishment of an independent office of Inspector General within the United Nations)

Mr. McCONNELL offered amendment No. 2257 for Mr. PRESSLER.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

SEC. . The Senate hereby reaffirms that section 401 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) remains in effect, including all its terms and conditions relating to the establishment of an independent office of Inspector General within the United Nations.

REAFFIRM THE CREATION OF AN OFFICE OF THE INSPECTOR GENERAL: PUT AN END TO U.N. WASTE, FRAUD, AND ABUSE

Mr. PRESSLER. Madam President, I offer this amendment today to reaffirm section 401 of the Foreign Relations Authorization Act—now Public Law

103-236. The language in section 401 makes portions of U.S. assessed contributions to the regular U.N. budget contingent upon the United Nations creation of an independent Office of the Inspector General [OIG]. I offer this amendment today to reaffirm section 401, because the U.N. General Assembly is considering currently the adoption of a resolution which would create an inspector general subject to the authority of the U.N. Secretary-General. The OIG—under the current General Assembly draft—would not be independent. This is an unequivocal violation of the language in section 401—language which is now public law.

On January 26, 1994, this body voted overwhelmingly to adopt my amendment which called for the creation of an independent Inspector General office at the U.N. In fact, my colleagues voted 93 to 6 to adopt the amendment which has become section 401 of the Foreign Relations Authorization Act. Our support for this measure must be unwavering. We must send a clear and unequivocal message to our U.S. Representative, Madeleine Albright, and the U.N. General Assembly that the United States will not stand idly by while the United Nations slaps us in the face.

While some of my colleagues may question the relevance of this amendment to an appropriations bill, I must say that the importance and immediacy of this issue transcends questions of germaneness. What is happening at this very minute is that the U.N. General Assembly is trying to undo what has been done already. If the United Nations wishes to create an OIG which does not meet the stipulations set forth in section 401 of the Foreign Relations Act—that's fine. But the U.N. General Assembly must realize that if they act in such a fashion, 10 percent of U.S. assessments to the regular U.N. budget will be withheld. And if the United Nations continue to disregard section 401, 20 percent of the U.S. contributions will be withheld in fiscal year 1995 as well as 50 percent of the funds appropriated for supplemental assessed peacekeeping contributions. If that's what the United Nations wants—that is what the United Nations will get.

It seems that the United Nations has chosen to bite the hand of the largest hand that feeds it—the United States. Think about this: In 1990, the U.S. peacekeeping contribution was $97 million. In 1994-95, the U.S. contribution is $3 billion. I am amazed that the world body would consider adopting a resolution establishing an OIG which did not meet the mandates in the Foreign Relations Authorization Act. I am amazed that the United Nations so flagrantly disregards the necessity of U.S. financial support. I am offering this amendment to reaffirm the language in section 401, because I want everyone to know what is going on at the United Nations. I ask my colleagues to join me again in supporting the creation of an independent U.N. Office of the Inspector General. If United Nations budgetary and management reform is to be meaningful, the terms of any U.N. resolution authorizing an independent OIG must be clear, unequivocal, and must reflect the congressional intent of section 401 of the Foreign Relations Authorization Act.

Last week, I sent a letter to Ambassador Albright urging her to press the General Assembly to adopt a resolution which would adhere to the congressional language in section 401. Today, along with my colleagues Senator DOLE, and Senator HELMS, and others we are sending another urgent letter to Ambassador Albright. We want everyone to understand the extreme importance of this issue. I urge my colleagues to support reaffirming the language in section 401—language 93 of my colleagues supported during the Roll Call vote in January.

I ask unanimous consent that the letter to Madeleine Albright and the text of section 401 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 FOREIGN RELATIONS,
Washington, DC, July 14, 1994.

Hon. MADELEINE K. ALBRIGHT,
U.S. Representative to the United Nations, U.S. Mission to the United Nations, New York, NY.

DEAR AMBASSADOR ALBRIGHT: We understand that the United Nations General Assembly will be considering the resolution creating the Office of Inspector General (OIG) at the U.N. in the next forty-eight hours. We further understand that the terms of the draft resolution do not currently meet the criteria for an independent office of an inspector general as defined by Section 401 of United States Public Law 103-236, the Foreign Relations Authorization Act for fiscal years 1994 and 1995.

We write to urge you to press the General Assembly to adopt a resolution which meets the stringent standards as outlined in Section 401.

Section 401 was adopted by the Senate on January 26, 1994, during deliberations on the Foreign Relations Authorization Act, by an overwhelming 93 to 6 vote. As you must be well aware, the Section dictates that the United States withhold assessed contributions to the regular U.N. budget in the event the OIG is not established. Additionally, if the U.N. General Assembly fails to create an office that adheres to the type required in the section, the United States will be forced to withhold 10 percent of the U.N. contributions assessed this fiscal year. If the office is still not established according to the guidelines, by fiscal year 1995, the U.S. will have to withhold 20 percent of assessed contributions, as well as one half of the funds appropriated under Section 102(d) of Public Law 103-236 for supplemental assessed peacekeeping contributions.

According to Section 401, the United Nations is to have established an independent office "to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations at the United Nations" that will have "access to all records documents, and other available materials relating to (those) programs and operations". We are including a copy of Section 401.

Lasting U.N. management and budgetary reform hinges on the creation of the OIG. Consequently, the terms establishing the office must demonstrate unequivocally the independence of the OIG and define clearly its specific oversight responsibilities. We urge you to work diligently to ensure the independence of the OIG since the value of the OIG rests largely on its independence from the dictates of the U.N. bureaucracy. At this crucial moment, it is imperative that U.S. pressure to reform U.N. mismanagement be unwavering.

Now is a critical time for you, as our U.S. Representative to the U.N., to demonstrate to the General Assembly the U.S. commitment to end U.N. malfeasance. Your influence in the drafting and adoption of a U.N. resolution advocating the establishment of an independent OIG is crucial.

The stakes are high, the opportunity fleeting. Without significant and immediate action to improve the efficiency of U.N. operations, Congressional willingness to fund U.N. activities will diminish further. We urge you to take immediate action.

Sincerely,

JESSE HELMS,
ROBERT DOLE,
LARRY PRESSLER.

SEC. 401. UNITED NATIONS OFFICE OF INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Until a certification is made under subsection (b), the following amounts shall be withheld from obligation and expenditure (in addition to any amounts required to be withheld by any other provision of this Act):

(1) FY 1994 ASSESSED CONTRIBUTIONS FOR UN REGULAR BUDGET.—Of the funds appropriated for "Contributions to International Organizations" for fiscal year 1994, 10 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(2) FY 1995 ASSESSED CONTRIBUTIONS FOR UN REGULAR BUDGET.—Of the funds appropriated for "Contributions to International Organizations" for fiscal year 1995, 20 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(3) SUPPLEMENTAL ASSESSED PEACEKEEPING CONTRIBUTIONS.—Of the funds appropriated for "Contributions for International Peacekeeping Activities" for a fiscal year pursuant to the authorization of appropriations under section 102(d), 50 percent shall be withheld.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to the program and operations of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the approval of the General Assembly, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations; and

(C) have directed and prompt access to any official of the United Nations;

(4) the United Nations has procedures in place designated to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the Inspector General;

(5) the United Nations has procedures in place designed to ensure compliance with the recommendations of the Inspector General; and

(6) the United Nations has procedures in place to ensure that all annual and other relevant reports submitted by the Inspector General are made available to the General Assembly without modification.

(c) SPECIALIZED AGENCIES.—United States representatives to the United Nations should promote complete Inspector General access to all records and officials of the specialized agencies of the United Nations, and should strive to achieve such access by fiscal year 1996.

(d) DEFINITION.—For purposes of this part, the term "Inspector General" means the head of an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

AMENDMENT NO. 2277

(Purpose: To state the sense of the Senate concerning Japan and Germany becoming permanent members of the United Nations Security Council)

Mr. MCCONNELL offered amendment No. 2277 for Mr. HELMS and Mr. ROTH.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Sense of the Congress concerning German and Japanese permanent membership in the United Nations Security Council.

In the past five years, the United Nations has engaged in more peacekeeping operations than in the preceding forty;

The Security Council is the U.N. body chiefly responsible for matters of peace and security;

Any country accorded permanent membership in an expanded Security Council must be capable of fulfilling all of the responsibilities equated with such status, including participation in any U.N. military operations;

According permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping U.N. peacekeeping and peacemaking operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

Germany and Japan have announced their desire to gain permanent membership in the Security Council;

Japan currently maintains that its constitution prohibits the country from carrying out all the peacekeeping and peacemaking responsibilities that permanent membership entails;

Japan's ruling coalition government appears unwilling to address these issues, even in the face of a potential crisis on the Korean peninsula which may well require multilateral military action;

The German High Court, sitting in Karlsruhe, Germany, ruled, on July 12, 1994, that the German constitution contains no prohibition against the overseas deployment of Germany's armed forces in multilateral peacekeeping operations.

Now, therefore, be it the sense of the Senate that:

(1) Since Germany has addressed the problem of its participation in multilateral military activities, the U.S. should support that nation's prompt elevation to permanent Security Council membership;

(2) Japan be encouraged to discuss thoroughly and openly its own problems in participating in such activities, and take whatever steps are necessary to enable it to fully engage in any form of U.N. peacekeeping or peacemaking operation; and

(3) The United States should actively support Japan's effort to gain permanent membership only after Japan take such steps * * *.

* * * * *

Mr. ROTH. Madam President, when the Senate considered the State Department authorization bill, I attached an amendment to that bill expressing the sense of the Senate regarding an issue which I believe holds considerable importance for this country. Both Germany and Japan had voiced their desire to become permanent members of the U.N. Security Council and the Clinton administration had indicated its support for council expansion in general and for Japan and Germany permanent membership in particular.

I had no objection to such an expansion, and stated my support, in principle, for Tokyo and Bonn gaining permanent membership. Japan and Germany's economies now are the world's second and third largest. They enjoy global reach and influence extending far beyond that of many current permanent Council members. Their elevation to permanent membership would, consequently, appear perfectly logical.

However, I was disturbed because, while both nations were seeking permanent Security Council seats, both interested their respective constitutions as preventing their militaries' from participating fully in U.N. peacekeeping or peacemaking activities. It seemed to me that, if Japan and Germany were to be accorded elevated status in the United Nations, then they should be able to fulfill all of the responsibilities consonant with that status. In particular, I felt that they could not be granted permanent Security Council seats while they simultaneously were unable to participate in any military undertakings approved by that body.

I ask my colleagues to consider the reaction of the American people if they were ever to witness Japanese and German diplomats, casting votes in favor of military operations which could endanger the lives of United States soldiers while they simultaneously had no legal authority to send their own Armed Forces to engage fully in those operations.

Consequently, the Senate accepted my proposal that the United States Government, in principle, support Japanese and German permanent Security Council membership; but that, in practice, it do nothing to further this initiative until those countries had addressed the constitutional problems which prevented their participation in multilateral military activities.

The day before yesterday, I came to the floor to report major progress on this issue. On that day, the German High Court, sitting in Karlsruhe, ruled that the German Constitution, or "basic law," contains no prohibition against German participation in multilateral military activities outside NATO territory.

Let us not fool ourselves. This ruling will not prompt a rush to German military activity around the globe, be it under the United Nations or NATO flag. The real significance of this ruling is that Germany, as a prospective permanent member of the U.N. Security Council, has placed itself in the same position as the current permanent members of that body. Germany is no longer seeking special status. It no longer wishes to join the club without fulfilling all its obligations as a member of that club.

This approach, in my opinion, demonstrates the maturity of German democracy. Its participants recognize that with enhanced status comes enhanced responsibility. Germany has boldly stepped forward to shoulder those responsibilities. In light of this ruling by the German High Court and the positive manner in which it was received by the government of Chancellor Kohl, I see no reason why the United States Government should not immediately throw its weight behind an enthusiastic diplomatic campaign to award Germany a permanent seat on an expanded Security Council. And I believe strongly that our support for German membership not in any way be made contingent on Japan's efforts to attain the same status.

I ardently believe that Japan should gain permanent membership as soon as possible, but only after it addresses its own perceived constitutional prohibitions against fully participating in United Nations peacekeeping and peacemaking operations. Indeed, I believe it critical that Japan take up this question as quickly as possible.

The world's most serious near-term security problem confronts us right now on the Korean peninsula. While we all hope a negotiated solution is achieved, precious little time is left before North Korea may begin extracting

more weapons grade plutonium from its spent nuclear fuel. As I said on this floor yesterday, should negotiations between the United States and North Korea break down, the next step we will take will be to move the issue to the U.N. Security Council.

Unfortunately, Japan has not only steadfastly avoided serious public discussion of the problems posed by North Korea, but its leaders languish in esoteric legal debate over what Japan can and cannot do should the United Nations call for economic sanctions to be imposed on the North, a blockade instituted, or most important, should the Security Council resolve that military action be permissible.

Yet under currently accepted interpretations of the constitution, if war did erupt, consider the following:

Unless Japan were directly attacked by the North, Japan's 700 fighter planes, its state-of-the-art antisubmarine technology, its minesweepers, and its personnel would sit idly by as Americans, Koreans, and perhaps U.N. forces lost their lives.

In addition, the United States would need to use its own military equipment and personnel based in Japan. Under current treaty agreement with Tokyo, however, the United States must seek prior consultation with Japan for use of American forces in time of conflict. Whether Japan would be prepared to consent without wavering has yet to be resolved.

As shocking as it may sound, Japan would not even be able to use its own self defense planes and ships to evacuate the 8,000 Japanese nationals living in South Korea.

The possibility of war on the Korean peninsula is terrible even to contemplate. But common sense dictates that all countries be prepared now, before a crisis erupts. Japan faces some of the very same tough choices as Germany regarding the use of its forces in U.N. actions. But Japan should not forget that the American drafters of its Constitution held that it in no way undermined that nation's ability to participate in regional security arrangements or U.N. activities.

It took the Diet a full year to enact its U.N. peacekeeping operations legislation after the gulf war to permit Tokyo to play only modest roles in U.N. peacekeeping operations. We do not have the luxury of that kind of time in dealing with North Korea.

I urge the Government of Japan to demonstrate the resolve exhibited by our colleagues in Bonn. If it does so, the United States will then be in a position to support Japan's permanent membership in the Security Council.

AMENDMENT NO. 2278

Mr. MCCONNELL offered amendment No. 2278 for Mr. MCCAIN.

The amendment is as follows:

At an appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) Peace in Cambodia promotes stability in Southeast Asia.

(2) The newly democratic nation of Cambodia is engaged in a continuing military struggle against the Khmer Rouge.

(3) Peace talks between the government of Cambodia and the Khmer Rouge have repeatedly broken down.

(4) The Cambodian Parliament took action on July 6, 1994 to outlaw the Khmer Rouge.

(5) Ceding any position in the freely elected government of Cambodia to the Khmer Rouge is not in the interest of the Cambodian people and is incompatible with a constructive U.S.-Cambodia relationship.

(6) Cambodian officials have requested military assistance from a number of nations, including the United States.

(7) The U.S. administration, in consultation with its allies, is in the process of determining the appropriate type and level of U.S. military assistance to Cambodia.

(8) Congress is concerned that absent proper training, professionalism and adequate salaries, providing Cambodian forces with arms and ammunition will not be beneficial.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) In concert with interested democratic nations, the U.S. should provide non-combat military training assistance to the newly democratic government of Cambodia.

(2) Military Assistance should include efforts to establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

(3) The President should make every effort to fully utilize requested 1994 and 1995 levels of IMET for Cambodia to expand the program beyond its current scope.

(4) The President should consider qualified Cambodians for admission to U.S. military academies.

(5) The President should dispatch as soon as possible a military attache to the U.S. Embassy in Cambodia.

(6) Lethal assistance should not be provided to Cambodia until such time as the President can certify the professionalization of the Cambodian Armed Forces.

(7) No military assistance should be provided the Cambodian Armed Forces if the Government includes members of the Khmer Rouge or if the Constitution promulgated on September 24, 1993 fails.

(8) No military assistance should be provided in concert with the Democratic Peoples' Republic of Korea.

(9) The President should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords.

Mr. MCCAIN. Madam President, the amendment that I am offering today encourages the President to provide non-lethal military assistance to Cambodia as it seeks to defeat on the battlefield a force which has refused to compete at the ballot box—the Khmer Rouge.

It specifies non-combat military training assistance to help Cambodia do the following: establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

The amendment further calls on the President to fully utilize requested 1994 and 1995 levels of IMET for Cambodia and to expand the current program beyond its current scope of language training. It calls on him to admit qualified Cambodians to United States military academies and urges him to dispatch as soon as possible a military attache to the United States Embassy in Cambodia.

There are issues that are deserving of greater attention than our policy toward Cambodia. Yet there are few causes more compelling than that of assisting the newly democratic government of Cambodia as it attempts to put a heart-rendering history of brutality and civil war behind it.

The success of Cambodia's democratic experiment and its success in defending democracy against armed opposition also have geopolitical significance. A breakdown of the governing institutions in Cambodia and a return to a wider civil war may once again inflame tensions between Vietnam and China, a development that in the last decade led to a Vietnamese occupation of Cambodia. Vietnam has the potential to become an engine of economic growth in east Asia. War in Cambodia is in no one's best interest.

Recent reports already indicate that the struggle against the Khmer Rouge has begun to turn against the Cambodian government forces. It has lost control of key Khmer Rouge strongholds held by government forces only months ago. It is now in control of less territory than when it began its offensive reports of corruption and ineptitude cast doubt on the possibility of a favorable turn in the war.

In its time of crisis, the government of Cambodia has approached those it considers its best friends, including the United States, for assistance. We should support their efforts with the best that our Nation has to offer.

It is premature to speak about supplying the Cambodians with weapons and ammunition. But the Cambodian armed forces could certainly benefit from access to United States military doctrine and expertise. Through International Military Education and Training [IMET], access to our military academies, the appointment of a military attaché to the embassy in Phnom Phenh, and other selected in-country assistance, we can provide the assistance Cambodia needs.

But let me be clear. Although the United States and our allies may be

able to assist with know-how, the real work must be done by the Cambodians themselves. Administration officials and some of my colleagues have expressed reservations about becoming involved once again in a conflict in Southeast Asia. Their reservations are well-founded. We must stay engaged in Cambodia. It is a priority. But it is not a national security interest high enough to warrant risks to U.S. servicemen and women.

The recent battles for Pailin and Anlong Veng illustrated disturbing weaknesses in Cambodia's armed forces. According to press reports, despite their superior numbers, government forces retreated in the face of the KR attack and in their flight nearly lost control of the nation's second largest city. The most disturbing aspect of this incident was that, far from being a tactical retreat, it was apparently led by commanding officers deserting their posts.

It is no surprise that Cambodian officers were the first to flee. There are far too many of them to be adequately trained. At last count, the officer corps comprised roughly 60 percent of the 160,000 man Cambodian military. King Sihanouk himself has referred to Cambodia's command structure as an inverse pyramid. Reports are that in lieu of regular pay, some troops have received promotions. Others have apparently paid for extra stripes. Reform of this system is essential to an orderly command structure and I believe the United States may be able to offer some assistance in this regard.

Until the issue of corruption is settled, lethal assistance is not an option. We simply cannot supply arms that may end up in the hands of the Khmer Rouge, on the black market or in the hands of soldiers engaged in illegal activity. As long as there is an economic incentive and no judicial disincentive for corruption, such end uses are not unlikely.

An effective first step would be a survey of the Cambodian military education system. One way to effectively combat corruption is to better understand how soldiers are trained. Once we understand this, we may be able to provide advice on how to build better institutions, from the ground up if necessary.

Selected officers can be brought to the United States to train under IMET. To date IMET assistance for Cambodia has been used for a very limited amount of English language training. Although proficiency in English is a necessary prerequisite for further training, the focus of IMET ought to be on helping Cambodia reform its military into an effective fighting force. There are other sources for funding language training.

Cambodia has attempted in the past to acquire the assistance it needs through North Korea. I have been critical of this choice of allies in the past, and I would reiterate my words of caution to the government of Cambodia. There are more appropriate allies for a new democracy. Western nations will find it impossible to provide assistance in concert with the outlaw regime of North Korea.

At the same time, those of us in the West, the United States, France, Australia and others must give careful consideration to Cambodian pleas for assistance. The trips to Pyongyang by senior military officials last spring were attempts to address the real needs of the Cambodian armed forces. If we cannot move expeditiously to provide the necessary assistance, we can expect them to go to the powers that can. Not only must we make clear that North Korea is an unacceptable ally, we must provide them with an alternative.

In addition to drawing attention to the needs of the Cambodian military, the amendment that I am offering calls on the President to raise with the Government of Thailand support within the Thai military for the Khmer Rouge. All of our assistance will be for nothing, if outside support for the Khmer Rouge does not cease, including the illegal trading in gems and timber that flourishes along the border.

I am pleased to see that the Appropriations Committee has followed up on the concerns expressed in the 1994 Foreign Relations Authorization Act by making military training assistance to Thailand subject to formal congressional oversight. I am also pleased that the committee has required from the Secretary of State a report on Thai military support for the KR. This will give the Members of the Senate ample opportunity to see how well Thailand has lived up to the pledges it freely undertook as a party to the Paris Peace Accords.

Finally, I want to make one more plea on behalf of the Cambodian people. Earlier this year, I introduced legislation enabling the President to grant Most Favored Nation status to Cambodia. MFN for Cambodia is noncontroversial and non-partisan. The administration has proposed attaching it to the GATT implementing legislation. In my view this would not be inappropriate and I urge the Finance Committee when it begins the mark-up process of the implementing legislation next week to include MFN for Cambodia.

The Cambodian people need our assistance. I hope we can help them as they seek to develop a free market democracy and a responsible, effective armed forces. I would like to thank the managers of the bill for enabling the Senate to address these issues.

AMENDMENT NO. 2283

(Purpose: To encourage Germany to assume full and active participation in international peacekeeping activities, and for other purposes)

Mr. MCCONNELL offered amendment No. 2283 for Mr. COHEN.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. ___. POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) the Federal Constitution Court of Germany has ruled that the Basic Law of Germany permits the Armed Forces of Germany to participate in international military operations, including combat operations, conducted under a system of collective security, including the United Nations, the North Atlantic Treaty Organization, and the Western European Union;

(17) Germany is currently engaged in a debate on the proper role for the German military in the international community;

(18) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(19) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(20) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations.

Mr. COHEN. Earlier this week, Madam President, the German constitutional court issued a historic ruling putting to rest once and for all the assertion that Germany's Basic Law prevents it from engaging in any military operations beyond defense of NATO territory.

The court, affirming what the vast majority of German constitutional scholars had long maintained, ruled that German armed forces can participate in international military operations, including combat operations, conducted under NATO, the United Nations, or the Western European Union, so long as a majority of the Bundestag approve.

The court's decision removes the perception of a legal impediment to German participation in such operations and makes clear that political will is the primary factor determining whether Germany will fulfill its international responsibilities.

When the Federal Republic joined the United Nations 20 years ago, it did so without reservation. The Federal Republic's deed of accession to the U.N. states that it "accepts the obligations contained in the Charter of the U.N. and solemnly undertakes to carry them out." Yet, while it has contributed to U.N. peacekeeping efforts financially and occasionally with military personnel for humanitarian functions, the Federal Republic declared itself unable to fully participate notwithstanding its obligations and its economic and military resources.

Similarly, while the Federal Republic has been a faithfull ally within NATO for nearly four decades, it has hesitated now that NATO is extending its operations eastward in accord with its new mission to support international peacekeeping.

The same is true with regard to the Western European Union, which last year also declared its intent to support international peacekeeping operations—ironically at a meeting at which Germany presided.

This hesitation was understandable so long as Germany was a divided nation, lacking full sovereignty and, in the first decades after the war, still coming to grips with the Nazi era. But Germany's situation and status have changed, removing these impediments to the Federal Republic's full and active participation in international military operations.

To their credit, Chancellor Kohl, Defense Minister Ruehe, and other prominent political figures in Germany have worked to enable the Federal Republic to meet these responsibilities. They have gradually enhanced Germany's level of involvement in selected military missions. This has included deployment of German destroyers to the Adriatic to help monitor the U.N. embargo on the former Yugoslavia, deployment of a small German contingent to Somalia, and German military personnel helping to operate NATO AWACS planes during the Gulf War and to monitor the Bosnian no-fly zone.

While these efforts by the German government are to be commended, it is disturbing that some Germans, particularly in the political opposition, have argued that even if the constitutional question were settled—as it now has been—Germany will for reasons of history not be able to participate fully in international military operations.

Some have even argued that German troops cannot be sent anywhere that was overrun or occupied by German forces during the Second World War—an area that extends from the Atlantic to the Caucasus, from the Maghreb to the Barents Sea—an area, moreover, which includes many of the regions now undergoing or expected to undergo communal, ethnic, and religious conflict. Such an effort to circumscribe Germany's international role would essentially nullify the constitutional ruling issued this week.

Madam President, Germany cannot hide from history, but neither can it hide behind history.

We cannot accept the argument that the events of history forever bind nations and their leaders. One of the principal reasons war has returned to the Balkans is that leaders there insist upon dredging up old grievances to justify digging fresh graves.

Germany—whose citizens have forthrightly grappled with the aggression and atrocities of the Nazi era, built a solidly democratic state, and securely anchored Germany in international institutions—should not now invoke the past to avoid the responsibility to build a better future.

Claims by some in Germany that the world community does not want Germany to fulfill its obligations in the security sphere mischaracterize international opinions in an effort to manipulate the German domestic debate, and we have an obligation to set the record straight. It is especially important that we do so now, since the constitutional court's ruling will prompt many Germans to re-examine the political factors affecting potential German military operations.

The amendment I am offering would express the sense of the Senate that an appropriate response to Germany's past would be for it to participate fully in international efforts to restore or maintain international peace and security. And it calls on the President to strongly encourage Germany to assume full and active participation in peacekeeping, peacemaking, and peace-enforcing operations—that is, in the full spectrum of international military operations from blue-helmet missions to future Desert Storm-type operations.

I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent to have printed in the RECORD a press release issued by the Federal Constitutional Court regarding its decision.

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

PRESS RELEASE ISSUED BY THE FEDERAL CONSTITUTIONAL COURT, NO. 29/94

In the proceedings on the dispute over the deployment of German forces the Federal Constitutional Court (Second Panel) has ruled that the Federal Republic of Germany is at liberty to assign German armed forces in operations mounted by the North Atlantic Treaty Organization [NATO] and Western European Union [WEU] to implement resolutions of the Security Council of the United Nations [UN]. The same applies to the assignment of German contingents to peacekeeping forces of the UN. However, the Basic Law requires the Federal Government to obtain—in principle the prior—explicit approval of the German Bundestag. The ruling was sought by the SDP and FDP groups in the Bundestag.

According to Article 24 (2) of the Basic Law, the Federation may become a party to a system of collective security and in so doing consent to limitations upon its sovereign powers. The Federal Constitutional Court also sees in this power conferred by

the Basic Law the constitutional foundation for an assumption of responsibilities that are typically associated with membership of such a system of collective security. Hence German servicemen may be deployed within the scope of UN peacekeeping missions even if the latter are authorized to use force. The objections submitted by the applicants on constitutional grounds to the participation of German forces in the UNOSOM II mission in Somalia, in the NATO/WEU naval operation in the Adriatic to monitor a UN embargo on the Federative Republic of Yugoslavia, and in the AWACS monitoring of the ban on flights in the airspace over Bosnia-Herzegovina, likewise imposed by the United Nations, are therefore rejected. German servicemen may also be integrated into NATO formations which are deployed within the framework of UN operations. This, according to the Court, is covered by parliament's approval of Germany's accession to NATO and the UN Charter.

The Court also finds, however, after thoroughly analysing the provisions of the Basic Law relating to the status of the armed forces in the constitutional system, that the Federal Government is required to obtain the Bundestag's explicit approval for each deployment of German armed forces. Such approval must in principle be obtained prior to their deployment. The Bundestag must decide on the deployment of armed forces with a simple majority. Once parliament has given its approval, the decision on the modalities of deployment, especially the question of the size of the force and the duration of their deployment and on necessary coordination within and with the governing bodies of international organizations, falls within the government's sphere of competence. The nature and extent of parliament's involvement is for parliament itself to decide within the scope of these constitutional constraints.

A violation of Article 59 (2) of the Basic Law could not be found because the Panel's votes were equally divided. The applicants had argued that the deployment of NATO forces under the auspices of the United Nations constituted a substantive change in the NATO Treaty and that any such change required the approval of parliament under Article 59 (2) of the Basic Law. Four members of the Panel, whose opinion carries the decision, take the view that the members of NATO, by taking the contentious measures, had clearly not done so with the intention of already extending the NATO Treaty to include further tasks. In the opinion of the other four members of the Panel, the Federal Government was involved in a progressive extension of the NATO Treaty in a manner which threatened to undermine the participatory rights of the Bundestag. They held that this constituted a direct threat to those rights.

With this decision the Federal Constitutional Court has recognized the long-disputed admissibility of the deployment of German forces under a United Nations mandate but at the same time made their deployment in each individual case subject to the approval of the German Bundestag.

Justices Böckenförde and Kruis explained in a dissenting opinion that the application of the FDP parliamentary group ought to have been declared inadmissible and rejected.

AMENDMENT NO. 2286

(Purpose: To allocate funds for support of human rights and other nongovernmental organizations in Indonesia)

Mr. LEAHY offered amendment No. 2286 for Mr. WELLSTONE.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SUPPORT FOR HUMAN RIGHTS AND OTHER NONGOVERNMENTAL ORGANIZATIONS IN INDONESIA

SEC. . Of the funds appropriated by this Act, $250,000 shall be made available to support nongovernmental human rights organizations in Indonesia, and $250,000 shall be made available to support nongovernmental environmental organizations to assess or otherwise address acute environmental problems, particularly those affecting indigenous people, in Indonesia.

Mr. WELLSTONE. Madam President, the amendment I am offering today is designed to provide modest but critical assistance to non-governmental human rights and environmental organizations in Indonesia. I am particularly interested in ensuring that adequate funds be made available to organizations which monitor, and act to improve, humanitarian and environmental conditions in East Timor. I ask that Senators SIMON, PELL, and HARKIN be added as original cosponsors of the amendment.

Late last month, the Senate voted to remove a provision from this bill which would have prohibited the use of United States military equipment provided to the Government of Indonesia from being used by Indonesian security forces in East Timor. Believe it or not, despite the Indonesian Government's abysmal human rights record, including persistent abuses by its security forces against innocent civilians, the Senate voted to remove this provision from the bill. This amendment, along with the one being offered by Senator LEAHY which I have cosponsored, will send a strong message to the Indonesian Government that they cannot continue to allow their security forces to abuse their people. The Leahy amendment, developed with the help of Senator FEINGOLD and others, codifies current United States policy prohibiting the sale or licensure for export of small arms and crowd control items, until the administration certifies to Congress that the Indonesians are: First, reducing their troop presence in East Timor; second, complying with human rights conditions; and, third, participating constructively in efforts at the United Nations to peacefully resolve the status of East Timor. I urge my colleagues to support it.

As I have said, my amendment is designed to send a strong signal of United States support for non-governmental organizations working to address the persistent problems of human rights abuses and environmental degradation in Indonesia, including East Timor. It provides $250,000 to non-governmental human rights organizations, and $250,000 to non-governmental environmental organizations, to support their important work.

I do not need to rehearse here the long and sad litany of human rights abuses in recent years by Indonesian security forces in East Timor. But I ask unanimous consent to have printed at the end of my statement a number of documents on human rights conditions there, including reports from today's newswires about the brutal beating of student protesters in Dili yesterday, and statements by Asia Watch on the incident and on human rights conditions in East Timor generally.

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

(See Exhibit 1.)

Mr. WELLSTONE. The students involved in yesterday's incident were reportedly beaten mercilessly with clubs by security forces for exercising their right to peaceful political protest; one of the worst such violent incidents in almost 3 years. Ironically, this incident took place at the same time that the United Nation's Special Rapporteur on Torture and Arbitrary Killings is in East Timor to look into the follow-up investigation regarding those still missing after the 1991 massacre, and other killings, when one might have expected the security forces to be on their best behavior. This modest amount of assistance, coupled with continuing political support from the United States and others, should be very helpful to the coalition of human rights, legal aid, and other organizations in Jakarta and elsewhere who are working to monitor and improve human rights conditions there. It is a concrete sign to them and others fighting for human rights that they are not alone, and that the United States will not stand idly by while Indonesian security forces continue to abuse the East Timorese people.

The amendment provides $250,000 for assessment of acute and urgent environmental problems in Indonesia. The Indonesian Archipelago is one of the most biologically diverse and valuable regions on earth. It contains nearly 10 percent of the world's rain forests and almost 40 percent of the regional rain forests. And it is second only to Brazil in the rate of decline of such forests due to logging, agriculture, mining, and other commercial uses. Pristine rain forests unique in all the world and populated by indigenous peoples—such as the 350,000 square kilometer region known as Irian Jaya—are being ravaged by mining and logging interests. This funding is designed to complement existing efforts by non-governmental organizations to assess and address environmental degradation there.

I urge my colleagues to support this amendment. I am grateful to the manager of the bill, Senator LEAHY, for agreeing to accept it. I urge its adoption.

EXHIBIT 1

[From Human Rights Watch]

INDONESIAN TROOPS CLASH WITH EAST TIMOR STUDENTS

(By Jeremy Wagstaff)

JAKARTA, July 14 (Reuter).—Indonesian security forces attacked student protesters in

Dili on Thursday, beating demonstrators with clubs in the worst such incident in the troubled territory in nearly three years, residents said.

Speaking by telephone from Dili, residents said about 20 students were badly injured when security forces stopped a protest march less than 50 metres (yards) from its starting point at the local university.

"They wanted to leave to campus but we did not allow them, because we want them to stay there to avoid anything unnecessary," a police spokesman said by telephone from Dili. He denied there had been any beatings or arrests.

Indonesia, which has ruled East Timor since its 1975 invasion, still faces widespread criticism after troops gunned down demonstrators at a cemetery in November 1991. Up to 200 protesters were killed.

Security forces were still surrounding the campus on Thursday where up to 300 students were holed up, shouting anti-police slogans, residents said.

More than 70 protesters were being held at a nearby military barracks after fleeing the military assault, they said.

"It has been very tense in the last two weeks and it has just got worse today. The situation is critical," one resident said by telephone from Dili.

Local members of the International Committee of the Red Cross had taken more than 20 injured to nearby hospitals, according to residents. One eyewitness saw five students injured, mostly from beatings.

A spokesman at the local hospital said only one person, a bystander at the clash, had been brought to the hospital.

Indonesia has faced a dwindling guerrilla band and simmering resentment against its sometimes brutal rule in the mainly Catholic territory. Churchgoers last month attacked two Indonesian soldiers after they abused the sacrament.

A protest march on the local parliament resulting from the incident ended peacefully on Monday, and the military have vowed to discipline the two soldiers involved.

Local church leaders have said that despite efforts by the local military, security forces continued to abuse the population of 750,000 in the former Portuguese colony.

The situation had worsened in recent weeks, residents said.

Four protesters were jailed after staging a small demonstration in front of visiting journalists in April.

Two soldiers were court-martialed for murder this year after they shot dead local civilians in separate incidents. Thursday's attempted protest march appeared to have been prompted by a fight on Wednesday between students on the university campus, when some East Timorese attacked three other students for taunting two Catholic nuns. Residents said the three had been badly injured and taken to the hospital.

Residents said streets around the campus had been blocked off by truckloads of military and local mobile brigades.

A U.N. special rapporteur on torture and arbitrary killings, Baore Waly Ndiaye, visited East Timor this week to monitor Indonesian investigations into the 1991 massacre and other killings. He said he had yet to complete his report.

HUMAN RIGHTS WATCH/ASIA,
Washington, DC, July 14, 1994.

HUMAN RIGHTS IN EAST TIMOR

Human rights Watch/Asia on Thursday called on the Indonesian government to allow unhindered access to East Timor by Indonesian nongovernmental human rights organizations and the international press to investigate today's violent dispersal of a protest march in Dili, East Timor, in which several people were injured and dozens arrested. The protest took place after an incident on the campus of the University of East Timor when, according to press reports, a group of students attacked three other students who had made insulting remarks to two Catholic nuns. Hundreds of students massed on the campus, planning to march to the office of the provincial parliament building, but they were intercepted by security forces who attacked the students with clubs.

"From the facts thus far available, it seems as though the response of the police and military, including the beating and arrest of so many students, was wholly disproportionate to the nature of the security problem they faced," said Sidney Jones, Executive Director of Human Rights Watch/Asia. "Whatever the origins of the clash on campus, the students had a right to assemble peacefully and march to the parliament building, and it looks as though the military not only violated that right but did so with excessive use of force."

HRW/Asia said only a thorough investigation by respected human rights organizations such as the Indonesian Legal Aid Institute Foundation (YLBHI) and the Institute for Public and Social Advocacy (ELSAM) would enable the facts surrounding the incident to come to light. These NGOs would also be able to access the response of the security forces and the local government.

The incident took place a day after a discussion on East Timor at a meeting of the United Nations Special Committee on Decolonization. At that meeting, Human Rights Watch/Asia delivered a brief statement on the human rights situation in East Timor, the text of which follows:

The lengths to which the Indonesian government went to try and prevent the Asia-Pacific Conference on East Timor (APCET) from taking place in Manila from May 31 to June 2 reflect its efforts to control freedom of expression not only inside Indonesia but beyond its own borders.

ACCESS TO EAST TIMOR BY HUMAN RIGHTS ORGANIZATIONS

Despite the claims of Indonesian Foreign Minister in early May that he was inviting Amnesty International and Asia Watch (now Human Rights Watch/Asia) to visit East Timor, no human rights organizations have been given access since Asia Watch and the International Commission of Jurists were allowed to attend selected sessions of the Xanana Gusmao trial in March 1993. Human Rights Watch/Asia was explicitly refused permission to visit East Timor in June 1994.

France Libertes, a human rights foundation headed by Mme. Danielle Mitterand, has also been refused access. One of the people invited to the Manila conference but subsequently denied a visa by the Philippines government (at Indonesia's request), Mme. Mitterand had asked the Indonesian government through private channels in September 1993 whether she and the Paris-based International League for Human Rights could visit East Timor; she was told that it was "not the right time" and to wait another six months. After six months, Frances Libertes made another request, this time not mentioning Mme. Mitterand's name. The request was turned down.

It is not only international human rights organizations that have difficulty getting to East Timor; some Indonesian human rights organizations do as well. In early May, a seminar on the topic of sustainable development and the environment was due to take place at the University of East Timor, cosponsored by a number of Indonesian NGOs including members of a coalition called the Joint Committee for the Defense of the East Timorese (Komite Bersama Pembelaan Masyarakat Timor Timur.) The coalition includes some of Indonesia's most respected NGOs: the Legal Aid Institute (Yayaysan Lembaga Bantuan Hukum Indonesia); the Indonesian Council of Churches (Parpem Persekutuan Gereja-Gereja Indonesia or PGI); the Institute for Social Advocacy and Study (Lembaga Studi dan Advokasi Masyarakat or ELSAM); and the Catholic organization, LPPS Caritas Katolik. A week before the seminar was to take place, the military commander for the region that includes East Timor called the university rector and told him the conference would have to be postponed. When it eventually did take place, the Indonesian NGOs were not permitted to attend, nor was Florentino Sarnmento of ETADEP, an East Timorese environmental NGO.

CONCLUSION

In short, Mr. Chairman, East Timor remains a troubled place where human rights abuses continue. Greater openness—defined as freedom for East Timorese to gather in private houses without permits and to freely express their own opinions, unhampered access by foreign journalists, less control over foreign visitors, and access by international human rights organizations—would almost certainly help prevent such abuses and ensure some form of redress for the victims. But if the last few months are any indication, the trend is not toward openness but the reverse. The closure on June 21 of three important news weeklies in Jakarta has implications for East Timor, because it suggests a desire to control information that the politically powerful find offensive. Restricting information prevents problems from being aired and solutions from being found on all fronts, not just human rights. For East Timor as well as Indonesia, that may prove very damaging.

HUMAN RIGHTS WATCH/ASIA,
Washington, DC, July 14, 1994

STATEMENT OF HUMAN RIGHTS WATCH/ASIA TO THE DECOLONIZATION COMMITTEE OF THE UNITED NATIONS

Thank you, Mr. Chairman, for the opportunity to address this committee. As you know, Human Rights Watch/Asia, formerly Asia Watch, takes no position on the political status of East Timor, but it believes that full information on the human rights situation there must inform the committee's deliberations and discussions on the issue of decolonization.

East Timor is neither a Rwanda nor a Bosnia. It is not a place where massive carnage is taking place nor does it have concentration camps with emaciated prisoners. It is a place, however, where arbitrary detention and torture are routine, and where basic freedoms of expression, association and assembly are non-existent. Disappearances and politically-motivated killings have become relatively rare, but when cases are reported, controls on information and access to the territory are such that it is virtually impossible, even for Indonesian non-governmental organizations, to conduct investigations that would meet international standards for impartiality and thoroughness. The Indonesian Human Rights Commission, which for all its many flaws, has at least been a useful sounding board for complaints from the Indonesian

public, had not, as of June 1994, visited East Timor or looked into any of the many reported cases of human rights violations there.

The Indonesian government has taken some steps for which it deserves credit. We welcome, for example, the visit to East Timor just concluded of Mr. Bacre Waly N'Daiye, a distinguished Senegalese lawyer who is currently Special Rapporteur on Summary and Arbitrary Executions for the United Nations Commission on Human Rights. At the same time, however, we note that East Timorese sources tell us repeatedly of the extensive security preparations taken by the Indonesian military in advance of high-profile visits of foreigners to East Timor. These preparations often involve the rounding up of potential "trouble-makers"—as we understand happened before Mr. N'Daiye's visit; warnings to residents in areas the group is likely to visit; and booking by officials of most of the rooms in either of the two hotels in Dili where the visitor is likely to stay.

On June 30, the Indonesian government, through the intercession of the International Committee of the Red Cross (ICRC) also allowed the family of resistance leader Xanana Gusmao to visit him in Cipinang Prison, Jakarta. It was the first time in almost twenty years that Gusmao was able to see his wife. Emilia, and their two children, all residents of Melbourne, Australia. The humanitarian gesture was welcome—but it came after Gusmao had been in prolonged solitary confinement in Cipinang, without access to visitors or newspapers, allegedly for smuggling out letters to supporters. The United Nations Standard Minimum Rules for the Treatment of Prisoners, in Article 37, state that prisoners should be allowed "under necessary supervision" to communicate with family and friends and to be kept informed regularly of news.

In this connection, we regret the decision of the Indonesian government to move six East Timorese sentenced in connection with events in October and November 1991 from Dili to Semarang, Central Java, where they will have no access whatsoever to friends and family. The transfer of prisoners, including Gregorio da Cunha Saldanha, Francisco Miranda Branco and Jacinto dos Neves Raimundo Alves, all sentenced in connection with the peaceful demonstration on November 12, 1991 on which Indonesian troops opened fire, took place on June 9, 1994.

Finally, we welcome the decision of the Indonesian government to allow seven East Timorese students who had sought asylum at embassies in Jakarta to leave for Lisbon last December under ICRC auspices.

These positive steps notwithstanding, the human rights situation in East Timor continues to be grim.

DISAPPEARANCES

As we noted above, new cases of disappearances are rare. But there are hundreds of outstanding, unresolved cases. No progress has been made on accounting for those who remain missing in the aftermath of the November 1991 Dili massacre, for example, or, indeed, for more recent incidents.

In May 1994, relatives of Gaspar Luis Xavier Carlos in Dili revealed to a visitor that Gaspar remained missing after his arrest by military intelligence (Satuan Gerakan Intelejen or SGI) on September 3, 1992, just prior to the summit meeting in Jakarta of the Non-Aligned Movement (NAM). Aged 30 at the time of his disappearance, Gaspar was an employee in Dili of a national bank, Bank Bumi Daya. His family was told by the military that he was arrested in connections with security measures being taken in connection with the Jakarta summit. Gaspar, other sources said, had been planning to go to Jakarta with a few others to present information to NAM delegates about the situation in East Timor, but security officers became aware of their plans. In addition to Gaspar, a man named Malacu is reported to have been arrested and severely tortured; his fate is not known. Gaspar was taken to the SGI office in Colmera, Dili and from there a few days later to the Comarca prison in Balide, Dili. Shortly thereafter, he was taken out of the prison at night and has not been seen since. The family has made repeated inquiries to the military in Dili without success, and recently sought help from Indonesia's National Commission on Human Rights. Gaspar's wife and two children remain in Dili. His employers, Bank Bumi Daya, fired him after his arrest, and the family has no regular source of income.

In its report to the United Nations Commission on Human Rights, the UN Working Group on Enforced or Involuntary Disappearances reported that of twenty disappearance cases from Indonesia and East Timor submitted by the Working Group to the Indonesian government for clarification, the government reported that five had returned home. "In the remaining 15 cases, the names of the persons contained in the Government's reply did not correspond to the names of the missing persons contained in the lists of the Working Group."[1]

[1] Commission on Human Rights, Report of the Working Group on Enforced or Involuntary Disappearances, E/CN. 4/1994/26, December 22, 1993, p. 66.

It should be noted that in its resolution 1993/97 in March 1993, the UN Commission on Human Rights urged the Government of Indonesia to invite the Special Rapporteur on the Question of Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. The Special Rapporteur on Summary Executions has just left East Timor, but no invitation has been extended to the Working Group on Arbitrary Detention or the Working Group on Disappearances.

EXTRAJUDICIAL EXECUTIONS

Several cases of summary executions have been reported to HRW/Asia since our last presentation to this committee, although because of lack of access, we have not been able to independently confirm the incidents. Even it the facts as stated could be verified, it is possible in the two cases described below that there were circumstances, not known to HRW/Asia, that could affect the characterization of these killings as extrajudicial executions. But it is important to recognize that East Timorese in Lautem reported these incidents as such to Indonesian human rights monitors in Jakarta, suggesting, at the very least, that a full investigation should be undertaken, with prosecution of those responsible should the executions be confirmed.

In the first case, in the hamlet of Assalaino, Lautem district, a farmer and father of four named Tito Teles, aged thirty-three, was reportedly killed by members of army battalion 611 on November 1, 1993 as he was leaving his home to go hunting. He had reportedly obtained a permit from security forces in the region to hunt in an area known as the "free zone", as he had on two other occasions. People in the village heard him calling his dog as he was moving toward the zone, but special forces hidden along the path from the village opened fire. When the dog returned alone to Tito's house, villagers questioned the security forces who claimed they had no knowledge of Tito's whereabouts. Only after Tito's body was discovered on November 2 did they acknowledge the shooting.

In the second case, a fifteen-year-old elementary school student named Ilario Rodrigues, son of Teofilo and Benefito Rodrigues of the hamlet of Foema-a, Souro village, Lautem, was shot and killed on July 30, 1993 by men described by villagers as army commandos as he was going into a nearby garden to cut down coconuts to sell. He was a student of State Elementary School No. 6 in Souro. His body was immediately buried by those who shot him; it was exhumed the next day by his neighbors. It is not clear why he was killed.

ACCOUNTABILITY

The Indonesian commander in East Timor, Colonel Johny Lumintang, had disciplined some Indonesian soldiers responsible for abuses; two soldiers were court-martialled for murder earlier this year, according to a July 5 Reuters dispatch, and two others have been detained after committing sacrilege in a Catholic church in Remexio by spitting out the sacrament during communion. The incident occurred on June 28, 1994. (Eleven villagers, it should be noted, were then detained for then attacking the soldiers.)

It would be a welcome development if soldiers were routinely held accountable for abuses in East Timor, and it will be important for the human rights community, both Indonesian and international, to monitor the prosecutions and punishments in the above cases. But until the climate of fear substantially changes in East Timor and people feel both free to register complaints against members of the armed forces and confident in the legal system in place there, many soldiers will continue to act with impunity.

CONTROLS ON FREEDOM OF EXPRESSION

A single incident demonstrates the extent of restrictions freedom of expression in East Timor. From April 12 to 15, 1994, twenty-six foreign journalists were taken on an official visit to East Timor at the invitation of the Indonesian government. (Over seventeen years after Indonesia's annexation of East Timor, access to the territory remains restricted, and journalists must apply for special travel permits.) The day before they left, on April 14 at about 7:00 a.m., a small group of East Timorese held a pro-independence demonstration in front of the Mahkota Hotel in Dili where the journalists were staying.

The demonstration became the focus of most of their subsequent articles, to the Indonesian government's great indignation. On April 17, a military spokesman in Dili, Major L. Simbolon, accused the journalists of "defecting" from the official agenda and conducting an "investigation" rather than looking at "existing reality."

But it was the demonstrators who in fact represented East Timor's "existing reality." Following the demonstration, they were briefly arrested for questioning, then released. After the foreign reporters were safely out of East Timor, however, the real arrests took place. On May 1, Nuno Corvelo was picked up. On May 2, it was Rui Fernandes's turn. And on May 8, nine more young people were arrested: Pedro de Fatima; Rosalino dos Santos, twenty-two; Octavianus; Miguel de Deus, aged twenty; Marcus; Pantaleao Amaral; aged eighteen; Lucas dos Tilman; Anibal; and Ishak Soares, twenty-two. All are Dili residents.

A week after their arrest, their families had not been informed of their whereabouts and were too frightened to ask. At least six were, in fact, taken to the regional police command (Polwil) in Dili; the Indonesian government never acknowledged holding more than six.

The trials of three of the eleven began on June 16. At issue was not only the demonstration, but the fact that the young men had taken part in an "illegal meeting" on April 13 at Pedro de Fatima's home in Kuluhun, Dili, to discuss the display of pro-independence banners that the journalists would be able to see. According to international standards on human rights, the meeting was a peaceful exercise of freedom of assembly, just as the demonstration itself was a legitimate exercise of freedom of expression.

But the Dili court saw it differently. On June 24, Pentaleao Amaral, Ishak Soares and Miguel de Deus were sentenced to twenty months in prison after being found guilty of violating Article 154 of the criminal Code, spreading hatred toward the Government of Indonesia. On July 7, Rosalino dos Santos was given the same sentence for creating public disorder and inciting separatist sentiments. The defendants were not represented by legal counsel.

AMENDMENT NO. 2287

(Purpose: Regarding the extradition to the United States of Mohammad Ismail Abequa)

Mr. LEAHY offered amendment No. 2287 for Mr. LAUTENBERG.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

SEC. —. (a) The Senate finds that—

(1) Mohammad Ismail Abequa is a naturalized United States citizen who is alleged to have strangled his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994;

(2) Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994, with the couple's two children Sami and Lisa, aged 3 and 6 years old, respectively;

(3) New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6, 1994, via an international flight from London and that he had the two children in his custody upon arrival in Jordan;

(4) Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger;

(5) the children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey; and

(6) the personal involvement of King Hussein of Jordan in finding the children quickly could prevent their serious injury by Abequa.

(b) The Senate hereby expresses its concern both that Mohammad Ismail Abequa be brought to justice and that the safety of the two children held by Abequa be ensured.

(c) It is the sense of the Senate that—

(1) The Government of Jordan should use its resources to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey; and

(2) the appropriate officials of the Department of Justice and the Department of State should work aggressively toward that goal.

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

Mr. LAUTENBERG. This Sense-of-the-Senate amendment calls on King Hussein of Jordan to use the resources of the government of Jordan to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey.

It also calls on the appropriate officials at the Justice Department and State Department to work aggressively toward that goal.

Madam President, Mohammad Ismail Abequa is a naturalized U.S. Citizen who is believed to have murdered his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994. Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994 with the couple's two children Sami and Lisa, aged 3 and 6 years old.

New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6th via an international flight from London and that he had the two children in his custody upon arrival in Jordan.

I am concerned both with bringing Mohammad Ismail Abequa to justice, and with the safety of the two children being held by Abequa.

Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger. The children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey.

The direct involvement of the Government of Jordan in finding the children quickly could prevent their serious injury by Abequa. King Hussein has a critical role to play in ensuring that a man who is believed to have savagely murdered his wife will be brought to justice.

Madam President, I ask unanimous consent that a copy of an article that appeared in the Star Ledger be printed in the RECORD. I also ask unanimous consent that copies of a letter I, along with Representative ROBERT TORRICELLI, sent to King Hussein and the Attorney General Reno be printed in the RECORD.

I urge my colleagues to approve this amendment.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, July 14, 1994.

His Majesty Hussein I,
King of the Hashemite Kingdom of Jordan, Amman.

YOUR MAJESTY: We request your personal involvement in the apprehension and extradition to the United States of Mohammad Ismail Abequa, a naturalized U.S. citizen who fled to Amman, Jordan on July 5, 1994. Mohammad Abequa is believed to have strangled his estranged wife, Nihal, in Morris County, New Jersey on July 3d. Following the murder of his wife, Abequa kidnapped the couple's two children Sami and Lisa, aged 3 and 6 years old.

New Jersey officials have confirmed that Abequa arrived in Amman on July 6th via an international flight from London. He had the two children in his custody upon arrival in Jordan.

Our immediate concern is the safety of the two children being held by Abequa. He has record of wife beating and child abuse while living in New Jersey, and they could be in danger. Your personal involvement in finding the children quickly could prevent their serious injury by Abequa. The children have a close relative, Nihal's sister, who, we understand, will care for and nurture them in New Jersey.

We urge you to use the resources of the government of Jordan to apprehend and extradite Abequa to the United States. He is a U.S. citizen and a fugitive of U.S. justice. The people of New Jersey are horrified by Nihal's brutal murder, and with your assistance, will afford Abequa the due process of the laws of the State of New Jersey.

We make this direct appeal to you with the hope of preventing further harm to innocent children and bringing to justice a man who has been accused of savagely murdering his wife. While our request is extraordinary, Your Majesty, we are sure you appreciate the need for expeditious action.

Sincerely,

ROBERT G. TORRICELLI.
FRANK R. LAUTENBERG.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 14, 1994.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR JANET: We are forwarding to you a copy of a letter we sent to King Hussein of Jordan regarding the extradition to the United States of Mohammad Ismail Abequa, a naturalized U.S. citizen who fled to Amman, Jordan on July 5, 1994.

Mr. Abequa is believed to have murdered his wife, Nihal Abequa, in Morris County New Jersey on July 3, 1994. He fled to Jordan with their two children.

We understand that the Justice Department must request extradition of Abequa through the State Department before Jordanian officials will feel compelled to take official action to seek and apprehend Abequa. We would ask that you make such a request expeditiously. We appreciate your cooperation.

Sincerely,

ROBERT G. TORRICELLI.
FRANK R. LAUTENBERG.

MIDEAST MANHUNT

(By Brian T. Murray, Kevin Coughlin and Joe Territo)

The murder of a New Jersey woman landed in the court of international diplomacy yesterday when authorities confirmed that the prime suspect—her husband—flew to his homeland of Jordan with their two children last week just hours before detectives launched a nationwide manhunt.

"I believe (Jordan's) King Hussein will cooperate in the case. I've met him many times and know him fairly well. He's very responsible. He will see enormous ramifications if he does not cooperate here," said Rep. Robert Torricelli (D-9th. Dist.), a member of the House Foreign Relations Committee, who noted that there is no extradition treaty with Jordan.

The congressman was in touch with Morris County Prosecutor Michael Murphy, whose office is trying to bring 45-year-old Mohammad Ismail Abequa to justice in the July 3 strangulation of his 40-year-old wife, Nihal (Nina). Because her body was stuffed under a

bed in a plastic bag, the crime went undetected until after noon July 6, giving Abequa time to flee the country, said Murphy.

"Our office is in the process of working with the State Department and Interpol to secure his return to the United States," said Murphy, who described the getaway as "extremely well-planned." But he added he was "cautiously optimistic" that Jordan will help in returning Abequa and his children.

With his children in tow and using his Jordanian passport to get them aboard, Abequa took a flight out of Nashville at 8 p.m. July 5 and landed in Gatwick Airport in Great Britain, where he boarded another plane to Amsterdam. There he bought three tickets to Amman, Jordan, where he is believed to have arrived on the day police found his wife's body in her Parsippany-Troy Hills apartment.

Although Jordan and the United States do not have an extradition treaty, Torricelli said Jordan has been responsive on "constituent problems" in the past and would not risk harming Jordanian-U.S. relations by harboring a fugitive like Abequa. Additionally, the queen of Jordan, Noor al Hussein, is American-born and was educated at Princeton University.

Police in Jordan are willing to cooperate and search for suspects in heinous crimes committed in other countries, according to Ayman Aamiry, second secretary of the Jordanian Embassy in Washington, DC. "We don't want a criminal on our hands," he said.

If the suspect is captured and cannot be extradited, he could be tried in a Jordanian court, according to Aamiry.

However, Murphy said he would not want to explore that option until all efforts to return Abequa have been exhausted.

A trial in Jordan would require U.S. officials to issue a formal summons, Aamiry explained. Arguments could be made in person or via sworn affidavits, he added, noting that the procedure is common in civil matters.

Aamiry also said U.S. law enforcement authorities could have Interpol, the international police agency, ask Jordanian authorities to arrest Abequa. The U.S. Embassy in Amman could press the issue with Jordan as well, he said.

Abequa and his wife had been separated since December 1992 and she sued for divorce in April, accusing him of beating her and the children, 6-year-old Lisa and 3-year-old Sami. Abequa also threatened to abscond with the children, claiming he did not want them raised in the United States, an obsession which Murphy identified as one of the motives for the killing.

Nina Abequa was so scared of her abusive husband that she thought of sneaking off to Arizona with her children last winter. She even wanted to bring her mother and sister, fearing they might be subject to reprisals if they remained behind, according to Rena Moosa, an executive recruiter who tried to find her an insurance job in Arizona.

"She said she wanted to go somewhere where he didn't know where she was," said the recruiter, whose own experiences with marital problems forged a long-distance friendship with Abequa over the last three years.

They last spoke by phone two or three days before Abequa's death. At that time Abequa's Fourth of July holiday weekend plans only included visiting with her family. Moosa said there was no mention of a visit from her husband, which other friends said happened the afternoon of July 3, the day the woman disappeared.

Moosa said before that fateful weekend, Nina Abequa's fears had subsided. She had not heard from her husband in months and no longer felt threatened by him, despite knowing that the naturalized U.S. citizen had returned from Jordan to Tennessee, where he occasionally lived. Nina Abequa expected to start later this month in a better-paying job Moosa found for her with an insurance firm in Hartford.

"She loved those kids. They were her whole life. Everything revolved around them," said Moosa, who said she has nightmares that Mohammad Abequa reiterated threats to take the children to Jordan while Nina was in her death throes. "That would have made her berserk."

A gentle woman with a "sweet little lilting voice," Nina Abequa made an unfortunate joke in one of her last calls to Moosa.

"'I hope I'm not the next Nicole Simpson,'" Moosa quoted Nina Abequa as saying with a slight laugh. "I said, 'Nina, don't even say something like that!'"

The children were last seen by a friend of Abequa's in Nashville last week, when the murder suspect stopped to sell his car there for $700 before making his flight out of the country.

"The kids were fine," said Morris County Prosecutor's Detective Gary Denamen, who interviewed the unidentified friend. "They were under the impression from their father that they were going on a vacation or some kind of trip."

"They were unaware that their mother was dead," Murphy added.

It was late on July 3 that Abequa made his arrangements to fly out of Nashville toward Jordan. Police believe he got to Tennessee via a domestic flight out of Newark either July 3 or July 4, and it was Nashville detectives who discovered Saturday that Abequa and the children had left the country.

"The way the body was concealed gave him time to leave this country," Murphy said, noting Nina Abequa was not found until 12:20 p.m. July 6, after her sister telephoned police reporting that she had been missing for days.

The body was found by a police officer, and detectives later found bloody materials in a dumpster near her apartment, indicating Abequa had cleaned up the crime scene. Murphy said the woman was bleeding from the mouth and nose but that she had been partially concealed in a plastic bag and covered by blankets. The air conditioning also was left on, he said, which further prevented immediate detection of the body.

"There were some signs of resistance * * * There were hand marks around her neck, probably caused by her trying to remove his hands from her neck," he said, referring to self-inflicted scratches.

The fact that Abequa had a Jordanian passport made his flight easier. While even young children who are U.S. citizens generally are required to have passports to leave the nation, that is not always the case when their parent holds a foreign passport.

Gary Sheaffer, spokesman for the U.S. State Department's bureau of consular affairs, noted that in some Middle Eastern nations, children under 12 are allowed to enter the country as long as they are with a parent who has a passport. He also pointed out that normally it is not very difficult for U.S. citizens to get immigration documents once they arrive in the Middle East.

Sheaffer said he believes Abequa "probably wouldn't have any trouble talking his way through" to get permission to bring the children into the country with him.

Getting Abequa returned to the U.S. may be difficult. But getting the children back could pose an additional problem, according to authorities, who noted that Abequa has an extensive family in the homeland he frequently visited since immigrating in 1985 and becoming a U.S. citizen in 1990.

Murphy said the family of the murdered woman is concerned about the children and whether they will have to go through Jordanian courts to secure their return.

"Her sister is anxious to have the children returned to her so that she can raise them," Murphy added.

"We're going to have to work delicately in the international forum with Jordan * * * We're going to do everything we can to get him back and hopefully the children," he added.

If Abequa is captured and tried by Jordanian authorities, his ties to that country could give him the upper hand in a murder trial, according to Christopher Taylor, an assistant professor of religion and Middle Eastern studies at Drew University in Madison.

"A lot of these things generally turn out to be which family has more clout," said Taylor. Nihal Abequa has no known family in Jordan.

Taylor explained that sometimes in Middle Eastern courts, the influence of a defendant's family can have as much influence as evidence in court. He said the wealthy or families with higher status have more influence on court proceedings than poorer, blue-collar families.

One way Abequa could attempt to get around murder charges in a Middle Eastern courtroom would be to claim there were "extenuating circumstances," such as that his wife was an adulteress, which could excuse murder under Islamic law, Taylor said.

Taylor added that diplomacy also could come into play. He pointed out that since the Persian Gulf War, Jordan has been trying to repair its damaged relations with the U.S., and that could help American efforts to gain custody of Abequa.

AMENDMENT NO. 2288

Mr. LEAHY offered amendment No. 2288.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

INDONESIA

SEC. . The United States should continue to refrain from selling or licensing for export to the Government of Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committees on Appropriations that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including in such areas as:

(1) complying with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significantly reducing Indonesia's troop presence in East Timor; and

(3) participating constructively in the United Nations Secretary General's efforts to resolve the status of East Timor.

Mr. PELL. Madam President, I wish to support the amendment offered by Senator LEAHY on Indonesia and ask to be added as a cosponsor.

His amendment is a welcome statement on the foreign aid bill, reiterating our policy of refusing to sell weapons to the Indonesian military that could be used to violate human rights.

Just today, we have learned new reasons for the wisdom of this policy and

the reason for our need to watch closely and to be deeply concerned about the human rights situation in Indonesia.

Today at least 20 people were injured by the Indonesian military in East Timor as security forces used riot-sticks to break up a student demonstration. The demonstration followed several recent incidents in which Indonesian soldiers were accused of insulting two Catholic nuns and abusing the sacrament while ostensibly taking communion in a Catholic church.

On Tuesday the United States officially denounced Indonesia's arrest of 42 students on a hunger strike in the Indonesian capital of Jakarta. The students were protesting last month's ban of three Indonesian news magazines. The United States Embassy stated "their detention while on the Legal Aid Foundation's private grounds makes the actions of the Indonesian authorities even more objectionable."

These arrests follow a pattern on recent government-sponsored violence against Indonesian labor and human rights activists.

In May 1993, a 25-year-old labor activist was raped and killed in East Java. Evidence linked her murder to the military. Last March the body of another labor organizer was found floating in a river. Again evidence linked his murder to the military.

Violence continues to be the main means by which the government control dissent. The most visible examples was in East Timor on November 21, 1991, when troops opened fire on a peaceful demonstration protesting Indonesian occupation of East Timor. At least 100 and possibly as many as 250 killed. The number is imprecise because many disappeared during that massacre and remain unaccounted for.

In the Aceh region of Indonesia, an estimated 2,000 civilians have been killed by the military between 1989 to 1993 during its counter-insurgency campaign.

As Amnesty International notes in its 1994 annual report, President Suharto maintains a centralized and authoritarian government that exercises "strict and comprehensive controls on all aspects of social development and severe restrictions on civil and political rights."

This policy of strict control, I do not believe, can be long maintained in Indonesia. With its rapid economic growth, spreading middle-class, there are increasing demands within Indonesian society for change.

We must demonstrate clearly that the United States supports the forces for democratic change in Indonesia and will not allow our economic, aid, or military interests with the Indonesian Government inhibit our support for such change.

This amendment demonstrates that our priority in Indonesia remains promoting human rights and building democracy.

INDONESIA

Mr. JOHNSTON. Madam President, 2 weeks ago, the Senate tabled a committee amendment by a vote of 59 to 35 which would have placed what I believe were unenforceable and mischievous conditions on the sale of military equipment (later revised to lethal military equipment) to Indonesia under the Foreign Military Sales Program. I believed then, and believe today, that the statutory language proposed would have had serious, unintended consequences on our important bilateral relationship with Indonesia. In my judgment, this restriction would have resulted in Indonesia seeking other suppliers for the military equipment they need, and would have lessened what influence we have with modernizing voices in Indonesia, ultimately undercutting our efforts to promote American values and principles, including regard and respect for human rights, in Indonesia. Further, in my view it would inevitably have spilled over into the commercial arena with unfortunate consequences for the reason that the United States Munitions List covers literally thousands of items, including spare parts, communications equipment, advanced computer technology, satellites and other items.

I again point out to my colleagues that this administration has undertaken a thorough review of our policy toward Indonesia during the past year. As a result, a comprehensive strategy has been developed to promote our Nation's vital security, political, human rights and economic interests with this key nation in Southeast Asia, the fourth largest country in the world which has worked cooperatively with the United States in promoting peaceful solutions to potentially dangerous problems in the Spratly Islands, in Cambodia and other UN peacekeeping operations, and in promoting nonproliferation.

This comprehensive policy was succinctly and eloquently stated in a letter written by the Secretary of State to Chairman LEAHY on June 29, 1994, which I inserted in the RECORD during debate on this issue 2 weeks ago. It is worth quoting this summary again:

> The United States has important economic, commercial, security, human rights and political interest 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.

Will this comprehensive policy of engagement on many fronts work to help us achieve our many objectives? I believe it will. To be sure there are some parts of it I would disagree with, and there are other parts with which others will disagree. Overall, however, I believe the administration has tried to strike a balance which will keep us engaged with pro-western voices within the Indonesian military and in Indonesia.

It is my view that a stable, friendly Indonesia is in our Nation's best interest. One only has to look back 30 years to understand and appreciate the dangers to our Nation's interest of a return to instability and the politics of konfrontasi. Maintaining a friendly, stable Indonesia is even more important today, in the post cold war and post-Philippines era. We are facing many challenges in the Asian region. Indonesia has played and continues to play a key balancing role which is in our fundamental interest.

It is also my view that a stable, friendly Indonesia offers the best hope for achieving a better life for all the people of Indonesia. Stability and engagement with the west have in part set the stage for economic reform, which in turn has brought about important changes in Indonesia. The incidence of poverty for example has been reduced from 60 percent in 1970 to about 14 percent today, and the distribution of wealth in general is equivalent to that in the United States. Other strides have been made which have resulted in a better life for the men, women and children of Indonesia: education is now mandatory through nine grades, for females as well as males; since 1950 the literacy rate among adults has increased dramatically from below 20 percent to about 74 percent today; the incidence of maternal mortality and infant mortality have been greatly reduced; access to health care has improved dramatically for all income groups and throughout the nation; the average life span has been increased for men and for women. Widely recognized and lauded family planning programs have addressed the very serious population issues Indonesia faces, and Indonesia has become self-sufficient in the production of rice. All of these achievements and others have improved in dramatic and tangible ways the lives of Indonesians from all economic strata and in all geographic locations. In East Timor for example just 10 percent of the population was literate in 1975, when the Portuguese pulled out. There were only 50 schools and no colleges at that time. Today, East Timor has nearly 600 elementary schools, 90 middle schools and 3 colleges. In 1975 East Timor had only two hospitals and 14 health clinics; today there are 10 hospitals and 197 village health clinics. Interestingly, the number of Catholic churches has quadrupled since the Portuguese pulled out.

Since 1967, a foundation for social stability has been constructed and continues to be strengthened. To be sure, Indonesia continues to face many difficult challenges. Poverty has been greatly reduced, but 14 percent of the population—some 27 million people—

still live in poverty. Many of these people live in remote areas and have few skills; it will not be easy to reverse their situation and solutions will be long term. Indonesia also continues to face the inherent difficulty of uniting over 200 different ethnic groups speaking some 300 languages and dialects in a nation of islands spread across over 3,000 miles of water. I understand the concerns in Indonesia about the potentially devastating impact of a return to instability, given the troubled history Indonesia had following independence in 1949, but I also believe the foundation which has been built over the past 25 years is stronger than many in Indonesia realize and that more openness will strengthen this foundation, not challenge it.

As with all nations, including our own, for every step forward there have been occasional steps backward. The United States has and should continue to press for and encourage forward movement and should speak out when steps are taken backward. The comprehensive policy put forth by this Administration recognizes this. As Secretary Christopher put it in his June 29, 1994 letter to Chairman LEAHY:

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.

The State Department in conjunction with USAID has also tried to move aggressively to give support through our development assistance programs to nongovernmental organizations (NGOs) in Indonesia, to support voices of pluralism and those who support change. My own view is that increased engagement in this manner will help promote the long term changes we all support and seek and in the end will lead to a more open, free and democratic system.

The challenge we face is articulating and steadfastly implementing a comprehensive policy which will encourage change, and result in more openness and respect for human rights, while maintaining a close and cooperative relationship with a stable and friendly Indonesia.

We cannot achieve this by poking Indonesia in the eye, engaging in highly public debates in which Indonesia feels humiliated and subject to disrespect. We will achieve this through firm, steady and quiet diplomacy in which Indonesia is treated with the respect and dignity which is her due as an independent nation.

As I understand it, this amendment codifies part of our comprehensive policy toward Indonesia which was articulated in Secretary Christopher's letter of June 29, 1994. It will come as no surprise to my colleagues to learn that my preference is to have no statutory language. I do not think this is necessary, and I believe it could make it more difficult for the Administration to adjust to changed circumstances in the future. Nonetheless, since the Administration has apparently agreed to this language I will not take issue with it. I would point out however that this is only part of our policy and that my acquiescence is based on my belief that the Administration will continue to pursue a multifaceted policy which recognizes that our relationship with Indonesia is complex and based on many interests: security, economic, commercial and political.

Madam President, I ask unanimous consent that the full text of Secretary Christopher's letter be printed in full at the end of my remarks.

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

SECRETARY OF STATE,
Washington, DC, June 29, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations.

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 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.

INDONESIAN COOPERATIVE MARKETING PROJECT

Mr. JOHNSTON. Madam President, I rise to bring to the attention of the managers of this bill a very important proposal, endorsed as a high priority by the U.S. Agency for International Development's [USAID] mission as well as the American Ambassador to Indonesia, to provide funding in the amount of $5 million over the 1995 to 1998 period under the Public Law 480 title II program to develop a coffee and fishing marketing cooperative system on East Timor, in Aceh and in the eastern Indonesian islands.

While I understand that funding for the Public Law 480 program is provided in the Agriculture and related Agencies appropriations bill, I believe it is important to raise this issue during consideration of this bill which funds USAID. Under the Food for Peace Act, USAID has the responsibility for sorting out the priorities for those few projects which will receive support under title II. Without the strong support of USAID, this project may well be passed over since there are many other worthy projects competing for a limited amount of resources.

The importance which our Jakarta USAID Mission accords this project was seen in the allocation of approximately $2 million in Development Assistance [DA] funds earlier this year to begin necessary planning and start up funds for it. Moreover, the Assistant Secretary of State for Legislative Affairs, Wendy Sherman, stated in a letter to me dated February 23, 1994, that our Jakarta USAID Mission and the United States Embassy in Jakarta both believe this project "can potentially have a significant impact in East Timor and elsewhere. As you are aware, as part of our efforts to promote an improvement in the human rights situation in East Timor, we are working hard to expand USAID and USIS programs there; this project would be an excellent vehicle."

This project is designed to help raise the income of coffee and other farmers as well as fishermen on East Timor in particular. Roughly two-thirds of the population of East Timor is engaged in farming; half of these farmers are engaged in coffee production. Although the quality of the coffee grown on Timor is excellent, particularly the TimTim arabicas which account for about 70 percent of Timor's coffee production, coffee prices received by these farmers have been characterized as extremely low, well below half the FOB levels similar grades and qualities receive in Sulawesi, Java, Flores, and Sumatra.

Because of this history of low prices, production of coffee has decreased substantially and in too many cases, farmers are beginning to sell land, which will have a serious, adverse long-term impact on the economic prospect for this depressed area.

To be sure, part of the low prices farmers on Timor have received was attributable to the collapse of the international coffee marketing agreement.

But an even larger part is attributable to a lack of competition in marketing mechanisms.

This project is designed to bring competition to the now virtual marketing monopoly by developing and supporting a cooperative for the procurement and marketing of coffee, as well as supporting value added processing of the coffee crop aimed at penetrating the niche gourmet and organic markets. The latter seems particularly promising since for many years coffee production on East Timor has been largely pesticide-free.

Highly successful projects in developing cooperatives have been undertaken with USAID's support on Java and elsewhere, and have created about 14,000 jobs. It is very likely that similar successes could take place on East Timor with USAID's support.

It is urgent that the momentum begun with the initial funds provided by USAID be continued in fiscal year 1995 and beyond. Much effort has been made to gain approval and support for this project among farmers on East Timor and from the Government of Indonesia. Without a continuing commitment from the United States, however, this support could erode and we would lose the opportunity to make a significant and permanent improvement in the lives of many who live in East Timor.

I am told this project will only be funded if it receives a high priority from USAID and from the State Department because the demands are so great for this program. Already, 3 months before the fiscal year 1995 begins and allocations are made, USAID has some 60 applications for title II assistance on hand; undoubtedly, more will be filed between now and October. I urge those officials to review this proposal, and I hope they will look at it in the context of income levels and needs on East Timor which are in fact greater than those Indonesia-wide. I also hope that some consideration will be given to the need to strengthen NGOs in East Timor, which this project would do. If they concur with my assessment I hope they will communicate their support for it immediately to the team which is in the process of making the fiscal year 1995 Public Law 480 decisions.

Mr. LEAHY. The Senator from Louisiana makes a good case for this project. Reviewing the information he has provided to me and to my staff, I believe this project has merit and I urge USAID to accord it serious consideration during the allocation decisions now being made under the Public Law 480, title II program.

There are many pressing cases competing with this proposal, from Asia and from other regions around the world, far more than there are resources under the title II program to fund. In fact, I am told that approximately 60 applications totaling about $400 million are pending for the approximately $300 million which is available under this program, which was reauthorized in title XV of the 1990 Farm bill.

During the daunting task the administration will have as it sorts through these proposals, many of which are compelling and equally worthy, I hope the administration will give some weight to the particular policy considerations involved in this proposal. A goal all of us have shared with respect to our policy vis-a-vis East Timor has been to improve the lives of the people. This project offers real potential in this respect.

Mr. McCONNELL. I too have reviewed the information the Senator from Louisiana has provided to me and to my staff on this project, and am pleased to join my colleague from Vermont in urging the U.S. Agency for International Development to accord it a high priority. USAID will play a key role in deciding which of the many proposals for title II funds are approved, so it is equally appropriate that this colloquy occur on this bill.

This project offers a positive approach to our policies affecting East Timor and one which would help in a concrete and immediate way a substantial part of the population. In addition to raising income, critically important in this very poor area, this proposal would also give skills needed by the people of East Timor to improve their economic situation. As the Senator from Vermont points out, these skills are transferable to other areas and hold out the promise of improving people's lives in other areas, too. This may be the most important and enduring part of the project and one which will reap benefits for many years. Therefore, I urge USAID to give some consideration to this feature of the proposal and hope it can be funded.

Mr. JOHNSTON. I appreciate very much the comments of my colleagues and hope this proposal will be given the support and priority it deserves this year.

Mr. FEINGOLD. Mr. President, two weeks ago, late in the night, the Senate voted on a provision regarding Indonesia. The provision was, to my mind, very simple and straightforward. It simply said that any agreement to sell arms on the United States munitions list to Indonesia must include an agreement that our weapons would not be used in East Timor. It sent the signal which I think the Senate shares unanimously: Our weapons should not be used for the abuse of human rights.

Indonesia has sustained a brutal military occupation of East Timor since 1975. Every human rights organization in the world has criticized Indonesia's human rights record, particularly in East Timor.

The State Department has consistently reported human rights violations by Indonesia's military. In this year's report, the State Department acknowledges that "largely cosmetic changes in the force structure resulted in minimal reductions in troop presence" in East Timor. It also said:

> Extrajudicial arrests and detention, torture of those in custody, and excessively violent techniques for dealing with suspected criminals or perceived troublemakers continued in many areas of Indonesia. Legal safeguards against arbitrary arrest and detention are frequently ignored. The armed forces continued to be responsible for the most serious human rights abuses.

We do not want to support human rights abuses in East Timor. We do not want United States weapons involved in massacres of peaceful protestors or interrogations of activists with views differing from the Indonesian armed forces. We do not want United States arms used to kill and torture the people of East Timor.

The Senate, though, did not send that message 2 weeks ago. However, I

do not think the Senate intended on sending the opposite message. That would be, quite bluntly, unconscionable. The amendment offered today corrects any misconception which may have been perceived, and assures the Indonesians that they do not have a carte blanche to use our weapons indiscriminately for human rights abuses in East Timor.

The amendment offered today clarifies the sentiment in the Senate by codifying the United States position on human rights and arms sales to Indonesia. I have advocated a much more comprehensive arms ban, but by targetting small arms and crowd control weapons, the United States is taking a step toward separating itself from responsibility from human rights abuses in Indonesia and particularly East Timor. It is especially important that we have established a linkage between arms sales and human rights.

The Indonesian occupation of East Timor has been a longstanding issue of international concern. Since 1975 thousands of Indonesian troops have occupied the island, restricting freedom of expression and association, and brutally punishing those who do not agree with the regime of occupation.

Just 5 days after the Indonesian invasion of East Timor in December 1975, the United Nations General Assembly called immediately for Indonesia to withdraw its armed forces and recognize the right of self-determination for the people of East Timor.

Since then the United Nations has adopted eight resolutions affirming human rights in East Timor—two calling on Jakarta to withdraw "without delay"—and the United States Congress has passed five resolutions condemning Indonesian actions in East Timor.

In 1994, the U.N. Commission on Human Rights and the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities passed resolutions about the continuing human rights abuses in East Timor and urging the Indonesian Government to allow access to East Timor by humanitarian and human rights organizations. The March resolution was the first time the U.S. supported such a resolution in the U.N.

However, despite all these resolutions, the Government of Indonesia has blatantly disregarded the will of the international community. Instead, it has occupied East Timor with a brutal hand, resettling hundreds of thousands of East Timorese in camps in the late 1970's. The International Red Cross accuses the government of deliberately starving more than 100,000 East Timorese during the same period. According to both Amnesty International and the Indonesian-appointed Governor in East Timor, the conflict has taken 200,000 East Timorese lives—one third of the original population in East Timor—since 1975.

Throughout the 1980's the Indonesian military controlled East Timorese villages and the movements of East Timorese residents. There were several waves of killings and disappearances.

In the past 3 years, human rights groups have reported that the repression in East Timor has continued unabated. Torture of detainees remains a common practice. Human rights groups are barred from doing their work. Even Senators BOREN and PELL were refused visas to East Timor in 1991.

Human rights monitors list numerous cases of those hospitalized for such injuries by the armed forces as broken hands, pulled out fingernails, and gunshot wounds.

The most public of the atrocities in East Timor was, of course, the Dili massacre on November 12, 1991. In front of reporters' cameras—on videotape we all saw repeated on the evening news—the Indonesian military opened fire on a peaceful demonstration for self-determination, killing at least 100 East Timorese, and maybe as many as 250. At least 66 people are still unaccounted for.

The Indonesians have been unrepentant and irresponsible in administering justice in the massacre.

Moreover, the comments by Indonesian military brass indicate their lack of remorse:

General Syafei, military commander in East Timor, said, "If something similar to the November 12 event were to happen under my leadership, the number of victims would probably be higher."

General Herman Mantiri, regional commander, said, "We don't regret anything. What happened was quite proper . . . they were opposing us . . . even yelling things against the government . . . that is why we took firm action."

General Try Sutrisno said, "Such people must be shot and we will shoot them." Sutrisno is now vice president of Indonesia.

The Governor of East Timor, Abilio Jose Osario Soares, said, "As far as I'm concerned, I think far more should have died."

It is inconceivable, Mr. President, that I or any other citizen would be shot at for yelling things against the government. Yet peaceful demonstrators in East Timor were killed by the Government of Indonesia, and several of those who survived, are now sitting in prison for witnessing the crimes.

In response to this massacre—and the travesty of justice which followed—the Congress cut off imet to Indonesia.

At the present time, the U.N. Special Rapporteur is travelling to East Timor to learn more about the Dili massacre and its aftermath. Witnesses to Dili and other human rights activists are being rounded up, probably so they will not be able to testify to what they have seen and know.

The repression in East Timor is nonstop. Just 4 days ago, a few Indonesian soldiers—who are Muslim—walked into a catholic church in East Timor, and insulted the parishers by pretending to take communion, by eating the wafers, spitting them out, and then stomping on a communion glass.

This is an insult no one in this chamber can condone. But it gets even worse, Mr. President. When demonstrators protested the soldiers' defamation of their religion, the military opened fire, killing three and wounding dozens. Since, the military has cordoned off students and put barricades throughout Dili to stifle any further protest.

Three people were killed by the Indonesian military simply for trying to protect the sanctity of their religious rituals. Just yesterday, Mr. President.

This is how the Indonesian military operates in East Timor. I do not want the U.S. associated with any of these violations. Yet, in supporting the Indonesian military—by selling arms, by conducting joint military exercises, by training the military officers, by not prohibiting our weapons from being used in East Timor—we are tolerating, if not condoning, such terror. In reporting the story, one reporter even mentioned the Senate vote 2 weeks ago.

Last year the Senate Foreign Relations Committee adopted an amendment to condition the sale of major weapons to Indonesia on improvements in the human rights situation. After numerous resolutions and diplomatic discussions, it was time to take substantive action to advocate human rights in East Timor. Though the bill never came to the Senate floor, it caused ripples throughout Washington and Jakarta.

One result was that at the U.N. meetings in September, following committee action, the Indonesians finally responded to the talks with the Portuguese, and outlined a plan of action for East Timor.

Another result was a policy review within the administration. It concluded that Indonesia is of great geostrategic and economic importance that Indonesia is of great geostrategic and economic importance to the United States, but that its human rights record requires a tough stance. The administration adopted a policy of not selling light arms and crowd control weapons to Indonesia, which, according to assistant Secretary Winston Lord, was linked to human rights in East Timor. That is the position embodied in today's amendment.

In light of this principled and substantive pressure, there has been some progress in East Timor. But in 1 year, it has of course been limited. And I want to stress limited, Mr. President. However, the small steps are more than we have ever gotten since 1975, and I think the facts bear out a strong argument for linkage. With so much further

to go, now is hardly the time to abandon such a policy.

Those who continue to dare to disagree in Indonesia are still suppressed, harassed, and as yesterday's events show, even subjected to murder. Just for example:

The very week we struck language which would have prohibited the use of United States weapons in East Timor, the Indonesians shut down three influential journals by revoking their publication licenses. Two of the journals—Tempo and De-tik—had published unflattering articles of senior officials and close friends of President Suharto.

The next day, there were demonstrations against the action. About 50 people were kicked and beaten, about the same number were reportedly arrested. The Indonesians would not confirm that, but a Reuters journalist was there.

The fact that journals have to be licensed by the government at all flies in the face of Article 28 of Indonesia's own constitution guaranteeing freedom of speech. All these restrictions have created an atmosphere of fear throughout every level of Indonesian society.

I have also heard that there have been improvements in the accountability and the restraint of the military, but I have heard no evidence to that effect.

When I questioned Assistant Secretary Winston Lord about the reduction in military presence in East Timor this spring, he could not confirm that there had been any troop withdrawals from East Timor. In fact, I have even been informed by authoritative sources with first hand experiences that uniformed soldiers in East Timor are merely being replaced by plainclothes soldiers. Is this restraint?

This is yet another kind of repression which is very dangerous and creates a permeating atmosphere of fear and terror.

Another illustration: As I mentioned earlier, as the military forces prepares for the visit of the U.N. Special Rapporteur on summary, arbitrary, and extrajudicial executions, witnesses to Dili are being rounded up so they will be unable to talk to the Special Rapporteur. They are questioned at length, refused the right to an attorney, and at risk of being tortured. Six prisoners being held in connection with the Dili massacre were moved to a prison in central Java in May, probably with the intent of keeping them from meeting the Special Rapporteur.

Torture continues. According to Bishop Belo and other observers, prisoners are often tied up and dunked in tubs of water until they nearly drown. Prisoners are burned with cigarettes. Prisoners are subjected to mock executions. An article in the New York Times reports that during a torture session, an intelligence officer told an East Timorese prisoner, "We only need your land. We don't need people like you Timorese."

Also very upsetting is that the military is targeting religious Catholics and clergy. In December 1993 the military captured several young Catholics in East Timor, beat them, tortured them, and forced them to confess to "subversion." On January 4, 1994, Bishop Belo reports that military men were waiting for a student at the Pastoral Institute—Salvador Sarmento—where they beat, tortured, and kicked him until he almost died. They then forced his parents—who are illiterate—to declare that they had seen their son participate in subversive activity.

The suppression extends even beyond the borders of Indonesia. In June there was to be a private conference on East Timor in Manila, in the Philippines, organized at the University of the Philippines. The conference was to be attended by Danielle Mitterand and the Nobel Peace Prize Laureate Mairead Maguire. The Indonesian Government went so far as to seek the cancellation of the conference in Manila.

Threatening to cut off an economic relationship with the Philippines; to exact consequences in the Philippine peace talks with Muslim separatists; to impound Filipino fishing vessels in Indonesian waters, President Suharto succeeded in bullying and intimidating Manila into closing off the conference to any foreign attendants.

But he piqued international concern over exactly what he has to hide.

But East Timor is hardly the only battleground for the Indonesian armed forces.

The armed forces have a dual role in the society, and it addresses all domestic rather than just international security concerns. Troops are deployed down to the village level to control society. The civil servants in the bureaucracy are soldiers in the armed forces. The military gets involved in labor disputes. In essence, the word of the military is law.

Every Indonesian citizen is required to pledge allegiance to the state ideology, Pancasilia, critics or deviations from this code are punishable under the anti-subversion law. Almost every kind of dissent is considered "subversive."

Being subversive subjects you to "disappearance", imprisonment, torture, or even extrajudicial execution.

In addition, the workers rights issue in Indonesia is also quite important—especially as we intensify our economic relations with Indonesia.

The Indonesian Foreign Minister, Ali Alatas, has even acknowledged that better labor relations is in Indonesia' self-interest. Yet, in the last year, there has been an intensification of workers' strikes, and the Indonesian government has cracked down on independent labor groups. Demonstrations are often broken up, protestors detained and arrested, leaders imprisoned under bogus charges.

In one case, in May 1993 a 25-year-old labor activist was tortured, raped, and killed in East Java. There was clear evidence that the murder was premeditated and that at least one Military officer who complied. After intense pressure, the Indonesia Government finally brought charges against nine company executives and even charged one army captain. The national human rights commission—which has no jurisdiction or statutory authority—was unable to charge the suspects and basically acquiesced in a sham trial. The military office was simply charged with "failure to report a crime."

In East Timor, Bishop Belo reports that:

> Indonesian authorities have taken more than 400 young East Timorese to Java with the promise of work. When they arrived there, they were distributed amongst a number of factories without keeping the initial agreement. There were changes of factory and the young people did not receive a sufficient salary. Many of the young East Timorese in Jakarta suffer like slaves. Two of them died already. Others are being persecuted and beaten. It is great injustice and suffering.

The United States Trade Representative has also found that the military has been involved in labor issues and that the Indonesian Government has refused the freedom of association for Indonesian workers.

Clearly, the issues of workers rights and human rights are connected.

Finally, Indonesia has taken the lead in criticizing United States human rights policy. At the 1993 world conference on human rights in Vienna, Indonesia vocally opposed the United States position on the Universality of basic human rights. This is who we want to consider a close ally? An emerging democracy? Indonesia's positions and actions undermine what the president says he wants in a foreign policy, and counter everything we fought the cold war over.

Mr. President, I would prefer to stop supplying the Indonesian military to carry out such control altogether. I am strongly supportive of a conditional ban on light arms because it is these weapons with the Indonesian military uses to control crowds and torture and massacre people in East Timor.

They also are used in Indonesia proper to quell dissent. For example, in a number of incidents, peasants have been shot at at peaceful demonstration by American-supplied M-16s.

A light arm ban is also consistent with the 1958 Mutual Defense Agreement between the United States and Indonesia on equipment, materials, and services, of 1958 which stipulates in section 2A:

> Any weapons or other military equipment or services purchased by the government of Indonesia from the government of the United States shall be used by the government of Indonesia solely for legitimate national self-

defense, and it is self-evident that the government of Indonesia, as a member of HTE United Nations Organization, interprets the term "legitimate national self-defense" within the scope of the United Nations Charter as excluding an act of aggression against any other state.

The U.N., in two Security Council resolutions (R. 384 in 1975 and R. 389 in 1976) and eight General Assembly resolutions on the invasion of East Timor, concluded that Indonesia was in violation of the U.N. charter and was engaged in an act of aggression. In 1975, the State Department legal office reached the same conclusion and said the treaty was being violated.

It is scandalous that the United States Government supplies the tools of repression to Indonesia.

Since the 1991 massacre, the State Department has licensed more than 250 military sales to Indonesia. They have licensed machine guns, riot control chemicals and gear, M-16 assault rifles, electronic components, ammunition, communications gear, and spare parts for attack planes, including F-16s. With every shipment, the U.S. is not only signalling its support for the Indonesian military, but also giving it the tools with which to oppress.

While we should fully support Indonesia's right to legitimate self-defense, we should not support its occupation of East Timor—not until the military accepts a U.N.-supervised referendum in which the Timorese would freely choose their own political status; not until the Indonesian military begins to withdraw its troops; not until the military improves its human rights record against its own people and against East Timor.

Mr. President. I would like to make clear exactly what we are seeking here.

The United Nations has never recognized that East Timor is part of Indonesia. The United States has said that a process of self-determination has been violated. East Timor is a land in disputed status.

The U.N. has developed a process to allow the people of East Timor to determine their fate, to choose their own government—by holding elections under international supervision. This is hardly a radical goal. Indeed, it is consistent with the goal of democracy we are promoting every where else.

Most importantly, it is supported by the indigenous leadership in East Timor, including Bishop Belo.

Indonesia has killed a third of the population in East Timor since its Bloody Annexation of the area. It has flagrantly disregarded international pressure and United Nations resolutions. Indonesia has not paid a price for its brutal and immoral occupation. But occupation, terror, and abuse of human rights are expensive.

As Indonesia gains international prominence it is time to extract the cost of its occupation. If Indonesia wants our friendship, if it wants to be a leader on the world stage, it has to clean up its act. Until it does, U.S. policy should be decisive and principled. U.S. policy should support the goals we fostered throughout the cold war: Human rights and democracy. Indonesia should not be exempt from those goals.

We can no longer facilitate or ignore the horror in East Timor and the other abuses carried out by the forces which are the Indonesian Government.

AMENDMENT NO. 2292

(Purpose: To express the sense of the Senate regarding the provision of humanitarian aid to Haiti)

Mr. LEAHY offered amendment No. 2292 for Mr. DORGAN and Mr. HELMS.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following:

POLICY REGARDING HUMANITARIAN AID TO HAITI

SEC. 577. It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

Mr. DORGAN. Madam President, this amendment attempts to address an issue that a number of Senators have already mentioned today—providing aid to Haiti.

As my colleagues know, the United Nations (in Security Council Resolution 917) and the United States (in a series of Executive Orders) have imposed a trade embargo on Haiti. I fully acknowledge that this embargo is intended to undermine the de facto regime in Haiti and to lead to the reestablishment of democracy in that country.

Tragically, however, the embargo to further democracy is causing greater human suffering. And this suffering is growing despite the embargoes' exemption of humanitarian aid. Several senators have expressed their concerns about the flood of Haitian refugees that the United States is struggling to handle. We would do well to address the humanitarian conditions that are contributing to this refugee crisis.

Hospitals and clinics in Haiti increasingly lack basic medicines. As a result, according to a recent Agency for International Development report, cases of malaria, diarrhea, and respiratory infections are rising.

One reason might be that two organizations that fly supplies to missions in Haiti have flown one flight each since early May. Agape Airlines and Missionary Flights International used to fly several times a week. Twenty medical teams that had been planning to work in Haiti have had to cancel their flights to that beleaguered country, because they knew that flights to Haiti have been shut down. The AID report also states that 51 percent of Haiti's children are malnourished, 17 percent of them severely so.

One reason might be that private aid groups need spare parts to keep their trucks going. These trucks distribute and deliver the food that Haiti's children need. Despite the good intentions of the administration and of the United Nations, the evidence is that the international embargoes are hurting the most defenseless and innocent of Haiti's people.

I believe that the Senate must express its view on this crisis.

My colleagues will recall that the international embargo exempts humanitarian aid shipments by sea. This is because we are in a position to intercept shipments by sea, inspect vessels trying to reach Haiti, and turn back cargo that violates the embargo.

However, the United Nations has established a different policy for air shipments of humanitarian aid. Aid flights need approval by the U.N. sanctions committee in New York. This is the same committee that approves exemptions to the embargoes against Libya and Iraq.

Under Resolution 917, members of the Security Council have 48 hours in which to object to a proposed waiver for a humanitarian flight to Haiti. If no country lodges an objection, the application is approved.

However, private aid organizations tell me that the waiver approval process is taking more than 2 weeks.

Why? It turns out that there is a cumbersome procedure here in Washington by which the Administration receives, processes, and forwards to the U.N. applications for waivers.

Let me trace the steps that an application must take.

Let's say a private aid group wants to fly humanitarian aid to Haiti. As I understand it, they apply to the Agency for International Development. AID forwards the application to the Treasury Department and the State Department. At Treasury, the Office of Foreign Assets Control looks the application over. Then at State, the Office of Sanctions Policy checks it out. If the application is okayed at this level, it goes to the International Organizations Bureau at State, which forwards it to our U.N. mission in New York, which gives the application to the U.N. Secretariat, which distributes the application to the 15 Security Council members and tells them that the 48-hour clock has begun to run.

I think this process can be streamlined and hastened. My amendment doesn't dictate how—it simply urges that the Administration continue its efforts to hasten this approval process.

I also hope that the United Nations and the administration will work to hasten their approval of medical evacuation flights from Haiti. This issue is

important because missionaries and humanitarian volunteers in Haiti have a right to know that if they become ill or suffer an accident, an air ambulance will quickly evacuate them to a hospital in the United States.

The administration and the U.N. have been working hard to hasten the approval of medical evacuation flights. The record approval time is now down to 6 hours. However, if I were a missionary in Haiti, I would want to be medivacked a lot faster than that.

Let me also note that this amendment has the support of Catholic Relief Services, one of the private voluntary organizations that works so hard to provide humanitarian relief to Haiti. We need to support CRS and other such groups that are doing the Lord's work under very difficult circumstances. World Hunger Year, a group that has been concerned about Haitian hunger and poverty, hopes that the current embargo will not exacerbate a situation that is already tragic. And that's why World Hunger Year also supports this amendment.

In summary, Madam President, this amendment expresses the sense of the Senate regarding efforts to relieve the humanitarian crisis in Haiti. It puts the Senate on record as supporting swift approval of applications to fly aid into Haiti.

Madam President, I urge the adoption of this amendment.

I yield the floor.

AMENDMENT NO. 2296

(Purpose: To amend the section on Assistance for the NIS to require protection of biological diversity and environmental quality)

Mr. LEAHY offered amendment No. 2296 for Mr. LEVIN.

The amendment is as follows:

Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

PROMOTING ENVIRONMENTAL QUALITY IN THE NEW INDEPENDENT STATES

Mr. LEVIN. Madam President, a major portion of this bill relates to United States Government-funded assistance to the New Independent States of what used to be the USSR. I would like to engage in a discussion with the distinguished Chairman of the Foreign Operations Appropriations Subcommittee to clarify that it is the intent of the Senate that the assistance programs we fund should not be implemented in ways that reduce biological diversity or environmental quality in the NIS. Is it the Chairman's belief that U.S. Government assistance to the NIS should not be allowed to degrade biodiversity or environmental quality?

Mr. LEAHY. Yes, that is a critical aspect of our assistance. All Senators should be aware that the nations of the former Soviet Union have access to vast natural resources and unique environmental assets. As the United States and other nations of the world continue our efforts to help these countries develop sound market economies and stable democratic societies, we have an opportunity to do so in a way that protects and conserves the most vulnerable of these assets and promotes sustainable development of natural resources. Without a careful and comprehensive approach, the United States Government would be helping these nations to squander some of the most valuable assets they possess.

Russia, for example, contains thousands of unique species found nowhere else in the world, many of which are highly endangered. The Russian Far East alone contains highly endangered Siberian tigers, Amur leopards, several eagle and crane species, sable, lynx, wild boar, Siberian musk deer, wild ginseng, and much more. Economic deregulation and rapid development projects seriously jeopardize this biodiversity.

Protection of the environment and conservation of biological diversity are essential to long-term sustainable development in the NIS, just as they are throughout the world. Protecting the environment and biological diversity is necessary for long-term economic stability and public health, as well as for recreation, cultural and aesthetic values.

Mr. LEVIN. I thank the Chairman. His subcommittee and other Members of Congress have urged the administration to provide more timely and targeted assistance to the NIS. I hope he will also agree we should assure that even rapidly designed projects meet the longer term goals of protecting biodiversity and promoting environmental conservation, which are priorities of both the U.S. Government and governments of these new States.

The United States Government has recently underscored the importance of preserving the Earth's diverse plant and animal species in coordination with other nations by signing the Convention on Biological Diversity. The Senate Foreign Relations Committee voted overwhelmingly on June 29 to recommend ratification of this treaty.

The Clinton administration has also reaffirmed its policy to make biodiversity conservation a high priority for all U.S. Government agencies and programs to promote sustainable development, most recently in a Presidential Decision Directive last May, and in the "Statement of the White House Office on Environmental Policy," of May 27, 1994. Is the Chairman also aware that United States and Russia have been working at the highest levels to incorporate these goals into United States Government-funded assistance programs for the NIS?

Mr. LEAHY. Yes, I am aware of these high-level efforts, but many of us remain concerned about how well those goals are being implemented at the project level.

Throughout the meetings of the Commission on Environmental Cooperation chaired by Vice President GORE and Prime Minister Chernomyrdin, the Russian Ministry of Environment has emphasized that its priority for United States aid is to support Russia's protected areas and maintain the country's biodiversity.

Mr. LEVIN. I share the Chairman's concern, and that is why all U.S. Government assistance programs for the NIS, including those still being implemented with prior year funds, and those to be conceived in the future, should strive to protect biodiversity and enhance environmental quality, never the opposite.

Does the Chairman believe that AID should make a special effort immediately to review its economic, technical and environmental assistance programs, especially in the Russian Far East but also throughout the NIS, to ensure that those programs promote protection of biological diversity, maintenance of unique ecosystems and sustainable development of forest products?

Mr. LEAHY. I believe such an effort by AID is appropriate and timely.

Mr. LEVIN. I thank the Chairman. I believe that AID should take several steps to ensure that projects do not degrade biodiversity, and I would recommend the following.

Foreign assistance projects that may significantly affect biodiversity or the environment should proceed only after a rapid environmental assessment, to be prepared jointly with local specialist in the region. Assessments should address wildlife and plant diversity, as well as the project's effects on soil, water quality and carbon sequestration.

AID should also assess the economic value of non-timber products, such as medicinal and edible plants, animals for fur and meat, local consumption needs and non-timber industries such as ecotourism. Where alternative forms of energy are available or feasible, U.S. assistance projects should seek to use or develop them.

Does the distinguished Chairman believe this set of suggestions would be appropriate steps for AID to take to achieve the environmental goals that the Clinton Administration has established?

Mr. LEAHY. The Senator's suggestions are very good ones that AID would do well to implement in a concerted fashion, and I am sure that the Subcommittee would welcome a report back from AID on how they have taken these suggestions to heart.

I appreciate the Senator raising these concerns, and his suggestions are entirely consistent with the bill before us. His questions serve the added purpose of underscoring just how strong

an interest the Senate has in making sure our assistance to the NIS is done well. We need to incorporate environmental concerns into all U.S assistance programs for the NIS, not just projects specifically aimed at environmental protection there.

Mr. LEVIN. I am very gratified at the Chairman's responses to my questions, and thank him for his leadership on these issues.

AMENDMENT NO. 2298

(Purpose: To enhance congressional review of efforts to facilitate peace in the Middle East and for other purposes)

Mr. MCCONNELL offered amendment No. 2298 for Mr. SPECTER and Mr. SHELBY.

The amendment is as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

Mr. LEAHY. Madam President, would that all moved this quickly. Were the rest of the bill to move this rapidly—and, incidentally, I commend and thank Senators on both sides of the aisle for their work in doing that—if the rest of the bill would move this rapidly, we could finish by about 11 o'clock tonight. If it does not, I suspect we are going to be here in the wee hours of the morning and for some long time tomorrow.

I think Senators are trying to avoid—at least the Senators who cooperated in clearing these amendments are trying to avoid—the Dracula rule of legislation.

For those who are new, of course, the Dracula rule is that rule of legislation found in an unpublished version of the Jefferson Manual which says that legislation, like Dracula, comes out after dark and that is when the votes come.

Some of us would, of course, much prefer it be in the daylight hours. I have a lovely wife of 32 years, my dearest friend and truly the person I miss most when I have these late evenings. I wish I could be home with her. Others here have friends, family, or maybe even the joy of some time when they could do things other than this, and I am sure they would like that, too.

So perhaps we could ease the Dracula rule a bit with the help of any Senators who might be here.

We are very close to 5 minutes of 9. Madam President, I believe at that time, we then go to 5 minutes evenly divided on the Brown amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I suggest the absence of a quorum, with the time evenly divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2248

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 2248, the Brown-Simon-Mikulsi amendment. 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 Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—76

Baucus	Faircloth	McConnell
Bennett	Feingold	Mikulski
Bingaman	Feinstein	Moseley-Braun
Bond	Gorton	Moynihan
Bradley	Graham	Murkowski
Breaux	Gramm	Nickles
Brown	Grassley	Nunn
Bryan	Gregg	Packwood
Bumpers	Hatch	Pressler
Burns	Heflin	Reid
Byrd	Helms	Riegle
Campbell	Hutchison	Robb
Chafee	Jeffords	Roth
Coats	Johnston	Sarbanes
Cochran	Kassebaum	Shelby
Cohen	Kempthorne	Simon
Coverdell	Kerrey	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Specter
Danforth	Lautenberg	Stevens
DeConcini	Levin	Thurmond
Dodd	Lieberman	Warner
Dole	Lott	Wellstone
Domenici	Lugar	Wofford
Durenberger	Mack	
Exon	McCain	

NAYS—22

Akaka	Harkin	Mitchell
Biden	Hatfield	Murray
Boxer	Hollings	Pell
Conrad	Inouye	Pryor
Daschle	Kennedy	Rockefeller
Dorgan	Leahy	Sasser
Ford	Mathews	
Glenn	Metzenbaum	

NOT VOTING—2

Boren	Wallop

So the amendment (No. 2248) was agreed to.

VOTE ON AMENDMENT NO. 2294

The PRESIDING OFFICER (Mr. SIMON). The question is on agreeing to amendment No. 2294 offered by Mr. BUMPERS. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the call.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—60

Akaka	Feinstein	Mitchell
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Grassley	Murray
Boxer	Gregg	Nunn
Breaux	Harkin	Pell
Brown	Heflin	Pryor
Bryan	Helms	Reid
Bumpers	Inouye	Riegle
Byrd	Kassebaum	Robb
Campbell	Kennedy	Roth
Cochran	Kerrey	Sarbanes
Conrad	Kerry	Sasser
D'Amato	Kohl	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Smith
Domenici	Lott	Stevens
Dorgan	Mathews	Warner
Exon	Metzenbaum	Wellstone
Feingold	Mikulski	Wofford

NAYS—38

Bennett	Faircloth	Lugar
Bond	Gorton	Mack
Bradley	Graham	McCain
Burns	Gramm	McConnell
Chafee	Hatch	Murkowski
Coats	Hatfield	Nickles
Cohen	Hollings	Packwood
Coverdell	Hutchison	Pressler
Craig	Jeffords	Rockefeller
Danforth	Johnston	Simpson
Dodd	Kempthorne	Specter
Dole	Lautenberg	Thurmond
Durenberger	Lieberman	

NOT VOTING—2

Boren	Wallop

So the amendment (No. 2294) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2297

The PRESIDING OFFICER. The pending business is amendment No. 2297 offered by Mr. MCCONNELL for Senator DOLE.

Mr. LEAHY. Mr. President, I have a number of statements, and I ask unanimous consent that they be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have Members on both sides of the aisle who are asking legitimate questions, of course, as we progress with the Dracula rule of legislation, voting at this hour. I know we have a number of amendments pending. A number of Senators

have said they wanted rollcall votes. I am concerned at the numbers we are hearing about. We can go on for the next 2 or 3 hours, and vote all day tomorrow, and we would still be at this time tomorrow night voting. I understand some have flights at 6 or 7 tomorrow night that they would like to get.

I suggest this. We have one amendment pending, and we are going to have others, and obviously a tabling motion is in order at any time. But we have tried—Senator MCCONNELL and I—to make sure everybody has had a chance to be heard on whatever their amendments are. My guess is that the best way to proceed would be to have a number of amendments and vote on them tonight. A number of those are requiring rollcalls, and we will try to do it in as short a period of time as we can to get some of the rollcalls out of the way.

Another possibility, I say to my colleagues and the distinguished ranking member, is that I think some of these amendments would compress if we knew that we had a time certain for completion of the bill. I know of nobody on either side who wants to stop this bill from eventually being voted on, either for or against it, but completed. So that even if we had that time, we could then work back from it. Tonight when we had two votes back-to-back, in the hour leading up to that, the Senator from Kentucky and I were able to dispose of 15 amendments. We had a time we knew that everybody was going to have to be voting. We got rid of 15 amendments during that time. These were amendments that, originally, people said would take some time. It is possible to move forward just as Members have by the 6 o'clock cutoff this evening for the admission of amendments. People have been cooperative on both sides of the aisle.

I ask my friend from Kentucky, is there a possibility that we could have a time certain to finish this bill?

Mr. MCCONNELL. I say to my friend from Vermont that we are discussing that matter.

Mr. LEAHY. Mr. President, might I do this, because there are those seeking recognition so that nobody would be at a disadvantage. I am going to suggest the absence of a quorum so we can discuss this and hope that we can call it off within 5 or 6 minutes.

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

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. How do you get the quorum call called off?

Mr. LEAHY. I did not hear the request.

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

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Mr. President, first, I have a brief item. It has been agreed to on all sides. If we may have order in the Senate, please.

The PRESIDING OFFICER. The point is well taken. The Senate will be in order. The Senator from North Carolina is entitled to be heard.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2282

Mr. HELMS. Mr. President, I believe amendment number 2282 is at the desk, is that correct?

The PRESIDING OFFICER. That is correct.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MOYNIHAN, Mr. MACK, Mr. BROWN, Mr. ROBB, Mr. LAUTENBERG, Mr. BOND, Mr. GORTON, Mr. GRAMM, Mr. LEVIN, and Mr. HATCH proposes an amendment numbered 2284.

Mr. HELMS. 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 Committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) No officer or employee of the United States government and no agent or other individual acting on behalf of the United States government shall meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Delcaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. HELMS. Mr. President, this amendment—I have sent this amendment to the desk on behalf of myself, Senator MOYNIHAN, Senator MACK, Senator BROWN, Senator ROBB, Senator LAUTENBERG, Senator BOND, Senator GORTON, Senator GRAMM, Senator LEVIN, and Senator HATCH.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. The point is well taken. Can we take the conversations off the floor, please?

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. Yes.

Mr. BYRD. Mr. President, Senators are supposed to stand and address the Chair and not sit in their chairs. I have seen some sitting on both sides of the aisle while objecting and making statements. I hope Senators will abide by the rules.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I think the predominant view about Jerusalem is that Jerusalem is the capital of the State of Israel. It is a unified city and it must remain a unified city.

So, you can imagine my surprise when I heard that the Agency for International Development was considering opening an office in the eastern part of Jerusalem to funnel money directly to the Palestinians. The Israelis have agreed to give the Palestinians a measure of autonomy over Gaza and Jericho, not, I repeat, not Jerusalem.

Allowing United States Government officials to conduct business in any part of Jerusalem with members of the Palestinian authority—aka the PLO—flies in the face of stated United States policy. Having a United States Government office in Jerusalem dedicated to the Palestinian authority is tantamount to having an embassy to a nonexistent State. These are the kind of things that bolster the Palestinians' baseless claims to Jerusalem and bring the status of Jerusalem into question.

First of all, Jerusalem is an issue to be decided years from now between the Israelis and the Palestinians. It is not to be decided by AID and the State Department. Second, it is the oft-expressed view of the United States Congress that united Jerusalem is the capital of the State of Israel.

I understand that AID has backed off somewhat from its idea of a Jerusalem office. Frankly, I don't care. I am horrified they had such an idea in the first place. This amendment bars any funding to open in any part of Jerusalem any office of the United States Government dealing with the Palestinian governing authority. It also bars meetings between United States Government officials and agents and officials of the Palestinian authority in any part of Jerusalem.

Mr. President, let me make this perfectly clear. This amendment will not stop the consulate in Jerusalem from talking to Palestinians or from conducting business with the Palestinian

authority outside Jerusalem. It will stop AID or the State Department from opening or creating a de facto embassy to the Palestinians in Jerusalem.

Mr. President, I understand that this amendment has been accepted by both sides. I am certain that my colleagues recognize that were I to have requested a roll call vote on this amendment, it would have had less than a handful of dissenters. This amendment has the support of the pro-Israel community and the Israeli Government. I ask that my distinguished colleagues on the Appropriations Committee keep that in mind when they go to conference.

Mr. MACK. Mr. President, I am a cosponsor of this amendment offered by Senators HELMS and MOYNIHAN and I rise to support it. The purpose of the amendment is to prevent United States officials from undermining the future status of Jerusalem. The amendment would prohibit official meetings in Jerusalem between United States officials and officials of the new Palestinian authority.

For 19 years, between 1948 and 1967, the city of Jerusalem was divided. An ugly scar, filled with barbed wire, mines, and tank barriers, split the city in two. The western half was Israel's capital, the eastern half was occupied by Jordan.

Throughout those 19 years, no Israeli or Jew was allowed to even visit the holiest site to the Jewish people—the Western Wall. The ancient Jewish Quarter of Jerusalem's old city, including dozens of synagogues, was completely destroyed, and a hotel was built in the ancient Jewish cemetery on the Mount of Olives.

In the Six Day War of 1967, Jerusalem was reunited. Since then, Jerusalem has flourished as a united city open to all faiths. Since then the people of Israel have vowed that Jerusalem would forever remain the undivided capital of Israel.

Mr. President, PLO Chairman Yasser Arafat has repeatedly stated that his objective is a Palestinian State with Jerusalem as its capital. In his infamous speech in Johannesburg he even called for a "jihad", holy war for Jerusalem. Whether such a Palestinian State would be a stepping stone toward an attempt to destroy Israel entirely is a matter for debate. What should not be debatable is that the United States must do nothing to encourage or support any attempt to redivide Jerusalem.

If the Government of Israel wishes to change the status of Jerusalem in the context of a peace agreement that is certainly her right. Jerusalem will be a matter for negotiation between the parties. What is not acceptable is for the United States to pressure Israel to make concessions on Jerusalem.

The goals of freedom, peace, and justice are thwarted, not served, by any step that weakens the State of Israel in her lifelong struggle for existence. The willingness of the Arab world to accept Israeli sovereignty over Jerusalem, and to recognize Israel within secure borders, will be the ultimate test of their willingness to forever end their war against Israel's existence.

The best way for the United States to promote a lasting, just, and secure peace is to support Israel's position that Jerusalem is and must remain the undivided capital of Israel. Unfortunately, current United States policy is to scrupulously refrain from supporting Israeli's position.

It is wrong for the United States to pretend on official maps that Israel has no capital. It is wrong that the United States maintains its embassy in Tel Aviv, not Jerusalem. And it is wrong that the United States officials will not meet with Israel officials in their own offices in the eastern portion of Jerusalem.

This amendment does not address these deficiencies in current U.S. policy. This amendment would, however, help ensure that the United States does not, deliberately or inadvertently, give weight to Palestinian claims on Jerusalem by holding official meetings with Palestinians in Jerusalem. It is a modest but important amendment, and I urge its adoption.

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor the amendment being offered by the distinguished ranking member of the Foreign Relations Committee concerning Jerusalem. Four years ago, I introduced Senate Concurrent Resolution 106 which said that uncertainly about the status of Jerusalem was harmful to the peace process. It was adopted overwhelmingly by both Houses of Congress. Last fall, shortly after the signing of the Declaration of Principles on the White House lawn, Prime Minister Rabin wrote: "In 1990 Senator MOYNIHAN sponsored Senate Resolution 106, which recognized Jerusalem as Israel's united capital, never to be divided again, and called upon Israel and the Palestinians to undertake negotiations to resolve their differences. The resolution, which passed both houses of Congress * * * I believe, helped our neighbors reach the negotiating table."

The amendment which we are offering this evening attempts to support the peace process in the same way—by removing uncertainties and fears about Jerusalem which make it more difficult for the parties to move forward. The amendment makes two important statements. First, that the United States will not create a new office of Jerusalem for the purpose of conducting business with the newly created Palestinian authority for Gaza and Jericho. Second, that the United States will not participate in meetings in Jerusalem for the purpose of conducting business with the Palestinian authority.

Simply put, there must be no uncertainly about United States conduct toward Jerusalem. For nearly two decades the city was divided. Israeli citizens of all faiths and Jews around the world were prohibited from having access to their holy sites. Now, for more than a quarter century Jerusalem has been united and the religious rights of all faiths have been respected.

Our officials have labored mightily to assist in bringing about a permanent peace in the Middle East. I applaud them. And on the specific issue of Jerusalem, they have already stated publicly that they do not intend to open any new office in Jerusalem to deal with the Palestinian authority and that they will not conduct business with the Palestinian authority in Jerusalem.

Despite these statements, however, there has been considerable uncertainty and concern on this issue. It must be put to rest and that is what this amendment does. It is not helpful to the peace process for there to be any legitimate question about whether our officials might take steps which create damaging precedents or lend any weight to Palestinian claims to Jerusalem. This amendment is intended to end that uncertainly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. GRAMM. Mr. President, if we are going to stay here tonight, I would just as soon have a rollcall vote on this amendment. If we are going to go home, then I think we ought not to have a rollcall vote on it. But if we are going to stay here, I would like to have an opportunity to vote on the amendment.

The PRESIDING OFFICER. Is there a request for the yeas and nays.

Mr. GRAMM. 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. GRAMM. 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 question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment (No. 2282) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2254

Mr. HELMS. Mr. President, beginning 40 years ago, in 1954, the taxpayers

of America have been forced to provide tax funds to give away billions for foreign aid which has benefited dictators intent on damaging the national security of the United States. While the GAO and other Government auditing agencies can review American bilateral aid programs, the American taxpayers' money given every year to the United Nations for so-called voluntary programs is rarely ever monitored by anyone outside of Foggy Bottom. International bureaucrats at the U.N. have kept a tight lid on the fact that the American taxpayers are required to furnish the money to entrench some of the most brutal dictatorships in the world.

For example, most Americans are aware that North Korea, Libya, Syria, Cuba, Iran, and Sudan are identified by the United States as terrorist nations. What many Americans do not know is that all of these countries are recipients of millions of dollars of U.S.-subsidized foreign aid from the United Nations.

The State Department claims that U.S. law prohibits U.S. foreign aid from directly funding programs in terrorist nations. Well, that is the same excuse used by President Clinton to pour millions of dollars into the United Nations Fund for Population Activities, which subsidizes Red China's forced abortion programs. But the State Department refuses to consider that this money is fungible. Every penny that the United States gives to the U.N. frees up other resources which are then funneled through the U.N. to terrorist regimes.

One of the lesser known United Nations agencies—but one of the most damaging to American national security—is the United Nations Development Programme. The UNDP as it is called, claims to be "The world's largest multilateral program of grant technical cooperation." That is U.N.-gobbledy gook for a program which, in reality, has served as a pipeline from which American aid flows freely to some of the worst enemies of the United States.

President Clinton has asked Congress to provide $121 million for UNDP for fiscal year 1995, once again making the United States UNDP's largest benefactor. It is time to tell the United Nations: "Enough is enough." The pending amendment proposes to prohibit all U.S. funding for UNDP.

Senators may find interesting some examples of how the American funding of UNDP works against the national security interests of our country. I am sure that most Americans, when they understand exactly who UNDP's clients are, will agree that every penny of their foreign aid is being wasted by the UNDP.

For the past decade, UNDP has served to prop up the dictatorship in North Korea as it quietly developed nuclear weapons. With United States help, UNDP expects to spend more than $26 million between 1992 and 1996 in North Korea, and part of this funding will be used to help North Korea install a sophisticated, underground fiber-optic communications system.

Consider the following: Our State Department calls North Korea, "one of the most repressive countries in the world," where in a most frightening, Orwellian manner, big brother Kim has encouraged children to spy and report on their own parents and siblings. Private telephones are virtually nonexistent and those few that are operative are monitored continuously. Clearly, North Korea's paranoid leadership does not intend to provide civilian access to a new fiber-optic system it cannot monitor effectively.

In reality, the UNDP fiber-optic project is being used by North Korea to provide its aggressive military machine with secure, reliable communications. Insofar as North Korea's highly centralized military is dependent at the present time on obsolete wireless communications that are vulnerable to American interception and jamming, it makes absolutely no sense for the United States to subsidize North Korea's efforts to eliminate their communications achilles heel. It is outrageous that through the UNDP the American taxpayer is further jeopardizing the lives of 37,000 American troops stationed in South Korea by enhancing North Korea's already frightening warfighting capabilities. Have we lost our minds?

A second major UNDP program is designed to enhance energy efficiency in North Korea. Despite abundant coal reserves, North Korea continues to face chronic energy shortages and is extremely vulnerable to energy sanctions. Why? Because instead of investing in new coal-fired powerplants, North Korea has bankrupted its treasury to build a nuclear reactor designed to produce offensive atomic weapons, not electricity.

But, thanks to the UNDP and its support for North Korea's energy sector, this madness can continue to divert scarce resources into nuclear weapons proliferation without worrying about any further degradation of North Korea's energy supply.

Some other ways that UNDP is strengthening the stranglehold on North Korea? Well, the UNDP's "Third Country Programme for the Democratic People's Republic of North Korea," dated November 21, 1991, stated that UNDP has proposed other programs to improve the quality of life for North Koreans.

But, sad to say, North Korea is not an isolated example. Libya is slated to receive more than 40 million dollars' worth of technical assistance from UNDP between January 1993 and December 1996. In its justification, UNDP laments America and other countries' refusal to give foreign aid to Libya. Has the UNDP forgotten that it was Libyan terrorists—working directly from the orders of Colonel Qadhafi—who blew up Pan Am flight 103, killing 270 innocent people? Surely no Senator needs to be reminded how brutal Libya's military regime can be.

According to the State Department's "Country Reports on Human Rights Practices for 1993," horrifying acts of torture by the Libyan Government are commonplace:

> Methods of torture reportedly include: chaining to a wall for hours, clubbing, electric shock, corkscrews in the back, lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocation using plastic bags, deprivation of food and water, and beatings on the soles of the feet.

Yet, while Qadhafi continues to torture and murder innocent civilians, UNDP increases its aid program to Libya, which according to a March 1993 UNDP document, is designed to "increase human resource development."

Not only does the U.S. foreign aid program help the UNDP operate in nearly every terrorist nation in the world—it continues to prop up the only Communist dictatorship in the Western Hemisphere.

UNDP plans to give Cuba nearly $11 million through 1996 in part to increase industrial production. And what does the UNDP believe are cause for the economic problems in Communist Cuba? According to a May 13, 1991, UNDP document, "Cuba has been seriously affected by a succession of climatic problems such as cyclone Kate." Well, I have got news for the United Nations: It is not the weather that is causing economic hardship in Cuba, it is Fidel and his dangerously confused policies. No amount of foreign aid will help Cuba as long as Castro remains in power.

The United States is subsidizing UNDP projects that are 180 degrees opposite United States policy toward Cuba. According to a UNDP document from May 13, 1991, development of "traditional exportable products, especially cane sugar, citrus fruits, minerals, tobacco, and marine products." So, American foreign aid is being used—indirectly, of course—to increase Cuban export while our own State Department is responsible for enforcing a trade embargo against Cuba.

North Korea, Libya, and Cuba are only a few examples of the wasteful, misguided UNDP programs which work against American national security interests. UNDP also intends to give the Communist regime's in Vietnam and China more than $200 million over 4 years. UNDP hopes to give Syria—a terrorist training ground which the State Department has said: "torture and abuse remains widespread and systematic"—$20 million over the next 4 years.

If the UNDP is so flush with money that has more than $440 million to

hand out to some of the world's most despicable regimes—regimes that have actively worked to destabilize America and our allies—then it does not need U.S. help. The United Nations has defined the UNDP as a voluntary program—and America should volunteer not to participate.

As I have already mentioned, included among the beneficiaries of the United Nations Development Program are these nations identified as terrorist nations by the United States State Department—Sudan, Libya, North Korea, Syria, Iran, and Cuba. China received $212.5 million; Vietnam has received $86.6 million; Sudan, $45.7 million; Libya, $40.4 million; North Korea, $26.1 million; Syria $20.6 million; Iran, $11 million; and Cuba, $10.9 million.

For North Korea alone, there are $26 million in projects planned from now until 1996, 25 percent of which is for underground fiber optic communications to be used against the United States of America.

This amendment proposes to cut off the funds for this organization unless and until the State Department can get its act together and stop throwing away money in that order.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, neither I, nor, I suspect, anybody in this body wants United States tax dollars to go in aid to North Korea, Libya, Syria, countries of that nature. But let us not assume that this amendment has anything whatsoever to do with our tax dollars going to such countries.

Under the law today, our contributions to U.N. agencies that operate in countries like North Korea is fenced. In other words, if they have $100 to spend, they are getting $100 from us. But if they are spending $30 in North Korea, places like that, $30 of ours is held back. This is U.S. law now. A portion of the U.S. contribution is fenced in proportion to the amount the agencies spend in these countries. UNDP cannot spend it.

But what UNDP can do, because of the American contribution, is it can have an American director. And, in fact, the UNDP has always had an American as its director.

UNDP is designed to help those countries and those people in the greatest need. The way it does it, it bypasses the government. In some of these countries—it operates in countries like Africa—they have governments that are basically corrupt governments. It bypasses them and gets the money directly to the poorest of the poor.

It gets it to those children who might be facing such things as river blindness. It gets it to the mother who needs nutrition while pregnant. It gets it to the elderly person who needs medicine. It gets it to the children who need schooling. And it gets it there because it has an American as its director, because we do contribute to it.

It focuses on reducing poverty. It creates jobs. It cleans up pollution. It protects forests, improves agriculture, nutrition, basic education. It fights malaria and AIDS, builds low-cost housing, has drug education, prevention.

This is money that goes directly to people and helps them. If the UNDP, being a voluntary organization, spends money in countries that are on a list that we do not approve of, then our contribution is fenced in direct proportion—in direct proportion, so American tax dollars do not go to North Korea or Burma or places like that.

What I am concerned about is that, if we withdraw from this—and that is what this amendment would do—not only do we not have our American director there, but we are saying we are not going to give money to orphans. That is seriously what it comes down to. We are not going to give it to a child stricken with malaria. We are not going to give it to a poor pregnant woman who needs the nutrition. We are not going to give it to a handicapped parent, in some countries the poorest of the poor. And we are not going to have this ability to go and do an end run around corrupt government officials who steal the money.

I share the sense of antipathy the Senator from North Carolina feels toward North Korea and Syria and Libya and countries like that. I stated this many times on the floor and I have worked very much to make sure that aid does not go to such countries. But I am afraid that we are going to be put in a position where poor children, poor people, the poorest of the poor, are not going to be helped. Nor are we going to have the input into helping them if we withdrew from this program.

So I will oppose it.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If there be no further debate, the question is on agreeing to the amendment, No. 2254.

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 Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Bennett	Faircloth	McCain
Bond	Ford	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Pressler
Byrd	Grassley	Robb
Coats	Gregg	Roth
Cochran	Hatch	Sasser
Cohen	Heflin	Simpson
Coverdell	Helms	Smith
Craig	Hutchison	Specter
D'Amato	Kempthorne	Stevens
Dole	Lott	Thurmond
Domenici	Mack	Warner

NAYS—59

Akaka	Feinstein	McConnell
Baucus	Glenn	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Harkin	Mitchell
Boxer	Hatfield	Moseley-Braun
Bradley	Hollings	Moynihan
Breaux	Inouye	Murray
Bryan	Jeffords	Nunn
Bumpers	Johnston	Packwood
Campbell	Kassebaum	Pell
Chafee	Kennedy	Pryor
Conrad	Kerrey	Reid
Danforth	Kerry	Riegle
Daschle	Kohl	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Shelby
Dorgan	Levin	Simon
Durenberger	Lieberman	Wellstone
Exon	Lugar	Wofford
Feingold	Mathews	

NOT VOTING—2

Boren	Wallop

So the amendment (No. 2254) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2275

(Purpose: To increase the amount appropriated for international narcotics control and to decrease the amounts appropriated for contribution to the Global Environmental Facility and for contribution to the International Development Association)

Mr. NICKLES. I call up amendment No. 2275 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. BROWN, and Mr. D'AMATO, proposes an amendment numbered 2275.

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

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

The amendment is as follows:

At the end of the pending committee amendment, add the following: "*Provided further*, the amount on page 3, line 6, is deemed to read $50,000,000; *provided further*, the amount on page 3, line 12, is deemed to read $1,097,000,000; provided further, the amount

on page 25, line 22, is deemed to read $152,400,000."

Mr. NICKLES. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate is not in order.

There are a variety of conversations taking place in the Chamber, and the Chair will patiently wait until the Chamber is quiet.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. LEAHY. At least for the next 2 or 3 minutes.

Mr. BYRD. Mr. President, a Senator can not reserve the right——

Mr. LEAHY. I object.

Mr. BYRD [continuing]. To object to calling off the quorum.

Mr. LEAHY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of 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 addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. Mr. President, I understand from the distinguished ranking member that he has a list of amendments which he wishes to have withdrawn. I would ask to be able to yield to him for that purpose and for other purposes which he may have without losing my right to the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. McCONNELL.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the following amendments be withdrawn: Amendments numbered 2267, 2268, 2271, 2285, and 2280.

The amendments (Nos. 2267, 2268, 2271, 2285 and 2280) were withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendments.

Mr. McCONNELL. I further ask unanimous consent to set aside the pending amendment, and call up amendment 2270, which has been cleared on both sides.

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

AMENDMENT NO. 2270

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2270.

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

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

The amendment is as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add the following new subsection:

"Of the funds appropriated under this heading, not less than 50 percent shall be made available for country specific activities within bilateral, regional, or multilateral programs, excepts as provided through the regular notification procedures of the Committee on Appropriations."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 2270) 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 addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont. And the Senator from Vermont retains the floor under the previous order.

Mr. LEAHY. Mr. President, we have tried to go back and forth, not by order, but by simple comity with amendments, first on the Republican side, and then on the Democratic side, and then the Republican side, and so on. The last two or three were on the Republican side. We hope the next one might be on this side of the aisle.

We tried to accommodate the distinguished Senator from North Carolina who had a series of amendments which did not follow the normal order, and put more on the Republican side.

I also understand in conversations from the distinguished ranking member and the distinguished Republican leader that it may be possible to reach a time agreement for the remaining amendments, and a time certain for final passage.

I ask my friend from Kentucky if that might be so.

Mr. McCONNELL. Yes. Obviously that is so. We have already given to my friend and colleague from Vermont the agreement that we are willing to reach, and it is being looked at on this side of the aisle. So it is a definite possibility to have a time certain for a final vote, and it is awaiting clearance on the other side of the aisle.

Mr. LEAHY. I might suggest—I see the Senator from Florida on the floor and the Senator from Oklahoma. They both have amendments.

I am going to suggest the absence of a quorum. Again I would suggest in doing so, that it probably will not last for more than 3 or 4 minutes. It may save us, as these things often do, several hours.

So with that, 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. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the following amendments be in order to the bill, with the following time agreements, with the times to be evenly divided in the usual fashion, at the expiration of which there will be a vote on or in relation to the amendment, with no second-degree amendments in order:

Amendment No. 2256, with a time agreement of 50 minutes evenly divided; amendment No. 2281, with 30 minutes equally divided; amendment No. 2273, with 50 minutes equally divided; amendment No. 2272, with 30 minutes equally divided; amendment No. 2275, with 50 minutes equally divided; amendment No. 2290, with 50 minutes equally divided; amendment No. 2284, with 30 minutes equally divided; and that those be the only amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Reserving the right to object. There were other amendments——

Mr. LEAHY. The Senator is correct. And that any other amendments be those that have been cleared by the managers of the bill.

Mr. GRAHAM. Reserving the right to object. There was another amendment, No. 2291, which is a companion to No. 2290, which would be offered depending on the outcome and the treatment of No. 2290.

Mr. LEAHY. Why do we not put No. 2291 in and ask for 20 minutes equally divided under the same agreement?

Mr. GRAHAM. That is acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. 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. 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.

AMENDMENT NO. 2297

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to bring up amendment No. 2297.

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

Mr. DOLE offered amendment No. 2297.

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"*Provided further*, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program".

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

The amendment (No. 2297) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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, I ask unanimous consent that Senators LEAHY, JEFFORDS, FEINGOLD, and PELL be added as cosponsors to amendment No. 2286; and that Senators FEINGOLD, HARKIN, JEFFORDS, WELLSTONE, and PELL be added as cosponsors to amendment number 2288.

Mr. LEAHY. Mr. President, so I will not come to the temptation of explaining once more the Dracula rule of legislation, I will 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.

AMENDMENT NO. 2279

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to call up amendment number 2279.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

Mr. McCAIN offered amendment No. 2279.

At the appropriate place in the bill, insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) The United States maintains a continuing interest in the security of Europe.

(2) The North Atlantic Treaty Organization remains the principal guarantor of European security.

(3) The security concerns of the United States and Europe are best addressed through the collective security arrangement of the North Atlantic Treaty Organization.

(4) The North Atlantic Treaty Organization is not an offensive threat to any nation not part of the North Atlantic Treaty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The North Atlantic Treaty Organization should invite Poland, the Czech Republic, Hungary and Slovakia to accede to the North Atlantic Treaty under Article 10 of the treaty at such time as each is in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area.

(2) Accession to the North Atlantic Treaty should include a commitment to the security of new members according to Article 5 of the treaty.

(3) The President should pursue within the North Atlantic Council the adoption of criteria and timetables for determining the ability of each nation to further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area.

(4) Within 90 days of the passage of this act, the President should report to the appropriate Congressional committees the criteria and timetables the United States will pursue within the North Atlantic Council.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2279) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEVIN). 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.

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

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote on final passage of H.R. 4426, the foreign operations appropriations bill no later than 2 p.m. tomorrow; that upon the disposition of that bill, the Senate proceed to the consideration of H.R. 4453, the military construction appropriations bill; that when the Senate considers the military construction appropriations bill on Friday, July 15, that it be in order for Senator McCAIN to offer two amendments, as follows, and that no amendments be in order to those two amendments, no motions to table be in order, and they be limited to the following times, to be equally divided in the usual form:

First is a McCain amendment regarding add-ons, 2 hours; second is a McCain amendment regarding criteria for add-ons, 1 hour; and that it be in order now to order the yeas and nays on final passage of H.R. 4453.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I now ask for the yeas and nays on final passage of H.R. 4453.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2296, AS MODIFIED

Mr. MITCHELL. Mr. President, I ask unanimous consent that amendment No. 2296 that was agreed to previously be modified, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2296), as modified, is as follows:

On Page 22, after line 12, add the following new section:

Fund made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to provisions of section 117 (relating to Environmental and Natural Resources) of the Foreign Assistance Act of 1961.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to order the yeas and nays on final passage of H.R. 4426, the foreign operations appropriations bill.

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

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, this is the culmination of several hours of discussions and negotiations on how best to proceed on these matters and we have discussed other matters as well, myself and the distinguished Republican leader and the assistant Republican leader, and we hope to have a further announcement with respect to other pending bills earlier tomorrow morning.

I thank my colleague for his cooperation and patience.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

PROPOSAL FOR A UNITED NATIONS "FIRE BRIGADE"

Mr. PELL. Mr. President, I recently read a most interesting proposal by

Timothy W. Stanley, president of the International Economic Studies Institute, and Lukas Haynes, at the Carnegie Endowment for International Peace, calling for the creation of a 5,000-strong rapid deployment force to assist in United Nations peacekeeping efforts. This idea, contained in a article entitled "The U.N. Needs a 'Fire Brigade' To Douse Regional Conflicts" appeared in the July 5, 1994, issue of the Christian Science Monitor, is similar to one proposed by Sir Brian Urquhart.

The authors recognize the need by the international community to have the ability to respond quickly to crises, such as recently in Rwanda or potentially soon in Haiti. They suggest a brigade size unit consisting of volunteers on leaves of absence from their own national services that would train as a unit in order to overcome some of the current logistics and communications problems apparent in U.N. peacekeeping operations.

I ask consent that the article appear in its entirety following my remarks.

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

THE U.N. NEEDS A 'FIRE BRIGADE' TO DOUSE REGIONAL CONFLICTS

(By Lukas Haynes and Timothy W. Stanley)

The alarm went off on April 6, 1994, when a plane carrying the presidents of Rwanda and Burundi was shot down and the first reports of widespread carnage flooded in. Instead of sending international forces to stop the killing, the United Nations troops on the scene were pulled out. Two genocidal months, 300,000 deaths, and half a million refugees later, the United States agreed to a U.N. force of 5,500 troops from seven African countries. With luck, it may arrive in late summer or early fall. In desperation, France has deployed a force of 2,500 (including its Foreign Legion) despite being perceived by Rwandans as partisan. It is far too late for the dead and dying.

"We can do better," as President Clinton likes to say about domestic policy, and the world must do better in fighting conflagrations like Rwanda. Under current U.N. procedures, once a new operation is approved, the secretariat starts from a zero base of resources. The secretary-general must constantly beg member states for the means to implement Security Council resolutions. The answer: a volunteer U.N. "fire brigade"—a quick-response force to stop a low-intensity conflict before it rages out of control.

What kind of a force makes sense? A standard regimental-size combat team with five key features: (1) a standing force; (2) staffed by personnel who volunteered for U.N. service; (3) detached from member states and national chains of command; (4) equipped with on-hand "interoperable" equipment; and (5) led by a unified command reporting to an enhanced military staff at U.N. headquarters.

Such a "fire brigade" would be deployed by airlift immediately upon Security Council authorization without the delay of assembling national contributions. It being a truly international force, no parliament would need to debate why its soldiers would be fighting machete-wielding Rwandans or Haitian thugs.

Such an integrated brigade would become well-disciplined, elite Ranger-like units, training together for "robust peacekeeping," thus minimizing field confusion over training and doctrine. New equipment would not need to be contracted for in each new mission because the brigade would maintain donated material (from the world's vast surpluses) in prestocked regional depots. U.N. operational orders would not be checkmated by national authorities and language proficiency requirements would eliminate field miscues. Soldiers like civil servants, would be paid by the U.N. while on three-to-five-year leaves of absence from their own national service.

What would the brigade's mission be? It would not be a "UN Army" for Chapter VII military enforcement—a proposition many oppose. Large-scale Persian Gulf-type actions require ad-hoc coalitions. This nucleus brigade would be for short-term deployment in situations that do not require high-tech weaponry. Its goals would be to establish an early UN presence, to protect safe-haven boundaries, and to demonstrate Security Council resolve. The brigade would be used only with a political consensus, in the Security Council and broadly within the region, and when its task would be manageable with the small numbers involved.

Because the brigade might come under concerted attack, the Security Council would have to take steps to ensure that appropriate backup forces were available. But the brigade's principal goal would be to prevent outbreaks of fighting and buy time for the deployment of a larger traditional peacekeeping operation.

What are the obstacles and what would it cost? As with all current peacekeeping efforts, the UN lacks an adequate UN military command with communications and logistic staff—a problem the Clinton administration has taken steps to address. As for cost, in 1992 we used Pentagon data to calculate annual costs of under $400 million for a more-ambitious "UN Legion." If this brigade were to be stationed at a base scheduled for closing, and use surplus equipment, a 5,000-strong force might cost only $200 million a year—a bargain compared with the costs of relief and reconstruction, let alone of a quarter-million human lives!

A volunteer force is not a new idea. The UN's first secretary-general. Trygve Lie, former diplomats (like Sir Brian Urquhart), and the majority of a recent congressional commission on improving the UN have recommended a multinational force. US–UN policy was tragically set back by the exaggerated backlash over US casualties in Somalia. While geared to sensible reforms and sounder criteria, current US policy has added doubt and delay to that inherent in UN procedures.

The US is not to blame for the current outbreak of ethnic anarchy. Nor should it take on every crisis. But it does share the blame for the apathy and "donor fatigue" that hobbles the UN. Dealing with destabilizing, low-intensity conflict is difficult but necessary. It is time to seriously consider a volunteer UN "fire brigade" to help contain the blaze of localized conflict. Then, when the alarm bells ring, someone will be there to answer the calls. For they will surely continue to sound.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 1016. Michael Nacht, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1017. Amy Sands, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1018. Lawrence Scheinman, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1019. James Sweeney, 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;

Calendar No. 1020. Thomas W. Graham, Jr., 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; and

Calendar No. 1025. Nelba R. Chavez, to be Ambassador of the Substance Abuse and Mental Health Services Administration.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, 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 nominations considered and confirmed en bloc are as follows:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Michael Nacht, of Maryland, 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.

Lawrence Scheinman, of New York, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

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.

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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:10 a.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 joint resolution, without amendment:

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

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. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1716. An act to amend the act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes.

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the a mount of benefits or services based on need.

H.R. 3708. An act to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes.

H.R. 3817. An act to amend the Fishermen's Protection Act.

H.R. 4253. An act to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

H.R. 4364. An act to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore.

H.R. 4504. An act to amend the Atlantic Striped Bass Conservation Act, and for other purposes.

H.R. 4549. An act to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes.

H.R. 4569. An act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coast Barrier Resources Act.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the city of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 273. An act to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:13 p.m., a message from the House of Representatives deliver by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

The message further announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 172. Joint Resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1716. An act to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3708. An act to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4253. An act to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Environment and Public Works.

H.R. 4364. An act to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore; to the Committee on Commerce, Science, and Transportation.

H.R. 4504. An act to amend the Atlantic Striped Bass Conservation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4549. An act to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4569. An act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992; to the Committee on Governmental Affairs.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coast Barrier Resources Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the city of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1994, she had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 273. An act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

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–3055. A communication from the Deputy General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled "High Seas Fisheries Licensing Act of 1994"; to the Committee on Commerce, Science, and Transportation.

EC–3056. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to international military education and training; to the Committee on Foreign Relations.

EC–3057. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency for International Development, transmitting, pursuant to law, the report entitled "Infrastructure Needs Assessment of the New Independent States, Central and Eastern Europe, and Mongolia"; to the Committee on Foreign Relations.

EC–3058. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; 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–591. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE

"Whereas, the Alaska Aerospace Development Corporation is a public corporation established by AS 14.40.821; and

"Whereas, the Alaska Aerospace Development Corporation has identified two areas of aerospace development that have special significance to the state, which are the location of satellite ground stations in the Fairbanks area and the construction of a commercial rocket launch facility on Kodiak Island; and

"Whereas, the strategic northern location of the Fairbanks area, the state's state-of-the-art telecommunications systems, the renowned engineering and science faculty and facilities of the University of Alaska, and the availability of skilled employees and contractors have led a number of aerospace companies to express great interest in locating ground stations in the Fairbanks area for the purpose of controlling, communicating with, and processing information from polar-orbiting satellites; and

"Whereas, the growing commercial demand for low-earth orbit satellites is expected to increase the need for a commercial rocket launch facility in the United States; and

"Whereas, the sites proposed by the Alaska Aerospace Development Corporation on Kodiak Island for a rocket launch facility have attracted governmental and aerospace industry interest because of the safety and environmental features of those sites; and

"Whereas, the plans of the Alaska Aerospace Development Corporation for a rocket launch facility promise a low cost, unbureaucratic rocket launch facility free from the restrictions imposed on facilities owned by the federal government; and

"Whereas, the location of ground stations in the Fairbanks area and the construction of the rocket launch facility on Kodiak Island will provide the state with new sources of skilled, long-term employment, provide additional technology infrastructure to the state, and lead to a continued growth in the state's technology industry; and

"Whereas, both of these projects will provide unparalleled educational opportunities for Alaska students because the Alaska Aerospace Development Corporation intends to work with the state's schools during these projects, and this cooperation will expose state students to some notable persons, including some of the best aerospace scientists in the country and Eugene Cernan, who was the last man to walk on the moon and who is on the corporation's board of directors; and

"Whereas, these projects of the Alaska Aerospace Development Corporation would be enhanced if the aerospace industry and the United States government cooperated with and provided technological and other assistance to the Alaska Aerospace Development Corporation during these projects; be it

"*Resolved* That the Alaska State Legislature hereby expresses its support for the projects of the Alaska Aerospace Development Corporation to locate satellite ground stations in the Fairbanks area and to construct a rocket launch facility on Kodiak Island; and be it further

"*Resolved* That the Alaska State Legislature encourages the aerospace industry and the United States government to cooperate and provide technological and other assistance to the Alaska Aerospace Development Corporation for these projects."

POM–592. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations.

"LEGISLATIVE RESOLVE

"Whereas, China has been a divided nation since 1949, and the Republic of China on Taiwan and the People's Republic of China on the Chinese mainland have exercised exclusive jurisdiction over separate parts of China; and

"Whereas, the United Nations' General Assembly Resolution 2758 adopted in 1971 does not constitute a complete solution to the issue of China's seat in the United Nations; and

"Whereas, the Republic of China on Taiwan acknowledges that two equal and distinct political entities exist within the divided China; and

"Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the 20th largest national product in the world; its annual per capita income exceeds $10,000; its foreign exchange reserves exceed $80,000,000,000; and it has become the seventh largest outbound investor in the world; and

"Whereas, the 21,000,000 people on Taiwan enjoy a democratic form of government, and the policies of the Republic of China on Taiwan conform to those of other democratic nations; and

"Whereas, the Republic of China on Taiwan has joined other nations in responding to international disasters and crises, has undertaken programs of assistance for less developed nations, and has in other ways accepted regional and global responsibilities; and

"Whereas, the Republic of China on Taiwan has joined several important multilateral organizations in recent years, including the Asia/Pacific Economic Cooperation and the Asian Development Bank, and its admission into these organizations has been supported by the United States; and

"Whereas, a consensus has emerged in the Republic of China on Taiwan that it should participate in the United Nations, and the Republic of China on Taiwan has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the United Nations; and

"Whereas, membership of the Republic of China on Taiwan in the United Nations conforms to the United Nations' principle of universality and would contribute to the peace and stability of the Pacific region, and, therefore, to the interests of the United States; be it

"*Resolved by the Alaska State Legislature* That the Republic of China on Taiwan deserves to be allowed full membership in the United Nations.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Boutros Boutros Ghali, Secretary-General of the United Nations; the Honorable Madeleine Albright, U.S. Ambassador to the United Nations; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM–593. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Local governments are the most responsive to the people's needs and the first governments to feel the wrath of their constituents when taxes increase; and

"Whereas, Local governments play vital roles in the daily lives of their citizens; and

"Whereas, State expenses for Federal mandates cost an estimated $75 billion nationally; and

"Whereas, Up to 60% of some state budgets are spent on Federal-State programs; and

"Whereas, The Federal government continues to create or expand domestic spending programs with little or no review of the financial burdens it will place on state and local governments; and

"Whereas, In 1993 alone, President Clinton signed 13 bills into law, mandating programs that will cost state and local governments billions of extra dollars primarily for health care, human services and justice programs; and

"Whereas, Some mandates, such as the Americans with Disabilities Act of 1990, were enacted without any reliable estimates of the cost to state and local governments; therefore be it

"*Resolved*, That the Senate of Pennsylvania memorialize the United States Congress to provide perpetual funding to state governments, local governments or school districts for any mandated programs it enacts; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President, the Vice-President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM–594. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, The Commonwealth is currently spending nearly 20% of its State funds on the health care costs of its citizens; and

"Whereas, The costs of health care both to this Commonwealth and to individuals is rising rapidly; and

"Whereas, The Commonwealth must operate a balanced budget and Federal mandates are placing increasing stress on our ability to do so; and

"Whereas, Changes to the very essence of the health care delivery system of the nation are undergoing debate within Congress; and

"Whereas, This debate could profoundly alter the expectations and the finances of the citizens of this Commonwealth; and

"Whereas, Under President Clinton's Health Security Act, states would have the primary responsibility for ensuring that all citizens within a state have access to health plans providing the national benefits package; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to provide funding for the health care requirements it implements over the life of those requirements; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President, the Vice President, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-595. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Local governments are on the front line in the battle against crime; and

"Whereas, Violent crime can ruin the quality of life for the citizens and business enterprises in our cities and towns; and

"Whereas, Local governments are struggling to provide basic services to their citizens with reasonable amounts of tax revenues; and

"Whereas, Some local governments are at maximum allowable rates for property taxes, wage taxes and other taxes; and

"Whereas, The United States House of Representatives and the United States Senate are debating the provisions of President Clinton's anticrime legislation; and

"Whereas, The Crime Bill authorizes over $15 billion in funding to address crime on several fronts, including $3.45 billion to place 100,000 new police officers on the nation's streets, $3 billion for grants to states to construct additional prisons, $7 billion for community programs and $525 million for programs providing employment opportunities for young adults; and

"Whereas, The legislation provides grants for state and local governments to hire additional law enforcement officers; and

"Whereas, Federal funding for the hiring of 100,000 new police officers represents only 75% of the cost while local governments would have to contribute 25%; and

"Whereas, Federal funding for the program is to continue only for three years, and thereafter local governments would have to provide 100% of the future cost of supporting the 100,000 new police officers; and

"Whereas, The legislation mandates life imprisonment for the conviction of a felony if the defendant previously was convicted of two serious Federal or state offenses, thereby putting further financial burdens on state and local correctional systems; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to appropriate Federal aid for the police hiring program each year to a level that would allow Federal support to continue beyond three years; and be it further

"*Resolved*, That if Congress cannot commit to fully funding its aid to urban areas by funding programs for as long as a serious crime problem exists in this country, that the grant program be omitted from the Crime Bill in order to avoid putting the unfunded present and future costs onto local governments; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania."

POM-596. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION

"Whereas, All too often, the federal government attempts to solve problems by mandating programs and policies on State and local governments; and

"Whereas, While these mandates do not cost the federal government any money, they can be expensive to implement, may wreak havoc with State and local government budgets, and often force States and localities to raise taxes and reduce services in non-mandated programs; and

"Whereas, In addition to cost, these mandates may not be appropriate in all areas of the nation; and

"Whereas, Given our system of government, it is wrong for federal politicians to take advantage of their power to place these onerous obligations on State and local governments; and

"Whereas, If federal politicians mandate a program on State and local governments, then the federal government should provide them with the revenues as well as the responsibilities; and

"Whereas, It is now time for federal politicians to recognize that States and localities can no longer afford the financial burden which is being imposed upon them: Now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the President and Congress of the United States to federally fund any program which the federal government mandates on State and local governments.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State."

POM-597. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

"RESOLUTION

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to enact legislation that would require Memorial Day to be observed each year on May 30; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-598. A resolution adopted by the Arkansas Legislative Council relative to health care reform; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103-308).

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 4603. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-309).

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-310).

By Ms. MIKULSKI, from the Committee on Appropriations, with amendments:

H.R. 4624. A bill 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 (Rept. No. 103-311).

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 4453. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-312).

By Mr. KOHL, from the Committee on Appropriations, with amendments:

H.R. 4649. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-313).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Judith Bartnoff, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years;

Zoe Bush, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years;

Rhonda Reid Winston, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years;

John A. Koskinen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget; and

Phyllis Nichamoff Segal, of Massachusetts, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 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.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) area to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORDS of February 3, May 3, 12, 17, 19, June 8, 14, 16, 20, 27, and July 1, 1994 and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 3, May 3, 12, 17, 19, June 8, 14, 16, 20, 27, and July 1, 1994 at the end of the Senate proceedings.)

*In the Air Force there are 47 appointments to the grade of brigadier general (list begins with James E. Andrews) (Reference No. 1009).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Christopher Reddin Meehan) (Reference No. 1110).

*Lieutenant General Joseph W. Ralston, USAF for reappointment to the grade of lieutenant general (Reference No. 1168).

*Major General Lawrence E. Boese, USAF to be lieutenant general (Reference No. 1169).

*Brigadier General Charles H. Roadman, II, USAF to be major general (Reference No. 1255).

*Major General John P. Jumper, USAF to be lieutenant general (Reference No. 1300).

*Admiral Charles R. Larson, USN for reappointment to the grade of admiral (Reference No. 1318).

*Vice Admiral Ronald J. Zlatoper, USN to be admiral (Reference No. 1342).

*Rear Admiral (Selectee) Frank L. Bowman, USN to be Chief of Naval Personnel and to be vice admiral (Reference No. 1343).

*Vice Admiral Joseph P. Reason, USN for reappointment to the grade of vice admiral (Reference No. 1344).

*Rear Admiral Conrad C. Lautenbacher, Jr., USN to be vice admiral (Reference No. 1345).

*Rear Admiral Philip M. Quast., USN to be vice admiral (Reference No. 1346).

*Rear Admiral John S. Redd, USN to be vice admiral (Reference No. 1347).

*Rear Admiral (Selectee) Archie R. Clemins, USN to be vice admiral (Reference No. 1348).

**In the Navy there are 185 promotions to the grade of captain (list begins with Martin E. Bacon) (Reference No. 1353).

*Lieutenant General Thomas S. Moorman, Jr., USAF to be general and to be Vice Chief of Staff, United States Air Force (Reference No. 1358).

*Rear Admiral (lower half) Donald K. Muchow, USN to be Chief of Chaplains and to be rear admiral (Reference No. 1374).

*Major General Patrick P. Caruana, USAF to be lieutenant general (Reference No. 1380).

*Major General Steven L. Arnold, USA to be lieutenant general (Reference No. 1381).

*Brigadier General John J. Cuddy, USA to be Assistant Surgeon General/Chief of Dental Corps and to be major general (Reference No. 1382).

*Lieutenant General Richard D. Hearney, USMC to be general (Reference No. 1385).

*Lieutenant General George R. Christmas, USMC to be lieutenant general (Reference No. 1390).

*Lieutenant General Robert B. Johnston, USMC to be lieutenant general (Reference No. 1391).

*Lieutenant General Charles C. Krulak, USMC to be lieutenant general (Reference No. 1392).

*Major General Arthur C. Blades, USMC to be lieutenant general (Reference No. 1393).

*Major General Harry W. Blot, USMC to be lieutenant general (Reference No. 1394).

*Major General James A. Brabham, Jr., USMC to be lieutenant general (Reference No. 1395).

*Major General Charles E. Wilhelm, USMC to be lieutenant general (Reference No. 1396).

**In the Air Force there are 21 appointments to the grade of second lieutenant (list begins with David C. Allred, Jr.) (Reference No. 1397).

*Lieutenant General John H. Tilelli, Jr., USA to be general (Reference No. 1406).

**In the Air Force and Air Force Reserve there are 20 appointments to the grade of colonel and below (list begins with Jerry J. Foster) (Reference No. 1408).

**In the Marine Corps Reserve there are 41 promotions to the grade of colonel (list begins with John B. Atkinson) (Reference No. 1409).

**In the Navy and Naval Reserve there are 28 appointments to the grade of commander and below (list begins with Dale C. Hoover) (Reference No. 1410).

*Major General Paul E. Blackwell, USA to be lieutenant general (Reference No. 1417).

*Vice Admiral Douglas J. Katz, USN for reappointment to the grade of vice admiral (Reference No. 1418).

*Vice Admiral Timothy W. Wright, USN for reappointment to the grade of vice admiral (Reference No. 1423).

*Rear Admiral William A Earner, Jr., USN to be vice admiral (Reference No. 1424).

**In the Navy there is 1 promotion to the grade of captain (Douglas Jay Law) (Reference No. 1425).

**In the Navy there are 936 promotions to the grade of commander (list begins with Donald Michael Abrashoff) (Reference No. 1426).

*Lieutenant General Walter Kross, USAF for reappointment to the grade of lieutenant general (Reference No. 1433).

*Major General Bruce L. Fister, USAF to be lieutenant general (Reference No. 1434).

*Major General Jay M. Garner, USA to be lieutenant general (Reference No. 1436).

*Brigadier General Donald W. Shea, USA to be Chief of Chaplains and to be major general (Reference No. 1440).

*Lieutenant General James L. Jamerson, USAF to be general (Reference No. 1452).

*Lieutenant General Albert J. Edmonds, USAF for reappointment to the grade of lieutenant general (Reference No. 1454).

*Major General Thomas R. Griffith, USAF to be lieutenant general (Reference No. 1455).

**In the Air Force Reserve there are 44 promotions to the grade of lieutenant colonel (list begins with George B. Barnett) (Reference No. 1459).

**In the Air Force there are 9 appointments to the grade of second lieutenant (list begins with Todd E. Combs) (Reference No. 1460).

**In the Army Reserve there are 24 promotions to the grade of colonel and below (list begins with Terrance R. Brand) (Reference No. 1462).

**In the Army Reserve there are 43 promotions to the grade of colonel and below (list begins with William D. Bertolio) (Reference No. 1463).

**In the Marine Corps there are 33 appointments to the grade of second lieutenant (list begins with Geoffrey H. Barker) (Reference No. 1464).

**In the Naval Reserve there are 1,112 promotions to the grade of commander (list begins with Jeffery R. Abel) (Reference No. 1465).

**In the Air Force Reserve there are 72 promotions to the grade of colonel (list begins with Thomas F. Astaldi) (Reference No. 1466).

**In the Army there are 1,068 appointments to the grade of major and below (list begins with Peter M. Abbruzzese) (Reference No. 1467).

*Lieutenant General Joseph W. Ashy, USAF to be general (Reference No. 1477).

*Major General Caryl G. Marsh, USA to be lieutenant general (Reference No. 1478).

**In the Army there is 1 appointment as permanent professor at the United States Military Academy (Anthony E. Hartle) (Reference No. 1481).

**In the Marine Corps there is 1 promotion to the grade of major (John C. Burlingame) (Reference No. 1482).

**In the Air Force Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with Hunter E. Blackmon) (Reference No. 1483).

**In the Navy there are 490 promotions to the grade of commander (list begins with Charles Francis Adams) (Reference No. 1484).

**In the Air Force there are 39 promotions to the grade of colonel and below (list begins with Frankie L. Griffin) (Reference No. 1492).

**In the Air Force and Air Force Reserve there are 24 appointments to the grade of colonel and below (list begins with Norma J. C. Correa) (Reference No. 1493).

**In the Air Force Reserve there are 13 appointments to the grade of colonel and below (list begins with Mel P. Simon) (Reference No. 1494).

**In the Air Force Reserve there are 38 promotions to the grade of lieutenant colonel (list begins with Dale R. Anderson) (Reference No. 1495).

**In the Army Reserve there are 11 appointments to the grade of colonel and below (list begins with Victor Guiterrez-Fulladosa) (Reference No. 1496).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Joe C. Crain) (Reference No. 1497).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with John M. Riggs) (Reference No. 1498).

**In the Army there is 1 promotion to the grade of colonel (Charles C. Franz) (Reference No. 1499).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Stanley H. Unser) (Reference No. 1500).

**In the Army there are 2 promotions to the grade of major (list begins with Jill Wruble) (Reference No. 1501).

**In the Navy and Naval Reserve there are 28 appointments to the grade of commander and below (list begins with Louis W. Bremer) (Reference No. 1502).

**In the Army there are 49 promotions to the grade of lieutenant colonel (list begins with Samuel J. Boone) (Reference No. 1521).

**In the Army there are 1,167 promotions to the grade of lieutenant colonel (list begins

with Robert B. Abernathy) (Reference No. 1522).

*Lieutenant General James A. Fain, Jr., USAF for reappointment to the grade of lieutenant general (Reference No. 1537).

**In the Army Reserve there are 28 promotions to the grade of colonel (list begins with Robert F. Anderson II) (Reference No. 1539).

**In the Army Reserve there are 31 promotions to the grade of colonel and below (list begins with Michael J. Bacino) (Reference No. 1540).

*Vice Admiral Richard C. Macke, USN to be admiral (Reference No. 1546).

*Vice Admiral Michael P. Kalleres, USN to be placed on the retired list in the grade of vice admiral (Reference No. 1547).

**In the Marine Corps there are 5 appointments to the grade of second lieutenant (list begins with Ned M. Beihl) (Reference No. 1548).

Total: 5,706.

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. SHELBY (for himself, Mr. THURMOND, Mr. REID, and Mr. STEVENS):

S. 2283. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2284. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Black Canyon of the Gunnison National Conservation Area, to establish the Curecanti National Recreation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 2285. A bill to provide for the sound management and protection of redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. COATS):

S. 2286. A bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. STEVENS, Mr. D'AMATO, and Mr. JOHNSTON):

S. Res. 243. A resolution recognizing the REALTORS Land Institute on the occasion of its 50th Anniversary; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. THURMOND, Mr. REID, and Mr. STEVENS):

S. 2283. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1994

Mr. SHELBY. Mr. President, today I am introducing the Prostate Cancer Diagnosis and Treatment Act of 1994. This year 200,000 men will be diagnosed with prostate cancer and another 38,000 will die from this disease. While advancements in medical technology and treatments are offering the victims of this disease an ever-increasing chance of early detection and survival, coverage for prostate cancer screening and treatment under our Federal health care programs remains far behind these advancements.

Mr. President, in March of this year I was diagnosed with prostate cancer. The cancer was discovered through a prostate specific antigen or PSA test administered as part of a routine physical. I had no physical symptoms—no indication that I was seriously ill with a potentially deadly disease. In early April I had surgery to remove the cancer and I am pleased to report that the surgery was successful and that no further treatments were necessary. The promptness of detection in my case and in most other prostate cancer cases usually means the difference between survival or death.

However, for millions of Medicare recipients and veterans, members of an age group that encompasses 90 percent of prostate cancer victims, the simple PSA test and other advanced tests that lead to early detection and more effective treatment are not available as part of their health care coverage.

As a result of this gap in coverage, prostate cancer deaths have increased by 17 percent between 1988 and 1992. Prostate cancer currently has a mortality rate of 25 percent, a rate equal to that of breast cancer. This Nation currently spends over 1 billion dollars per year on late stage prostate cancer treatment because of a lack of early detection. Mr. President, there are a few inexpensive and simple steps that Congress can take to significantly reduce the mortality rate for this disease.

The Medicare and veterans health programs that are under the direct control of Congress cover much of the age group most at risk for prostate cancer. The legislation that I am introducing would provide for PSA and ultrasound screening tests as a part of Medicare—tests not currently covered by the program. This one step will provide early detection for thousands of prostate cancer cases each year—detection that will significantly enhance the survival chances in these cases.

In addition, this bill would extend prostate cancer screening to the veterans health care program. There is currently no screening program available under Veterans health coverage. Annual screening is recommended by the American Urological Association for men over 50.

This initiative would also add Medicare coverage for prostate cancer treatment with advanced oral drugs that are significantly extending and improving the lives of prostate cancer victims. Finally, the bill would provide for increased authorization for research into the causes of and treatments for prostate cancer over the next 2 fiscal years.

Mr. President, regardless of the outcome of the health care reform debate, Congress must and ultimately will address this deficiency in our Federal health programs. To make the simple changes in these programs that I have outlined here today will save thousands of lives in the years to come and bring us closer to eliminating this killer disease that afflicts so many American men. I urge my colleagues to join me in support of this legislation.

Mr. BRADLEY. Mr. President, let me express to the distinguished Senator from Alabama, I respect him very greatly for his statement, and all of his colleagues are also enormously thankful that the operation was a success.

By Mr. CAMPBELL:

S. 2284. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Black Canyon of the Gunnison National Conservation Area, to establish the Curecanti National Recreation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLACK CANYON CONSERVATION ACT

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk to designate the existing Black Canyon of the Gunnison National Monument as a national park, designate the Gunnison River as a Wild and Scenic River, establish the Black Canyon of the Gunnison National Conservation Area and establish the Curecanti National Recreation Area.

My goal is not to enact this legislation this Congress—the issues may be too numerous and complicated for that—but to hold hearings, learn what the administration thinks of my efforts, wrestle over any changes that need to be made and consult with my colleagues so Congress can move forward expeditiously next year.

Many of the most complicated issues I have addressed in this bill involve water and water rights. That's no surprise given that this legislation directly impacts a major tributary of the Colorado River. I have waited until now to introduce this bill primarily so that those who want to dissect, interpret, and construe the language of the bill will have ample time to help me clarify my language if necessary.

The designation of a new national park, national conservation area and a wild and scenic river could give rise to the creation of new Federal reserve water rights. Rather than debate the issue of whether Federal reserve water rights exist, and whether or not they should be expressly denied, I have elected in the bill to define any new Federal reserve water rights up front.

Coloradoans have just spent 10 years debating about the issue of Federal reserved rights and wilderness areas. It was not clear whether the creation of new wilderness areas gave rise to a Federal reserved water rights. What was clear was that Congress will not pass a bill that denies such a right if it would otherwise be created.

This bill states that any Federal reserved water right arising from these designations shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument, which has been decreed but not quantified. The language of the bill also states that such Federal water rights are to be exercised coincident with the existing reserved water right and shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) of the bill.

This language allows us to avoid arguments about the creation of Federal reserved water rights and allows us to focus on the mechanism that can ensure water deliveries and the protection of these new BLM and national park system units.

The other major issue comes down to increasing congressional hostility to new national parks. It is no secret that we are loving our parks to death. I recognize that we do not have the money to properly maintain the parks we have, and there is a reluctance to designate new parks without some set criteria. I have addressed these issues head on in my bill, and I welcome some lively debate about the suitability of the redesignation I am proposing.

Mr. President, I want to say that this bill has really taken nearly a decade to produce. The time has come to either protect these resources for future generations or set this proposal aside. I say this because in the next 2½ years, I want proponents to give their all to help me pass a bill. I want all the parties involved to roll up their sleeves and work with me.

Finally, I ask that the rest of my statement, a copy of the bill and a section-by-section breakdown of the bill be included in the RECORD at this time.

BACKGROUND

Even before my election to the House of Representatives in 1986, citizens of local communities, representatives of national environmental organizations, and Federal and State officials have been working as members of an informal advisory committee to help draft legislation to redesignate the Black Canyon of the Gunnison in western Colorado as a national park.

As with all proposals seeking to change the use or status of a public resource, many of the advisory committee members have had competing interests. For instance, the western Colorado congress favored protecting the Gunnison River; water users were concerned about the potential impacts of any Federal reserved water rights that would be created by these designations; the Colorado River energy distributors sought to minimize the impact of the legislation on the operation of the huge Federal dams on the river; the Montrose Chamber of Commerce wants to use the designation to attract visitors; while the Wilderness Society, the Sierra Club, and the National Parks and Conservation Association worked to ensure the bill would not be contrary to what they felt our Nation's natural resource policies ought to be. Other members of the advisory committee included: The National Park Service, the Bureau of Land Management, the Western Area Power Administration, the Colorado Cattleman's Association, the Colorado Off-Highway Vehicle Users Coalition, and river rafting representatives.

I asked the members of the advisory committee to try to reach some consensus on a proposal that would accomplish several goals:

Allow Representatives and Senators from every State to judge whether the Black Canyon of the Gunnison is worthy of national park designation;

Address competing demands for water from the Gunnison River Basin;

Protect the Gunnison River and the lower Gunnison Gorge;

Protect legitimate existing uses of the areas;

Acknowledge the local need to attract tourism to the area; and

Use existing resources, including land-use planning documents, to the fullest extent.

To give you an idea why I wanted to undertake this effort, I would like to refer to a Southwest Parks and Monuments booklet that begins by stating, "Few words adequately describe the splendor of the Black Canyon of the Gunnison—far too many people pass by it. A relative unknown, it ranks among the deepest and narrowest canyons in North America, dwarfing such popular chasms as the Royal Gorge and Bryce Canyon." Truly, its sheer walls, shadowed depths, and the intense colors produced by canyon sunsets awe every visitor. The Ute Indians were very superstitious about the canyon, believing that no man could enter it and return alive.

The existing Black Canyon of the Gunnison National Monument, managed by the National Park Service, and the adjacent downstream Gunnison Gorge Special Recreation Management Area, managed by the Bureau of Land Management, are located in western Colorado. The 29-mile canyon—which includes the national monument and the BLM area—contain steep walls, a deep gorge and unparalleled scenery. The canyon and its rim host a variety of wildlife, including bears, cougars, golden eagles, and peregrine falcons. Recreational uses include gold-medal fishing, hiking, climbing—and in the BLM managed portion—white-water boating, grazing, hunting and trapping. Finally, flowing through the Black Canyon and the nationally significant BLM lands is one of the most outstanding and scenic rivers in the Nation—the Gunnison River.

NATIONAL PARK DESIGNATION

The Black Canyon of the Gunnison National Monument was established in 1933 by Presidential proclamation under the 1906 Antiquities Act. This bill would redesignate it as the Black Canyon of the Gunnison National Park. No lands would be added to the 20,700-acre monument—and none need to be as the monument has been expanded in 1938, 1939, 1960, and 1984, and a wilderness area was added in 1976.

Many complain that we cannot afford any new parks because we cannot afford to manage the parks we already have. I was very mindful of this complaint and in 1988, I asked the Interior Appropriations Subcommittee to direct the National Park Service to complete a "Resource/Boundary Evaluation for Lands Adjacent to Black Canyon of the Gunnison National Monument, Colorado." This study concluded that without the addition of other significant resources, the monument did not qualify for national park status.

I agree that generally, a national park is considered to have a wider variety of resources than a national monument. There is no set criteria for the establishment of a national park, however. No pattern for a park exists and the routes to national park status are as varied as the national parks themselves. Some parks are bigger and some national parks are smaller than the Black Canyon of the Gunnison National Monument. The decision about what areas are suitable for national park designation and which areas are not suitable for national parks status is entirely up to Congress.

Nevertheless, beginning with the premise that my advisory group needed to identify other resources for protection that would be consistent with the National Park Service's recommendation, we set about to craft a proposal that would use the redesignated monument as the centerpiece for an entire enclave of federally protected resources.

NATIONAL CONSERVATION AREA

The second component of this proposal would designate about 64,000 acres of adjacent BLM managed lands as a national conservation area. Within that area, about 21,038 acres have been recommended as wilderness.

The bill would withdraw from mineral entry, subject to valid existing rights, all Federal lands within the NCA. This shouldn't have any impact as the number of mining claims is very small—the BLM has said there are only 10 claims in the entire area—and the possibility of these claims ever being developed in very slim. Hunting, trapping, and fishing would be allowed in the NCA, as would grazing permitted prior to the bill's enactment. Motorized vehicle use is allowed on specifically designated routes. A general management plan is required to be prepared within 3 years after enactment.

In the eyes of my advisory committee, this conservation area constituted the second leg of the triad of resources it wanted to protect.

WILD AND SCENIC RIVER

The bill would also designate a 26-mile segment of the Gunnison River as a wild and scenic river. This segment would begin within the national monument and continue downstream to its confluence with the North Fork, below the NCA boundary.

Although Colorado has many scenic rivers and wild rivers, only one has the national designation under the Wild and Scenic Rivers Act. The advisory committee felt, and the BLM and Park Service agreed, that the Gunnison River deserves to be the second river to be designated as wild and scenic. But before the river could be protected, many complex legal and political issues remained to be resolved.

The first step to resolving the outstanding water rights issues was to have the State Water Conservation Board accept a water right that was donated by Chevron to the Nature Conservancy. This water right provides the basis and required legal protection under State water law for a permanent instream flow of 300 cubic feet per second that will flow through the Gunnison Gorge.

I was particularly excited about the acceptance of this water right because it proved that parties, historically at odds, could overcome philosophical differences in order to implement a permanent in-stream flow below a national monument, where a recognized Federal reserve water right already exists. In addition, monument's existing Federal reserve water right is being quantified by the National Park Service and can protect the national park with a much more senior water right than any new Federal reserve water right could.

The second step was to ensure that future water development would not harm the stretch of river proposed for designation. Therefore, House Natural Resources Committee Chairman MILLER and National Parks, Forest and Public Lands Subcommittee Chairman VENTO joined me in writing to the Bureau of Reclamation on several occasions to request that the Bureau take this legislation into consideration before permitting any new projects on the Gunnison River.

In response, the Bureau of Reclamation proposed crafting a contract that would allow it to provide adequate flows for the wild and scenic river through the national park and conservation area for fish, wildlife, and recreation users, in addition to satisfying the demand for water from Blue Mesa Reservoir.

ASPINALL WATER SERVICE CONTRACT

An Aspinall water service contract may provide the perfect solution for settling the longstanding water rights controversies the advisory committee faced, and which remained unresolved when I first introduced this bill in 1990. Therefore, I have included language in this bill that directs the Bureau of Reclamation to operate the Federal dams on the river on an interim basis to provide water for the reasonable protection of natural resources of the areas established by this bill until the water contract has been completed. When completed, the contract is intended to fully satisfy the water needs of the new areas and the wild and scenic river—and it will have been completed cooperatively by many who originally had the vision to form the advisory committee to push this legislation forward.

Finally, the Secretary must implement this bill consistent with and subject to all the compacts, and other applicable Federal laws that govern the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.

NATIONAL RECREATION AREA

The last component of this proposal involves the Curecanti National Recreation Area. The national recreation area was first recognized through an agreement between the National Park Service and the Bureau of Reclamation. This 40,000-acre recreation area serves more than a million visitors each year, making it one of the most popular attractions in Colorado.

Although the area has been operating under a cooperative agreement, approved by the Secretary of the Interior, Congress has never formally recognized it, making it difficult for the Park Service to secure adequate funding.

This proposal legislatively establishes the boundaries of the NRA on existing Federal lands and acknowledges the recreational purpose for which the land has been set aside. The bill "grandfathers" in such existing uses as grazing, hunting, fishing, off-road vehicle use, snowmobiling, and other uses that do not interfere with the primary purpose of the CRSP Act, which was water storage and power generation.

The bill also allows the National Park Service to convey a parcel of land next to the Gunnison River, 7 miles west of Gunnison, to the community if it wishes to develop a city park between the town and the recreation area. This would help Gunnison realize one of its many long-term goals for keeping tourists in Gunnison county.

The Aspinall water service contract will take into consideration the water needs of the recreation area such that the water related needs of all areas which are part of this legislation will be provided for in the best possible manner.

SUMMARY

I believe this bill accomplishes several things. First, it redesignates the Monument as a national park without expanding the park boundaries. This preserves existing multiple uses within the area that are so important to off-road vehicle enthusiasts, hunters and fishermen, and local cattlemen who have grazing permits on adjacent lands. It also fulfills the demands of local business people who have long felt that only a park could entice new tourists to pass by this way.

I realize this designation, however, does not and cannot come without cost. With increased use must come increased protection for the canyon's resources. A national park is a lot like a living museum. It is designed to interpret and protect, for all Americans and all generations, an area that Congress has set aside because of its unique and diverse resources.

Combined with the establishment of a new national conservation area, one of only a handful of special areas run by the Bureau of Land Management, and the establishment of only the second wild and scenic river in our State, I hope my colleagues will agree that

Colorado deserves another national park and stands ready to accept the responsibility that comes with it.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION DESCRIPTION

(Italic text indicates changes from H.R. 1321 as introduced in the 102d Congress.)

SECTION 1. SHORT TITLE

This section states that the bill's short title is the "Black Canyon Conservation Act."

SECTION 2. REDESIGNATION OF THE NATIONAL MONUMENT AS A NATIONAL PARK

Section 2(a) redesignates the existing Black Canyon of the Gunnison National Monument as a national park.

Section 2(b) states that the new park shall consist of lands within the existing Black Canyon of the Gunnison National Monument and preserves all existing rights within the new park.

Section 2(c) directs the Secretary to manage the new park in accordance with the National Park Service's organic act. This section states that nothing in this Act shall interfere with the purposes of the original Presidential proclamations establishing the Black Canyon of the Gunnison National Monument. *The language referring to the proclamation is intended to ensure that the existing federal reserved water right for the monument is preserved. This bill does not contain the express disclaimer of a federal reserved water right contained in section 3 of H.R. 1321.*

Section 2(d) states that any federal reserved water right arising from the designation of the national park shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the national park area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321 denied the reservation of a federal reserved water right for the designated national park.*

Section 2 of H.R. 1321 also stated congressional findings and purposes which is no longer included. Section 3 of H.R. 1321 contained the provisions now included in section 2.

SECTION 3. ESTABLISHMENT OF THE BLACK CANYON OF THE GUNNISON NATIONAL CONSERVATION AREA

Section 3(a) and 3(b) establishes the 64,139 acre Black Canyon of the Gunnison National Conservation Area.

Section 3(c) directs the Secretary to prepare and file maps and boundary descriptions of the area. *H.R. 1321 directed the Secretary to file legal descriptions instead of boundary descriptions. Eliminating the requirement of a formal legal description eliminates the need to resurvey the area.*

Section 3(d) directs the Secretary to manage the conservation area in accordance with the Federal Land Policy and Management Act and other applicable laws.

Section 3(e) withdraws the lands within the conservation area (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing.

Section 3(f) allows hunting, trapping and fishing to continue within the conservation area in consultation with the state wildlife agency.

Section 3(g) allows grazing to continue within the conservation area in accordance with the Taylor Grazing Act. *H.R. 1321 allowed grazing to continue within the conservation area in accordance with the Colorado Wilderness Act.*

Section 3(h) states that any federal reserved water right arising from the designation of the conservation area shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the conservation area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321 denied the reservation of a federal reserved water right for the conservation area.*

Section 3(i) states that motorized vehicles may be used within the conservation area on designated routes. *This language simplifies and clarifies similar provisions contained in H.R. 1321.*

Section 3(j) states that the Secretary shall have the power to limit visitor use of the conservation area if he finds it appropriate for the protection of the area. *This is a new section designed to protect the conservation area.*

Section 3(k) states that persons who violate regulations that are established to protect the conservation area shall be subjected to a fine of $10,000 and/or one year's imprisonment.

H.R. 1321 contained a provision designating the BLM wilderness study area within the conservation as wilderness. That provision is not in this bill.

SECTION 4. DESIGNATING THE GUNNISON RIVER AS A WILD AND SCENIC RIVER

Section 4(a) designates the Gunnison River from the upstream boundary of the Black Canyon of the Gunnison National Monument to the Smith Fork as a Wild and Scenic River. *H.R. 1321 designated the Gunnison River as a Wild and Scenic River to the North Fork of the Gunnison River. Withdrawing the designation to the Smith Fork ensures if any project is developed downstream of the designated reach, no injurious inundation of the reach will occur.*

Section 4(b) states that the storage, diversion and consumptive use of Gunnison River water downstream of the designated reach shall not be considered to have an adverse effect on the water related values of the newly designated river. *H.R. 1321 stated that the storage, diversion and consumptive use of Gunnison River water outside of the designated reach shall not be considered to have an adverse effect on Wild and Scenic River. The specification that downstream development will not be injurious is similar to the provisions in the Cache La Poudre designation. Upstream development will not be impaired, nor will it be injurious to the Wild and Scenic designation of this reach of the Gunnison River. The reach designated as a Wild and Scenic River is insulated from upstream development by the operation of the Wayne N. Aspinall Unit and will be protected by the contract described in section 8(c).*

Section 4(c) states that any federal reserved water right arising from the designation of the Wild and Scenic River shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the Wild and Scenic River area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321, denied the reservation of a federal reserved water right for the designated Wild and Scenic River reach.*

SECTION 5. GENERAL MANAGEMENT PLAN AND VISITOR CENTER

Section 5(a) instructs the Secretary to develop a comprehensive plan for the long-range protection and management of the conservation area within three years of enactment. The plan will incorporate the Bureau of Land Management's existing Uncompahgre Basin Resource Management Plan (completed on September 1988), the Gunnison Gorge Recreation Area Management Plan completed on July 24, 1985 and supplemented on July 21, 1988). The plan shall also incorporate existing wildlife habitat management plans and directs the Secretary to consult with the state of Colorado.

Section 5(b) authorizes the Secretary to construct a visitor center. *This provision was not included in H.R. 1321.*

Section 5(c) allows private or state lands that are within or contiguous to the boundaries of the conservation area to be incorporated into the conservation area if they are acquired, without the need for statutory approval.

Section 5(d) prohibits the disposal of federal lands within the conservation area. This section also directs the Secretary to manage the Bureau of Land Management Wilderness Study Area within the conservation area in a manner so as not to impair their suitability as wilderness.

SECTION 6. ESTABLISHMENT OF THE CURECANTI NATIONAL RECREATION AREA

This section was not included in H.R. 1321. It was introduced as H.R. 2925, in the 102d Congress.

Section 6(a) establishes the Curecanti National Recreation Area as a unit of the National Park System.

Section 6(b) directs the Secretary to prepare and file maps and boundary descriptions of the area.

Section 6(c) withdraws lands within the recreation area (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing. This section transfers administrative control of the recreation area from the Bureau of Reclamation to the National Park Service. It states that the establishment of the recreation area will not adversely affect the operation and management of dams, structures, or other facilities appurtenant to the Colorado River Storage Project. It states that all lands within the recreation area which have been withdrawn or acquired for reclamation purposes shall remain subject to the purposes and uses established under the Colorado River Storage Project Act of 1956 and such lands shall be delineated through a joint agreement between the Bureau of Reclamation, the National Park Service, and all associated entities.

Section 6(d) adjusts the boundary of the Gunnison National Forest to reflect the transfer of jurisdiction.

SECTION 7. ADMINISTRATION OF THE CURECANTI NATIONAL RECREATION AREA

This section was not included in H.R. 1321. It was introduced as H.R. 2925, in the 102d Congress.

Section 7(a) directs the Secretary to administer the recreation area in accordance with this Act and National Park Service organic act.

Section 7(b) directs the Secretary to provide for general recreation uses; grazing; the maintenance of roads, stock driveways, and utility rights-of-way; off-road vehicle and snowmobile use on designated routes; and other such uses as the Secretary may deem appropriate.

Section 7(c) directs the Secretary to permit hunting, fishing, and trapping within the recreation area. This section allows the Secretary, after consultation with the Colorado Division of Wildlife, to issue regulations, designating zones and establish periods when such activities will not be permitted.

Section 7(d) allows the Secretary to acquire land within, or adjacent to, the boundaries of the recreation area. This section directs the Secretary to sell or exchange real property and improvement within the recreation area, in parcels of 10 acres or less if encroached upon by improvements occupied by persons who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was no such encroachment. This section prohibits the Secretary from selling or exchanging such a tract for less than fair market value, and that the authority to sell or exchange such tracts expires after 10 years.

Section 7(e) directs the Secretary to convey to the city of Gunnison, Colorado, the land known as the Riverway Tract to be used for recreational purposes.

SECTION 8. OPERATION OF FEDERAL WATER PROJECTS

This section was not included in H.R. 1321.

Section 8(a) directs the Secretary to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project to provide water for the reasonable protection of natural resources of the areas established by this Act until the water contract in section 8(c) has been completed. In determining such operations, the Secretary shall consider project purposes, existing water uses and shall consult with water users, the Bureau of Reclamation, the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, the State of Colorado, contractors who purchase Federal power produced at the Unit, and other entities the Secretary may deem appropriate.

Section 8(b) directs the Secretary to operate the Wayne N. Aspinall Unit and the Uncompahgre Project in a manner that is consistent with the Taylor Park Reservoir Operation and Storage Exchange Agreement dated August 28, 1975, by and between the United States of America, the Colorado River Water Conservation District, the Upper Gunnison Water Conservation District, and the Uncompahgre Valley Water Users Association, as amended.

Section 8(c) directs the Secretary to execute a water service contract as described in the notice to the Federal Register of Wednesday, May 8, 1992, (Vol. 57, No. 88) providing for the delivery of water to areas established by this Act. The water service contract shall be deemed to fully satisfy and fulfill any and all water needs and purposes created by Sections 2, 3 and 4 of this Act.

Section 8(d) directs the Secretary to implement this Act in a manner fully consistent with and subject to the Colorado River Compact, the upper Colorado River Basin Compact, The Water Treaty of 1944 with Mexico, the Boulder Canyon Project Act, the Boulder County Project Adjustment Act, the Colorado River Storage Project Act of 1956, the Colorado River Project Act, and any other applicable Federal reclamation law or decree that governs the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin. It states that nothing in the Act shall be construed to affect in any way the allocations of water secured to the Colorado River Basin States by any compact law or decree; or any Federal environmental law.

Section 8(e) prohibits the Secretary from using funds from the sale of electric power and energy to carry out the purposes of the Act. If the Secretary finds that in any year that the enactment of this Act does cause a reduction in net offsetting receipts generated by all the provisions of this Act, those costs shall be nonreimbursable.

SECTION 9. AUTHORIZATION OF APPROPRIATIONS.

Section 9 authorizes appropriations to carry out the purposes of the Act.

By Mrs. BOXER:

S. 2285. A bill to provide for the sound management and protection of redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

THE HEADWATERS FOREST ACT

• Mrs. BOXER. Mr. President, I am pleased today to introduce the Headwaters Forest Act.

This important legislation will help protect approximately 44,000 acres of threatened redwood forests in northern California, and the numerous plant and animal species which depend on the forests for survival.

This bill was introduced in the House by Congressman DAN HAMBURG, and has the support of over 120 House cosponsors. The bill has been approved by the House Natural Resources Committee and the House Agriculture Committee.

The need for this legislation is particularly urgent. For over 120 years, the Headwaters Forest had been managed in an environmentally and scientifically sound manner by the Pacific Lumber Co. But Pacific Lumber was acquired in a hostile takeover in 1985, and the current owner of the land, MAXXAM, Inc., has undertaken an aggressive program of clear-cutting in an effort to pay off high interest bond debt incurred to purchase the property.

At the time MAXXAM engineered the takeover of Pacific Lumber, Pacific's land included about 16,000 acres of virgin old-growth redwood. Today, only about 6,600 acres of these ancient trees remain.

The bill I am introducing today would extend the boundaries of the Six-Rivers National Forest in Humboldt County to include the core 5,000 acres of the Headwaters old-growth redwood forest. These new boundaries would also include 39,000 acres of second-growth forest surrounding the old-growth core.

The bill addresses the concerns of the timber communities of Humboldt County in several ways. First, over 88 percent of the land included in the new boundaries would continue to be available for logging on a sustainable yield basis. Second, primary consideration would be given to unemployed forest workers and fishermen in hiring people to do forest and stream restoration work. Third, payments in lieu of taxes are explicitly authorized for Humboldt County to compensate for any loss of timber tax revenues. Finally, a 10-year transition period payment is authorized to be made to Humboldt County. The payment would match, dollar for dollar, State of California timber yield tax revenues that would have been paid if logging had continued on the 12 percent of the land closed to logging under the bill.

Because of my serious concern about avoiding deficit spending, the bill has been drafted to require the Forest Service to acquire land within the new boundary by land transfers or exchanges. The bill would further require that all exchange acquisitions made under the authority of the bill receive congressional approval.

Direct purchases would be allowed only after exhaustion of all reasonably available alternatives. I am assured by the Congressional Budget Office and staff for the Senate Budget Committee that this bill will not be scored against the budget. There would be no takings under the bill.

Commercial logging would be banned on lands acquired in the old-growth core and management to enhance and sustain old-growth ecosystems would be required. Selective sustainable harvest of the second growth forests would be allowed to the extent consistent with maximizing the needs of old growth.

Without Federal action MAXXAM's plunder will continue and an important part of our national heritage—among the oldest living things on Earth—will be lost forever. It is time to act.

I urge my colleagues' support for this legislation.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 2285

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 "Headwaters Forest Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Redwoods are a significant national symbol and a defining symbol of the State of California.

(2) Old growth stands of redwood trees are a unique and irreplaceable natural resource.

(3) Most of the old growth forests of the United States have been cut.

(4) Less than 5 percent of the original 2,000,000 acres of redwood trees of the West Coast of California remain standing.

(5) The redwood stands that remain are crucial to maintain habitat needed for survival of species that are dependent on old growth forests.

(6) An example of an old growth redwood forest that is crucial to the survival of species that are dependent on old growth forests is the Headwaters Forest, California.

(7) The Headwaters Forest is home to one of the three largest populations in California of marbled murrelets, a rare sea bird that nests only in coastal old growth trees and such forest also provides habitat for the northern spotted owl and native salmon stocks that spawn in the creeks of the forest.

(8) The other remaining stands of old growth forests and old growth redwoods are unprotected and are under immediate threat of being harvested without regard to a consideration of their ecological importance and without the benefit of Federal timber harvest guidelines.

(9) Instead of basing decisions on sound forest management practices, harvesters of old growth redwoods are cutting significant amounts of old growth redwoods in the areas proposed to be added to the National Forest pursuant to this Act at a rate determined by the demands for the payment of high interest on poor quality bonds.

(b) PURPOSES.—The purposes of this Act are to add certain lands and waters to the Six Rivers National Forest, California, and include a portion of such lands and waters in the national wilderness preservation system—

(1) to provide for the sound management and protection of old growth redwood forest areas in Humboldt County, California; and

(2) to preserve and enhance habitat for the marbled murrelet, the northern spotted owl, native salmon stocks, and other species that are dependent on old growth forests.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HEADWATERS FOREST.—The term "Headwaters Forest" means the Headwaters Forest, California.

(2) HEADWATERS FOREST WILDERNESS.—The term "Headwaters Forest Wilderness" means the lands in the State of California that are acquired pursuant to section 4 that are within the areas generally depicted on the map referred to in section 4(a) as the "Headwaters Forest Wilderness (Proposed)".

(3) SIX RIVERS NATIONAL FOREST ADDITION.—The term "Six Rivers National Forest Addition" means the area added to the Six Rivers National Forest pursuant to section 4.

SEC. 4. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) EXTENSION OF BOUNDARIES.—

(1) IN GENERAL.—The exterior boundaries of the Six Rivers National Forest in the State of California are hereby extended to include the area comprising approximately 44,000 acres, as generally depicted on the map prepared by the National Forest Service entitled "Six Rivers National Forest Addition proposed", dated June 1993.

(2) FILING OF MAP.—A copy of the map referred to in paragraph (1) shall be on file and available for public inspection in the office of the Forest Supervisor, Six Rivers National Forest, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ACQUISITION OF LAND.—

(1) IN GENERAL.—

(A) MEANS OF ACQUISITION.—The Secretary may acquire lands or interests in land within the exterior boundaries of the Six Rivers National Forest Addition by donation, by purchase with donated or appropriated funds, or by an exchange.

(B) EXCESS AND SURPLUS FEDERAL PROPERTY.—If the Secretary identifies as suitable for an exchange under subparagraph (A), excess or surplus Federal property, as determined under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) in the form of lands that are under the jurisdiction of any other department, agency, or instrumentality of the United States, the Secretary may take such action as may be necessary to obtain the advance approval of Congress to transfer the lands to the Secretary for exchange. A transfer of such lands shall be made on the condition that the department, agency, or instrumentality that transfers the lands may not receive compensation for such transfer.

(C) ACQUISITION OF LANDS OUTSIDE OF BOUNDARIES.—If a tract of land is only partly within the boundaries referred to in subparagraph (A), the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(D) EXCHANGE OF LANDS ACQUIRED OUTSIDE OF BOUNDARIES.—Land acquired pursuant to subparagraph (B) outside of the boundaries referred to in subparagraph (A) may be exchanged by the Secretary for non-Federal lands within such boundaries.

(E) CERTAIN UNEXCHANGED LANDS.—The Secretary shall report the acquisition of any land acquired pursuant to subparagraph (B) that is not exchanged by the Secretary pursuant to subparagraph (D) to the Administrator of the General Services Administration. The Administrator shall dispose of such lands pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(F) REQUIREMENTS FOR ACQUISITION OF CERTAIN LANDS.—Lands, and interests in lands, within the boundaries of the Six Rivers National Forest Addition which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange.

(2) ACCEPTANCE OF FUNDS.—

(A) IN GENERAL.—The Secretary may—

(i) accept from the State of California funds in an amount sufficient to cover the cost of acquiring lands within the Six Rivers National Forest Addition pursuant to this Act; and

(ii) notwithstanding any other provision of law, retain and expend such funds for purposes of such acquisition.

(B) TREATMENT OF FUNDS.—Any funds made available to the Secretary pursuant to subparagraph (A) shall be used for the purposes specified in such paragraph without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and implement a land acquisition plan.

(2) CONTENT OF PLAN.—A plan developed under paragraph (1) shall—

(A) contain specific provisions addressing the time and manner of the acquisition of lands under subsection (b);

(B) in acquiring such lands, give first priority to the acquisition of lands for the Headwaters Forest Wilderness;

(C) include an analysis of practicable means of providing for compensation for the acquisition of such lands other than cash payments, including providing for the use or exchange of certain excess or surplus property of the Federal Government (as determined under the Federal Property and Administrative Services Act of 1949; 40 U.S.C. 471) that the Secretary shall identify and list; and

(D) acquire lands in accordance with the requirements of paragraph (3).

(3) EXHAUSTION OF NON-CASH ALTERNATIVES.—With respect to the acquisition of a specific parcel of land pursuant to the plan, the Secretary shall, to the maximum extent practicable, use all practicable alternatives to cash payments from funds appropriated to the Department of the Interior. With respect to such acquisition, the Secretary may use such cash payments only to the extent that such alternatives are not sufficient to provide for such acquisition.

(4) DISTRIBUTION OF PLAN.—The Secretary shall submit a copy of the plan developed under this subsection to the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives.

SEC. 5. WILDERNESS AREAS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), lands in California that are acquired under section 4 that are in the Headwaters Forest Wilderness shall, upon acquisition, be considered wilderness and a part of the National Wilderness Preservation System.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall submit a copy of the map and a legal description of the area so included with the Committee on Energy and Natural Resources of the Senate and with the Committee on Natural Resources of the House of Representatives.

(2) CORRECTION OF CLERICAL AND TYPOGRAPHICAL ERRORS.—The Secretary may correct clerical and typographical errors in a map or legal description referred to in paragraph (1).

(3) FILING OF MAPS AND BOUNDARY DESCRIPTIONS.—Each map and legal description submitted to the committees of Congress specified in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(c) BUFFER ZONES NOT INTENDED.—

(1) STATUTORY INTENT.—Nothing in this Act is intended to require the creation of protective perimeters or buffer zones around a wilderness area designated pursuant to this Act.

(2) PERMISSIBILITY OF CERTAIN WILDERNESS ACTIVITIES ALONG A BOUNDARY.—The fact that a nonwilderness activity or use may be seen or heard from an area within a wilderness may not be used alone to preclude such activities or uses adjacent to the boundary of the wilderness area.

(d) STATE AUTHORITY OVER FISH AND WILDLIFE.—In accordance with section 4(d)(8) of the Wilderness Act (16 U.S.C. 1133(d)(8)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in any areas designated by this Act as wilderness.

SEC. 6. ADMINISTRATION.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 1 year after the Secretary acquires all or a significant portion of the lands identified under the land acquisition plan developed under section 4(c), the Secretary shall develop and implement a comprehensive management plan for the Six Rivers National Forest Addition.

(2) CONTENT OF PLAN.—The comprehensive management plan developed under paragraph (1) shall prescribe measures for the preservation of the existing old growth redwood ecosystems in the Six Rivers National Forest Addition, including the following:

(A) With respect to the sale of timber—

(i) prohibiting the sale of timber from lands within the old growth redwood groves in the Six Rivers National Forest Addition, as depicted generally on the map referred to in section 4(a); and

(ii) permitting the sale of timber in areas of the Six Rivers National Forest Addition not specified in clause (i) in a manner consistent with the purposes of this Act and any other applicable Federal laws.

(B) Restoration measures to restore lands affected by timber harvests that occurred before the date of implementation of the plan to mitigate watershed degradation and the impairment of habitat for the marbled murrelet, spotted owl, native salmon stocks, and other species dependent on old growth forests.

(3) REVIEW AND REVISION OF PLAN.—

(A) Except as provided in subparagraph (B), at such time as the Secretary revises the applicable land and resource management plan for the Six Rivers National Park that is in effect on the date of enactment of this Act the Secretary shall review and revise the comprehensive management plan developed under this subsection.

(B) The Secretary may revise the schedule for reviewing and revising a comprehensive management plan developed under this subsection if the Secretary determines that a more frequent schedule of review and revision is necessary to meet the purposes specified in section 2(b).

(b) APPLICABLE LAWS AND POLICIES.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall administer the lands acquired under section 4(b) in accordance with the comprehensive management plan developed under subsection (a), other applicable requirements of this Act, and any other applicable law.

(2) WILDERNESS.—Except as provided in paragraph (3), subject to valid existing rights, any lands acquired and designated as wilderness under section 5(a) shall be administered in accordance with the comprehensive management plan developed under subsection (a), other applicable requirements of this Act, and any other applicable law, including the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) EFFECTIVE DATES UNDER WILDERNESS ACT.—With respect to lands designated as wilderness under section 5(a), any effective date under the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of acquisition of such lands under section 4.

(c) EMPLOYMENT PRACTICES.—To the maximum extent practicable, the Secretary shall take such action as may be necessary to ensure that all work to implement the restoration measures under the comprehensive management plan developed under subsection (a) are performed by unemployed forest workers and unemployed timber workers, unemployed commercial fishermen, or other unemployed persons whose livelihood depends on fishery and timber resources.

(d) AGREEMENTS.—In order to facilitate the management of the lands subject to the comprehensive management plan developed under subsection (a), the Secretary, acting through the Chief of the Forest Service, may enter into agreements with the State of California for the management of lands owned by the State or purchased with State assistance.

SEC. 7. PAYMENTS TO LOCAL GOVERNMENT.

(a) PILT.—Solely for purposes of payments made pursuant to chapter 69 of title 31, United States Code, all lands added to the Six Rivers National Forest pursuant to section 4 shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(b) 10-YEAR PAYMENT.—

(1) IN GENERAL.—Subject to the annual appropriations and subsection (c), for the 10-year period beginning on the date of the acquisition of lands under section 4, the Secretary shall make annual payments with respect to such acquired lands to Humboldt County in the State of California in an amount equal to the State of California Timber Yield Tax revenues payable under section 38101 et seq. of the California Revenue and Taxation Code (as in effect as of the date of enactment of this Act) that would have been paid with respect to such lands if the lands had not been acquired by the United States, as determined by the Secretary pursuant to this subsection.

(2) DETERMINATION OF AMOUNT OF PAYMENTS.—The Secretary shall determine the amount of each annual payment made pursuant to paragraph (1) on the basis of an assessment of a variety of factors, including the following:

(A) Timber actually sold during the year for which the payment is based from comparable commercial forest lands of similar soil type and slope.

(B) A determination of appropriate timber harvest levels.

(C) A consideration of comparable timber size class, age, and quality.

(D) Market conditions.

(E) Applicable Federal laws and applicable laws of States and political subdivisions of States.

(F) The goal of achieving a sustainable, even-flow harvest of renewable timber resources.

(c) CALIFORNIA TIMBER YIELD TAX.—The amount of State of California Timber Yield Tax payments paid to Humboldt County for any year pursuant to the laws of California for timber sold from lands acquired under this Act shall be deducted from the sums to be paid to Humboldt County in such year under subsection (b).

(d) 25-PERCENT FUND.—Amounts paid under subsection (b) with respect to any land in any year shall be reduced by any amounts paid under the last paragraph in the matter under the heading "FOREST SERVICE." in the Act of May 23, 1908 (35 Stat. 360, chapter 192; 16 U.S.C. 500) which are attributable to sales from the same lands in that year.

SEC. 8. FOREST STUDY.

(a) IN GENERAL.—The Secretary shall study the lands within the area comprising approximately 13,620 acres and generally depicted as "Study Area" on the map referred to in section 4(a).

(b) REQUIREMENTS FOR STUDY.—In carrying out the study, the Secretary shall—

(1) analyze the potential of the area specified in subsection (a) as an addition the Headwaters Forest; and

(2) identify, with respect to the area—

(A) the natural resources of such area, including wildlife and fish and the location of old growth forests, old growth redwood stands, habitat for threatened and endangered species and populations (including the northern spotted owl and marbled murrelet);

(B) commercial timber volume;

(C) recreational opportunities;

(D) watershed management needs; and

(E) the cost of acquiring the lands of the area.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a report that contains the findings of the study conducted under this section and submit a copy of the report to the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Agriculture of the House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

By Mr. LUGAR (for himself and Mr. COATS):

S. 2286. A bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings; to the Committee on Environment and Public Works.

THE RAIL GRADE CROSSING SAFETY ENHANCEMENT ACT OF 1994

• Mr. LUGAR. Mr. President, today I am introducing the Rail Grade Crossing Safety Enhancement Act of 1994. This legislation will provide States flexibility in determining the best use of Federal transportation funds to reduce accidents and increase safety at railroad grade crossings. This bill is of great importance to many Hoosier citizens, to local communities, and to the Nation as a whole.

Across America this year, several hundred people will be killed and thousands more injured as a result of vehicle-train collisions. While rail crossing accidents declined last year, the number of fatalities from these accidents increased in 1993 by 8.1 percent.

In Indiana, however, both grade crossing accidents and fatalities are on the rise. In 1993, Hoosiers ranked fifth in the Nation in the number of fatalities with 36, and third in the total number of crossing accidents with 299.

Recently, I took a 65-mile train trip across northern Indiana aboard a Q-500 CSX locomotive. As we traveled from the city of Garrett to the town of Teegarden, I saw what engineers witness every day—drivers ignoring warning signals and crossing the tracks within a few hundred feet of our oncoming train. This experience reaffirmed my view that rail crossing safety devices need to be improved, and that rail safety education must be a major part of any effort to reduce grade crossing accidents.

To address this growing problem in my State, I began working with Transportation Secretary Peña and with the Indiana Department of Transportation [INDOT] to find solutions that will help States better use available funds to target Indiana's most dangerous crossings.

I also asked the General Accounting Office earlier this year to study Indiana railroad crossing improvement programs and to evaluate how best to make necessary and long term safety improvements in Indiana.

I am a cosponsor of S. 2127, the Railroad Grade Crossing Safety Act of 1994, a bill that seeks to promote rail safety by using existing resources to improve safety education, encourage private sector participation, enhance cooperation among agencies, and strengthen enforcement of rail crossing laws. This measure encourages public participation by including a toll-free phone number for the public to report equipment malfunctions at grade crossings.

While these initiatives will help improve safety at grade crossings, I believe an additional change in transportation law is needed to further assist States using Federal dollars for safety.

Title I, section 153 of the Intermodal Surface Transportation Efficiency Act of 1991 penalizes States that do not have in effect laws requiring seat belts for motorists and helmets for motorcycle riders. Under the provision, those States that do not have both seat belt and universal helmet laws must devote 1.5 percent of their Federal surface transportation funds to nonconstruction safety education programs. The percentage increases to 3 percent for fiscal year 1995 and in future fiscal years.

I strongly support transportation safety and education programs, and believe motorists and motorcyclists alike should drive and ride defensively with proper protective gear. I also believe, however, that safety belt and helmet laws are best decided by State legislatures. While the authors of this provision were well-intentioned in their efforts to promote safety, I do not believe it is appropriate for the Federal Government to penalize States to force compliance on these matters.

The ISTEA requirement to divert a portion of a State's highway construction funds to section 402 safety programs limits States' ability to apply these funds for other legitimate safety enhancing projects, namely, installation of protective warning devices at grade crossings.

I believe railroad grade crossing improvements differ from other highway projects because they provide a visible and quantifiable return on investment. While some highway safety projects are designed primarily to increase a region's economic growth, the sole purpose of safety improvements at grade crossings is to reduce accidents and save lives.

States with a high number of rail crossings and crossing accidents would benefit from the additional flexibility this bill provides. In 1993, 40 percent of grade crossing accidents in the United States—and 31 percent of fatalities—occurred in States that did not meet the Federal safety belt and helmet law requirement.

With this legislation, a Governor could request that a portion of the diverted funds be used to install protective devices at hazardous rail crossings as part of a comprehensive, statewide rail safety improvement and rail safety education initiative.

I want to emphasize that this legislation is limited in scope and is not intended to be a slippery slope for States to raid designated Federal safety education programs for construction projects. It does provide, however, flexibility for States to request that all or a portion of diverted Federal highway funds be available for one legitimate, safety-oriented, lifesaving purpose: To save lives through installation of more and better protective warning devices at dangerous rail crossings.

The purpose of section 153 of ISTEA is to improve safety on our Nation's highways. Because the only conceivable purpose of rail crossing safety equipment is safety, I believe this measure conforms to the original spirit and intent of section 153.

I recently received a letter from INDOT Commissioner P'Pool expressing his support for this legislation. Mr. President, I ask unanimous consent that it be printed in the RECORD.

Mr. President, concern about improving rail safety is growing in Congress, at the State level, and in our schools and communities. Partnerships between the public and private sectors—such as the valuable work being done by Operation Lifesaver, Inc., a nationwide nonprofit rail safety organization—have raised education and awareness about rail crossing safety. These joint efforts will continue to be a vital component in the campaign to eliminate accidents at rail grade crossings.

It is my sincere hope that the Senate will support this important legislation. This bill is a cost-effective, common sense approach that will help eliminate a persistent and preventable problem. Rail transportation is, and will continue to be, an important part of our Nation's continued economic strength. This measure provides States an additional tool to reduce the number of needless deaths and injuries caused by motorists who try to beat the train.

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

INDIANA DEPARTMENT OF TRANSPORTATION,
Indianapolis, IN, June 23, 1994.

Hon. RICHARD G. LUGAR,
U.S. Senate, Washington, DC.

DEAR SENATOR LUGAR: I have reviewed with great interest your proposed bill allowing seatbelt/motorcycle helmet sanction funds to be used for the improvement of railway-highway crossings. Clearly, you recognize that rail-highway crossing safety is an issue of vital importance to the people of the State of Indiana as well as the nation as a whole.

I am pleased to inform you that INDOT is in full support of your proposed legislation. We will be communicating with the other members of Indiana's Congressional delegation to urge them to join you in advocating this measure.

Your bill is especially valuable because it not only addresses the need to fund rail-highway improvements, but also because it provides sensible funding flexibility in concert with priorities recommended by the states.

Sincerely,

FREDERICK C. P'POOL.•

By Mr. HATCH:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

ARROW EXCISE TAX ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation that will simplify the Internal Revenue Code regarding the imposition of the Federal excise tax on arrows. Given the complexities of today's tax code, meaningful simplification should be warmly welcomed.

Mr. President, this bill will benefit manufacturers, wholesalers, retailers, assemblers, and, most importantly, the consumers of archery equipment. In 1993, there were nearly 3 million licensed bow and arrow hunters in the United States, including 28,000 from my home State of Utah. These figures exclude millions of individuals who enjoy archery as a hobby but do not hunt with a bow and arrow. Let me explain both the present status of this excise tax and why simplification is needed.

Under section 4161(b) of the Internal Revenue Code, an excise tax of 11 percent is imposed upon the sale by the manufacturer, producer, or importer, of an arrow or an arrow's components parts and accessories. A complete arrow consists of various component parts, namely: a shaft, a point, a nock, and a vane. The arrow shaft is sold separate from the point, nock, and vane, which are attached to the shaft to make a complete arrow. The assembly of these parts into a finished arrow may take place at a wholesale manufacturing level, a distribution level, a retail level, or at the consumer level. Identifying the manufacturer for purposes of the tax is difficult because of the long distribution chain between the raw material supplier and the consumer. Under current law, anyone who manufacturers arrows, or the various parts of arrows, may be required to collect the excise tax.

The current interpretation of the tax law on arrows has resulted in a great deal of confusion among retailers as well as among IRS field agents enforcing the law. Currently, local shops are subject to different interpretations of what is taxable. Ultimately, the tax falls on the last person in the chain to materially change the article before it is sold to the consumer. Unfortunately,

several members of this chain may fit the definition of a manufacturer, and each is liable for the tax unless certain registration requirements are met and exemption forms filed.

As you can see, Mr. President, the method for collecting the excise tax on arrows needs to be streamlined. My bill would change the imposition of the excise tax to fall on the component shafts, points, nocks, and vanes that are manufactured, rather than on the aggregated value of the assembled arrow. This is a significant change, but one that will greatly simplify the administration of the tax. Individual distributors, assemblers, and retail sellers of arrows or parts of arrows will no longer be responsible for collecting the excise tax. Only the manufacturers of these parts will bear the responsibility of the excise tax. Thus, identification of the manufacturer will be simpler and clearer. Industry representatives, who support these changes, have indicated to me that this simplification should increase compliance and therefore enhance revenues. Enforcement by the IRS should also be less difficult under this legislation.

Mr. President, the result of this bill is a narrowing of the collection base. Instead of having thousands of distributors, retailers, or custom arrow shops being potentially liable for the tax as under the current law, about 65 companies would be liable under the bill. This simplification would save the IRS a considerable amount of time and money in enforcing the tax. It also would free smaller dealers and stores from the burden of computing and remitting the excise tax.

The language in this bill accomplishes the needed simplification of this particular section of the tax code. One consequence of this change is the possibility that a higher excise tax rate may be needed to make the measure revenue neutral. The arrow manufacturing industry agrees that this simplification is not intended to decrease revenue to the Federal Government. I am working with the Joint Committee on Taxation to find a rate of tax that will make the end result revenue neutral. The bill, as introduced, Mr. President, includes an 11-percent tax rate, which is the same as under present law. It is my intention to adjust this rate, up or down, as needed, to keep this bill revenue neutral. I want to point out, however, that greater compliance should be achieved by having a much smaller number of entities responsible for the tax. This greater compliance, together with the savings realized from the reduced manpower requirements the IRS needs to enforce this tax, should combine to allow an equal or lesser tax rate than under current law. These factors should be considered when determining the revenue impact of this legislation.

Mr. President, the amount of revenue we are talking about is around $13 million a year. These revenues are, by law, required to go to the Pittman-Robertson Fund, established by the Federal Aid to Wildlife Restoration Act. The proceeds of this fund go toward wildlife restoration and hunter education programs administered by the U.S. Fish and Wildlife Service. The bulk of this fund is, in turn, passed onto the States to fund their own wildlife programs.

Under current law, arrows made by native Americans are exempt from the Federal excise tax. The simplification bill I am introducing today would not remove or alter this exemption in any way.

In conclusion, Mr. President, I believe that today, more than ever, we need to be mindful of the many burdens we are placing on small businesses and consumers through numerous Federal mandates and burdensome tax compliance measures. Businesses and consumers nationwide spend billions of dollars each year on tax compliance. Consumers, of course, pay for this compliance through higher retail prices for goods and services. We all know this money could be put to more productive use. Even though this bill is small in comparison to the immense tax code, I think it is right on target in terms of helping us to achieve tax simplification.

Mr. President, this legislation is a beneficial modification to the tax code presented in a win-win framework. I hope it will be swiftly adopted, and I encourage my colleagues to support and cosponsor this bill.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1735

At the request of Mr. SIMON, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1735, a bill to establish a Privacy Protection Commission, and for other purposes.

S. 1976

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 2114

At the request of Mr. BIDEN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2114, a bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 199

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Resolution 185, a resolution to congratulate Phil Rizutto on his induction into the Baseball Hall of Fame.

SENATE RESOLUTION 234

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 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.

AMENDMENT NO. 2245

At the request of Mr. NICKLES his name was added as a cosponsor of Amendment No. 2245 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2246

At the request of Mr. DORGAN his name was added as a cosponsor of

Amendment No. 2246 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2248

At the request of Mr. KOHL his name was added as a cosponsor of Amendment No. 2248 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

At the request of Mr. BROWN the names of the Senator from Virginia [Mr. WARNER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Amendment No. 2248 proposed to H.R. 4426, supra.

SENATE RESOLUTION 243—RELATIVE TO THE REALTORS® LAND INSTITUTE ON THE OCCASION OF ITS 50TH ANNIVERSARY

Mr. LOTT (for himself, Mr. STEVENS, Mr. D'AMATO, and Mr. JOHNSTON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 243

Whereas, in 1944, the REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago, Illinois, to establish a national organization that would provide education, information, marketing opportunities, and broker networking to enhance the ability of their members to conduct business as recognized professional land use specialists and, through collective action, preserve private property rights;

Whereas the REALTORS® Land Institute has been an affiliate of the National Association of REALTORS® for 50 years;

Whereas, in 1994, the REALTORS® Land Institute celebrates 50 years of serving land owners, users, and realtors throughout the United States and Canada;

Whereas the REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world;

Whereas the REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions;

Whereas the REALTORS® Land Institute encourages continuing education and rewards members who complete an extensive education program and service to the land industry with a national designation of Accredited Land Consultant (ALC); and

Whereas the REALTORS® Land Institute is a national professional trade association, dedicated to advancing the effective use of our most precious commodity, land: Now, therefore, be it

Resolved, That the Senate recognizes the REALTORS® Land Institute on the occasion of its 50th Anniversary.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the REALTORS® Land Institute.

• Mr. LOTT. Mr. President, I rise today to submit a Senate resolution commemorating the 50th anniversary of the REALTORS® Land Institute [RLI]. The REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago in 1944. The purpose of their meeting was to establish a national professional trade association dedicated to the advancement of the effective use of our most precious commodity—land.

The REALTORS® Land Institute was organized as the institute of Farm Brokers. As the scope of its activities grew, the name was changed several times; the most recent change occurred in early 1986 when the present name was adopted.

The REALTORS® Land Institute has been an affiliate of the National Association of Realtors for 50 years and is devoted to advancing the interests of those who are involved in various phases of land development and proper land utilization.

The REALTORS® Land Institute provides a forum to bring together members interested in improving their professional competence in all aspects of the land segment of the real estate business. This includes:

Identification of appraising, acquisition, syndication, and development as recognized land specialties within the real estate profession;

Development and establishment of professional standards of practice;

Fostering professional expertise through educational activities and programs;

Identification of members to the public;

And formulation of wise land use and the reasonable rights and privileges of private ownership.

The REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions. The organization provides education, information, marketing opportunities, and broker networking to enhance members abilities to conduct their business as recognized professional land use specialists. REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world. Through collective action, they also attempt to preserve private property rights.

Education is a key activity of the institute. Seminars are sponsored by individual State chapters on a regular basis. On the national level, the institute offers the REALTORS® Land Institute land university which features nine state-of-the-art courses for land related professionals.

Additionally, the institute awards the Accredited Land Consultant [ALC] designation to members who meet rigid standards of professional competence after they complete required course work and service to the land industry.

For 50 years, the REALTORS® Land Institute has helped their members better serve their clients, their communities, and their industry. Now, on their 50th anniversary, they are renewing their commitment to service and focusing on the future. This is illustrated by their theme for this anniversary year, "celebrating the past—welcoming the future."

Congress should commend the REALTORS® Land Institute on their myriad of achievements over the last 50 years by honoring them with this commemorative resolution. This resolution meets the Judiciary Committee's policy for the consideration of commemorative measures; thus, I believe it is appropriate that we pass it. I invite my colleagues to join with me in commending the REALTORS® Land Institute on 50 outstanding years of service.•

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1995

PRESSLER AMENDMENT NO. 2261

Mr. MCCONNELL for Mr. PRESSLER proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; as follows:

On page 112, between lines 9 and 10, insert the following new section:

PAYMENTS-IN-KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States voluntary contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

HATFIELD AMENDMENT NO. 2262

Mr. MCCONNELL for Mr. HATFIELD proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 11, line 19, after "1961" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than an amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office"

McCONNELL (AND D'AMATO) AMENDMENT NO. 2263

Mr. McCONNELL (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add a new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be made available to the International Criminal Investigative Training Assistance Program (ICITAP) to undertake a police development and training program to assist in institutional reforms and improve the professional capabilities of Russian police agencies; Provided further, that funds made available shall be used to support the following activities:

(1) develop and professionalize the criminal justice agencies

(2) improve criminal investigative and forensic capabilities

(3) establish institutional training capabilities based on democratic principles of policing, and respect for human rights and the rule of law;

(4) improve accountability of law enforcement agencies by introducing systems and procedures for investigating allegations of abuse or malfeasance;

D'AMATO (AND OTHERS) AMENDMENT NO. 2264

Mr. D'AMATO (for himself, Mr. McCONNELL, Mr. DOMENICI, and Mr. LEAHY) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated for the New Independent States of the former Soviet Union and Eastern Europe, not to exceed $15,000,000, shall be made available to the Federal Bureau of Investigation for transnational and international law enforcement cooperation with the New Independent States of the former Soviet Union and the emerging democracies of Eastern Europe to combat organized crime.

McCAIN AMENDMENT NO. 2265

Mr. McCAIN proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following:

"*Provided further*, That of the funds appropriated under Title II, not less than $600,000 shall be available to support democracy programs in the People's Republic of China: *Provided further*" that the Agency for International Development shall make these funds available for the activities described in the previous proviso on a grant basis to U.S. non government organizations, on a competitive selection basis, notwithstanding any other provision of law."

Provided further that the following section of the bill is null and void. "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 of 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."

McCONNELL (AND BROWN) AMENDMENT NO. 2266

Mr. McCONNELL for himself and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations defining specific military, economic and political standards required to gain admission to NATO; *Provided further*, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

McCONNELL AMENDMENTS NOS. 2267–2271

Mr. McCONNELL proposed five amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2267

On page 16, line 19, strike the word "within" and all that follows through the word "later" on line 20 and insert in lieu thereof the following "by October 1, 1994".

AMENDMENT NO. 2268

At the appropriate place in the bill, add the following new section:

SEC. . (a) Section 102 of the Freedom Support Act (Public Law 102–511) is amended—

(1) by deleting subsection (a); and

(2) in subsections (b) and (c), by striking "Consistent with subsection (a), coordination," and inserting in lieu thereof "Coordination" in both places the phrase appears.

(b) Section 103 (a) of the Freedom Support Act is amended by striking out "the Coordinator designated pursuant to section 102(a)" and inserting in lieu thereof "the Administrator of the Agency for International Development."

AMENDMENT NO. 2269

On page 53, line 11, strike the word "*Provided*" and insert the following;

"*Provided*, That only those activities, programs, projects, type of material assistance, countries, or other operations referred to under this paragraph which have been justified through Congressional Presentation documents and/or budget justification documents presented in the same format and in the same level of detail as provided in fiscal year 1993 shall be considered to be justified under the language of this paragraph: *Provided further*"

AMENDMENT NO. 2270

At the end of section entitled "Assistance to the New Independent States of the former Soviet Union" add the following new subsection:

"Of the funds appropriated under this heading, not less than 50 percent shall be made available for country specific activities within bilateral, regional, or multilateral programs, except as provided through the regular notification procedures of the Committee on Appropriations."

AMENDMENT NO. 2271

At the end of the section entitled Assistance to 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 available for legal reform programs; *Provided further*, that these funds shall support efforts to draft commercial and criminal codes and provide attorney, jury and judicial training and education."

MURKOWSKI AMENDMENT NO. 2272

Mr. McCONNELL for Mr. HELMS (for himself and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of Section 2780(d) of the Arms Export Control Act of 1968, add the following: "in an action brought by a party under section 1605(a)(5) of the Foreign Sovereign Immunities Act against a state designated under this subsection, United States government agencies shall provide to the party or facilitate the acquisition of evidence relevant to the action unless the President determines either that such cooperation would significantly prejudice a pending criminal investigation or prosecution or that it is not in the national security interest of the United States to provide such information."

DOLE AMENDMENT NO. 2273

Mr. McCONNELL for Mr. DOLE proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following section:

"No funds appropriated under this Act or any other Act may be made available to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea:

(1) does not possess nuclear weapons;

(2) has halted its nuclear weapons programs; and

(3) has not exported weapons-grade plutonium."

MURKOWSKI (AND ROCKEFELLER) AMENDMENT NO. 2274

Mr. McCONNELL for Mr. MURKOWSKI (for himself and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational cooperation shall be drawn from among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and

who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at post-secondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life."

SEC. . BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments or public debt with maturities suitable to the needs of the Fund"; and (2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".

NICKLES (AND OTHERS) AMENDMENT NO. 2275

Mr. MCCONNELL for Mr. NICKLES (for himself, Mr. BROWN, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following: "Provided further, the amount on page 3, line 6, is deemed to read $50,000,000; provided further, the amount on page 3, line 12, is deemed to read $1,097,000,000; provided further, the amount of page 25, line 22, is deemed to read $152,400,000."

PRESSLER AMENDMENT NO. 2276

Mr. MCCONNELL (for Mr. PRESSLER) 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:

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

SEC. . The Senate hereby reaffirms that section 401 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) remains in effect, including all its terms and conditions relating to the establishment of an independent office of Inspector General within the United Nations.

HELMS (AND ROTH) AMENDMENT NO. 2277

Mr. MCCONNELL (for Mr. HELMS for himself and Mr. ROTH) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Sense of the Congress concerning German and Japanese permanent membership in the United Nations Security Council.

In the past five years, the United Nations has engaged in more peacekeeping operations than in the preceding forty;

The Security Council is the U.N. body chiefly responsible for matters of peace and security;

Any country accorded permanent membership in an expanded Security Council must be capable of fulfilling all of the responsibilities equated with such status, including participation in any U.N. military operations;

According permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping U.N. peacekeeping and peacekeeping operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

Germany and Japan have announced their desire to gain permanent membership in the Security Council;

Japan currently maintains that its constitution prohibits the country from carrying out all the peacekeeping and peacemaking responsibilities that permanent membership entails;

Japan's ruling coalition government appears unwilling to address these issues, even in the face of a potential crisis on the Korean peninsula which may well require multilateral military action;

The German High Court, sitting in Karlsruhe, Germany, ruled, on July 12, 1994, that the German constitution contains no prohibition against the overseas deployment of Germany's armed forces in multilateral peacekeeping operation.

Now, therefore, be it the sense of the Senate that:

(1) Since Germany has addressed the problem of its participation in multilateral military activities, the U.S. should support that nation's prompt elevation to permanent Security Council membership;

(2) Japan be encouraged to discuss thoroughly and openly its own problems in participating in such activities, and take whatever steps are necessary to enable it to fully engage in any form of U.N. peacekeeping or peacemaking operation; and

(3) The United States should actively support Japan's effort to gain permanent membership only after Japan takes such steps * * *.

* * * * *

MCCAIN AMENDMENT NO. 2278

Mr. MCCONNELL (for Mr. MCCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At an appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) Peace in Cambodia promotes stability in Southeast Asia.

(2) The newly democratic nation of Cambodia is engaged in a continuing military struggle against the Khmer Rouge.

(3) Peace talks between the government of Cambodia and the Khmer Rouge have repeatedly broken down.

(4) The Cambodian Parliament took action on July 6, 1994 to outlaw the Khmer Rouge.

(5) Ceding any position in the freely elected government of Cambodia to the Khmer Rouge is not in the interest of the Cambodian people and is incompatible with a constructive U.S.-Cambodia relationship.

(6) Cambodian officials have requested military assistance from a number of nations, including the United States.

(7) The U.S. administration, in consultation with its allies, is in the process of determining the appropriate type and level of U.S. military assistance to Cambodia.

(8) Congress is concerned that absent proper training, professionalism and adequate salaries, providing Cambodian forces with arms and ammunition will not be beneficial.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) In concert with interested democratic nations, the U.S. should provide non-combat military training assistance to the newly democratic government of Cambodia.

(2) Military Assistance should include efforts to establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

(3) The President should make every effort to fully utilize requested 1994 and 1995 levels of IMET for Cambodia to expand the program beyond its current scope.

(4) The President should consider qualified Cambodians for admission to U.S. military academies.

(5) The President should dispatch as soon as possible a military attache to the U.S. Embassy in Cambodia.

(6) Lethal assistance should not be provided to Cambodia until such time as the President can certify the professionalization of the Cambodian Armed Forces.

(7) No military assistance should be provided the Cambodian Armed Forces if the Government includes members of the Khmer Rouge or if the Constitution promulgated on September 24, 1993 fails.

(8) No military assistance should be provided in concert with the Democratic Peoples' Republic of Korea.

(9) The President should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords.

MCCAIN AMENDMENT NO. 2279

Mr. MCCONNELL (for Mr. MCCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) The United States maintains a continuing interest in the security of Europe.

(2) The North Atlantic Treaty Organization remains the principal guarantor of European security.

(3) The security concerns of the United States and Europe are best addressed through the collective security arrangement of the North Atlantic Treaty Organization.

(4) The North Atlantic Treaty Organization is not an offensive threat to any nation not part of the North Atlantic Treaty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The North Atlantic Treaty Organization should invite Poland, the Czech Republic, Hungary and Slovakia to accede to the North Atlantic Treaty under Article 10 of the treaty at such time as each is in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area.

(2) Accession of the North Atlantic Treaty should include a commitment to the security of new members according to Article 5 of the treaty.

(3) The President should pursue within the North Atlantic Council and adoption of criteria and timetables for determining the

ability of each nation to further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area.

(4) Within 90 days of the passage of this act, the President should report to the appropriate Congressional committees the criteria and timetables the United States will pursue within the North Atlantic Council.

McCAIN AMENDMENT NO. 2280

Mr. McCONNELL (for Mr. McCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following new section:

INTERNATIONAL EXECUTIVE SERVICE CORPS

SEC. . None of the funds appropriated by this Act that are administered by the Agency for International Development may be made available for any project or activity of the International Executive Service Corps if such project or activity would provide services to an organization that, in the judgment of the Administrator of the Agency for International Development, is capable of obtaining the same or similar services without assistance from the Agency and without significant financial burden to that organization.

HELMS AMENDMENT NO. 2281

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the first Committee amendment, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR THE GOVERNMENT OF COLOMBIA.

(a) LIMITATION.—None of the funds appropriated by this Act shall be obligated or expended for the Government of Colombia unless the President determines and certifies that the Government of Colombia is taking actions to—

(1) fully investigate accusations of corruption by the narcotics cartels involving senior officials of the Government of Colombia;

(2) implement the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption;

(3) reduce illicit drug production to the maximum extent which were determined to be achievable during the fiscal year;

(4) significantly disrupt the operations of the narcotics cartels; and

(5) investigate all cases in which any senior Colombian official is accused or implicated in engaging in, encouraging, or facilitating the illicit production or distribution of narcotic and psychotropic drugs or other controlled substances.

HELMS (AND OTHERS) AMENDMENT NO. 2282

Mr. McCONNELL for Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. MACK, Mr. BROWN, Mr. ROBB, Mr. LAUTENBERG, Mr. BOND, Mr. GORTON, Mr. GRAMM, Mr. LEVIN, Mr. HATCH, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the Committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) No officer or employee of the United States government and no agent or other individual acting on behalf of the United States government shall meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

COHEN AMENDMENT NO. 2283

Mr. McCONNELL for Mr. COHEN 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:

SEC. . POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) the Federal Constitutional Court of Germany has ruled that the Basic Law of Germany permits the Armed Forces of Germany to participate in international military operations, including combat operations, conducted under a system of collective security, including the United Nations, the North Atlantic Treaty Organization, and the Western European Union;

(17) Germany is currently engaged in a debate on the proper role for the German military in the international community;

(18) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(19) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(20) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations.

DOMENICI AMENDMENT NO. 2284

Mr. McCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 20, line 13, delete the period, and add the following new proviso:

": *Provided further*, That the President may transfer such funds to appropriations available to the Department of Defense and other agencies of the United States government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103–160 and Section 575 of Public Law 103–87: Provided further, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, that the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and other agencies under Title VI of Public Law 103–87."

DOMENICI AMENDMENT NO. 2285

Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 7, line 2, delete the period and add the following new proviso:

Provided, That these funds may not be obligated or expended until the Secretary of the Treasury has notified the Chairmen of the Senate and House Committees on Appropriations that the United States does not support an International Monetary Fund proposed to create additional global reserve assets though a general allocation of Special Drawing Rights."

WELLSTONE (AND OTHERS) AMENDMENT NO. 2286

Mr. LEAHY for Mr. WELLSTONE (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. PELL, and Mr. FEINGOLD) 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:

SUPPORT FOR HUMAN RIGHTS AND OTHER NONGOVERNMENTAL ORGANIZATIONS IN INDONESIA

SEC. . Of the funds appropriated by this Act, $250,000 shall be made available to support nongovernmental human rights organizations in Indonesia and $250,000 shall be made available to support nongovernmental environmental organizations to assess or otherwise address acute envrionmental problems, particularly those affecting indigenous peoples, in Indonesia.

LAUTENBERG AMENDMENT NO. 2287

Mr. LEAHY for 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:

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

SEC. .(a) The Senate finds that—

(1) Mohammad Ismail Abequa is a naturalized United States citizen who is alleged to have strangled his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994;

(2) Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994, with the couple's two children Sami and Lisa, aged 3 and 6 years old, respectively;

(3) New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6, 1994, via an international flight from London and that he had the two children in his custody upon arrival in Jordan;

(4) Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger;

(5) the children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey; and

(6) the personal involvement of King Hussein of Jordan in finding the children quickly could prevent their serious injury by Abequa.

(b) The Senate hereby express its concern both that Mohammad Ismail Abequa be brought to justice and that the safety of the two children held by Abequa be ensured.

(c) It is the sense of the Senate that—

(1) The Government of Jordan should use its resources to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey; and

(2) the appropriate officials of the Department of Justice and the Department of State should work aggressively toward that goal.

LEAHY (AND OTHERS) AMENDMENT NO. 2288

Mr. LEAHY (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. WELLSTONE, and Mr. PELL), proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

INDONESIA

Sec. . The United States should continue to refrain from selling or licensing for export to the Government of Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committee on Appropriations that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including in such areas as:

(1) complying with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significantly reducing Indonesia's troop presence in East Timor; and

(3) participating constructively in the United Nations Secretary General's efforts to resolve the status of East Timor.

BUMPERS (AND OTHERS) AMENDMENT NO. 2289

Mr. LEAHY for Mr. BUMPERS (for himself, Mr. DORGAN, and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

Strike lines 2–10 on page 10, and insert in lieu thereof the following:

"*Provided further*, none of the funds appropriated under this heading shall be available to support parliamentary training and democracy programs in the People's Republic of China."

GRAHAM (AND DECONCINI) AMENDMENT NO. 2290

Mr. LEAHY (for Mr. GRAHAM, for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 34, beginning on line 11, strike "*Provided further*," and all that follows through "activities:" on line 15.

GRAHAM (AND DECONCINI) AMENDMENT NO. 2291

Mr. LEAHY for Mr. GRAHAM, (for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 34, line 11, strike "Peru,".

DORGAN (AND HELMS) AMENDMENT NO. 2292

Mr. LEAHY for Mr. DORGAN (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following:

POLICY REGARDING HUMANITARIAN AID TO HAITI

SEC. 577. It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

BROWN AMENDMENT NO. 2293

Mr. MCCONNELL for Mr. BROWN proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL.

The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel.

BUMPERS (AND OTHERS) AMENDMENT NO. 2294

Mr. LEAHY for Mr. BUMPERS (for himself, Mr. DORGAN, Mr. BRYAN, Mr. FEINGOLD, Mr. HELMS, Mr. SIMON, Mr. KOHL, and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China.

HELMS AMENDMENT NO. 2295

Mr. HELMS proposed an amendment to the bill H.R. 4426, supra; as follows:

In Section 577, strike "other bodies" and insert in lieu thereof, "commissions".

LEVIN AMENDMENT NO. 2296

Mr. LEAHY (for Mr. LEVIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place, insert the following:

Funds made available on this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

DOLE AMENDMENT NO. 2297

Mr. McCONNELL (for Mr. DOLE) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program"

SPECTER (AND SHELBY) AMENDMENT NO. 2298

Mr. McCONNELL (for Mr. SPECTER for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 4426, supra; as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 14, 1994, beginning at 9:30 a.m., in G–50 Dirksen Senate Office Building on S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 14, 1994, to consider the nominations of John Schmidt, of Washington, DC, to be Associate Attorney General, Guido Calabresi, of Connecticut, to be U.S. circuit judge for the second circuit and Daniel Dotson, of Utah, to be a U.S. marshal for the District of Utah.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 10 a.m., in room 216, Senate Hart Office Building, to hold a hearing on the nomination of Stephen G. Breyer of Massachusetts, to be Associate Justice of the Supreme Court.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 9:30 a.m., to hold a hearing on the operations of the Library of Congress and S. 1900, to provide for the protection of books and materials from the Library of Congress.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the Veterans Health Care Reform Act of 1994 at 2 p.m. on Thursday, July 14, 1994. The markup will be held in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 14, 1994, to receive testimony from the scientific community on the scientific and technological basis for radon policy.

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

ADDITIONAL STATEMENTS

JOB CORPS

• Mr. SIMON. Mr. President, I would like to recognize the Job Corps Program for its 30 years of success in providing extremely disadvantaged youth with vocational training and job placement assistance that breaks the cycle of poverty, dependence, despair and, often, crime. Each year, Job Corps assists more than 60,000 young people in becoming productive, economically self-sufficient members of society. Few employment and training programs target high-school dropouts with low reading levels, and fewer still have had their effectiveness documented in as rigorous an independent evaluation as has Job Corps. Unfortunately, there appears to be some confusion and concern about the findings of a report issued several years ago by the Department of Labor's inspector general. I would like to insert in the RECORD a letter from Secretary Reich that addresses in detail each concern cited by those who have been critical of this program. Given Job Corps' proven track record of success, 17 of my colleagues and I have asked the Appropriations Committee to retain the increase in funding requested by the administration. I would like to insert a copy of this letter in the RECORD as well.

The material follows:

Department of Labor,
Washington, DC, July 12, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: As a supporter of the Job Corps program, I wanted to bring to your attention a recent development. Last week we received a copy of the June 30 letter sent to Senator Byrd by Senators Kassebaum (KS) and Kerrey (NE) in which they propose that the FY 1995 Job Corps budget be frozen at the FY 1994 level and that the expansion of the program be suspended. I have urged the Senate Appropriations Committee to reject this proposal.

Given the importance of the Job Corps program to the disadvantaged youth of this country, I thought it was important to set the record straight on issues that have been raised by Senators Kassebaum and Kerrey. Citing reports issued back in 1990–1991 by the Department's Inspector General, Senators Kassebaum and Kerrey suggest that Job Corps does not provide effective training and employment-related services to its target population. They have also called into question the integrity of the program and its local administrators. In both areas, I must disagree.

The Job Corps program is America's oldest, largest, and most comprehensive residential training and education program for young, unemployed, and under-educated youth. Designed for severely disadvantaged youth, the program breaks the cycle of poverty and welfare dependence by providing the vocational training and job placement that youths need to become taxpaying citizens. The program is administered through a network of 111 centers, each year serving more than 60,000 young people located in 46 States, Puerto Rico, and the District of Columbia.

The $1.0 billion program boasts a proven track record. A highly regarded evaluation of the program in the early 1980s found that Job Corps resulted in a savings for society due to increased earnings, reduced government assistance, and reductions in serious crime, with a net benefit to society of $1.46 for every $1.00 invested in the program.

Enclosure 1 contains detailed responses to each of the specific concerns that have been raised by Senators Kassebaum and Kerrey. Most of these issues are being raised on the basis of either erroneous information or misinterpretations of isolated facts and statistics taken from Inspector General reports. Enclosure 2 details the programmatic impact of the House-passed FY 1995 budget for Job Corps.

Your continued support of this successful program is important. Please feel free to contact Chris Moseley of my staff (219-6141) if you have any questions.

Sincerely,

ROBERT B. REICH,
Secretary of Labor.

RESPONSES TO STATEMENTS IN KASSEBAUM-KERREY LETTER

There is no new OIG report on the Job Corps. The following statements by Kassebaum and Kerrey refer to OIG reports that were issued in 1990-1991.

Statement. High compensation for Job Corps center executives. The IG found 5 of 11 CEOs of individual program sites earned salaries and bonuses amounting to more than $160,000 annually. One center director earned $327,352.

Response. This statement is not true. The December 3, 1990 OIG report referenced clearly indicates that compensation for center directors ranged from a low of $32,615 to high of $87,012.

The CEOs referred to are not directors of individual program sites. They are CEOs of major corporations or subsidiaries which have contracts to operate Job Corps centers along with a variety of other businesses (e.g. Teledyne and ITT). The $327,352 cited as a center director's salary is actually the total compensation of the President of a firm whose principal business is in the defense industry. Only a small prorata share of that CEO's salary is paid by Job Corps. Apportioning executive level compensation among a number of different contracts is a required accounting procedure for such indirect costs that are incurred under government contracts.

The 1990 OIG report states specifically "* * * the majority of the executives, as individuals, appeared to receive reasonable compensation." In addition, Job Corps conducted a study which indicated that Job Corps executives are compensated at rates well below industry averages. All salaries for employees covered by Job Corps contracts are specifically reviewed and approved before the contracts are awarded.

Statement. There is no performance criteria for bonuses paid.

Response. While this finding did apply to some contractors during the period covered by the 1990 OIG report, Job Corps and the Office of Cost Determination responded immediately and have insured that all bonus plans are now documented and strongly correlated with center performance.

Statement. Five operators improperly charged the bonuses as indirect costs to the program.

Response. Payments of these bonuses were not improper and there were no disallowed costs. The OIG directed that these expenses be classified as direct rather than indirect. This is an accounting distinction only. Job corps has required all contractors to adhere to the correct accounting procedures in this area. Indirect cost allocations are reviewed and approved through regular reviews by the Department's Office of Cost Determination.

Statement. Extremely high trainee dropout rates. Out of approximately 60,000 students who started the PY 1992 program, more than 25,000 (43%) dropped out and were not placed or their whereabouts were unknown. The majority of those left the program within the first 90 days.

Response. This statement leads to the inappropriate conclusion that an early dropout rate in this range represents poor program performance. This is not the case. The apparently high dropout rates exist because of the strict discipline and behavioral codes at Job Corps that are part of its success. The Mathematical evaluation shows substantial overall gains in earnings for enrollees even after averaging the performance of those who dropped out early. The social benefits still greatly outweigh the costs.

Job Corps serves severely disadvantaged youth. The typical enrollee is an 18 year old economically disadvantaged minority male who is a high school dropout who reads at the seventh grade level and has never held a full time job. In addition, a substantial number of these youth have had prior contact with the criminal justice system, test positive for substance abuse and come from families receiving public assistance.

Job Corps data for PY 1992 indicate that 69% of these severely disadvantaged students stay beyond the early dropout period of 3 months. The great majority of students are therefore successful in adjusting to a disciplined, regulated residential program. In order to obtain substantial reductions in the early dropout rate, it would be necessary to pre-screen otherwise eligible young people on the basis of likelihood to succeed—a practice referred to as creaming.

While early dropouts do not generally obtain GED's or complete vocational training, they do receive placement services. Even the OIG report indicates that only 15% of dollars invested are for participants who receive no measurable results. Moreover, relatively few dollars are spent on short-term stayers.

The placement results for these early dropouts are included in the overall Job Corps placement rate and other performance statistics.

Statement: Only 14,445 (about 24 percent) of the starting class completed one of the vocational skill programs, which is a primary goal of Job Corps.

Response. This statement is factually incorrect. Job Corps data for PY 1992 indicate that 19,731 students (32 percent of all terminees) completed their vocational training. In addition, 10,931 (18 percent of all terminees) obtained a GED, which is another important Job Corps goal. Job Corps strives continually to increase these positive outcomes.

Statement. Low (12 percent) job-trade match placement of trainees and Job Corps' questionable accounting procedures of these placements.

Response. The goals of Job Corps are to raise employment rates, increase earnings, increase educational attainment and reduce involvement in crime. The Mathematica evaluation shows that it has succeeded admirably at doing this. Training in a particular trade is a means toward these real goals, not an end in itself. If training in a particular field motivates a young person to get more education and/or leads to success in another field, then we still consider that a success. By any reasonable measure, Job Corps is successful at doing this.

More important than job training match placements, the issue is whether the Job Corps curriculum and approach increase earnings and employment, reduce serious criminal activity, and other socio-economic outcomes for participating youth relative to what they would have been without Job Corps and whether it does so in a cost effective manner. The evaluation evidence indicates that Job Corps does perform well in this regard.

A major new longitudinal evaluation study to update these findings is currently underway. Annual program outcomes data have been consistent since the last study.

Looking at the issue from the narrow job-trade match placement perspective, the Job Corps data shows that 38 percent of those who obtained jobs did so in training-related occupations. The 12 percent figure cited above inappropriately measures training-related placements against all terminees, including those who entered college or other educational institutions, as well as those who were not successfully placed.

Statement. Insufficient job placement performance measurement—A trainee is considered placed if he/she is verified to have worked 20 hours during the first week on the job. No other follow up is required.

Response. The Job Corps termination placement definition is correct as stated and meets or exceeds the measurement employed by other Federal employment and training programs. The placement definition is currently under review by Job Corps in light of JTPA amendments and government-wide efforts to develop common core data elements for all training programs.

ADDITIONAL STATEMENTS IN KASSEBAUM AND KERREY PRESS RELEASES

Statement. Job Corps claims a 70% placement rate of its graduates in jobs or colleges, but the IG has disputed that figure. The IG has argued that that actual total placement is about 57% and a majority of those placed end up in low pay, entry level jobs they could have obtained without the program.

Response. The DOL Congressional budget submittal for 1995 projects a 70% placement rate. This is based on new management emphasis on placement activities and represents a modest increase over the 65% percent actual level that has been reported for PY 1992, the most recent year for which complete data are available.

An overall placement rate in PY 1992 of 65% represents nearly 40,000 young people moving from dependency to employment or full-time education. The overall placement rate represents a combination of terminees who are located after leaving the centers plus an estimate of placements that occur among the relatively small portion of terminees who cannot be located after termination. The estimating procedure assumes that only 34% of those not located obtain jobs. This is a conservative estimating procedure that reflects only the self placement experience of terminees generally.

The 57% OIG figure does not accurately portray the Job Corps placement rate. This figure was developed by OIG on the assumption that none of the terminees who could not be located obtained jobs. The latest OIG report addresses the estimating procedure currently being employed and argues only for an alternative methodology.

Given the severely disadvantaged nature of Job Corps students, even if the OIG methodology for determining the placement rate were accepted, a placement rate of 57% should be considered a success. A 57% placement rate for youth who are all economically disadvantaged, reading on average at the 7th grade level, and often have a history of drug abuse or involvement in the criminal justice system should be a success by any standard. It is the reason Job Corps was and

continues to be one of the model programs for the past 30 years and the reason the Administration proposes to expand this success.

Statement. Job Corps placement contractors are paid for placements, even when students find their own jobs.

Response. This statement is incomplete. The unit cost payments stated in terms of placements are intended to cover costs that go beyond those for direct placements. These unit cost payments are structured to reimburse a wide range of services, including job development, gathering information from former students, contacts with employers for placement verification, documentation of placement results and report submission.

Statement. Consistently poor performing Job Corps centers continue to operate without improvement or a decision to close them.

Response. This statement does not reflect actual practice. For the 79 privately-operated contract centers, performance assessment is an integral part of the Job Corps procurement process. Job Corps centers are closely evaluated against formal performance standards and reviewed on an annual basis for compliance and quality. An assessment of poor performance impacts contracting decisions regarding continued operation of a center as well as the firm's prospects in competing for other center contracts. Contracts for operating centers are let for a two year base period and include three option years, for maximum duration of five years.

The impact of Job Corps emphasis on performance in procurement is demonstrated as follows: In the past two years, 20 contracts were terminated prior to their maximum duration, most of these on the basis of unfavorable performance assessments.

During the same period, 27 procurements were conducted for center operations contracts. In 16 of these, incumbents were challenged and new center operators were selected in 7 instances.

This approach to remedying poor performance at privately operated contract centers by changing center operators makes more sense than closing centers and abandoning a 20+ million dollar taxpayer investment in training facilities.

Thirty centers are operated by other Federal agencies, the Department of Interior and the Agriculture Department, under an interagency agreement. In cases of poor performance by any of these federally-operated centers, the Department of Labor works closely with agency management to improve performance. When that fails stronger measures are taken. For example, Job Corps had to close a center (for more than a year) in one situation and temporarily discontinue student enrollment in several others. Unlike the contracted centers, the Department of Labor is not able to bring in new organizations to operate these federally-administered centers in the case of poor performance.

Statement. Daily absenteeism of 50% of trainees on residential sites.

Response. This statement is incorrect. Job Corps data indicate that, on average, 88% of all students are present on center. The remaining 12% are absent from the Job Corps center for reasons such as illness, family emergencies, annual leave or unexcused absences.

EXPLANATION OF HOUSE-PASSED JOB CORPS FUNDING LEVEL

The Administration's FY 1995 request for Job Corps calls for a continuation of steady expansion of this high-return investment in our nation's disadvantaged youth. The House-passed level includes $1,107 million for the program, an increase of $67 million over the FY 1994 level ($49 million below the President's original request).

The requested increase is largely related to needed funding for the existing centers and construction funding for the eight new centers (announced in early 1994) that Congress approved in the FY 1993 and 1994 appropriations. Only a small portion ($15 million) of this increase is related to further expansion of the program to six new centers.

Included in this request is an increase of $36 million to simply cover increased operating costs at the existing 111 Job Corps Centers. Most of this cost increase is of an uncontrollable nature, e.g., negotiated salary increase, inflationary increases in the costs of food, clothing, utilities, etc. A portion of the increase is also needed to cover planned increases in capacity with centers where new dorm construction will be completed between new and FY 1995. Without these funds, fewer students will be served.

The House-passed level includes $36 million—an increase of $16 million over the FY 1994 level—for construction funds for new centers. This action simply follows through on the commitments Congress has made over the past two years to program expansion. Without these additional funds, construction of the eight new Centers cannot be completed. This request includes the funds to continue progress on construction for the following eight new Centers: Loring AFB; Maine; Fort Devens, Massachusetts; Homestead AFB, Florida; Memphis, Tennessee; Montgomery, Alabama; Flint, Michigan; Chicago, Illinois; and Treasure Island Naval Station, California.

Finally, the House-passed level includes an increase of $15 million to initiate six additional centers. These funds are needed to order to continue the long term expansion initiative known as the "50/50" plan. This amount represents first year facility funding to initiate these six additional centers. Without these funds, no new Centers can be selected this year.

U.S. SENATE,
Washington, DC, July 8, 1994.

Hon. TOM HARKIN,
Chairman, Labor-HHS-Education Appropriations Subcommittee, Washington, DC.

DEAR TOM: We are writing to ask that you retain the Administration's request for an increase in funding for Job Corps, our nation's largest, most comprehensive and effective residential vocational and educational program for unemployed and undereducated youth. Job Corps helps America's hardest to employ youths become responsible, productive, independent citizens.

Job Corps stands out as one of our country's most successful job training programs. It serves approximately 65,000 students each year in 108 centers throughout the U.S. Job Corps has a successful placement rate of 65 percent.

The average Job Corps student is 18 years old, reads at a seventh grade level, has a disruptive home life, has never held a full-time job, and comes from a family with an income of under $7,000. More than 80 percent are high school dropouts.

More than 1.5 million Job Corps participants have been prepared for jobs, the military, and advanced educational opportunities since its inception in 1964. We are pleased that last year Job Corps announced its expansion to nine new centers, serving an additional 3,600 youth who are most at-risk. Nevertheless, in Illinois, for every student enrolled in Job Corps there are 65 young people who are eligible and in need but who go unserved.

According to the Mathematica Policy Research study, for every dollar invested in Job Corps, $1.46 is returned to the economy through reduction in income maintenance payments, the costs of crime and incarceration, and through increased taxes paid by Job Corps graduates. In addition to improving their future earnings ability, Job Corps participants are less dependent on welfare and unemployment insurance.

As you know, the President has requested an 11 percent increase in Job Corps appropriations for next year. We think this is a crucial investment.

Thank you for your consideration.

Cordially,

Paul Simon, Edward M. Kennedy, Bob Graham, Barbara Boxer, Harris Wofford, George Mitchell, Howard Metzenbaum, Jim Sasser, Carl Levin, Harlan Mathews, Carol Moseley-Braun, Richard C. Shelby, Howell Heflin, Herb Kohl, William S. Cohen, Donald Riegle, Orrin Hatch, Harry Reid.•

THREE CHEERS FOR WEST WARWICK HIGH SCHOOL

• Mr. CHAFEE. Mr. President, I would like to pay tribute to the outstanding performance of the team from West Warwick High School, West Warwick, RI, in the "We the people. . . The Citizen and the Constitution" national competition.

The national competition was held in Washington, DC, from April 30–May 2, 1994. These outstanding young students from West Warwick competed against 47 classes from schools throughout the Nation. The "We the People" program is the most extensive of its kind, developed to help students understand the history and principles of the U.S. Constitution and Bill of Rights, and to learn to participate responsibly in our political system.

The 21 students from West Warwick High School, as well as the young men and women from around our Nation, demonstrated an excellent understanding of the fundamental ideals and values of the U.S. Government. Throughout the competition these students exhibited a great deal of teamwork and cooperation—characteristics that will serve them well in the years to come. These students had the opportunity to meet and talk with many other students from around the Nation, which certainly added to the educational experience of all involved.

Programs such as "We the People" are extremely influential in promoting the desire to be educated and to be involved in our Government. Being a part of this program and competition bestows a great deal of honor on all who participated. The family and friends of those involved must be very proud, as am I. Good luck to these students, some of whom may be leaders of their generation, in future endeavors.

I commend the achievements of these students, and congratulate their teacher and all the faculty at West Warwick High School for a job well done.

Mr. President, I ask that the names of these exemplary West Warwick High School students and their teacher, Ellen Garland, be entered into the CONGRESSIONAL RECORD, as follows:

Lauren Bentley, Krista Bourgoin, Greg Brennan, Kimberly Caressimo, Jennifer Cook, Michael Cook, Paul Gauvin.

Carolyn Gereau, Deborah Goldgaber, Christopher Grenon, Erin Hearne, Christina James, James Jeff III, Steven Joseph.

Benjamin Lyttle, Geoffrey Monti, Erin Murray, Christopher Phillips, Kristie Piascik, Angela Rossi, Pablo Suarez.•

DESIGNATING THE WEEK OF OCTOBER 17 AS "NATIONAL CHARACTER COUNTS WEEK"

• Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues in bringing attention to the importance of character by designating the week of October 17 as "National Character Counts Week." It is not surprising that there is growing sentiment in the United States that our Nation is losing sight of the basic values upon which it was founded. You only need to read the front page of your local newspaper or listen to the news report of your favorite radio or TV station to have a growing sense of frustration about the moral health of our communities. The danger we face is letting that frustration turn into a sense of apathy and despair.

Our communities are not abstract entities, for they consist of ourselves, our families, neighbors, and fellow workers. Our community of friends and acquaintances we interact with on a day-to-day basis flourishes when we base those interactions on such principles as trustworthiness, respect, responsibility, fairness, caring, and civic responsibility. We must find ways of encouraging and honoring the use of these principles of character in our everyday lives. Designating the week of October 17 as "Character Counts Week" gives us an opportunity to heighten all of our awareness of the importance of a strong set of values for our community and that each of us has a direct responsibility in nurturing those values.

The causes of violence, drug abuse, alcoholism, abusive behavior, and teenage pregnancy are not unrelated to the strength of our collective set of values. Nor should we assume that strong character is an innate and self-nurturing trait available in equal measure in each of us. We struggle with value choices each day: having courage of one's convictions while practicing respect for the views of others; supporting individual rights while at the same time understanding one's societal responsibilities; doing what is right for the long run instead of going against one's moral precepts for short-term gain. These choices many times are difficult and all of us from time to time need reinforcement of their underlying precepts.

For our youth we must assure that we have built an appropriate foundation before any reinforcement of values can have an impact. Through the involvement of family, schools, community, and religious organizations we can both build and reinforce that foundation. I am committed to working with my colleagues to find ways to build character education into public and private programs through leadership and legislation.•

THOMSON CONSUMER ELECTRONICS, INC.

• Mr. LUGAR. Mr. President, for many years, Thomson Consumer Electronics, Inc., and its predecessor company, RCA Consumer Electronics, has been a major corporate citizen of Indiana, employing thousands of men and women at its facilities in Indianapolis, Bloomington and Marion. Thomson Electronics is perhaps best known as the company that makes and markets the RCA, GE, and ProScan brands of color TV and other video products.

I rise today to recognize and salute a Thomson executive who has contributed so much to his company, industry and Nation. D. Joseph Donahue, Thomson's Senior Vice President for Technology and Business Development, is retiring this month following a distinguished 43-year career in the U.S. electronics industry. During these four decades, Joe Donahue has held a variety of senior management posts in engineering, manufacturing and marketing, including CEO positions in both semiconductors and consumer electronics.

After joining Gen. David Sarnoff's team at RCA in 1951, Joe Donahue helped pioneer the development of the first color picture tube, holding a number of key patents still in use today by the picture tube industry. Later in his career, he returned to this field as vice president of engineering at RCA Picture Tubes.

Joe Donahue's vast experience also includes 17 years with RCA Semiconductors, where he held a number of key posts including CEO of RCA Solid State. He joined RCA Consumer Electronics in 1977 as vice president, operations, with overall responsibility for engineering, purchasing, manufacturing, and product assistance.

Under his direction, the company's flagship plant in Bloomington, IN, was automated and became the world's largest color TV receiver manufacturing facility, a distinction it enjoys to this day. In 1982, Joe was named CEO of RCA Consumer Electronics, where he further strengthened RCA's market leadership in color television, VCRs and camcorders.

Five years ago, Joe Donahue arrived in Washington as senior vice president for technology and business development, with special responsibility for advanced television systems. Through his work, he brought to the high-definition television [HDTV] policy debate the perspective of someone intimately familiar with digital video research and development. He immersed himself in industry and government activities continuing his positive work with the electronics industry.

Joe Donahue was a founding member and principal in the advanced television research consortium [ATRC] which developed the "Advanced Digital HDTV" system, one of the leading contenders in the FCC's HDTV selection process. When an FCC advisory committee recommended that the major proponents join forces in a so-called "Grand Alliance," Joe Donahue played an active role in identifying and integrating the attributes of the competing technologies into a "best of the best" HDTV system for the United States. He also serves as chairman of a worldwide industry effort aimed at developing a digital HDTV recording [VCR] standard.

Mr. President, I know that my colleagues will join me in recognizing Joe Donahue's long and distinguished career with Thomson Consumer Electronics. I join his family and many friends in wishing him well in what I know will be an active and productive retirement.•

EDDIE EDWARDS

• Mr. WOFFORD. Mr. President, I rise today to salute the hard work of Mr. Eddie Edwards who was recently honored by the western Pennsylvania N.A.A.C.P. branches for his contribution to the African-American community and his work as one of the very few African-American television station owners.

On Martin Luther King's birthday in 1991, Mr. Edwards became the first African-American to own a television station, WPTT-TV-Pittsburgh, in the top 20 broadcast markets in the United States. Having worked with Martin Luther King, I know he would have found this achievement appropriate. When Martin was assassinated, he was beginning to tackle in earnest the issues of economic empowerment and the opportunity to not just sit down at the table but to own it.

Barely over forty, Eddie Edwards is one of the youngest owner-operators in the broadcasting business and already is a "veteran" with 25 years of experience in the field.

And, Mr. President, on top of all the professional success he has enjoyed, Mr. Edwards has still found time to be very active in the Pittsburgh community. He has worked to make a real difference in the lives of young people with his work on the National Board of Directors of Boy Scouts of America and the "Toys for the Needy" Campaign that he initiated with the Salvation

Army. He is the husband of Willette and the proud father of Eddie, Jr. who is now at Penn State.

I am delighted to join with the 27 N.A.A.C.P. branches of western Pennsylvania and their Regional Director, Mr. Charles Stokes in recognizing the many accomplishments of Mr. Eddie Edwards.●

OCEAN FREIGHT REIMBURSEMENT PROGRAM

● Mr. D'AMATO. Mr. President, I am concerned that at a time when private volunteer organizations [PVOs] are virtually overwhelmed with requests for assistance of all kinds in the Caribbean Basin, a source of extremely valuable support, AID's Ocean Freight Reimbursement Program [OFRP], will apparently not even receive the level of funding available last year for the shipment of urgently needed supplies.

In report 103-287 the Senate Appropriations Committee strongly commends the efforts of private volunteer organizations, stating that PVOs provide invaluable support in implementing programs to meet basic needs in both development and emergency situations. The committee also recommends that best efforts be made by the Agency to provide funding at last year's levels to several specified programs, including the Ocean Freight Reimbursement Program.

I am therefore extremely disturbed to learn that, far from the committee's OFRP recommendation to fund at the same level as last year, the Agency has capped these funds to a maximum of $150,000 for any qualifying PVO, which means of course that the level of actual goods supplied this year will have to be reduced by some quarter of a million dollars if the balance of the freight costs must be picked up privately. Many other PVO's benefiting from the OFRP must find themselves in the same position.

Mr. President, at a time when the Nation finds itself in need of all the assistance it can get from friendly sources overseas and in particular in the Caribbean, it is utterly shortsighted to curtail an inexpensive and exceptionally useful program such as the OFRP, which helps to maximize substantial private sector contributory effort.

The Ocean Freight Reimbursement Program should in fact be augmented rather than decreased. It should, at the very least, continue to be funded, as we have recommended, at the same level as last year. I urge the attention of my colleagues to this important matter.●

ORDERS FOR FRIDAY, JULY 15, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Friday, July 15, 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; that immediately thereafter the Senate resume consideration of H.R. 4426, the Foreign Operations Appropriations bill, under the limitations and conditions of a previous unanimous consent agreement.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. 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 11:53 p.m., recessed until Friday, July 15, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1994:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

RALPH EARLE II, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, VICE STEPHEN READ HANMER, JR., RESIGNED.

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1999. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

WILLIAM HENRY VON EDWARDS III, OF ALABAMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS, VICE THOMAS C. GREENE.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14, 1994:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Michael Nacht, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Amy Sands, of California, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Lawrence Scheinman, of New York, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, U.S. Arms Control and Disarmament Agency, with the rank of Ambassador.

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, U.S. Arms Control and Disarmament Agency, with the rank of Ambassador.

The above nominations were approved subject to nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

TAIWAN'S COMMITMENT TO REFORM AND INTERNATIONAL COOPERATION ARE CONSISTENT WITH UNITED NATIONS IDEALS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. SMITH of New Jersey. Mr. Speaker, Taiwan has not been represented at the United Nations since 1971 when it was replaced as the sole representative of China by the People's Republic of China.

However, much has changed in Taiwan, and globally, since 1971. According to many reports, including our own Department of State's Country Reports for 1993, Taiwan has made great progress—politically, economically, and socially. Democratic reforms, including multiparty elections, have ensured greater representation of all peoples. Free and fair local elections were held late last year. The military has moved toward greater political neutrality and the law enforcement is under the control of civilian police agencies. Restrictions on political dissidents and greater freedom of press and media have also added to Taiwan's growing list of freedoms and democratization. Taiwan's free market economy makes it a major international player, ranked 20th in terms of GNP. According to one expert, Dr. Hendrick Spruyt of Columbia University, Taiwan has "helped lead the explosive growth of all the East Asian countries."

Currently, 28 countries maintain diplomatic ties with Taiwan and although they have been included in some international organizations—APEC and the Asian Development Bank—the 21 million people living on Taiwan have no voice at the United Nations. Even our own Nation, with all of the economic and trade ties, does not have official ties with Taiwan.

In contrast, the People's Republic of China, which has representation in the United Nations and official diplomatic ties with the United States, has continued on a course which suppresses political dissent, tightly controls the press and media, violates almost every international standard for human rights, and refuses to cooperate with the international community in areas of global security. Every human rights report issued about China lists it as one of the most egregious violators of human rights in the world today. Many of its population control policies and eugenics laws have been compared to policies and laws enacted by the Nazi's in Germany.

In May, President Clinton reversed his China policy and without apology to the millions of victims of the People's Republic of China's prison-labor camps, forced abortion and sterilization policies, restrictive religious laws, and other forms of repression, rewarded the dictators with MFN.

It is amazing that forces directly opposed to the values and ideals of our Nation are rewarded while those who are victimized for their support of freedom, human rights, and democracy are silenced.

Mr. Speaker, Taiwan has made great strides in democratic reform and in protecting the rights of its people. Yes, the reform process is far from over, but Taiwan is moving in the right direction. Dr. Parris Chang, cochairman of the Foreign Affairs Committee of the Yuan and a member of an opposition party, speaking in New York last year, said that Taiwan is seeking membership in the United Nations "to show the world that Taiwan cares. We don't just want a seat in the United Nations, but we want to be able to contribute to the peace and well being of the world."

Mr. Speaker, I am a cosponsor of House Concurrent Resolution 166 expressing the sense of the Congress that Taiwan be represented in the United Nations. I urge my colleagues to support this resolution, as well. The Government of Taiwan is moving toward protecting the rights of its people and ensuring that they have a greater voice in their own nation. Just as they are leaders in the economic growth of Asia, with representation in the United Nations Taiwan could also become a leader in promoting human rights and democratic reform globally, as well.

TRIBUTE TO KYLE P. HIGGINS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Kyle P. Higgins of Troop 44 in Matunuck, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Kyle blazed a nature trail at Matunuck Elementary School.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Kyle P. Higgins. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Kyle P. Higgins will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family, who this week salute him.

HONORING FALLEN FIREFIGHTERS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. WELDON. Mr. Speaker, yesterday I took 1 minute to honor the firefighters who gave their lives in the line of duty as they fought the forest fire in the South Canyon of Glenwood Springs, CO. At that time, the Speaker pro tempore granted me the opportunity to insert the names of these fallen firefighters into the CONGRESSIONAL RECORD once they were available to me. I would like to take that opportunity at this time.

These firefighters are heroes who died while fighting to protect the lives and property of Americans. I hope we all will take the opportunity to recognize the selflessness and the risks faced by America's first responders in each of our communities everyday. In addition, I ask you to please join me by including in your prayers the following firefighters who lost their lives in the South Canyon fire and their families: Don Mackey; Roger Roth; James Thrash; Richard Tyler; Robert Browning; Jon Kelso; Kathi Beck; Scott Blecha; Levi Brinkley; Bonnie Holtby; Rob Johnson; Tami Bickett; Doug Dunbar, and Terri Hagen.

ROHRABACHER MOTION TO INSTRUCT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. DURBIN. Mr. Speaker, the Rohrabacher motion to instruct the House conferees on the crime bill to accept the Senate approved Exon amendment contains language which I support. I agree that undocumented aliens should not be eligible to receive aid to families with dependent children [AFDC], food stamps, supplemental security income [SSI] benefits, Medicaid—except for emergencies, legal aid, JTPA

funds, unemployment benefits, and Federal aid to college students.

In fact, under existing law, undocumented aliens are already ineligible for virtually every one of these programs.

During floor consideration, Mr. ROHRABACHER conceded that there was a serious flaw in his motion to instruct. The motion, as drafted, would eliminate benefits for U.S. nationals who currently pay taxes and serve in the U.S. military.

It would be unfair and unjust to treat these U.S. nationals as undocumented aliens and declare them ineligible for these programs.

For that reason, I opposed the Rohrabacher motion to instruct.

TRIBUTE TO BARRY MAYO

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Mr. Barry Mayo, a prominent and successful radio broadcaster, who is being honored for his 20 years in the radio industry by the Midwest Radio and Music Association at their fourth annual convention in Chicago.

Mr. Mayo began his career in 1976 in Little Rock, AR. In 1978, he came to Chicago as program director of WGCI–FM, where, in a very short period of time, he brought WGCI from 17th place in the Chicago market to 1st.

In 1988, Mr. Mayo formed v.p. Broadcast Partners, and bought five ailing radio stations, including WVAZ–FM in Chicago. Within a year of going on the air with an adult alternative format, WVAZ–FM became the No. 1 adult radio station in Chicago.

A winner of numerous broadcasting awards, including Rhythm and Blues Magazine's "General Manager of the Year," Mr. Mayo has had a remarkably interesting and successful career. Furthermore, he has contributed significantly to the diversity of Chicago's radio market. I am pleased to enter these words of tribute and congratulations into the RECORD.

WARDS OF HOPE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BURTON of Indiana. Mr. Speaker, as many of our colleagues are well aware, Hadassah is an organization of Jewish women in America and around the world which has achieved a tremendous amount in terms of its humanitarian service to mankind. Through Hadassah Hospital in Jerusalem, as well as its medical outreach programs in Africa, Hadassah has been at the forefront of medicine, and has thus advanced the well-being of Israelis, Arabs, Africans, and others.

The wonderful, dynamic president of Hadassah, Mrs. Deborah Kaplan, recently visited the Hadassah Hospital in Israel, and wrote this inspiring article concerning Hadassah's role and the current situation in the Middle East. I commend this fine article from the April issue of Hadassah magazine to my colleagues.

WARDS OF HOPE

(By Deborah B. Kaplan)

Hope is easier to find on a child's face than on an adult's, and on the index of optimism nothing beats a smiling child in a hospital. That's why I arranged to be at Hadassah Hospital on Purim. More than other holiday, Purim comes to our medical center like a liberating force, bringing joy, even if it is temporary, to all who are touched by it.

In the midst of the holiday atmosphere, staff and volunteers—including members of Hadassah-Israel and their families—distributed mishloah manot to the children. At any given time about one-third of the patients at our Ein Karem hospital are Palestinians, and the goody bags filled with fruit, candy and toys were given to every child, not just the Jewish ones.

Normally I wouldn't even think to comment on the equal treatment given to Arabs and Jews at our hospitals, but Purim this year turned out to be anything but normal. Eleven of the wounded from the Hebron massacre had been brought to our door that morning. Four of them required surgery and all eleven survived. In the emergency room I stood between one of the injured worshipers and an Israeli soldier who had been wounded in the rioting that followed the Hebron attack.

As soon as we received word of the massacre, Dr. Avi Israeli, Hadassah's deputy director of medical affairs, called the directors of Palestinian hospitals in the Hebron vicinity, offering any help necessary—either receiving patients or sending equipment or supplies. The offer was refused. No one is quite certain how some of the victims were sent to Hadassah, given the Palestinians' deliberate avoidance of Jewish help. I suspect they were sent before consideration was given to political concerns. Sending patients to Hadassah Hospital is an instinctive act for Arab and Jew, and in an emergency instinct usually comes before politics.

When Baruch Goldstein fired into the crowd at the Tomb of the Patriarchs he not only murdered innocent men at prayer, he also assaulted our ethical foundation. As I visited his victims I was torn between many emotions—concern for the men before me, grief for the families of the dead, sadness that the murder had been committed by a Jew and irritation that Jews are made to feel responsible, by ourselves and by others, for the act of one madman in our midst.

I also feared that the killer may have accomplished what he set out to do—put the peace process into a tailspin from which it cannot recover. He tried to murder hope.

But outraged as I am by the action of a Jewish terrorist, something else gnaws at me. The finely tuned Jewish sense of justice tells us when to condemn our own, where to draw the line between self-defense and murder. Goldstein stepped way over the line, and never have I heard a more forceful condemnation of a crime than Prime Minister Rabin's denunciation of what happened at the Tomb of the Patriarchs.

Perhaps my deepest concern is not that the peace talks will fail, but that we will never be able to communicate fully with neighbors who do not have a similar sense of justice.

I have just finished a letter of condolence to Fay Eisenstadt, a Hadassah member from America who has lived in Israel for many years. Shortly after the Hebron attack her husband, Morris, was at a bus stop near their home in Kfar Saba when Palestinian terrorists bent on revenge hacked him to death.

A few days later I was with a delegation from the Conference of Presidents of Major American Jewish Organizations that met with Palestinian leaders in Jerusalem and I asked an Arab spokesman if he or his representatives ever expressed outrage or condolences to the family when a Palestinian killed a Jew.

I am still waiting for an answer. But in my heart I know that if the Arab world went through the same kind of introspection that Jews practiced after one of their own committed a racist murder, it is terrorism, not the peace negotiations, that would come to a halt.

We have just commemorated our liberation from Egyptian slavery, and everything I saw last month in Israel—from the country's resilient daily existence to its ability to deal with its problems like a mature nation—reminded me of the benefits of freedom. Sovereign, democratic nations are not free of crime or hate, but they offer their citizens the capacity to use the best that is in them to combat the worst. Our own history mixes well with our freedom. Israel has made it clear that it doesn't want to rule over others any more than it wants to be enslaved.

But as I look at what the Palestinians regard as their own struggle for liberation, I strain to see resemblances to ours. In one breath the Palestinian leadership demands release from Israeli occupation and in the next they delay Israel's already promised withdrawal from Gaza and Jericho. Logic would dictate that the murder of their people would make Palestinians more anxious than ever to make the negotiations work, but for the moment it seems that logic, too, was a victim in Hebron.

Meanwhile, Israel continues to build for the future. A few yards from where I visited Purim celebrants and terrorist victims a new Children's Pavilion is rising at Hadassah, to be dedicated at our Jerusalem convention in July 1995. It will be a child-friendly center and another home for hope.

I can't be certain of the political future, but I know that when the pavilion is completed good care and goody bags will still be given to all.

THE TIME TO LIFT THE ARMS EMBARGO ON BOSNIA HAS COME

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to express my support for lifting the arms embargo on the Government of Bosnia.

The history of the tragic conflict in the former Yugoslavia is well known. The scale of the slaughter in Bosnia is unsurpassed in Europe since the days of the Second World War. Yet while thousands of Moslems continue to suffer and die at the hands of the Serbian aggressors, the United States, the European community, and the United Nations sit by, unwilling or unable to do anything about it.

This tragedy cannot be stopped by waiting for a diplomatic solution to appear out of thin air. For negotiations to work, diplomacy must be backed up by some penalty for refusing to negotiate a settlement. The Serbs, who have a virtual monopoly on firepower and little regard for international opinion, have no incentive to reach such an agreement. At the dawn

of the cold war, George Kennan, one of this country's most distinguished diplomats, described Stalin's Russia as "impervious to the logic of reason, but highly sensitive to the logic of force." The same could be said of today's Serbia. Hand ringing rhetoric, and stern warnings will do nothing to help the Bosnia Moslems. The only way to stop the Serbian onslaught is to resist it with credible force. And there are only two ways to do that.

The first is direct military involvement. While the U.S. air strikes around Gorazde and our shooting down three Serbian aircraft suggest that the administration may have already started down that path, it still appears unwilling to put credible force on the ground. The United States public also does not seem ready to support sending United States troops into Bosnia.

The second option is to allow the Bosnian Moslems to defend themselves by lifting the arms embargo. The Bosnian Government has repeatedly called on us to take this step. They understand the risks that lifting the embargo will present. But they also understand that ending the genocide will require confronting the Serbs with credible military resistance. Only then will the Serbs have anything to fear for continuing their campaign. Only then will they have an incentive to negotiate and abide by a peaceful settlement.

There are those who contend that the United States should not act unilaterally, but should instead wait for the United Nations to lift the embargo. Mr. Speaker, we have been waiting for the United Nations to provide leadership in Bosnia for over 2 years. Nothing has been done. Every day, every minute that we wait for the United Nations to make up its mind, more people die. United States leadership in Bosnia is critical.

The argument that withdrawing from the embargo on Bosnia will encourage our allies to drop out of other embargoes we support, such as Iraq, is absurd. Iraq was embargoed because it was an aggressor. Bosnia is the victim of aggression. There is no reasonable comparison between the two cases.

Finally, the Bosnia embargo is not only immoral, it is also illegal. Article 51 of the U.N. Charter guarantees every state the right to defend itself against aggression. This Congress has already reached the decision that the U.N. arms embargo violates article 51 and is therefore prohibited by international law. In light of this, the argument that we should not act because of a U.N. policy that is antithetical to one of the most important tenets of its own charter, is doubly absurd.

Mr. Speaker, there is no simple solution to the Bosnian tragedy. The day when we could have hoped for a happy ending are long passed. Lifting the embargo now will not bring the victims of Serbia's ethnic cleansing back to their families. It will not even guarantee a completely fair and equitable peace settlement. But it will give the Bosnian Moslems the strength to stand up for themselves and resist. Only then is there any hope of ending the conflict.

COMMENDING THE WORK OF FREEDOM HOUSE AND THOSE WHO WORK FOR THE RIGHTS OF CHILDREN FORCED INTO PROSTITUTION AND SLAVERY IN SOUTH ASIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. SMITH of New Jersey. Mr. Speaker, quite often it is the children of the world who must suffer at the hands of those who abuse their positions of power and authority. Throughout the world there are social, economic and cultural conditions which contribute to the abuse and exploitation of children. Quite often those who are most vulnerable and are deserving of our care—yes, even our protection—are victimized by those who create abusive conditions. What is tragic about the abuse of children is that most of them have no hope of overcoming their situation. In fact, there are cultural structures and even laws which support and promote the abuses, rather than protect those who are abused.

Most nations have laws which regulate child labor and seek to protect them from the abuses to which they are subjected. However, many of these nations fail to adequately enforce these laws for any number of reasons. In some nations, the problem is so extensive that they lack the resources to enforce them. In other nations, cultural and social structures which support and promote these abuses are so entrenched that it is often difficult to re-educate the population. Sadly, in some nations, the desire for expanding profits and economic greed completely override any concern for the child and entire industries give free reign to build on the lives of children.

Mr. Speaker, only a few weeks ago the House of Representatives passed an important child protection measure when we passed—with only three dissenting votes—the Smith-Doolittle amendment, House Joint Resolution 281, to the crime bill. This amendment condemned the Justice Department's weakening of the child pornography laws of the United States. On June 9, a Federal appeals court also rejected the attempt to weaken the law and reafirmed congressional intent behind the tough Federal statutes. Mr. Speaker, children need protection from forces which will abuse them, forces that can go unchecked if not regulated and enforced by law.

Our concern for the children cannot stop at our shores. Millions of children, children the same age and younger than my own children, are victims of horrible labor conditions, sold into slavery and forced into prostitution. Young girls who are sold as child brides are often beaten, raped, and many are murdered—often over dowry disputes.

Mr. Speaker, today I would like to commend Freedom House for its commitment to children by publicizing the widespread abuse of children and women worldwide. Freedom House's reports stand virtually alone in their information and power. When others might want to turn their backs on the children, Freedom House has continued to speak out. Whether it has been their reports on child slavery in Pakistan and India; warnings of the potential for abuse in our own country; the children victimized by the war in Sudan; or the kidnaping of young boys and girls who are forced into the sex industry of Thailand; Freedom House has shown us the faces of children who cry out for help. I would like to thank Mrs. Bette Bao Lord, the staff of Freedom House for meeting today with the Congressional Human Rights Caucus.

In India, Pakistan, Bangladesh and Nepal, the problems of child labor and prostitution are great. Although all of these nations have laws enacted to address the problems, the numbers of children and social pressures are so great that it is often difficult to enforce them. In these countries children who are abandoned, kidnaped, or living in the streets are often forced into lives of prostitution or to work for low wages in appalling conditions. It is reported that the most abusive industries are agriculture, family cottage, carpet weaving.

Each night many of us go home and enjoy the comfort and beauty of carpets we have bought which have been imported from these countries. We have paid very high prices for these carpets. But, Mr. Chairman, that price is nothing compared to the price paid by the children who have been forced to make them. They have been forced to give up their childhoods, their innocence, their freedom and their dignity. How can we walk on these carpets and not be reminded that we are walking on the lives of children, trampling underfoot their hopes and their dreams and their lives?

Mr. Chairman, these children need to know that someone cares. The world needs to hear their story. Mr. Chairman, this may sound strange, but I did not look forward to hearing from our guests this morning for what they had to tell us should not have to be said. But the problem is real, and I am happy that they were with us to tell us about the children, and to challenge us to respond to their needs. Our guests Zohra Yusuf, the Secretary General and cofounder of the Human Rights Commission of Pakistan; Salma Ali, the executive director of the Legal Representation for Women Prisoners and the Urban Legal Aid Clinic in Bangladesh; and Mangala Sharma, the founder and chair of the Bhutanese Refugees Aiding Victims of Violence—and herself a refugee from Bhutan—shared with the stories of women and children who are daily victimized. Each day these women and others bravely risk their lives for the protection of women and children. They honored us with their presence here today. I not only wish to thank them, but to pledge my support for their work and for the protection of women and children worldwide.

TRIBUTE TO CHARLES COST

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Charles Cost of Troop One in North Scituate, RI. and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Charles performed community service in the Town of Foster under the direction of the Public Works Director.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Charles Cost. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Charles Cost will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family, who this week salute him.

THE IMPACT OF TOURISM ON UTAH'S ECONOMY

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Ms. SHEPHERD. Mr. Speaker, earlier this year, we recognized National Tourism Week, and I want to take a moment to note the enormous positive impact of travel and tourism on the U.S. economy. Tourism is a $360 billion a year enterprise providing nearly 6 million jobs. It is this Nation's second largest employer and creates jobs at twice the average rate of all U.S. industries.

Tourism is a $3 billion industry in Utah and is a vital component of the sustainable economy we are trying to build. Over 14 million visitors experience the natural wonders of Utah each year, with three-quarters of a million of them from other countries.

Foreign tourism is especially important and constitutes what has been called an "invisible export," and in 1992, foreign tourists spent $20 billion more in this country than Americans spent abroad.

As the Utah experience shows, this trade surplus is vital to the economies of many States, 32 of which are represented in foreign countries. Because of efforts by States to promote U.S. tourism, and because of the efforts of many in Congress who have focused on this important industry, tourism will only become more integral to our economic fortunes. In fact, the U.S. Travel and Tourism Administration predicts that by the year 2000, tourism will be this Nation's leading export.

BLACK-JEWISH COOPERATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most effective advocates of an America in which everyone's constitutional rights are fully respected is Leonard Zakim, executive director of the Anti-Defamation League of New England. Mr. Zakim has worked tirelessly, effectively, and creatively to combat antisemitism, and he has put his efforts against antisemitism in the broad context of respect for the rights of all. One area where he has been especially outspoken and thoughtful is that of relations between the Jewish and African-American communities. Knowing as he does the history of members of these two groups working closely together to fight discrimination, Mr. Zakim has been one of the most forceful opponents of those who would divide these two groups of Americans concerned with fairness. Recently, he wrote an article in the Boston Globe which addresses the history of Black-Jewish cooperation, and even more importantly, the need for the groups to continue this cooperative effort in the future. I was flattered that Mr. Zakim mentioned in his article the efforts of myself and the gentleman from Georgia [Mr. LEWIS] along these lines, and because of the importance of this issue and the eloquence of Mr. Zakim's statement, I ask that it be printed here.

A PARTNERSHIP FORGED IN BLOOD

(By Leonard Zakim)

Thirty years ago this month, James Chaney, Michael Schwerner and Andrew Goodman were among thousands of civil rights activists who spread across the South in the Freedom Summer campaign to democratically overturn the apartheid-like Jim Crow laws violating the rights of black Americans. Chaney, Schwerner and Goodman were murdered for their beliefs and their commitment to make America the land of its promise.

The civil rights movement that galvanized those students was led by black Americans. Its operative philosophy was Martin Luther King's recognition that we were "caught in a network of inescapable mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly." The sickness of racism and bigotry was too deeply rooted institutionally and personally for any one group to effectively combat alone. King thought it obvious that a broad-based interracial coalition was essential to the movement's success.

Many young white people enlisted in this nonviolent democratic revolution, although violence often resulted. It was no coincidence that almost two-thirds of these young white were Jewish, driven by the biblical injunction that "one cannot stand idly by," a profound sense of social responsibility and the unfolding realization of the destruction of European Jewry in the Holocaust.

Klan speeches and hate literature of that era point often to a Jewish "conspiracy" to destroy white Christian America by supporting civil rights for blacks. Synagogues as well as black churches in the South felt the heat of bombs and the pain of violence.

Schwerner, Chaney and Goodman—two Jews and a black man—became symbols of an era marked by a remarkable and effective black-Jewish alliance. Relations even then were not perfect, but they were marked by a working partnership and shared values. As with blacks, Jews were also motivated partly by self-interest, a coalition's most reliable motivation.

Anti-Semitism in America was not then, nor is it now, as deep-seated as racism, but it was serious, sometimes subtle and often violent. Jews wanted and needed additional legal and political means to fight it. The civil rights laws provided some of the means.

But the primary motive for Jewish involvement was that it was the right thing to do. Rabbi Abraham Joshua Heschel wrote that "the plight of the Negro is a living reminder of our failure—the problem we need is to be or not to be human. The situation of the Negro is the test, the trial, the risk." Heschel also said, "Few of us realize racism is man's gravest threat to man."

Relations between blacks and Jews were never as good then as many remember. And today, relations between blacks and Jews are far from being as bad as we are often led to believe. That today Louis Farrakhan, Khalid Muhammad and their followers espouse many of the Klan's anti-Semitic lies is sad, but black-Jewish relations cannot be held hostage to haters.

Today's challenge to keeping the legacy of Goodman, Schwerner and Chaney relevant lies in our ability to offset the dominant negativity surrounding black-Jewish relations and the media focus they generate.

Blacks and Jews around the nation are not paralyzed by hate rhetoric and extremism, nor do they live in the past. The black-Jewish alliance is not dead or broken in the 1990's—it's simply different.

Reps. Barney Frank and John Lewis, veterans of Freedom Summer 1964, introduced a resolution last week honoring the three slain civil rights activists. The resolution is rooted in the many productive, day-to-day collaborations between black and Jewish members of Congress on issues such as social justice, welfare reform, public school education reform, employment training, aid to Africa and aid to Israel.

In Boston, issues such as hate crimes, educational quality, social justice, fair housing, job training, violence prevention, youth activities and continued antidiscrimination legal efforts provide opportunities for this coalition to succeed. Blacks and Jews stand together for the restoration of a free and democratic Haiti, support a free and democratic South Africa and have linked up to promote Arab-Israeli peace.

Leaders of both communities respond to individual incidents of racist or anti-Semitic hate crimes. The Anti-Defamation League and the Urban League recently organized a Unity Rally against hate in conjunction with Mayor Menino of Boston.

The 14th Annual Black-Jewish Seder drew more than 500 people, including Andrew Goodman's mother and Jim Chaney's brother. The American Jewish Congress works with the Black Lawyers Association, and the Jewish Community Relations Council works closely with the Ten Point Coalition and those initiating the Freedom Summer Project of 1994. The American Jewish Committee is collaborating to generate economic partnerships with African-Americans. There

are also an untold number of individual black and Jewish partnerships and church-synagogue collaborations that make the alliance real. In Boston, unlike other cities, we are not strangers attacking each other through sound bites and headlines. We know each other, earn respect from each other, help each other, and, yes, sometimes disagree with each other.

The cancer of anti-Semitism and racism does threaten the viability of this crucial coalition. It cuts into the moral high ground civil rights needs to occupy and it corrodes the coalition. The legacy of Freedom Summer 1964 cannot be allowed to create a standard of conduct and expectations for a coalition too high to fulfill.

The deaths of Goodman, Schwerner and Chaney showed us the capacity of hate and fear to obstruct progress. Their souls and memories demand an end to indifference about racism and anti-Semitism—and a reinvigorated coalition to address the challenge of securing equality that inspired them to go to Mississippi in the first place.

HONORING CHRIS MORRIS AS A TRUE ROLE MODEL TO THE YOUTH OF GULFPORT, FL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. YOUNG of Florida. Mr. Speaker, at a time when our Nation's youth are searching for role models to look up to and emulate, I am proud to honor a very special young man from Gulfport, FL, named Chris Morris.

Chris is a 20-year-old college sophomore who has spent 20 hours a week the past 4 months as a volunteer umpire in the Gulfport little league. What makes him special is that he is an umpire who is not only liked, but has become a hero to the little leaguers whose games he umpires.

Following my remarks, I would like to include for the benefit of my colleagues an article from the July 3 edition of the St. Petersburg Times. In it, Larry Cooper, president of the Gulfport little league, says "It is very special to have a 20-year-old dedicate his precious time to be with kids. What he is doing is portraying a different ideal for young people today, and I think kids respond to that."

They respond all right and in very positive ways. Mr. Cooper says that when Chris gets done calling a game, the kids surround him asking for autographs. "I've never seen anything like it," he says.

The Gulfport little league has nominated Chris as District 5 Little League Volunteer of the Year. Regardless of the outcome, the most important judges of all, the ballplayers of Gulfport, agree that Chris is their umpire of the year.

Mr. Speaker, Chris Morris is an example of how we can impress upon our Nation's youth the importance of building character and responsibility. He's out on the field with them everyday being a positive role model who will have a lasting effect on these players the rest of their lives. I salute Chris Morris for his service to the Gulfport little league and more importantly, for making such an important contribution to the youth of our community.

[From the St. Petersburg Times, July 3, 1994]

THE UMP

(By Roger Mills)

GULFPORT.—It was a typical Friday night. Chris Morris, the teenager, was hanging with "the boys," sitting on an arbitrary street corner, not bothering anyone. Then, there was a scuffle between two young men. It turned into a brawl, and was soon followed by the sirens of approaching police cars.

Morris remained seated, while many of his friends scampered. He had no reason to run, he said, no reason to be afraid. He had done nothing. He explained that to the police officers and walked home without incident. It was the right call. But then, it appears Morris knows how to make the right call.

"I suppose when I think of those times, I think that I was fortunate," Morris said. "I've always had the discipline to know what's the right thing to do and the right way to act. I hope to be that way for the rest of my life."

So far, things are off to a good start.

Morris no longer hangs with the boys—he is otherwise occupied. During the past three months, the 20-year-old from Gulfport spent four days a week, for as much as 20 hours, calling balls and strikes as a volunteer umpire in the 22-team Gulfport Little League.

He worked almost every day of this year's regular season—which began March 5 and finished June 4—and will continue to umpire any games associated with Gulfport until the end of summer, when he expects to return to Saint Leo College in Pasco County for his sophomore year.

This fall, Morris will suit up with Saint Leo's basketball team as a backup point guard. But he admits that his real passion is umpiring Little Leaguers.

"I know it doesn't seem right for someone who can play both baseball and basketball to want to umpire, but I just enjoy it," Morris said. "I enjoy seeing the kids' reactions, and they seem to enjoy the way I umpire."

It has been seven years since Morris put away his cleats and glove and began his umpiring career, and during that time he has made as many friends as he has called players out on a third strike. The ride has been fulfilling and rewarding for all those involved.

"It's very special to have a 20-year-old dedicate (his) precious time to be with kids," said Larry Cooper, president of the Gulfport league. "At that age, most young men are thinking about other things. He could be out doing so many things—working a job, chasing girls, running the streets. But instead, he devotes his time to a non-paying role. That's very unusual.

"What he is doing is portraying a different ideal for young people today, and I think the kids respond to that."

Morris' play calling quickly became legendary, not only among the players and coaches of Gulfport, but among neighboring and rival leagues, Cooper said.

"Other leagues have been trying to get to him for some time. He is known all over District 5 as one of the best umpires in the game," Cooper said. "When he gets done calling a game, the kids surround him asking for autographs. I've never seen anything like it."

Morris said the response is flattering but it is not the only reason he participates. He remembers his playing days in the Gulfport league and said that kids only need proper role models to set them straight. It happened with him, and he feels a sense of obligation to give something back.

"I remember how important Little League was to me, and I think I just want to repay them for that," he said. "As for the kids, they all look up to me like I'm a role model. They are so much fun to be with, in fact, often I feel like I see myself on the field again."

Morris, who graduated in 1992 from Boca Ciega High School, where he played baseball and basketball, wants to be a chiropractor. But he said the two years of high school ROTC have prepared him for a career in the military.

"What I like about the military is the sense of discipline," Morris said. "It's all about discipline. My mom always told me to be disciplined. I have to give her all the credit for that."

Some credit seems to be coming Morris' way. Cooper recently nominated Morris as District 5 Little League Volunteer of the Year. Morris will be judged by a Little League selection committee from about 20 district nominees throughout the state. The state's winner will move on to consideration in the 16-state South regional competition.

"You don't just nominate a person because it's the thing to do," said Paul Pollard, administrator for District 5. "It's an honor to be nominated. That person has to be one who goes out of one's way to improve Little League.

"There are a lot of parents who give up as many as 15 hours for Little League, but that's because they have children playing. What we look for is someone who has nothing to gain. We think (Chris) is that guy."

"To tell you the truth, I was shocked," Morris said about the nomination. "I never really thought about it. But I'll admit, it takes time and effort. The kids make it easy for me to volunteer. They have confidence in me behind the plate, and I know I can trust them."

Pollard said many districts have yet to nominate someone for the award, which will be announced in three weeks. But Pollard said Morris' contribution this year makes him the front-runner.

"I think he has about a 70 to 80 percent chance of winning this award," Pollard said. "What he has done this year has been very special."

MS. JESSIE CONROW TURNS 100 ON JULY 16, 1994

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. PETE GEREN of Texas. Mr. Speaker, born on July 16, 1894 in Pindars Corners, NY, Jessie Marguerite Burdick is today remembered by her grandson, singer-songwriter Jerry Jeff Walker, as the woman who inspired him to pursue a life in music. The song "The Gift," from Walker's 24th and latest recording album, "Viva Luckenbach!", is dedicated to her and recounts how her gift of a guitar to him for his 13th birthday inspired a lifetime love of music.

First taught chords on a piano by her mother, Ms. Conrow went on to master not only the guitar, but the fiddle as well. In later years she and her husband organized a band which entertained at square dances, barn dances and other social events in their part of the Catskills. Both became musically active in the Grange as well and she was voted Granger of the Year in 1981.

Grandma Jessie, as she is known to her descendants, married Clyde Conrow in 1918. Soon thereafter, the couple gave birth to two children, Alma and Norma. It is Alma Crosby's, nee' Burdick, son, Ron who adopted the name Jerry Jeff Walker when he began a performing career in the late 1960's. Walker, who has a worldwide following and counts President Clinton as one of his biggest fans, is today best known as the author of the pop music standard, "Mr. Bojangles."

Today, Ms. Conrow can look down a long line of children, grand-children, and great-grandchildren stretching from upstate New York to Texas. Jerry Jeff and Susan Walker's daughter, Jessie Jane, carries on by name a century-old legacy.

As for Ms. Conrow herself, she is still active in caring for the disadvantaged elderly at the Fox Nursing Home in Oneonta. At age 100, she continues to set a standard for generations of descendants and it is our privilege to honor her here today.

WHY SMALL BUSINESSES NEED HEALTH REFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. STARK. Mr. Speaker, there is a common misconception that health reform will be detrimental to small businesses. I believe that health reform is necessary for small businesses to grow and compete in the years to come.

Small businesses that cannot offer health benefits to prospective employees are not able to attract the best candidates, who instead go to work for larger firms which provide attractive benefits packages. We need to help make small businesses competitive with big firms by providing health coverage for small firms.

Present barriers created by insurance companies, such as countless unnecessary forms and regulations, make it difficult for small business to find an acceptable, affordable policy. The vast amounts of paperwork required by insurance companies helps discourage small businesses from seeking coverage and increases health costs for everyone.

By providing subsidies to small businesses and removing present barriers we can help provide small business with affordable, high quality health coverage.

Following is an outstanding letter written by Barbara Davis and Kevin Nortness of Emdee Associates, a small firm which provides database support to law firms and government counsels. This letter illustrates how small businesses will benefit from health reform.

JUNE 14, 1994.

Hon. FORTNEY PETE STARK,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN STARK: We are a small company which provides database support to law firms and government counsel on the west coast. Recently we learned that our insurance carrier was writing various government officials making the assertion that small business would be ruined by a mandatory health care plan. We want you to know that we strongly disagree with that sentiment.

In fact, we think that a health care plan that requires employers to offer their workers health care insurance is the only way to level the playing field and get some control over health care and insurance costs. We would like to tell you something about our experiences in locating and implementing a health care policy and dealing with the insurance industry.

First, small businesses have real difficulty in locating health insurance providers. Our experience in Oregon and in California has been that health insurance was unavailable or severely limited in its availability to businesses with less than 15 full-time employees (per state, or per location). Only when Oregon's state legislature pushed to require businesses to offer health care as part of the Oregon Health Care Plan did things improve in Oregon. (Our office in Seattle is new, and therefore we can't fairly comment on our experience there.)

Second, the barriers small businesses confront (when they do investigate health insurance for their staff) often leave owners with the impression that insurance companies have such impossible regulations and requirements that the businesses will be unable to comply or impossibly burdened with paperwork from their insurer.

Insurers generally do not offer policies which can be framed for a fluctuating staff (meeting the needs of companies with long-term temporary or seasonal staff).

We were told that insurance companies could not offer quotes on staff of less than 10 in specific office locations.

Based on our own business's insurance scarch—and searches we have done as a management service for clients—we have come to the conclusion that the health care industry is caught in a bog of its own making, with the result that what lawmakers see and hear from the industry is often confusing. And we suspect that that bog is, to a great extent, the creation of the insurance industry which is so strongly opposed to any change in the American health care system. For example,

First, the financial management techniques employed by various insurance companies providing services in health care (and other fields) serve to escalate the cost of the insurance service.

We have experienced instances (both in health care and in other types of claims payment) where there were two and three levels of claims screening, the result of which was to delay payments for many months.

Payment delays result in the provider increasing fees to cover the lost interest, and

Payment delays also result in a severe loss of confidence in the whole system, and

At least in some instances, we believe payment delays contribute to the public rage against insurance providers, which results in added litigation.

Second, insurance providers' and government forms increase costs and fail to serve the public.

One result of the plethora of insurance claims forms and reports is that the insured and/or the health care provider is required to spend an inordinate amount of time figuring out what is wanted by the insurance company—resulting in extra calls and questions to the insurance company, errors in claim-making, etc.

Third, and, we suspect that another goal of the management systems used by insurance companies is to effectively discourage claim-making and/or to delay payment of claims.

By delaying payment on a $10,000.00 claim for a period of six months, the company can make a fair amount of interest on its invested asset which would otherwise go to pay the claim; and if in the long run the claim has to be paid, the company is all to the good the amount of interest earned for the period that the payment was delayed.

We also suspect the reasons for the use of the specific language which is employed to deny claims which might later be paid by the insurer—this language often serves to so dissuade the insured party from pursuing a righteous claim.

We realize that this is a complex issue and that we have not touched on the part of the issue that might be arguably closest to our business—how personal injury and medical malpractice suits fit into the picture—we think that is for another letter.

What we especially want you to be clear on is that nowhere near all small businesses oppose mandatory health care—we welcome it. Making employer-provided health care nationwide would level the playing field for companies from one state to another, and serve our working public, and get the part-time masses out of the emergency-room syndrome.

Please feel free to contact either one of us regarding this letter. And again, thank you for your time and efforts on creating a national health care plan which will serve America.

Very truly yours,

BARBARA J. DAVIS AND
KEVIN C. ("CASEY") NORTNESS,
Emdee Associates.

RECOGNIZING AMIT KURLEKAR AND TANIA KREBS OF SPRING, TX

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am enormously proud that a young man and a young woman from my congressional district were recently named "Presidential scholars" for 1994.

Amit A. Kurlekar, a recent graduate of Spring High School, and Tania M. Krebs, a recent graduate of Klein Oak High School, visited Washington earlier this month to receive their Presidential scholar medallions. Amit and Tania are 2 of just 141 students nationwide to be so honored.

Amit is the son of Arun and Sheela Kurlekar of Spring Gate Drive in Spring, TX. Amit was the valedictorian of his graduating class at Spring High School, and he scored a perfect 1,600 on his scholastic aptitude test.

At Spring High School, Amit competed in debate on the national level and was selected as his local Exchange Club's "Youth of the Year." His selection as a Presidential scholar is but the latest in a long list of honors that have been accorded to Amit.

Tania is the daughter of Nadine Krebs of Spring, TX, and Eric Krebs of Lynchburg, VA. Tania lives with her mother on Cypresswood Drive in Spring, TX.

Tania attended Girls' State and Girls' Nation last summer, and she, too, was named the Exchange Club's "Youth of the Year." At Klein Oak, she served as editor of the school newspaper, the Panther Press. She also is the recipient of the Daughters of the American Revolution's Good Citizen Award.

Tania has won a number of college scholarships, including the Dedman Scholarship and the Texas Excellence Scholarship—both to the University of Texas—as well as a National Merit Scholarship and the Robert C. Byrd Scholarship.

Both Amit and Tania have demonstrated extraordinary academic excellence during their high school careers, and will, I'm sure, continue that academic excellence during their college years. Amit's and Tania's parents, fellow graduates, teachers, and friends have every reason to be proud of their academic and other accomplishments. I join with them in wishing both Amit and Tania continued success in the years ahead.

Each Presidential Scholar has demonstrated outstanding leadership and scholarship, has made contributions to his or her school and community, and has evidenced talent in the arts, sciences and other fields of interest. Established by Executive order in 1964, the U.S. Presidential Scholars Program is designed to recognize and honor our Nation's most distinguished graduating high school seniors.

Mr. Speaker, I know that you join with me in congratulating Amit and Tania—and all the other 1994 Presidential Scholars—on this great honor that has been accorded them.

Thank you, Mr. Speaker.

LEGISLATION AMENDING POSTAL SERVICE POLICY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to introduce legislation that will ameliorate problems stemming from a U.S. Postal Service policy that prohibits the users of commercial mail receiving agents [CMRA's] from submitting a standard change of address form to expedite routine mail delivery service.

In nearly all cases when an individual changes residency, the U.S. Postal Service facilitates prompt and accurate mail delivery by encouraging the postal customer to file a mail forwarding change of address form. Atypically, when a CMRA customer relocates, that individual is responsible for informing all potential mailers of any change of address. This policy creates delays and may exacerbate mail fraud as testimony has shown that the first line of defense against fraud is accurate information regarding postal addresses.

Current policy is contradictory to the Postal Service's charge to ensure prompt, accurate mail delivery service. This important legislation will benefit all parties in this particular mail delivery chain: the U.S. Postal Service, the CMRA's, and most importantly, the postal customer.

I submit a copy of the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE-OF-ADDRESS ORDER BY COMMERCIAL MAIL RECEIVING AGENT.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3686. Change-of-address order by commercial mail receiving agency

"Upon termination of an agency relationship between an addressee and a commercial mail receiving agency, either the addressee or the commercial mail receiving agency may file a change-of-address order with the Postal Service. The Postal Service shall forward to such addressee mail which is marked for forwarding by the commercial mail receiving agency in the same manner as, and subject to the same terms and conditions as apply to, mail forwarded directly by the Postal Service to such addressee.".

(b) TABLE OF CONTENTS.—The table of contents at the beginning of chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3685 the following new item:

"3686. Change-of-address order by commercial mail receiving agency.".

CONGRATULATIONS TO THE WINNEBAGO HOSPITAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BEREUTER. Mr. Speaker, on June 23, 1994, the Winnebago Hospital's Drug Dependency Unit [DDU] and Diabetes Program received a Public Health Service Special Recognition Award. The Winnebago DDU placed first among 103 nominated Public Health Service programs for its program to simultaneously treat diabetes and alcoholism. The Indian Health Service Hospital is located in Winnebago, NE, in the First Congressional District. The Drug Dependency Unit serves both the Winnebago and Omaha Tribes in addition to many other native Americans from throughout the Nation.

This award recognizes an innovative and progressive model program which has advanced the treatment of alcoholism and diabetes for American Indians. This is made possible by the location of the DDU in a hospital that allows a wide range of services to be provided that clinics alone cannot. The Winnebago DDU routinely treats patients for diabetes and alcoholism within the same program. By concurrently treating both problems, patients receive substantially greater health benefits than when only one is treated.

The DDU has an amazingly high success rate when compared with other programs that treat native Americans. It is reported that it has a 56-percent success rate in treating alcohol and substance abuse while non-Indian treatment programs serving Indian people have a 0- to 5-percent success rate. Not only is the DDU the first adult in-patient substance abuse program in the Indian Health Service system, it also has the highest success rate of programs assisting native Americans.

The Winnebago and Omaha Tribes created this unit to help stem an extraordinarily serious problem in Indian country. The tragic results of alcoholism and substance abuse can be seen throughout the United States, and especially among Indian people. The Winnebago DDU has developed an innovative treatment program for native Americans that deserves to be considered elsewhere.

The Public Health Service award is just one of several prestigious awards the Winnebago DDU has recently received. In 1992, it received the 1992 Public Service Excellence Award in the Federal category. The Winnebago DDU is a proven success story that provides essential health services to many American Indians.

Mr. Speaker, this Member is pleased to extend his congratulations on this well-deserved honor to the staff of the Winnebago Hospital DDU and the diabetes program.

ALASKA NATIVE SUBSISTENCE WHALING EXPENSE CHARITABLE TAX DEDUCTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. YOUNG of Alaska. Mr. Speaker, I rise to introduce a measure that recognizes the need to provide critically needed tax relief to a few Alaskan Native whaling captains who otherwise may not be able to continue their centuries-old tradition of subsistence whaling. In brief, this bill expresse the support of the House of Representatives to provide a modest charitable deduction to those Native captains who organize and support traditional whaling hunt activities for their communities.

The Inupiat and Siberian Yupik Eskimos living in the coastal villages of northern and western Alaska have been hunting the bowhead whale for thousands of years. The International Whaling Commission [IWC] has acknowledged that "whaling, more than any other activity, fundamentally underlies the total lifeway of these communities."

Today, under the regulatory eye of the IWC and the U.S. Department of Commerce, these Natives continue a sharply restricted bowhead subsistence hunt out of 10 coastal villages. Local regulation of the hunt is vested in the Alaska Eskimo Whaling Commission [AEWC] under a cooperative agreement with the Department of Commerce, National Oceanic and Atmospheric Administration.

The entire Native whaling community participates in the hunt activities. However, Native tradition requires that the whaling captains are financially and otherwise responsible for the actual conduct of the hunt; meaning they must provide the boat, fuel, gear, weapons, ammunition, food, and special clothing for their crews and must store whale meat until used.

Each of the approximately 35 bowhead whales landed by Native communities each year provides thousand of pounds of meat and "muktuk" (blubber and skin). Native culture dictates that a whaling captain whose crew lands a whale is responsible for feeding the community in which the captain lives. Customarily, the whale is divided and shared by all of the people in the community free of charge.

In recent years, Native whaling captains have been treating their whaling expenses as a deduction against their personal Federal income tax, because they donate the whale meat to their community and because their expenses have skyrocketed due to the increased

costs in complying with Federal requirements in outfitting a whaling crew. The IRS has refused to allow these deductions, placing extreme financial burden on those who use personal funds to support their Native communities' traditional activities. Currently five whaling captains have appeals of these disallowances pending before the tax court or the IRS.

The bill I am introducing today expresses the need to amend section 170 of the Internal Revenue Code to provide that the investments made by this relatively small and fixed number of subsistence Native whaling captains are fully deductible as charitable contributions against their personal Federal income tax. Such an amendment should also retroactively resolve the disallowance and assessment cases now pending within the statute of limitations.

The expenses incurred by these whaling captains are for the benefit of the entire Native community. These expenses are vital contributions whose only purposes are to provide food to the community and to perpetuate the aboriginal traditions of the Native subsistence whaling culture.

Each Alaskan Native subsistence whaling captain invests an average of $2,500 to $5,000 in whaling equipment and expenses in a given year. A charitable deduction for these expenses would translate into a maximum revenue impact of approximately $230,000 a year.

Such a charitable deduction is justified on a number of grounds. The donations of material and provisions for the purpose of carrying out subsistence whaling, in effect, are charitable contributions to the Inupiat and Siberian Yupic communities for the purpose of supporting an activity that is of considerable cultural, religious, and subsistence importance to those Native people. In expending the amounts claimed, a captain is donating those amounts to the community to carry out these functions.

Similarly, the expenditures can be viewed as donations to the Inupiat Community of the North Slope [ICAS], to the AEWC and to the communities' participating churches. The ICAS is a federally recognized Indian Tribe under the Indian Reorganization Act of 1934 (48 Stat. 984). Under the Indian Tax Status Act, donations to such an Indian Tribe are tax deductible (28 U.S.C., 7871(a)(1)(A). The AEWC is a 501(C)(3) organization. Both the ICAS and the AEWC are charged with the preservation of Native Alaskan whaling rights.

It also is important to note the North Slope Borough of Alaska, on its own and through the AEWC, spends approximately $500,000 to $700,000 annually on bowhead whale and other Arctic marine research and programs in support of the U.S. efforts at the International Whaling Commission. This is money that otherwise would come from the Federal budget to support the U.S. representation at the IWC.

Given these facts and the internationally and federally protected status of the Native Alaskan subsistence whale hunt, I believe expenditures for the hunt should be treated as charitable donations under section 170 of the Internal Revenue Code. I ask my fellow Members to join with me in clarifying the Federal tax code to make this a reality for these Native whaling captains.

I ask that a copy of the bill be printed at the close of these remarks.

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That in recognition of the prohibitive financial burden placed upon Alaska Native subsistence whaling captains by international obligations ratified by the United States, it is the sense of the Congress that the utmost consideration should be given to clarify Federal tax law to allow a reasonable Federal charitable tax deduction for the reasonable and necessary expenses of such captains related to their conduct of the centuries old subsistence whaling hunt as a charitable contribution activity for the benefit of their native community, donations to which are deductible under section 170 of the Internal Revenue Code of 1986.

U.S. TROOPS MEAN U.S. PROBLEMS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BURTON of Indiana. Mr. Speaker, there is much discussion these days about a potential settlement between Israel and Syria that would entail a United States peacekeeping presence on the Golan Heights. This is a very serious issue worthy of debate, but I am sorry to say that such debate has been lacking up till now.

In the interest of promoting such debate, I commend to all my colleagues' attention these two excellent articles, one by Frank Gaffney and one by Yoram Ettinger.

[From the Jerusalem Post, July 7, 1994]

U.S. TROOPS MEAN U.S. PROBLEMS

(By Yoram Ettinger)

Involving American troops in an Israeli-Syrian peace agreement is not just a suggestion floating somewhere between Jerusalem and Washington.

Congressman Lee Hamilton, chairman of the House Committee on Foreign Affairs, recently indicated that a US survey is already underway to determine the specific locations of a US peacekeeping force on the Golan. The survey's underlying assumption is that Israel will evaluate the entire Heights.

Assad's military potential and his record of brutality and unpredictability, the brief life-span of hundreds of Mideast agreements and the violently abrupt nature of their abrogation make Israel's risks in evacuating the Golan substantial.

An American force would supposedly constitute an essential reassuring component.

But to bolster a potentially vulnerable accord, US presence on the Golan must be durable, and politically/militarily sustainable. Moreover, it must be compatible with US interests, lest it be summarily withdrawn.

Is the deployment of US peacekeepers (monitoring or combat, unilateral or multinational) consistent with such requirements?

Unlike US observers in Sinai (22,000 square miles of empty desert) US personnel on the Golan (450 sqm) would be situated about 25 miles from two of the most notorious training/operatonal centers of international narco-terrorism: Damascus and the Syrian-controlled Beka's Valley ("Medellin East.")

They would be stationed in a neighborhood the size of a small US congressional district, populated by well-armed Afghan, Hizbullah, Hamas, Islamic Jihad, Abu Nidal, Jibril, Habash, Hawatmeh, PLO, PKK, Japanese Red Army, Latin American, West European and Southeast Asian terrorists.

Moreover, these terrorists are proxies of hostile radical regimes (Syria, Iran, Iraq, Libya, etc.). They would enable their patron regimes to intimidate Washington, constrain its ability to respond to provocations elsewhere (e.g. the Gulf area), and extort political concessions by targeting US servicemen. The states sponsoring the terrorists would, meanwhile, preserve the element of deniability.

A truly effective US combat force is precluded—even theoretically—by the diminished overall size of the US military. One may safely predict, then, a possible withdrawal of the peacekeepers in face of hostage-taking and casualties.

Such a withdrawal would be perceived as another retreat (following Beirut, Somalia and Haiti), further eroding the US posture of deterrence and shrinking public support for essential overseas military involvement.

While on the Golan, the US presence would constrain Israel by forcing it to coordinate preemptive and reactive operations with the US, thus inadvertently shielding terrorists. It would also deny the US the benefits from Israel's "unauthorized actions" (e.g. the 1981 bombing of Iraq's nuclear reactor).

Requiring Israel to seek prior approval in countering belligerence would strain US relations with Israel. At the same time, appearing to have enabled Israel to act freely, would damage US-Arab ties.

However, as demonstrated by the precedent of the 1982/83 US episode in Lebanon, and evidenced by Mideast complexities, one can expect the relationship between the US and both sides—essential to the achievement of a genuine peace—to be undermined.

In addition, a US presence at a stormy junction bordering Israel, Lebanon, Syria, Jordan and numerous terrorist groups, could draw the US unwillingly into inter-Arab and Arab-Israel disputes. It would certainly deepen the involvement of Russia (which has resumed strategic cooperation with Syria), France (which still views Lebanon as a French auxiliary), and other powers, further exacerbating global and regional tensions.

A Washington power broker recently agreed that the question of a complete withdrawal from the Golan should be decided by Israeli voters. But the fate of US peacekeepers and their implications for US national security should be debated by the American public and the appropriate congressional committees, independent of Israel's stance on the Golan.

Keeping in mind the American public reaction to US military involvement in Lebanon and Somalia, and recognizing the likely pitfalls of a US force on the Golan, such an undertaking would probably not be politically/militarily sustainable.

LONG-TERM CARE IMPROVEMENT ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Ms. SNOWE. Mr. Speaker, long-term care means different things to different people. It means home health care for those who need some help, but do not require round the clock care. It means respite care so those families who are struggling to keep a loved one at

home can have a short break and some time to themselves. And it means nursing home care for those in need of institutional services.

As the floor debate on health care draws closer, it is important that we all remember that any major reform of our health care system will be incomplete if it does not address some of the problems facing our long-term care system. I am introducing legislation today that addresses four areas that are in need of change: setting standards for private long-term care insurance; changing the Tax Code to make insurance more affordable; providing respite care tax credits for family caregivers, and providing a tax credit to those who care for Alzheimer's victims at home.

Private insurance coverage for long-term nursing home care is very limited with private insurance payments amounting to 1 percent of total spending for nursing home care in 1991. In 1986, approximately 30 insurers were selling long-term care insurance policies of some type and an estimated 200,000 people were covered. As of December 1991, the Health Insurance Association of American [HIAA] found that more than 2.4 million policies had been sold, with 135 insurers offering coverage.

HIAA estimates that the long-term care policies paid $80 a day for nursing home care and $40 a day for home health care; they had lifetime 5 percent compounded inflation protection, a 20-day deductible, period and a 4-year maximum coverage period. These policies had an average annual premium in December 1991 of $1,781 when purchased at the age of 65 and $5,627 when purchased at the age of 79.

We need to make sure that these policies are not only affordable, but that they guarantee the benefits they promise. The National Association of Insurance Commissioners [NAIC] has produced standards for long-term care policies which cover the spectrum of issues—from disclosure to clearly defining the benefits, cost and time period covered. The Federal Government should require that all States meet this standard in any long-term care policies sold in their States. My bill would put the NAIC standards into law.

There is general agreement that we need to change the Tax Code to take away any disincentives to purchasing long-term care insurance. In addition, the change may encourage employers to offer long-term care policies as an optional benefit, as they would be able to deduct the cost, too. This bill will treat private long-term care insurance policies like accident and health insurance for tax purposes. It would also define a dependent as any parent or grandparent of the taxpayer for whom the taxpayer pays expenses for long-term care services. This change will allow children and grandchildren to deduct the long-term care expenses they pay. Current law requires that an individual must pay 51 percent of the expenses for a dependent before they can be deducted.

Over 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, or daughters-in-law. Family caregivers provide between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons. Numerous studies have found that family caregivers give up their jobs, have reduced their working hours or have rejected promotions in order to provide long-term care to loved ones.

My bill will expand the dependent care tax credit to make it applicable for respite care expenses and make the credit refundable. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents, This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization.

Finally, this legislation will provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. It would allow deductions of expenses, other than medical, which are related to the home health care, adult day care and respite care of an Alzheimer's victim.

In most cases of Alzheimer's disease, families will bear the brunt of the responsibility of care. Many caregivers of dementia victims spend more than 40 hours a week in direct personal care. These families are trying to cope with the needs of a dependent older Alzheimer's victim with little or no financial or professional help.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregivers' ability to support the Alzheimer's victim at home. Home health care, adult day care and long-term respite care all provide opportunities to free caregivers from their caregiving responsibility and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

It is important to provide some tax relief for those expenses related to their continued care in the home. Perhaps by such action we can delay the institutionalization of dementia victims. Surely we can provide financial relief to their caregivers.

I urge my colleagues to join me in supporting this bill and in supporting the inclusion of changes in our long-term care system in whatever health care reform package we send to the President.

NORTH KOREA'S NUCLEAR PROGRAM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. SHAW. Mr. Speaker, President Carter's visit to North Korea and the disorganized nature of the Clinton administration's policy threaten the security of the United States. President Clinton would have us believe that the crisis of North Korea's nuclear program is over. Nothing could be further from the truth.

North Korea has been pursuing a nuclear bomb since the 1960's and has consistently displayed a lack of cooperation with the International Atomic Energy Agency. To believe that a brief visit by former President Carter has reversed decades of effort and expense on Pyongyang's part is doubtful at best. North Korea is doing what it has done for years—stalling. The reality is that the the North Korean nuclear bomb program is likely to continue unimpeded.

President Clinton promised that North Korea would not be allowed to develop a nuclear weapon and called for sanctions if they failed to submit to IAEA inspections. He has reversed himself on both counts. North Korea may already have a nuclear weapon and is on the verge of building more. If we fail to act soon, North Korea will have a nuclear arsenal it could sell to Iran, Syria, and other rogue states that pose a threat to the United States and our allies around the world.

A TRIBUTE TO A UNIQUE FAMILY: THE HOWARDS OF MONTGOMERY COUNTY, MD, AND THE HOLLANDS OF ONTARIO, CANADA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mrs. MORELLA. Mr. Speaker, it is a proud moment for me to rise and pay tribute to a remarkable family—the Howards of Montgomery County, MD, and the Hollands of Hamilton, ON, Canada. This special family is gathering for their sixth reunion in Gaithersburg, MD, that ends July 17.

The Howards and the Hollands trace their origins in the United States to the early 1800's, when their ancestors lived under the dreadful yoke of slavery. The Howard family is said to be descended from Jack and Polly Howard, who were slaves on the plantations of the Gaithers, Howse, and Griffith families of Montgomery County. Jack and Polly had eight children. The Hollands of Canada are descendents of Jack and Polly's second child, Leatha Howard Holland Webster.

It was Leatha Howard's two sons who established the family in Hamilton, ON, Canada. William Hanson Holland and Thomas John Holland escaped to freedom in Canada and changed the family name from Howard to Holland out of fear that they would be kidnaped and returned to America during the enforcement of the Fugitive Slave Act.

The Hollands of Canada lost contact with the Howards in America for more than 125 years. Then, in 1978, members of the Howard family attended a family reunion in Ontario. A plan was devised to bring the entire family together in 1984, in Gaithersburg, MD.

Mr. Speaker, the Howard-Holland family is rich in accomplishments. In 1867, George Enoch Howard petitioned the Montgomery County government for a school to educate African-American children. The petition was

granted in 1880, and the land for the school was a gift from George Enoch. John Henry Howard built Howard Chapel and Howard Chapel Rd., in Montgomery County, is named for him. Mary E. Howard married John Henry Murphy and, together, they founded one of America's great black newspapers, the Afro-American. Betty Simpson is the founder and current director of the North American Historical Museum in Amherstburg, ON.

The Howard-Holland family is an American family in the best traditions of this Nation. Throughout their history in America, they have dared to challenge injustice and discrimination. I commend them for their perseverance and their diligence in light of the obstacles they have faced and surmounted. I am honored to add my voice to the praises of friends and colleagues who salute them on the occasion of their sixth family reunion.

EVADNE BLANCH EMMANUEL—100 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I bring to the attention of my esteemed colleagues the work of Ms. Evadne Blanch Emmanuel. Ms. Emmanuel is a beacon of light and commitment within her community in Brooklyn, NY.

Ms. Emmanuel was the last of six daughters born to Sarah and George Blanch who are from Jamaica, West Indies. She was born on July 15, 1894, in Matachin, Panama Canal Zone.

Throughout her life in Panama and later in the United States Ms. Emmanuel made the church the center of her life. She first attended the Methodist church and was educated in Panama at the Methodist Elementary School. She married and had two daughters and a son. During these years Ms. Emmanuel was a devoted wife and mother she was also involved in community service. She taught and provided recreational activities for children in her church.

In October 1963 she immigrated to the United States of America. Soon after, she joined St. Peter's Evangelical Lutheran Church where she is still found worshipping most Sundays. At St. Peter's she continued her community service by becoming an active supporter of members of the congregation. She is a member of the Ladies Aid Society at St. Peter's and is known by the congregation as loyal and extremely generous. One member says she is known by younger members of the congregation as mom or grandma.

Ms. Emmanuel represents the everyday people who get little recognition throughout their lives even though it is the Evadne Emmanuels of the world that constitute a strong community. Her daily, charitable deeds on the local level have made a profound impact on the Brooklyn community. I rise to salute Ms. Evadne Emmanuel on her 100th birthday.

25 YEARS OF DEDICATED SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. HOYER. Mr. Speaker, I rise to commend a quarter century of service by the Greater Waldorf Jaycees in my home district—Maryland's Fifth. Over the past 25 years, the Jaycees have made invaluable contributions to the life of their community again and again.

We in Congress try to create a body of law that will encourage service like that of Jaycee members. From there, individuals of each of our districts bring these goals to life. Organizations where people can dedicate themselves to helping their neighbors are what is right about our country.

Organizations like the Jaycees become indispensable community resources from which we benefit every day. The Greater Waldorf Jaycee Foundation has given its community incalculable hours of service, from the first project, a teen coffee house, 25 years ago to the community center in recent years. They have given to Crime Solvers, Little League, Junior Miss, Toys for Tots and countless other individual projects. Members have helped a community remember Robert Stethem, killed in Beirut, by dedicating a sports complex in his name. Jaycee members have risen to these tasks on their own, simply because the job needed done.

The Jaycees are important to our community not only because of the projects they have successfully completed, but because they represent the best of service to community and are a model for all our citizens. By example, they encourage the spirit of a family. Their personal character exhiibts a spiritual strength and neighborly caring that sets a standard for all.

The Jaycee motto states, "That earth's great treasure lies in human personality." I am glad this organization reminds us that, although it can be helpful to address people as members of a group, the contribution of the each person as an individual has its merit. By volunteering, the members shows a personal commitment and strength of character. The diversity is melded into a strong whole. And, these individuals, banded together, address needs of individuals close to home. Helping out their own neighbors, whom they can know personally, their humanity makes great strides for which I, as part of their community, am grateful.

Thank you for your service to the community and may we all benefit from your actions for many years to come.

A SALUTE TO NATIONAL SECURITY AGENCY UNDERGRADUATE TRAINING PROGRAM GRADUATES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. STOKES. Mr. Speaker, I rise today to salute the graduates of the National Security Agency Undergraduate Training Program [UTP]. On Monday, July 18, 1994, nine students will be recognized for completing the training program. As the author of this unique scholarship program which serves minority and disadvantaged students, I take particular pride in saluting the 1994 graduates. I am also pleased to note that on the date of the graduation, my friend and colleague from New Jersey, DONALD PAYNE, will travel with me to the National Security Agency for the commencement exercises. Today, as I salute the UTP graduates, I want to share with my colleagues some important information regarding the creation of the Undergraduate Training Program.

During my tenure as chairman of the House Permanent Select Committee on Intelligence, I was struck by the lack of minorities employed in key ranking and policy making positions throughout the intelligence community. To address the problem, I initiated legislation which was signed into law for the creation of a special Undergraduate Training Program. We were then able to secure the cooperation of the Central Intelligence Agency and National Security Agency to become the first intelligence agencies to include in their budgets the funds to provide full scholarships for minority and disadvantaged students.

Through the program, minority high school graduates have their undergraduate college education fully funded and, following completion of college, are placed in midlevel positions at the intelligence agencies. While in college, students are provided a yearly salary, and full payment of their tuition, fees, and books. Many of the UTP participants enter such challenging fields as electrical engineering, computer science, computer engineering, and foreign languages.

Mr. Speaker, since its birth more than 7 years ago, the Undergraduate Training Program has enjoyed great success. At the National Security Agency, 40 students are currently enrolled in the program, with an additional 23 students scheduled to begin the training program in August. The students participating in the Undergraduate Training Program are some of the best and brightest in the country. They are not only high academic achievers, but their future employment is already secure in promising fields throughout the intelligence community.

Mr. Speaker, the graduate of the Undergraduate Training Program bring to the National Security Agency excellent skills and training which will benefit the agency in its mission. As I salute the 1994 graduate. I also take this opportunity to commend the Director of the National Security Agency, Vice Adm. J.M. McConnell, for his strong support and commitment to the UTP Program. I look forward to the opportunity to express my personal appreciation to Admiral McConnell, as well as personally salute the 1994 graduates at the upcoming commencement exercises.

INTRODUCTION OF THE DURHAM WOODS NATURAL GAS SAFETY ACT OF 1994

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, as my colleagues may recall, soon after midnight on March 24, 1994, a 36-inch interstate natural gas transmission pipeline exploded in Edison. Four months after the blast, it is still difficult to comprehend the devastation and horror caused by one defective 36-inch piece of natural gas pipeline. Eight apartment buildings were demolished. Hundreds of cars were scorched, and some even melted from the intense heat. Windows were shattered and roofs buckled.

For the 1,500 people who lived at the Durham Woods apartment complex, March 23 was a night of sheer terror. Men, women, and children fled their homes with just the clothes on their backs in a race for their lives against a roaring wall of fire.

Miraculously, only 1 person died; 29 others escaped with only minor injuries.

Although the physical rebuilding of Durham Woods has begun, the pain and financial hardship are far from over. Close to 130 families were left without a home, and virtually all their possessions were burned beyond recognition. For those who were fortunate enough to return to their homes, they may never feel safe again. They have to live with the fear of knowing that several hundred yards from their homes, buried 15 feet below the ground, is a pipeline that almost ended their lives.

This fear is not confined to Durham Woods. The intensity of the explosion shook people out of their sleep in communities throughout central and northern New Jersey, leaving them frightened about their own safety. Residents throughout New Jersey have begun to wonder and worry about the hidden danger buried under their homes, businesses or the schools their children attend.

And there is reason for concern. Throughout New Jersey, there are 961 miles of interstate pipelines that are regulated by the Federal Government. There are another 27,725 miles of intrastate pipelines that carry natural gas to homes and businesses.

Natural gas pipelines can be found throughout the United States. Since 1970 over 500 people in our country have died in natural gas pipeline accidents.

Although the final verdict is still out on the cause of the Edison explosion, it has sounded the alarm for more stringent controls over natural gas pipelines. At this point, it appears that the owner of the pipeline, Texas Eastern, had been complying with all Federal rules and regulations regarding inspection of this section of pipeline. The pipeline, which was built in 1961, had been tested in 1986. Authorities now believe a gouge in the pipeline caused by heavy machinery triggered the blast.

The Federal and State laws currently on the books failed to protect the Durham Woods families. And they can't be relied upon to safeguard thousands of other families in New Jersey who live near natural gas pipelines.

This is why today I am introducing bipartisan legislation to toughen pipeline safety laws in order to ease the fears of residents in our State and throughout our Nation.

First, we need to develop a greater public awareness of the dangers posed by damaging a pipeline and the critical importance of notifying the owners of natural gas pipelines before performing any construction work near a pipeline. Under my legislation, for the first time it would be a Federal crime to damage a natural gas pipeline and not report the damage promptly to the operator of the pipeline or appropriate authorities. Anyone found guilty of this offense could receive a 10-year prison term.

Second, it is essential to ensure that the public and anyone planning to do excavation work near a pipeline knows exactly where this potential hidden danger lies. My bill would require that all intrastate natural gas pipelines located in densely populated areas be clearly identified with line markers. Right now, only companies without damage prevention programs are required to post markers. That's simply inadequate. Markers are a relatively inexpensive means of safeguarding the public and should be required for all pipelines in densely populated areas.

Third, there is an urgent need for more frequent inspections of pipelines. Specifically, my bill would require natural gas pipeline operators to inspect pipelines once a month to check for potential problems, such as construction activity, in the area.

Fourth, my bill would also require that the latest technology—the smart pig—be used to internally inspect pipelines. Pipelines in densely populated areas that are piggable would then have to be inspected with a pig at least once every 7 years.

Fifth, to promote compliance with pipeline safety requirements owners of natural gas pipelines and construction crews must know that if they violate the law, they'll face tough penalties. My bill would double the criminal and civil penalties for anyone violating Federal pipeline safety standards. The minimum jail term would increase from 5 to 10 years. Furthermore, anyone convicted of deliberately sabotaging a pipeline would face a 30-year prison term.

Finally, some concerns have been raised about whether these natural gas pipelines, which now carry huge volumes of highly pressurized gas, are still safe. To answer this very serious question, my bill would require the U.S. Department of Transportation to conduct an assessment of the risk to the public safety and environment posed by natural gas pipelines.

We have all learned some very frightening lessons from the explosion that ripped apart Durham Woods. The pipelines that crisscross the Nation carrying natural gas can no longer be ignored. Out of sight can no longer mean out of mind. One oversight or unreported construction accident can lead to disaster. Stringent new precautions are essential to ensure that these pipelines meet the highest safety requirements.

For the residents of Durham Woods the night of March 23 is a nightmare they will have to live with the rest of their lives. We in Congress must take all the necessary steps to ensure that nightmare is never repeated. The millions of Americans who live and work near natural gas pipelines need to know that every possible precaution has been taken to keep them safe.

Mr. Speaker, my bill would make the transportation of natural gas by pipeline safer, and I urge my colleagues to support this needed legislation.

AMERICANS MAY NOW OBTAIN A DIFFERENT POINT OF VIEW ON POLITICS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. OXLEY. Mr. Speaker, I would like to call the article, "New Book Bolsters Clinton Complaints on 'Cynical' Media," by Morton M. Kondracke, in the July 14 issue of Roll Call, to the attention of my colleagues. A new book titled "Out of Order," by Thomas E. Patterson, suggests that reporters don't report the news so much any more; instead they editorialize the news. Patterson's book proves that much of what is being broadcast or printed in the media is negative when it comes to covering politics. The author states that one of the largest problems with today's coverage of news is that the media too often doesn't allow politicians to be heard. Perhaps Professor Patterson's book and Morton Kondracke's review will help in giving Americans a different point of view.

NEW BOOK BOLSTERS CLINTON COMPLAINTS ON 'CYNICAL' MEDIA

President Clinton charges that journalists don't so much report the news anymore as editorialize about it, and that they are making Americans cynical about politics. An important new book suggests he's absolutely right.

The book is "Out of Order" (Knopf) by Syracuse University professor Thomas E. Patterson. It shows that during the 1992 race, 80 percent of presidential campaign stories on the front page of the New York Times were interpretive accounts stressing the reporter's opinions, while in 1960, almost all stories were descriptive accounts largely based on the words of candidates and other politicians.

What's more, analyzing more than 4,200 campaign stories in Time and Newsweek from 1960 to 1992, Patterson finds that until 1976, "good news" about candidates and their campaigns dominated, whereas from 1980 on, articles have been mainly negative, sometimes savagely so.

Television coverage is much the same, Patterson shows, with correspondents regularly opining that candidates purposely mislead votes, don't stand for anything, lack a clear agenda, or have character flaws making them unfit to govern.

Patterson's book documents increasing negative "advocacy coverage" in campaigns, but other data indicate that the tendency carries over into coverage of government—possibly because the same reporters cover campaigns, the White House, and Congress.

According to the Center for Media and Public Affairs, 62 percent of 1993 network news stories on the Clinton presidency were negative. Coverage of Democrats in Congress

was 60 percent negative and 75 percent negative for Republicans.

During a radio interview with St. Louis station KMOX on June 24, Clinton blasted radio talk-show host Rush Limbaugh, right-wing preacher Jerry Falwell, and the mainstream media. What he said about the media was all but ignored.

Explaining citizen cynicism, Clinton said, "If you look at the information they get, at how much more negative the news reports are, how much more editorial they are, and how much less direct they are . . . you can't blame them for responding that way."

Curiously, the Center for Media and Public Affairs finds that the overall content of TV coverage of the Whitewater and Troopergate scandals from last November through this May has been equally balanced for and against Clinton—although obviously the subject matter of the stories works against Clinton.

But during the two months prior to Clinton's complaint in St. Louis, TV scandal reporting had turned decidedly negative for Clinton, by a margin of 61 percent to 39 percent. By far, ABC News has been toughest on Clinton and CBS the most favorable.

Patterson's book, while coming from the vantage point of campaigns, is a 300-page vindication of Clinton's basic point of view.

"There is a danger to democracy in both the unrelenting negativism of the press and the increased inability of candidates to avoid the press's scrutiny," he writes. "Candidates have to communicate with an electorate that is continuously warned by the press to mistrust them. A wall of suspicion is thus created, and disbelief sets in."

Possibly Patterson's most damning findings are that the media nowadays won't even let a politician be heard.

In 1968, the average TV soundbite featuring a presidential candidate's own words was 42 seconds long. In 1988 and 1992, the average was less than ten seconds.

For every minute that the candidates spoke on the evening news in 1988 and 1992, Patterson reports, journalists who were covering the campaign talked for six minutes.

Newspapers are little better. In 1960, the average continuous quote or paraphrase of a candidate's words in a front-page New York Times story was 14 lines long. By 1972, the average had fallen to six lines.

"The candidate's words are now usually buried in a narrative devoted primarily to expounding the journalist's view," says Patterson. And usually the journalist's view, he says, is that politicians are trying to put something over on the public.

Patterson writes that the fundamental problem with presidential politics today is that the media have taken over the candidate-judging role formerly occupied by party leaders—largely as a consequence of the 1968 McGovern-Fraser reforms in the Democratic party.

The media, naturally inclined toward "news" rather than underlying issues and toward "horse race" coverage rather than substance—and increasingly driven toward scandal and personality—simply is not cut out for the role of chief arbiter of politics, Patterson writes. The remedy he recommends: shortening campaigns.

That's a distant cure, though. What America needs most is for TV and print editors to order their reporters to quit being de facto columnists and to go back to telling people what happened yesterday, rather than what to think about tomorrow.

MONTANA'S VOICE OF DEMOCRACY WINNER—PAIGE ROIGER

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. WILLIAMS. Mr. Speaker, I am pleased today to insert in the CONGRESSIONAL RECORD the following winning script, by my constituent, Ms. Paige Roiger of Sidney, MT. Ms. Roiger was Montana's winner in the My Commitment to America Contest sponsored by the Veterans of Foreign Wars of the United States.

MY COMMITMENT TO AMERICA

DEAR AMERICA: I'm writing this letter to thank you for being a great nation. Since your birth, God has blessed this land more than any other nation, with great natural resources, beauty, and countless opportunities.

This nation was founded by committed people with integrity and forethought, who wrote our Constitution and developed the laws we still live by today. The signers of the Declaration of Independence, put more on the line than their name. Many of them sacrificed everything, their personal wealth, family security, and some even forfeited their lives. But it was worth it to them because of their commitment to this "noble experiment" America.

Our national character was developed by men like George Washington, who was committed to the shaping and molding of this nation. Men like Thomas Jefferson, who saw beyond the Mississippi, and was committed to expanding this nation. And Lincoln, who was committed to preserving the Union, who for this cause, risked the separation of this beloved land, and guided this land through its darkest hour. Enshrined alongside them on Mt. Rushmore, is Teddy Roosevelt, who guided the developing of this nation into a world power.

Men of honor, courage, and vision have this heritage and challenge to a new generation of Americans. Through their example, I am challenged—compelled to be committed to stand up for the things that are best for our nation. According to John Stuart Mill, "One person with a belief is equal to a force of 99 who only have interest."

We are the world's leader, example, and model, the best in medicine, the best in agriculture, the best in technology. The fact that we are the leader is no mere coincidence. The challenge to my generation is to uphold this standard of excellence.

My first commitment is to America's beauty. I must strive to preserve and protect our vast natural resources. From coast to coast we've inherited mighty rivers, scenic lakes, spacious prairies, majestic mountains, and grand forests. Along with the inheritance comes the responsibility to insure their continuing beauty and benefits for future generations.

Secondly, my commitment is to America's freedoms. I must seek to preserve our fundamental rights. The freedom of press, the freedom of speech, and the privileges we have of going to schools of our own choice, worshiping God the way we believe, and having an active voice in our government. I hope to be included in the thousands of God fearing citizens who have served in their communities and in our country in order to protect and keep the cause of freedom. In Job 5 verse 8, is Job's prayer as well as mind, "and unto God would I commit my cause."

Finally, my commitment is to America's goodness. A visitor to our land once said, "America is great because America is good," I need to be a fair, honest, and law-abiding citizen. I want to be diligent in striving to be morally good and exhibit a character that would be an example to others. We need to remember, freedom is not the right to do as we please, but freedom is the liberty to do what is right.

Thank you, America, for being so great.

Yours truly,

A YOUNG AMERICAN.

TRIBUTE TO BILLY AND GEORGIA ROSSER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to two outstanding citizens of Indiana's First Congressional District, Billy and Georgia Rosser. On Saturday, July 16, the Rossers, along with their children and grandchildren, will celebrate their 50th wedding anniversary at Rosser Hall, in Hobart, IN.

Both Billy and Georgia have dedicated a substantial portion of their lives to the betterment of northwest Indiana, particularly, Hobart Township.

After a 30-year career with Inland Steel's accounting department, Billy retired to pursue a life of public service. In 1970, Billy was elected Hobart Township trustee, and throughout his 24-year role in this position, Billy has successfully led Hobart Township into one of the only debt-free townships in the county. With an emphasis on the improvement of education among Hobart Township's youth, as chief administrator of Hobart, and as a member of the Lake County Board of Education, Billy was instrumental in the restructuring of the Hobart Township School System from 1971 through 1974. During his tenure as Hobart Township trustee, Billy procured funds to establish Rosser Hall, which is utilized for various celebrations, and Rosser Park. The moneys generated from these structures flow back into Hobart Township, and are applied directly to the township's assistance fund.

Billy currently serves as president of the Lake County Township Trustee Association, and has held past presidencies for organizations such as the East Gary Police Association, and the Hobart Township Lake Ridge Community Services. He serves as chairman of the Lake Station-Hobart Township Precinct Organization, and director of the East Gary Democratic Club. Billy holds memberships in the Hobart Elks, the Lions Club, the Shriner's organization, the Fraternal Order of Police Associations of Hobart and Lake Station, as well as membership on the advisory board for the Regional Lake Station Bank of Indiana board of directors.

Billy confesses that none of his accomplishments would have been possible had it not been for the constant support of his wife, Georgia. A master cosmetologist, and 20-year owner/operator of her own beauty salon, Georgia closed the doors of her business to become the Hobart Township trustee's administrative assistant and payroll clerk. Through

Georgia's meticulous attention to detail, the trustee's office has been successfully reaching out to the residents of Hobart Township in need of assistance for the past 24 years. Georgia is a current member and past president of the Lady Lions Club in Lake Station. She also holds memberships in the American Legion Post No. 100 auxiliary, the Democratic Clubs of Lake Station and Hobart, and the Indiana Township Trustee's Association.

Mr. Speaker, I ask you and my colleagues to join me in honoring this amazing couple, not only for their commitment to the betterment of their community, but also for their commitment to one another, and the families they have produced. With all of the challenges facing today's society, it brings me great pleasure to see the sacrament of marriage honored and fulfilled as this wonderful tradition was intended to be. I truly hope that the Rossers' celebration this Saturday proves to be a most joyous occasion.

HONORING THE MEMORY OF JOHN D. HAVENS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. GILLMOR. Mr. Speaker, I am deeply saddened by the death of John D. Havens and wish to extend my most heartfelt condolences to his family and many friends.

John Havens was an intelligent and creative man who set high personal standards and worked with steadfast determination to achieve his goals. He was a kind man who set a shining example of decency and neighborliness.

He was a community and agricultural leader who gave willingly of his time and efforts to serve others. He was a member of Grace Lutheran Church, Fremont; Fremont Exchange Club; National Dairy Shrine; Green Springs Co-Op Association (past director); Fremont Sugar Beet Growers Association (director); Sandusky County Soil Conservation Service; Sandusky County Farm Bureau (board member); Fremont Pickle and Tomato Growers Association (past director); Late Comers Farm Council; Ottawa County Harness Horseman Association; Holstein-Friesian and Ohio Holstein Association; Sandusky County Chamber of Commerce (Agricultural Committee); Fremont Elks; and a member of the board of directors of The Old Fort Banking Company.

Although there are no words to ease the sorrow caused by the passing of John Havens, solace can be found in the memory of having been touched by such an outstanding man. It is my sincere hope that happy memories will comfort his wife, Joyce, daughters Jennifer and Janelle, son, Eric, his mother, Gertrude, and his other beloved family members in their bereavement and will be a continuing source of strength to them.

THE NORTH CAROLINA ARBORETUM: A NATIONAL TREASURE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, North Carolina's 11th Congressional District is home to many national treasures, including the Blue Ridge Parkway, the Great Smoky Mountains National Park, the cradle of forestry, and the Pisgah and Nantahala National Forests. The district is also home to the North Carolina Arboretum, itself the home of the National Native Azalea Repository. I'm pleased to share an article from the 1993 edition of Diversity magazine.

[From Diversity magazine, 1993]

NORTH CAROLINA ARBORETUM HOUSES NATIONAL NATIVE AZALEA REPOSITORY

(By Rich Owings)

The North Carolina Arboretum is home to the National Native Azalea Repository, a germplasm collection focusing on the 17 species of azaleas native to the United States and North America. Eleven of these species are found within 100 miles of the arboretum's location in Asheville, North Carolina.

The repository is the result of suggestions made by John L. Creech and David Dean during a visit to The North Carolina Arboretum in 1988. Dr. Creech, a renowned plant explorer and retired director of the National Arboretum in Washington, D.C., is currently a member of The North Carolina Arboretum Board of Directors. He served as the interim director of the North Carolina Arboretum until George Briggs was hired as director in 1987. David Dean was an active member of the American Rhododendron Society and an avid grower and collector of the genus prior to his death in 1991.

COLLECTION TO BE TREASURY OF U.S. AZALEA GERMPLASM

The National Native Azalea Repository is intended to be the most complete collection of azalea germplasm for those species native to the United States. This collection will be of maximum interest to many user groups: azalea enthusiasts, botanists, researchers, nurserymen, and plant breeders. The varieties that create the best floral display will be planted in the core garden areas where up to one million visitors a year are expected to see them.

Systematic collection activities have centered on the genetic variation found within native azaleas. Examples of each species and more than 80 botanical and cultivated varieties are being grown in the arboretum's nursery and will be moved in the near future to a site within the Scientific and Botanical Plant Collections Area alongside Bent Creek. The site includes native stands of *Rhododendron arborescens* and *R. calendulaceum* and encompasses various habitats including rocky slopes, rich bottomland, wet drainage channels, and riparian sites.

Various levels of taxa will be featured in the repository. Species material will include individuals with different morphological characteristics, botanical varieties, and representatives of the various habitats and segments of each of the 17 species ranges.

Within each species, cultivated varieties will also be included. There are over 140 known cultivars and selections in this group, including 36 clones of the flame azalea (*Rhododendron calendulaceum*).

HYBRIDS A VALUABLE PART OF COLLECTION

Hybrids between the various native species will also be displayed. A search of existing literature has revealed 146 named varieties of interspecific hybrids. *Rhododendron arborescens* and *R. bakeri* figure most prominently in these crosses.

Featured are naturally occurring hybrid populations, such as the famous hybrid swarm on Gregory Bald in the Great Smoky Mountains National Park, where *Rhododendron arborescens*, *R. bakeri* and *R. viscosum* have interbred to form a hybrid complex which is a unique naturally occurring floral display. Working under a collection permit with the Great Smoky Mountains National Park, staff members of The North Carolina Arboretum have conducted expeditions for the past two years to document representative and superior individuals on Gregory Bald. The staff has collected seed and cuttings for asexual propagation of selected clonal material. Through these efforts an *ex situ* collection of these plants will be established at The North Carolina Arboretum.

New selections and hybrids are being named and released each year, and the arboretum intends to add new selections to the repository as they become available.

COLLECTION OFFERS AMPLE OPPORTUNITIES FOR RESEARCH

This complex group of plants offers many opportunities for research. On a botanical level, collection activities lend themselves to the study of morphological differences at the various extremes of each species' natural range. The study of botanical varieties, herbarium development, exploration of naturally occurring hybrid swarms in addition to the stand at Gregory Bald, and the development of morphology-based non-floral keys are additional possibilities.

Another research avenue would be to utilize genetic fingerprinting technologies to determine the species' parentage of undocumented hybrids, including the taxonomically confused group at Gregory Bald. Such a tool could also be used for the verification and documentation of our collection.

A further use for this technology would be to conduct genetic studies on the relationships between native and Asian species. Through the use of arboretum facilities, such as the planned laboratory complex at the Horticultural Support Facilities. The North Carolina Arboretum would like to support and encourage such research.

PLANT DEVELOPMENT PROGRAMS

The North Carolina Arboretum is currently initiating a Plant Development Program which will include selection, introduction, and distribution components. Possible avenues of development for the native azalea group include the evaluation of currently available cultivars for superior performance and the selection of outstanding clones from the Gregory Bald site. Because of the large numbers of hybrid azaleas currently available and the number of active azalea breeders working with native species, it is doubtful that an actual azalea breeding program will be established as part of our plant development efforts. This does not preclude selection work utilizing existing clones to search for such desirable characteristics as summer bloom time and fragrance.

"MY COMMITMENT TO AMERICA"

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. EDWARDS of Texas. Mr. Speaker, I am proud to announce that Mr. Andrew Ruppar has won honors from the Veterans of Foreign War in the Voice of Democracy broadcast scriptwriting contest. Andrew is a senior at Copperas Cove High School in Copperas Cove, TX, which I am privileged to represent.

This year, more than 138,000 students participated in the Voice of Democracy contest which demonstrates the great accomplishment that Andrew achieved by being recognized as the top entry in Texas.

I am proud to insert a copy of this winning speech.

"MY COMMITMENT TO AMERICA"

(By Andrew Ruppar)

I think we've all seen the tradition before the olympics when one runner passes the eternal olympic flame to another. It is then his responsibility to proudly run with it until that time when it is his turn to pass the torch. This tradition is a great deal like America. For over two hundred years, the torch of liberty has been carried patriotically by past Americans and now it will soon be my turn. The only way America could fail is if the wind of apathy blows out this flame. I fear the moment that someone stops and says, "Well, these past generations did fine. Why do I have to do anything? Besides, I am sure if it is really so important, someone else could carry this torch besides me." My commitment to America is to never let this apathetic view overcome myself, and I will struggle to keep it from overcoming others.

Some people view freedom like a belly button. As long as they can remember, it has always been there, and they seem to pay it no mind or attention. From living in a military family I have had unique experiences that have helped me to cherish what I have. One of my most memorable experiences was at age seven, traveling past the east side of the Berlin wall. The buildings, monuments, streets, all were a cold grey color, a color reflected even in the people's sullen faces. Seeing the limited choices in the stores, being searched and followed by guards, walking down the street and having a stranger spit at my father in his military uniform, a uniform that defended all that I believed, all were a rude awakening to the world. At an age where I had just learned to spell the word "rights," I learned what it was like to live without any. As we crossed the border back to the West, I was surrounded by familiar and vivid colors. And only in its absence did I understand that freedom is more than going on a field trip and not having to use the buddy system.

The freedoms and liberties that we now have did not come cheaply. There has never been a blue light special on justice. Thousands of brave men and women have broken down the barriers of oppression and now defend and keep us safe from further danger. Yet, erecting a memorial or placing a wreath does not negate any American, including myself, from our true responsibilities. My commitment to America and the memory of these past and present patriots is to strive to preserve the rights and freedoms we were given, always struggle to find more just rights and liberties, and guarantee the success of future generations.

Norman Cousins states that, "In a Democracy, the individual enjoys not only the ultimate power, but also carries the ultimate responsibility." My ultimate responsibility is to see my commitment through and not let the victories of past generations be for nothing. My commitment to America comes in a variety of forms. When I am driving and I see a stop sign, it is my commitment to America to stop. While it may seem obvious, part of my commitment to America is to be a law-abiding citizen. It is also my commitment to America to take care of my debts and my own welfare. I cannot allow others to needlessly provide for me. America is strong because the individuals that make up this great country are strong. I, too, must make my contribution to the strength of America. Even standing up at a baseball game as the National Anthem is played is one of my commitments to America. However, my most important method of fulfilling my commitment will be through my occupation, for I want to go into government service. I can serve my country and its people by ensuring that the barriers of oppression stay down and continue to see justice being served.

God bless America! I believe it to be the greatest country to live in, but it still has its share of problems. When one watches the news one can not help but feel the pain of others, witness the presence of injustice, and simply have the feeling of not being safe. Even the youth of America has its share of problems. While most, idealistically, should be studying, or being productive citizens, they seem more intent on raising the rate of juvenile crime. My commitment of America will be to roll up my sleeves and get to work at the problems and find solutions to satisfy us all.

If you ask most Americans on the street, "Is there a problem with our health care system?" They will say, "Yes." "Is there a problem with our educational system?" "Yes." "Is there a problem with our foreign policy?" "Yes."

But if you ask most Americans how to correct them or what they will personally do to fix these problems, their enthusiasm will tend to dwindle. I, however, will devote my life to these conundrums and try to keep the active participation of all whom I represent and serve. While I don't claim to be the panacea for every imperfection in this country, I will never allow myself to be one of its problems. Like the Olympic runners, I will keep the flame of liberty and justice burning bright. My commitment to America will be to proudly pass it on to future generations so the essence of this great country called America, can illuminate the world.

LABRANCHE WETLANDS BILL

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. TAUZIN. Mr. Speaker, I rise today to introduce legislation that has two very important purposes: First, preserving significant wetlands habitat and second, protecting the rights of private property owners. My bill directs the U.S. Fish and Wildlife Service to acquire the LaBranche Wetlands located in St. Charles Parish, LA, from voluntary sellers for inclusion in the Bayou Sauvage Urban National Wildlife Refuge.

Acquisition of the LaBranche Wetlands by the Fish and Wildlife Service is very important to the preservation of wetlands in Louisiana. The LaBranche Wetlands is an ideal candidate for refuge status because of its high visibility to travelers along Interstate 10 between New Orleans and Baton Rouge, and it could easily be included within the already existing Bayou Sauvage National Wildlife Refuge because of its close proximity. The LaBranche Wetlands is located adjacent to New Orleans and could serve as an excellent educational tool for the citizens and school children of the New Orleans area. The LaBranche Wetlands contain significant wetlands habitat and could provide a model for other coastal and marsh restoration efforts throughout the nation. The LaBranche Wetlands has been the site of one of the first projects to use Christmas trees as sediment traps, a practice now widely used in coastal restoration efforts.

Federal acquisition as a wildlife refuge is needed to better establish and preserve wildlife habitat and restore the wetlands. Unified management and improvement projects conducted by Federal employees is essential in creating a showplace for wetlands and coastal restoration.

U.S. Fish and Wildlife Service acquisition of the LaBranche Wetlands is also critical in preserving the rights of private landowners. A large number of landowners bought land within the LaBranche Wetlands with the understanding that the land could be developed both residentially and commercially. However, due to subsequent changes in the wetlands regulatory program, these landowners were not allowed to use and develop their land. In the past, I have requested that the Fish and Wildlife Service acquire this land for use as a refuge. The Service has informed me that it has no intention to acquire the LaBranche Wetlands because the wetlands are not a high priority. Many individuals and organizations at the state and local level disagree. I believe that the real reason the Federal Government has not already acquired the LaBranche property is that, in effect, they already have it. Because of Federal wetlands permitting regulations, affected landowners are unable to do anything with their land other than pay taxes on it.

This legislation is needed to ensure that private property owners in the affected area are protected. Private landowners should not be forced to bear the burden of what society deems to be a mutual benefit shared by all. Let me make it clear that I fully support the societal goal of preservation of wetlands. However, private landowners should not bear the entire burden of achieving that goal. Equally important, this bill is needed to ensure that LaBranche Wetlands are preserved in the best way possible. Unified management and control by the Federal Government along with Federal resources and manpower are the key to making the LaBranche Wetlands the showplace for coastal restoration and wetlands habitat that it can truly be.

INTRODUCTION OF THE FAMILY SELF-SUFFICIENCY ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. MATSUI. Mr. Speaker, today I am introducing the Family Self-Sufficiency Act of 1994. I am putting forth this proposal because I believe that we must broaden the debate over how best to reform the Nation's welfare system.

All of us—the public, legislators, and those on AFDC—agree that the Nation's welfare system needs to be reformed. It does not work sufficiently to meet the needs of either those dependent on AFDC or the taxpayers who support the program.

The debate over welfare reform has been characterized by little more than demands to get tough on recipients. Far too great an emphasis has been placed on how long people should be able to receive AFDC benefits, and too little on the question of how to truly break the cycle of poverty and dependency that threatens the lives of the most needy women and children in our society.

The bill I am introducing today places its emphasis on providing the tools and supports necessary for those on AFDC to become self-sufficient. The welfare reform debate cannot focus solely on sticks and punitive measures to evoke change. We must also use carrots by providing services that motivate women to find jobs and stay employed, such as safe and affordable child care and health care coverage. These benefits must continue once families leave AFDC for a job, to ensure that they can remain independent of the welfare system.

All welfare recipients are not alike, and for this reason we cannot assume that they all will be able to succeed in a specified time period. The bill I am introducing today contains benefits for participating, as well as penalties for noncompliance. However, these are granted on an individualized basis that recognizes that people learn and advance at different speeds.

I think that we can improve the Nation's welfare programs, but we must do so in a compassionate manner that recognizes the challenges these families face. I believe the family self-sufficiency provides this new voice.

ECONOMIC GROWTH AND STABILIZATION FINANCING DEMONSTRATION ACT OF 1994

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. KANJORSKI. Mr. Speaker, today the ranking Republican member of the Economic Growth and Credit Formation Subcommittee, Mr. RIDGE, and I are jointly introducing the Economic Growth and Stabilization Financing Demonstration Act of 1994.

This bipartisan legislation addresses the single largest shortcoming of existing Federal programs to promote economic growth and stabilization in economically distressed communities across this country. It provides the Secretary of Commerce with the financing tools necessary for the success in developing an effective, comprehensive strategy to create new jobs in economically troubled regions through targeted assistance to help new businesses get started and for existing businesses to remain or become competitive in today's global economy.

Specifically, the legislation authorizes the Secretary of Commerce to conduct four demonstration programs for financing assistance for economic growth and stabilization in economically distressed communities. These demonstration programs would focus on loan guarantees, interest rate subsidies, equity financing, and credit enhancements to securitize economic development loans for the secondary market.

On Tuesday, Commerce Secretary Ron Brown testified on the administration's new Competitive Communities initiative. In his testimony he underscored the need for the legislation I am introducing today. He said, "To implement the Competitive Communities Program fully, with its emphasis on funding intermediaries to support private economic activity, EDA could benefit from additional tools. In particular, loan guarantee authority to support high-growth business activity would be extremely helpful."

Mr. Speaker, Secretary Brown's testimony echoes that provided by Assistant Secretary for Economic Development William Ginsberg when he testified before the Banking Subcommittee on Economic Growth and Credit Formation on June 22. Mr. Ginsberg's testimony unveiled the Competitive Communities initiative which was described by Secretary Brown Tuesday.

At my subcommittee's hearing on June 22, Secretary Ginsberg outlined the focus of the administration's new initiative saying, "At EDA, we are redirecting our programs and the tools which we use with the objective of ensuring that economically distressed areas and regions of the United States benefit from the new Federal commitment to promote America's globally competitive, technology-based, export-oriented industries."

Secretary Ginsberg identified as the two key components of the new strategy, " . . . financial inducements for the growing globally competitive industrial sectors to invest in our distressed communities and . . . institutional linkages between the community leadership and the business leadership whose companies can form the economic base of the future."

Many State and local governments have recognized that infrastructure development alone, is simply not sufficient to successfully implement a strategy to promote economic development and facilitate the creation of new jobs. Frequently, the critical element which determines success or failure of economic development efforts is the availability of business financing assistance.

Despite this growing realization, the Federal Government lags behind many States in providing this often vital assistance. This seriously handicaps the effectiveness of our overall economic development efforts. Simply building a new industrial park does not assure that new business will locate there and create new jobs. We need to focus our efforts on encouraging the development of new businesses and jobs that offer real opportunities for advancement in troubled communities.

When Secretary Ginsberg testified before my subcommittee 3 weeks ago, in addition to unveiling the Competitive Communities initiative, he also commented on a draft version of the Economic Growth and Stabilization Financing Demonstration Act of 1994 which I am introducing today.

He noted that this legislation mirrors the goal of the Clinton administration saying, "The administration has strongly supported legislation emanating from this subcommittee . . . which would provide EDA with the authority to guarantee economic development loans." He also testified that, "The equity finance program proposed for EDA in the draft subcommittee legislation . . . would also achieve [the administration's] objectives," and vision for EDA in the future.

Secretary Ginsberg also noted in his testimony that, "by leveraging private investment . . . this vehicle ensures a better leverage for the Federal dollar . . . and serves as a catalyst to encourage private sector investment that will create jobs."

Mr. Speaker, while a number of our colleagues helped develop the ideas which are reflected in the Economic Growth and Stabilization Financing Demonstration Act of 1994, I particularly want to recognize the important contributions made by my ranking Republican member, Mr. RIDGE, as well as by Representatives KLEIN and TRAFICANT.

As a new Banking Subcommittee chairman in the 103d Congress, it has been a pleasure and privilege to work with my ranking Republican member, TOM RIDGE, on this and other economic development and job creation initiatives. Congressman RIDGE has contributed many important suggestions to the legislation we have worked on, and has been a true partner in the work of the subcommittee.

Earlier this year, Mr. KLEIN introduced H.R. 3853 authorizing the Federal Government to participate in, or guarantee, loans made by banks and other qualified lenders for businesses with potential for expansion and growth and for other viable economic development projects. Throughout his tenure on the Subcommittee on Economic Growth and Credit Formation, Congressman KLEIN has consistently shown great vision and a dedication to create new employment opportunities for all Americans. He has demonstrated an enormous capacity for thinking through some of our economy's most intractable problems and for proposing new and innovative solutions. Clearly, the Economic Growth and Stabilization Financing Demonstration Act of 1994 incorporate many of his ideas.

Last year, Representative TRAFICANT introduced H.R. 2191, introduced to authorize the Secretary of Housing and Urban Development to carry out a demonstration program to make grants available to community development corporations for reducing interest rates on loans for economic development activities in five federally designated enterprise zones. As I have noted, the Economic Growth and Stabilization Financing Demonstration Act of 1994 provides for a demonstration program to subsidize the interest rates of loans associated with enhancing economic growth and stabilization in economically distressed communities. I

commend Mr. TRAFICANT for his foresight and leadership in this area.

Finally, Mr. Speaker, I want to note for our colleagues that similar loan guarantee and equity financing demonstration provisions were adopted, with strong bipartisan support, by the Subcommittee on Economic Growth and Credit Formation, and were subsequently, by a unanimous bipartisan vote, passed by the full Banking Committee, as part of its version of H.R. 2442, which reauthorizes the Economic Development Administration.

Unfortunately, the version of H.R. 2442 which was ultimately brought to the House floor only provided for a study of new EDA financing tools. With the launching of the administration's new Competitive Communities initiative, however, it is critical that we provide the Secretary of Commerce with the financing tools that Secretary Brown testified Tuesday that he needs to fully implement the new program.

I urge my colleagues to cosponsor the Economic Growth and Stabilization Financing Demonstration Act of 1994. For the benefit of our colleagues, I am attaching to this statement a section-by-section analysis of this bill. I look forward to timely action on this legislation by the Committee on Banking, Finance and Urban Affairs.

HEALTH CARE REFORM

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BARLOW. Mr. Speaker, I recently received a letter from Nancy Jo Kemper, the executive director of the Kentucky Council of Churches. Her letter dealt with the issue of health care reform and the need to provide all Americans with access to primary health care services.

I want to share this letter with all my colleagues in the House. Ms. Kemper was also kind enough to include a copy of "Pastoral Appeal: Health Care Coverage for All Americans." This message, endorsed by the leaders of religious groups around the country, makes it clear that health care is a moral, not a political issue. I am including this message in the RECORD for my colleagues as well.

KENTUCKY COUNCIL OF CHURCHES,
Lexington, KY, July 11, 1994.

Hon. TOM BARLOW,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE BARLOW: Health care reform with universal coverage for ALL Americans is a moral and economic necessity. The Kentucky Council of Churches, representing 11 major Christian denominations, some 2700 congregations, and over 800,000 members of these churches across the Commonwealth, has long been committed to significant health care reform in our state and in our nation. I urge you, in the coming floor discussions, to do your utmost to expand primary health care coverage to all Americans, as speedily as possible.

I am enclosing a "Pastoral Appeal: Health Care Coverage for All Americans" which has been signed by national religious leaders. I also endorse this pastoral appeal, both personally, and on behalf of the Kentucky Council of Churches and its member congregations.

May the spirit of wisdom and compassion guide you in your deliberations in Congress on this vital matter for the well-being of our society.

Sincerely,

NANCY JO KEMPER,
Executive Director.

A PASTORAL APPEAL: HEALTH CARE COVERAGE FOR ALL AMERICANS

Now is the time for religious voices, long committed to establishing hospitals and providing care, to be heard in support of health care for all Americans.

Decisions touching every life are being made in these very days. By adding its voice of moral conviction and guidance to the public process, the religious community can, in concert with others, make the difference. The doors to health care resources for all people can be opened. It can happen now!

The issue of universal coverage is neither a partisan nor a political matter. It is a moral mandate. Anything short of health care for all is morally flawed. Religious commitment to the dignity and value of every human life insists on it. Our nation's history of failing to provide such care needs to be repudiated as a moral deficit that has stood too long.

The provision of health care for all will embrace particularly the lives of those about whom we as religious communities have so long cared—the poor and those often ignored, the burdened and those thought to be unworthy, the modest middle-income folk so often found among the people of religious loyalty and quiet faithfulness.

So often those who have significant assets or access to private resources have little understanding of what the threat of the loss of health care means. For working people with hourly wages or limited salaries, the possibilities of faltering health or losing coverage is an abiding fear. For those in poverty for whom managing each day is a demanding battle, the absence of adequate health care is a pending defeat of life itself. Without universal health care coverage, these are the very ones who will fall away, often unnoticed. Therein lies the moral issue: Whether we are willing to provide for all people as children of God.

Therefore our support for universal coverage is morally grounded. Important issues still being debated can, we believe, best be resolved in a setting of commitment to and the enactment of universal coverage. To those participants in decision-making who are undecided or opposed, we implore a new attention to the moral meaning of universal coverage.