SENATE—*Tuesday, July 19, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Let us pray:

Thou wilt keep him in perfect peace, whose mind is stayed on thee. * * *—Isaiah 26:3.

Almighty God, sovereign Lord of history and nations, You are needed here—Your presence, Your mercy, Your judgment, Your wisdom, Your love.

We need You in this formidable arena of controversy, conflict, and compromise, where unnumbered agendas converge and demand attention, where special interests collide, where strong wills clash. We need You when tempers rise, emotions boil, frustration enervates, and suppressed anger explodes.

Gracious God, in this vortex of the storm where personal, local, regional, national, international, and special interests concentrate, give to the leaders, the Senators, and their staffs grace exceeding the tempest.

In the name of Him whose peace the world cannot give nor take away. Amen.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The 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 not to exceed 5 minutes.

If no Senator seeks recognition, the Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. HATFIELD. Madam President, I ask unanimous consent that I may proceed as in morning business until 10:10.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator from Oregon [Mr. HATFIELD] is recognized until 10:10 a.m.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD and Mr. WELLSTONE pertaining to the introduction of S. 2294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNICEF PROGRESS OF NATIONS REPORT CHILD NUTRITION NEEDED AS PART OF FOREIGN AID

Mr. MURKOWSKI. Madam President, the Senate has recently passed the foreign operations appropriations bill. This bill will soon go to conference committee. I would like to take this opportunity to tell my colleagues about UNICEF's recently released annual Progress of Nations report.

This report offers a country-by-country comparison of the progress made in meeting the basic needs of children and families. The report expresses the hope that "development also means action to protect the vulnerable and to invest in adequate nutrition, safe water, primary health care, basic education, and family planning."

Nearly 13 million children die each year of preventable malnutrition and disease; victims not of war, but of chronic poverty; dying not of massacres but of measles and dehydration. And we know what to do to prevent this.

The report indicates that due to increased global immunization rates, there are 3 million fewer child deaths each year, with 1½ million fewer deaths due to prevention of measles alone. Yet 1 million children still die each year of measles and over half a million newborns still die of tetanus.

In the early 1980's, 4 million children were dying annually of dehydration due to diarrhea. The report highlights that with oral rehydration therapy, a simple Gatorade-like solution now utilized by nearly 40 percent of the world's families, 1 million child deaths are prevented each year. Yet 3 million children still die each year of diarrheal dehydration, and at least half of those deaths could be prevented by the therapy.

Basic education is also an important goal for foreign aid. World Bank studies estimate that each additional year of education results in a 10-percent decrease in birth rates and in child death rates, and a 10- to 20-percent increase in wages.

Madam President, I believe that the UNICEF report shows that the foreign aid appropriations bill should retain provisions aimed at funding child survival and nutrition programs around the world. I am sure that my colleagues feel the same. Certainly saving children's lives should be a high priority of our foreign aid.

CONCERNING THE CRIME BILL CONFERENCE

Mr. GRASSLEY. Madam President, conferees first began to meet to reconcile differing versions of anticrime legislation more than a month ago. The conference committee adjourned without taking any substantive action, and it has not yet reconvened. The conferees may return to work Thursday, however, and I wanted to take this opportunity to offer my thoughts on the proposed chairmen's mark conference report and the Republican alternative.

When the Senate passed anticrime legislation last November, we passed a tough bill. And we passed a bill that was fully paid for by spending reductions as a result of restructuring Government. The chairmen's mark crime conference report is not fully paid for and it is not as tough as what we passed in November.

The chairmen's mark will raise the deficit by $13 billion. The additional sums reflect the social spending proposals mistakenly labeled "crime prevention." These social programs are an attempt to turn the clock back to the 1960's and the Great Society. At the very least, they are an effort to turn back the clock to last year, when Congress rejected a stimulus plan of almost the same monetary amount. Job training programs and expenditures on infrastructure, midnight basketball, and life skills is not anticrime legislation. The American people are rightfully concerned about crime. They are clamoring for Congress to act. But they want real action, not just motion. They do not shout, "reduce crime; spend money on increasing the self-esteem of our youngsters," as the Assistance for Delinquency and At-Risk Youth Programs would do.

The Republican alternative, by contrast, focuses money on law enforcement. Putting dangerous criminals in prison is the best crime prevention measure. The Republican alternative

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

will put $15 billion into prisons, and it will condition State receipt of some of that money on enacting truth in sentencing. The Republican alternative represents a more effective approach to fighting crime by being tougher on those who commit the violent crime that is shattering the lives of too many people in this country.

Last year, an unfunded stimulus package was filibustered. It may happen again this year. And I am sure that no crime conference report that contains racial quotas on the death penalty in any form will pass. News reports suggest that a compromise to limit the scope of the so-called racial justice act may be in the works. But the American system of individualized justice is not something that can be compromised.

Madam President, I am glad that the crime conference will meet again soon. I will be working to make sure that the final conference report reflects the tough provisions this body enacted last fall.

I hope we will be able to present to the American people a tough bill that will improve people's lives, not a rehash of shopworn old social programs that will achieve nothing except a higher deficit.

CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Madam President, as of the close of business on Monday, July 18, the Federal debt stood at $4,624,283,138,985.72. This means that on a per capita basis, every man, woman and child in America owes $17,737.20 as his or her share of that debt.

SOCCER TOWN, U.S.A.

Mr. BRADLEY. Madam President, I rise today to honor the city of Kearny, NJ—or, as I prefer to call it Kearny, Soccer Town, U.S.A.

In the mid-1870's, thousands of Scottish and Irish immigrants migrated to Kearny in northern New Jersey, located just 10 miles west of Manhattan. With them they brought their rich cultural heritage, complete with a penchant for playing soccer.

Time did little to extinguish the flame of soccer in the hearts of Kearny residents. Rather, through the establishment of a number of club teams, the sport flourished. In fact, in 1930, Kearny sent three residents to the U.S. National Soccer Team which reached the semifinals of the inaugural World Cup held in Uruguay.

Today, Kearny continues to excel in the sport of soccer. Nowhere was Kearny's continued excellence more evident than in the recent efforts of the U.S.A. World Cup Soccer Team.

While the country watched with excitement and pride as the U.S. team advanced to the second round of the 1994 World Cup Tournament, the 36,000 residents of Kearny watched with added enthusiasm. Representing our country were three of Kearny's own: Tony Meola, John Harkes, and Tab Ramos. Two of these players, goaltender Tony Meola and midfielder John Harkes, competed in Kearny youth soccer leagues and were teammates at Kearny High School. Joining Mr. Meola and Mr. Harkes in Kearny's Thistle Youth Soccer Program was midfielder, Tab Ramos. The solid play of these three New Jerseyans was vital to the success of the U.S. team.

The United States is proud to be hosting the 1994 World Cup Tournament. The games held across our country—from Palo Alto, CA, to East Rutherford, NJ—have no doubt rekindled the appeal of the sport for many Americans. In Kearny, though, the appeal of soccer has never waned; the town has remained a cradle of the sport. I think it is safe to say that, thanks in part to the success of Tony Meola, John Harkes, and Tab Ramos, Kearny will remain Soccer Town, U.S.A. for some time to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4554, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Heflin amendment No. 2303, to make funds available for emergency community water assistance grants, low-income housing repair grants, and the Agriculture Credit Insurance Fund Program account.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WELLSTONE. Madam President, I wonder whether my colleague from Mississippi would let me take 10 seconds for a unanimous-consent request.

Mr. COCHRAN. I have no objection.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Margo Dean, an intern in my office, be granted the privileges of the floor today with me.

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

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I was rising to suggest the absence of a quorum, but I see my good friend, the distinguished floor manager of the bill, Senator BUMPERS from Arkansas, on the floor, and I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. What is the parliamentary situation, Madam President?

The PRESIDING OFFICER. The pending business is amendment No. 2303 by Senator HEFLIN, the Senator from Alabama, committee amendments having been set aside.

Mr. BUMPERS. Madam President, we have excepted six or seven committee amendments because various Senators have said that they would like those excepted and wanted either an up-or-down vote on them or wanted to amend that. So far, the only debate that has been held was the debate by Senator BRYAN yesterday on the Market Promotion Program. We will resume that debate at 2:15 p.m. today and no further debate on that will be in order until then.

Between 12:30 and 2:15 this afternoon, we have the party caucuses, but there is not anything to prohibit anybody from coming over here and offering an amendment right now. If we are going to finish this bill tonight, as the majority leader is insisting, the people who have business on this bill are going to have to get here and offer their amendments, because the time is running.

I am saying this for the benefit of our colleagues who hopefully are watching the proceedings in their offices, to let them know at some point, either with or without an objection, I am going to move to start adopting those committee amendments, either en bloc or one at a time, because they hold the potential for keeping us here for 2 or 3 days.

There are at least seven amendments that I have been told about that various Senators are going to offer on the bill. But I would strongly urge them to get those amendments over here.

Having said that, Madam President, I hope that I would have the concurrence of my good friend, the distinguished ranking Member from Mississippi, Senator COCHRAN, in running a hotline to see if we can get a fairly comprehensive list of amendments that are likely to be offered on both sides, with a view toward getting a unanimous-consent agreement on an exclusive list of amendments which will be offered and possibly time agreements on each one. But one step at a time. I would settle right now for trying to get a list of all the amendments that are likely to be offered. We can worry about the time agreements later.

I can already see this bill going into tomorrow, unless something starts happening; namely, Senators coming over here and offering their amendments.

Madam President, I ask unanimous consent that I be allowed to proceed for not more than 5 minutes as if in morning business.

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

ENTITLEMENTS

Mr. BUMPERS. Madam President, we are in the appropriations process. I spoke yesterday afternoon about the fact that we still have a $4 trillion national debt. While the news is good that the deficit continues to decline, we also know that in 1996 the deficit will quit declining and go up slightly unless a number of things happen:

One is, unless we pass some sort of bill that controls health care costs we will see an increase in the deficit.

The second thing is, there is a myth that is pervasive in the U.S. Senate that entitlements are the sole cause of the deficit. There is no denying that so-called entitlements—which include Social Security, Medicare, food stamps, pension funds—are in fact going up much faster than the rest of the deficit.

The discretionary spending, such as the roughly $13.5 billion in this bill, is actually declining. What that means is the funding for things that we do here that make us a greater nation—namely, control crime, educate our children, provide jobs for our people—is declining in the Congress. But simply because it is declining is no justification for continuing to waste money in that category, namely, domestic discretionary spending. There have been all kinds of gnashing of teeth because the Senator from Nebraska [Mr. EXON] and the Senator from Iowa [Mr. GRASSLEY] offered an amendment on the budget resolution to cut an additional $13 billion in domestic discretionary spending, which includes defense, over the next 5 years. I am not gnashing my teeth, I am simply saying that the bill passed, that amendment was adopted, and we now have the obligation, the solemn duty, to comply with it.

We can start with the space station. It will probably be debated on the floor of the Senate next week. I have been trying to kill that sucker so long I cannot remember when I started, but this is going to be either the fourth or fifth year that I have tried to convince the Members of the U.S. Senate that the cost is staggering and the benefits are minimal. There is over $2 billion in the HUD/VA appropriation bill this year for the space station. The House, because of intense lobbying from the Vice President and the White House, overwhelmingly adopted the $2-plus billion appropriation this year to continue the space station. If the Senate should suddenly come to its senses and vote to kill the space station this year, that would take care of over $10 billion of what we are trying to find to take care of the Exon-Grassley amendment.

Unfortunately, we are not going to do it. I do not much believe we can kill the space station with the White House lobbying on the other side. What a pity.

It is not just the space station, incidentally, if I may digress; it is everything. The National Endowment for Democracy—you cannot kill it. I used to think the only programs around here you could not kill were in the Defense Department, but it has reached the point you cannot kill a program of any kind for any reason. The National Endowment for Democracy has a board membership that looks like Who's Who in America. Every year when that appropriation comes up, we receive all these letters from these very knowledgeable people who have nationwide reputations saying, "This is a magnificent program. Please don't vote to kill this." And the money goes to the Republican and Democratic Parties and labor unions and the chamber of commerce. Do you believe that? Madam President, $35 million, almost evenly divided between the two political parties and the AFL/CIO and the chamber of commerce. What in the name of heaven are we doing?

Then the Defense Department has this magnificent communications system called Milstar. Not many Senators have ever heard of Milstar—but why would they? It is only $30 billion. We have an opportunity to cut that system this year but my guess is we will not come close.

When Les Aspin was Secretary of Defense he appointed a group of the most knowledgeable communications people in America to study Milstar. It was conceived in 1981 to use in a 6-month nuclear war to communicate between the forces in the field and the Pentagon—in 1981, the height of the cold war. It made very little sense then. Who are you going to communicate with after the first 24 hours? There ain't going to be anything left. Think about the idiocy of spending $30 billion so we can communicate with our forces during a 6-month nuclear war.

I get up and say these things and the American people call my office and say, "Senator, that was a magnificent speech that you made. Why didn't you prevail?" It would take longer to explain that than it would to debate the issue. But that is the reason we have a $4 trillion national debt. We have already spent $12 billion on Milstar, and we have put up one satellite out of the six we are going to put up. Its initial power system has already failed, and it was supposed to last 7 years. But we are going to spend $18 billion more on a system that we do not need, is ill-conceived, poorly designed, and whose costs are completely out of control. We cannot kill it. We cannot stop anything around here.

Going back to the point I was about to make a moment ago about Milstar, when Les Aspin and the Department of Defense did what they call their Bottom-Up Review, they appointed four of the most knowledgeable organizations in America in the field of communications, to examine the program MITRE, for example. And those four organizations, after studying Milstar extensively, said you should go ahead and deploy the second Milstar satellite in 1995. Why? Because we have already paid for it so we might as well put it up. But then they went ahead to say, "Cancel the last four. Do not go ahead with this project. Instead, accelerate the smaller, cheaper follow-on system and save $3.5 billion."

These are the experts, appointed by the Department of Defense, and they come back and they say kill that system. So now do you know what the Defense Department has done? They have said, "We do not need it for strategic forces to fight a nuclear war anymore. We need it for tactical reasons." Even though the number of messages it will carry is just a fraction of what an existing defense communications system will carry and no more than the cheaper follow on, Milstar 3, would carry. It would not make any difference if the Second Coming walked on the Senate floor and said, "This is a bad idea," it would still get funded. And one of the reasons it would is because it means jobs.

I am not going to belabor this any further. But in the past several years the only success I have had with amendments I have offered to cut spending was the superconducting super collider, and the House really killed it.

I received a lot of credit for killing the super collider, but the truth of the matter is, we lost in the Senate. It was the House that killed the super collider.

The other success in cutting spending was the advanced solid rocket motor, which was a $3 billion saving. The House killed that one too. But the House let me down this year on the space station. They passed it by 1 vote last year and about 150 votes this year. That is what the power of White House lobbying will do.

There are a whole host of other things, Madam President, I could mention, but I do not stand around letting my colleagues tell me how terrible the Exon-Grassley amendment is, because we can accommodate that very easily if suddenly everybody in this place came to their senses and decided they wanted to.

I am going to have a very difficult time, and I sit on the Entitlements

Commission, the so-called Kerrey Commission. The Presiding Officer sits on that Commission with me. We have been talking about what we are going to do about Social Security, and all of a sudden, I am getting mail from all over the United States: "Please do not let them cut my Social Security."

I do not think we are going to. Whoever set up that Commission very intelligently decided not to make a report until after the elections were over, because you cannot deal with those things in an election year.

Last summer when I went home after casting a very unpopular vote on the budget reconciliation bill I told my constituents, many of them upset with my vote, that the one thing I knew is if you are serious about the deficit, you try to reduce it, you try to cut it. And there are only two ways to do it: One is to cut spending and the other is to raise taxes.

I do not know which is more unpopular. I get as much mail for one as I do for the other. We grew up with entitlements. With that Entitlement Commission, you have to tell people we are not trying to cut your Social Security, but you should know that in about 20 years, there will be nothing left. It is now paying out more than it takes in.

You have to be honest with people. I made the point the other day that if you are really serious about dealing with Medicare and Social Security, and a whole host of other things, you better start laying the groundwork for it, because it is the one thing people do not want to hear. Forty million recipients do not want to hear it, and I understand that.

I have paid the maximum Social Security since I was 27 years old, Madam President, and I hope I never draw a dime. I hope I am always active and making enough money that would bar me from drawing any Social Security. I am happy for other people who are less fortunate to draw whatever I paid in.

We are rapidly reaching the point, though, where we are going to have two people paying into the system for every one drawing out of it. Then we are going to almost reach the point where we have 1½ people for every one drawing out. You do not have to be a rocket scientist to know that the Social Security System cannot be sustained forever on that basis.

It is a mammoth problem. You can sit back and say do not do this and do not do that, but I will tell you, if you do nothing, you ought to forfeit your seat. All of these programs have to be dealt with. All I am saying is I would be very reluctant to vote for anything on any of those entitlement programs until we have dealt with a whole host of other issues.

Madam President, I yield the floor.

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. 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.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. McCAIN. Madam President, I ask unanimous consent that the pending Heflin amendment be set aside in order that I may propose an amendment at this time.

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

AMENDMENT NO. 2305

(Purpose: To strike a provision prohibiting the Secretary of Agriculture from approving Food Stamp "cash-out" demonstration initiatives)

Mr. McCAIN. 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 Arizona [Mr. McCAIN] for himself, Mr. KERREY, Mr. DOLE, Mr. BROWN, Mr. DURENBERGER, Mr. KOHL, Mr. EXON, Mr. PACKWOOD and Mr. LIEBERMAN, propose an amendment numbered 2305.

Mr. McCAIN. 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:

At the end of the pending committee amendment add the following:

"Provided further that the following Section of the bill is null and void:

'Provided further, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1994.'"

Mr. McCAIN. Madam President, I propose this amendment on behalf of myself, Senator KERREY, Senator DOLE, Senator KOHL, Senator DURENBERGER, Senator BROWN, Senator EXON, Senator PACKWOOD and Senator LIEBERMAN.

This amendment is strongly supported by the National Governors Association and the National Association of Counties. It is a simple amendment. The amendment would repeal a provision in the bill which prohibits the Secretary of Agriculture from empowering States to use food stamp money to demonstrate new and creative welfare reforms.

Currently, 20 States are either implementing or have proposed food stamp conversion projects. Such initiatives include converting food stamp money to wage subsidies for the poor so they can go to work, learn a skill and earn a paycheck. In other instances, States want to provide direct cash benefits to poor families so they, rather than the Federal Government, can decide how the family budget will be spent. The 20 States that are pursuing such projects include Alabama, Arizona, California, Colorado, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oregon, Pennsylvania, Utah, Virginia, West Virginia, and Wisconsin.

Madam President, the Senate should embrace and encourage, rather than prohibit, State and local initiatives that will better serve needy Americans and help break the grinding cycle of poverty and dependence.

The prohibition in the pending bill is a regressive and counterproductive restriction on the administration's discretionary authority, and it flies in the face of the obvious need to encourage innovation, flexibility and accountability in our stagnant welfare system. We have heard a lot of talk about welfare reform, much of it right here on the Senate floor.

The American people are demanding fundamental change in a system that has failed its promise to restore economic independence to those in need. We are losing the war on poverty. It is time for new tactics and firmer resolve. Recognizing this reality during the 1992 campaign, President Clinton, as we all know, promised to end welfare as we know it.

While we may argue whether the President can fulfill that pledge, the public's will is unmistakably clear. But it appears the Congress, rather than ending welfare as we know it, prefers to end welfare reform as we know it with a three-line provision in a spending bill.

Fortunately, the States have taken to heart the national imperative to correct a system which has clearly failed to win the war on poverty. While 6 States operate food stamp conversion programs, 13 others are planning to implement demonstrations on their own, and more will follow suit. But such programs can only be implemented with the permission of the Federal Government.

The Secretary of Agriculture currently has the discretion of whether to grant Federal permission, and this administration has done so on three occasions.

In explaining the administration's position on this question, the Secretary of Agriculture, Mike Espy, could not be more clear about the importance of empowering State and local Governments to innovate. He said:

The President and I feel strongly that States must have the flexibility to experiment with innovative approaches to welfare and food assistance. The rigorous evaluation,

limited duration and limited scope of any cash-out experiments will allow USDA to keep a close eye on their operation.

In Executive Order 12875, the President says that State and local governments "should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government."

The administration's National Performance Review concludes that "State and local managers must have flexibility to waive rules that get in the way."

So, Madam President, the administration understands the need for innovation and flexibility; our Nation's Governors from Maine to California understand the need for innovation and flexibility; and, most importantly, taxpayers and welfare recipients understand the need for innovation and flexibility. So why are we now debating this on the Senate floor?

I know that some advocates do not like the idea of "cash outs" and wage subsidies because they fear that poor families will not or cannot make the proper spending choices if empowered to do so. To me this is the kind of paternalism that is at the core of the problems of our troubled welfare system.

In fact, most low-income families involved in food stamp conversion demonstrations prefer to receive a benefit check or paycheck because they can budget their monthly expenditures the same way other families budget their household spending, rather than having the Federal Government decide exactly how much money they should spend on food each month. And many of these families know that a job, made possible by a wage subsidy, can be a vital bridge to economic independence.

Research cited by the National Governors' Association shows that food stamp conversion does not change the availability or adequacy of food to clients. In Alabama, for example, 80 percent of the families in the demonstration counties reported that they had enough to eat every month—the same percentage as the families in counties receiving food stamp coupons. Just 5 percent reported running out of resources for food, again the same percentage as in counties using food stamp coupons.

Studies also show that recipients used additional cash on basic needs that are critical to their families' well-being—principally transportation, shelter, clothing, medical care, and education.

In one of the demonstrations, researchers found that families that purchased food with cash got better food value than families using food stamp coupons because cash enabled them to buy from a wider array of more economical suppliers such as farmers' markets and cooperatives.

Madam President, I know there are those who oppose flexibility, such as some large food retailers that enjoy a captive market with food coupons or those who believe the Federal Government can make better decisions about the family budget than the families themselves, and those who simply want the status quo. But I do not find their arguments compelling.

I am sure there are criticisms, some perhaps valid, about some of the "cash out" demonstrations, and I wish to be clear—I support work-oriented reforms. But many projects have succeeded. And at the very least, we should allow the Secretary of Agriculture to use his judgment and discretion to determine whether an initiative is appropriate and useful rather than denying him that discretion entirely.

Some may argue that taking away the Secretary's discretion today is of little consequence because Congress is considering major welfare reform legislation which is expected to deal comprehensively with these issues.

The prospect of passing major welfare reform this year is not good. So the pending bill puts us in the absolutely absurd position of anticipating reform by eliminating what little reform and flexibility exists under the current system. If needed comprehensive welfare reform does not come this year, we will have taken a giant step backward by restricting existing opportunity for innovation, flexibility, and empowerment, the very elements that our worn and ineffective welfare system needs most.

Madam President, I hope we will listen to our Nation's Governors on this issue. On July 19, 1994, our Nation's Governors, in the form of the National Governors' Association, issued an action alert on a food stamp vote, and I quote:

The Senate will vote this afternoon on several different proposals—

That is today—

To limit food stamp waivers to states as part of the fiscal year 1995 Agriculture appropriations bill. The House has already passed the bill and included in it a ban on any waivers that allow states to convert food stamps to cash benefits or to wage subsidies. The House ban would be effective July 1, 1994, through September 30, 1995.

The National Governors' Association strongly supports the McCain-Kerrey amendment to strike from the bill the House language banning these food stamp waivers. Governors should make calls as soon as possible Tuesday morning to their Senators to ask them to support the McCain-Kerrey amendment and to oppose all other amendments on this issue. Key votes could occur any time Tuesday afternoon. Calls from Governors' staff to Senators' staff are also very important to ensure that the message gets through before the vote.

The National Governors' Association expects that there will be at least two other amendments offered on this issue. These amendments should be opposed because they would significantly limit the ability of Governors to request food stamp waivers. Even if the McCain-Kerrey amendment passes, states are likely to face restrictions on food stamp waivers in the conference agreement because the House bill already includes such limits. If one of the other amendments limiting waivers passes the Senate—instead of the McCain-Kerrey amendment striking the House language—states will be at a significant disadvantage going into the House conference on the bill.

And it goes on to describe the other two amendments that may be forthcoming, one by Senator KENNEDY and the other by Senator CONRAD.

Madam President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

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

[From the National Governors Association, July 19, 1994]

ACTION ALERT ON FOOD STAMP VOTE

The Senate will vote this afternoon on several different proposals to limit food stamp waivers to states as part of the fiscal year 1995 agriculture appropriations bill. The House has already passed the bill and included in it a ban on any waivers that allow states to convert food stamps to cash benefits or to wage subsidies. The House ban would be effective July 1, 1994 through Sept. 30, 1995.

NGA strongly supports the McCain-Kerrey amendment to strike from the bill the House language banning these food stamp waivers. (See attached letter and background information.) Governors should make calls as soon as possible Tuesday morning to their Senators to ask them to support the McCain-Kerrey amendment and to oppose all other amendments on this issue. The key votes could occur anytime Tuesday afternoon. Calls from Governors' staff to Senators' staff are also very important to ensure that the message gets through before the vote.

NGA expects that there will be at least two other amendments offered on this issue. These amendments should be opposed because they would significantly limit the ability of Governors to request food stamp waivers. Even if the McCain-Kerrey amendment passes, states are likely to face restrictions on food stamp waivers in the conference agreement because the House bill already includes such limits. If one of the other amendments limiting waivers passes the Senate—instead of the McCain-Kerrey amendment striking the House language—states will be at a significant disadvantage going into the House-Senate conference on the bill.

The other two amendments are as follows:

Senator Kennedy (D-MA) will offer an amendment that allows waivers to convert food stamps to wage subsidies but prohibits waivers to convert food stamps to cash benefits. This would prohibit waivers for the kinds of demonstrations proposed or underway in a number of states, such as California, Colorado, Maryland, Michigan, Minnesota, Montana, Nebraska, New York, North Dakota, Pennsylvania, Utah, Vermont, Virginia and Wisconsin.

Senator Conrad (D-ND) will offer an amendment that allows waivers to convert food stamps to cash benefits or wage subsidies only if the waiver request has been submitted by September 1, 1994 and if the state agrees to monitor the nutritional status of all the recipient children in the affected households and meet certain other requirements.

Mr. McCAIN. Yesterday, at its meeting in Boston, the executive committee for the National Governors' Association voted to oppose limits on State innovation in the food stamp program. The Governors are expected to overwhelmingly pass the resolution this morning. Let me quote from the executive committee's news release.

We believe that this bipartisan statement opposing the food stamp waiver ban reflects the strong support of all Governors for continued State innovation and experimentation to reform the welfare system. We call on the Senate to defeat this proposal and to act to preserve State flexibility and executive branch authority in this area.

Madam President, I also ask unanimous consent to submit for the RECORD a letter in support of the amendment from the National Conference of State Legislatures and a letter from Governor Symington of Arizona.

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

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, July 12, 1994.

Hon. JOHN McCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR McCAIN: The National Conference of State Legislatures urges your support for a floor amendment to H.R. 4554, FY 1995 appropriations for agriculture, nutrition and related programs. This amendment would delete a provision in H.R. 4554 that would prohibit states, for one year, from converting food stamp benefits to cash payments or wage subsidies for beneficiaries. We strongly feel that this provision should be deleted.

Those states seeking to convert food stamp benefits would do so only subsequent to a grant of waiver authority from the federal government. Seven states have waivers pending; others are contemplating applying for waivers. These waivers are being sought as part of a larger strategy to strengthen welfare systems and demonstrate alternative mechanisms for providing benefits. The language in H.R. 4554 would have a chilling effect on these requests.

President Clinton asserts in Executive Order 12875 that "these (state and local) governments should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government". The report on the National Performance Review concludes that "(state and local) managers must have flexibility to waive rules that get in the way". The language within H.R. 4554 discards flexibility and undermines the executive branch's discretionary capacity to approve waiver requests.

Many believe that the welfare and income security systems we have now are inefficient or ineffective. The "cash out" demonstrations sought by several states present perhaps a more effective means for giving recipients more control of and responsibility for their benefits. We will not know whether this is an appropriate alternative if the waiver process is stymied.

We appreciate your consideration of our perspective on the aforementioned language in H.R. 4554 and respectfully encourage you to support an amendment to have it struck from the legislation.

Sincerely,

WILLIAM T. POUND,
Executive Director.

EXECUTIVE OFFICE,
STATE OF ARIZONA,
Phoenix, AZ, July 11, 1994.

Hon. JOHN McCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR JOHN: Thank you for expressing interest in sponsoring an amendment on the floor of the Senate to remove language from HR 4544, the agriculture appropriations bill, that prohibits any future demonstration projects to "cash out" food stamps.

This issue is critical to Arizona because in the legislative session that ended in April, as part of a significant welfare reform package, the Arizona legislature enacted SB 1456, known as the Arizona Full Employment Demonstration Project. This legislation established a 3-year demonstration project to provide employment to welfare recipients by utilizing the cash equivalent of AFDC and food stamp benefits to reimburse employers who have hired AFDC recipients. A more detailed summary of SB 1456 is attached for your convenience.

In order to implement SB 1456, Arizona soon will be submitting to the U.S. Department of Health and Human Services and the U.S. Department of Agriculture a Section 1115 waiver request to permit the cash out of AFDC and food stamp benefits. If Arizona does not have the option of cashing out the food stamp portion of the monthly AFDC and food stamp benefits, the demonstration project in SB 1456 will have to be abandoned or additional state general fund costs for the demonstration project will have to be greatly increased.

A few states have already received waivers to cash out food stamps for welfare demonstration projects and many more states are in the same process as Arizona and applying for waivers. Those food stamp cash out demonstrations that have been approved by the U.S. Department of Agriculture have been on a very careful and limited basis, and only with safeguards to assure that the basic character of the food stamp program remains intact. To hamper Arizona's and other states' ability to utilize this option will severely limit state options to design effective welfare reform programs and will send a negative message about the willingness of Congress to support further waivers and demonstrations.

I know you support states' innovative efforts to improve the welfare system by encouraging employment of welfare recipients. Therefore, your leadership on this issue is critically important.

Thank you for your support in this matter. Please let me know if you need any more information.

Sincerely,

FIFE SYMINGTON,
Governor.

Mr. McCAIN. Madam President, I hope that we will not take too long on this amendment. I think it is clear that we have a philosophical difference on this issue. One is whether the Congress of the United States and the Federal Government, although in this case the Secretary of Agriculture obviously is opposed to the bill as it is written—whether the Governors and the State legislatures will be able to embark on what 20 States have already experimented with, and that is better ways of administering the Food Stamp Program in order to better serve the people of their respective States.

There are those who believe that the Congress knows best. I happen to believe that the Governors and the State legislatures know best, since they are far closer to the problems than we are here in Washington, DC.

The National Governors' Association, as we know, is made up of members of both parties, both Democrat and Republican. I hope that my colleagues will find it of interest that the National Governors' Association unanimously is in support of this amendment.

I am very pleased to see my friend from Nebraska, Senator KERREY, who has also been heavily involved in this issue. And I might say without fear of contradiction, Senator KERREY of Nebraska, having served as the Governor of his State, I think is far better qualified than I am to know the importance of this amendment. As Governor of the State of Nebraska, where he did an obviously outstanding job, as we all know, Senator KERREY had to grapple on a day-to-day basis with the mandates that flow from Washington, DC, which he is required to implement. And many times, our Governors are not able to address problems they know they can fix at their level because of the strictures that are placed on them by the Congress of the United States and the Federal Government.

So, Madam President, I would ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. McCAIN. Madam President, I yield the floor.

Mr. KERREY. Madam President, I thank my distinguished colleague from Arizona for proposing this amendment. I am pleased to cosponsor it with him. As he has already pointed out, that the Governors' Association has unanimously—and I emphasize that—as urgently as they have, indicated we are about to make a serious mistake is an unusual situation.

And for us, at a time when health care reform, welfare reform —there appears in this body to be general support for the idea that we should have national programs that are increasingly administered at the local level where they are more apt to know what works and what does not work, for us at this particular point in time to be saying, "No. We have some States out there that will make it work. We want to stop that dead in its tracks," I think is a serious error. The distinguished Senator from Arizona, who has already spoken at the National Governors Association in opposition to ending the

Cash-Out Program, is in support of this amendment.

I know colleagues are going to hear many things said in opposition to this. But I just put that simple piece of evidence before colleagues who are thinking about voting against this amendment. They should resist the pleas of people who live in Washington who have drafts, charts, and all sorts of truth that it will not work. They should listen to people who are home, who are making this Cash-Out Program work, and who have responded, who are trusted, who are given the authority to make it work.

The second thing I would add at the beginning of my own comments is to point out that not only have the Governors unanimously supported this but at this late hour we have a very quick response from the Public Welfare Association, people who are implementing the program, the caseworkers out there who are on a day-to-day basis with individuals who are in receipt of food stamps, who are on AFDC, who are on SSI, or for some other reason needing to go on welfare. People that are administering the welfare program are also in opposition to ending the Cash-Out Program.

This is a very unusual situation where the people that are administering the program on the front lines of the welfare workers and the Governors are saying, "Don't end this option. Don't end it." All of a sudden, what we are going to hear from—I have already begun to hear it. People who live in Washington, people whose address is Washington, DC, people who come to talk to us on a regular basis have studies. They have reports. They have opinions. They are not out there trying to make it work. They are not out there on a day-to-day basis managing the case of somebody who is trying to get off welfare. No. They have a theory. They have an ideology. That is what drives them.

I say with all due respect that this amendment ought to be relatively easily acceptable with that kind of backing. The underlying philosophy, the underlying effort of the Cash-Out Program strongly supported by my Governor and most of the people in the legislative body in the State of Nebraska is that we ought to be helping people get off of welfare; that the underlying premise here is that welfare recipients would prefer not to be on welfare.

If you are trying to help somebody get off welfare, one of the things you need to do is convert them from an attitude of using a coupon to buy food to an attitude where they are using cash to buy food. That is the difficulty. When they go in the supermarket line, instead of going through the indignity of having somebody behind them say, "Well, look at that welfare bum there buying cigarettes," they would be using cash. They are using cash to buy it.

Well, that is not good enough for our intellectuals. That is not good enough for our people here in Washington. They have done studies that say, "Well, they are not buying enough food when we give them the authority. Guess what these people do? They behave differently than what we want them to. They are not doing the right thing."

There is no demonstration; there is no analysis that has concluded that nutrition has declined as a consequence of this. The only concern that has been reflected thus far is that some people purchase a little less food. Madam President, as all of us know that means maybe they are buying a little more education. Maybe they are buying something else that is good.

No. Our folks that live here in Washington decided that these people were spending the money wrong. They do not care if they are getting off welfare. They care little about the indignity that these individuals feel as they are shopping and paying with cash. That is not a concern to them, apparently. They are not influenced by the public welfare advocates who are on the street out there working with individuals. They do not care about what the Governors say. They are concerned with the administration of the program and the integrity of the program.

No wonder American taxpayers are turning off to the idea that we can help people. The reason they get turned off to the idea is that when the people themselves decide this is the way they want to be helped, it offends people who have ed how somebody ought to be helped.

I must say, Madam President, I am very appreciateciative of the fact that it sounds as if ending these cash-out programs would be a good idea. I can hear the argument and acknowledge that the arguments intellectually make sense. But I urge my colleagues again to consider that what makes sense for us very often does not make sense at all out there on the street. We have all experienced that. We have all experienced great ideas that we have had, and when we take them out there on the street people say, "Where did you get that idea? Where did you come up with that notion that that would work? You need a reality check, Senator." They will say that to you. "Where did you come up with a lamebrained idea like that?"

Well, this is a very similar kind of situation where they say it makes sense to end this cash assistance program. We have some preliminary USDA studies that show that welfare recipients are purchasing less food. "Oh, my gosh. We don't want them to purchase less food. They might be buying something else." Maybe they value something—maybe they are budgeting the money. "Gosh. We do not want them to do that. We want them to be hooked on the voucher. We want them to take that piece of paper and stand in a supermarket line and exchange the piece of paper for food."

I happen to believe that it is in our interest to have human beings require the dignity that comes with budgeting their money, exchanging cash for merchandise, moving off of welfare. I say with great respect to those who believe that ending this Cash-Out Program is good policy let us in this case listen to the people who are governing the States who have unanimously said that this cash-out existing program should continue. Let us listen to the individuals who may have in all the Government the toughest jobs of all, other than the people who answer the phones in my office, the welfare caseworkers who are out there working on the line who are saying to us, "Let us use this. We can make it work out."

It is a $20 billion-plus annual program, and from reading the paper yesterday, it is estimated that about 8 percent of the money is used fraudulently, which is a fair amount of change; $.6 or $.8 billion. It is not like the Federal Government has been doing a good job in operating this thing in an efficient fashion. Let the individuals out there who need the food and have the cash make the decisions how they are going to do it. Not only in my judgment will it be good for the individuals, but it will also be good for the taxpayers, and I think it will be good for us to learn that we sometimes do not have the best ideas. Sometimes the best ideas are hundreds of millions of Americans who are making the decisions constantly on a daily basis.

I appreciate very much the distinguished Senator from Arizona taking the lead on this. I am pleased to join with him. I hope my colleagues, in spite of the arguments that are made that sound good that seem to make good sense, will listen to the Governors and the public welfare workers who are saying that that Cash-Out Program is in fact good for welfare recipients, and is good for the taxpayers and citizens of this country.

Mr. MCCAIN. Madam President, I want to say to my friend from Nebraska that he makes a very strong and compelling argument and one that I can add very little to except perhaps to ask him a question about the issue that he referred to briefly about dignity.

I believe it when I hear the people who are on welfare—and the Governors I know feel this way—goes through the line at the grocery store and hand in a coupon has a certain loss of dignity. When one goes through that experience, people will look at that individual and the others will who are scanning what is being purchased. And certainly it is not an exercise in self-respect. I believe that alone, or that physical act alone, is depriving what

we are trying to restore to all of our citizens; and, that is, dignity.

I wonder if the Senator from Nebraska had the same comment. Also, would the Senator elaborate as to why caseworkers, the people who are involved in this on a day-to-day basis, are advocating this flexibility? Because, clearly it makes their job a little bit more complicated than it would be just to issue coupons to people.

Mr. KERREY. I think the answer to the question, I say to my friend from Arizona, is all of us have had people come up to us. I dare say that there is not a Member of this body who has not had a citizen come up and, say, "You know, you have to do something about this Food Stamp Program. I see people in line in the grocery store. I see somebody doing this. Then they go out and get into a fancy Cadillac." That is the condemnation of the act of Lord knows. If that is being said to us, it is being said to the people who are using those food stamps, and they feel it. They know it. They do not like to stand in line knowing that the person behind them is making a negative judgment.

If somebody who occasionally goes to supermarkets and has a rather odd eating habit—I know I am sometimes a little embarrassed to have people look at the sort of things that are in my shopping cart, and I would not want to add to that knowing that they are saying, well, I am some sort of low life because I am exchanging this receipt. I think the public welfare people I think I know—understand that.

They understand, as well, I say to my friend from Arizona, that there is another element that is very important; that one of the things one has to do, as they are learning to live independent of welfare, is to budget their own income, budget whatever income they have. You do not budget food stamps. You can sort of allocate them somehow, but you do not budget them. Whereas, with cash, you budget that cash. So there is not only a question of dignity, I say to my friend from Arizona, but I also believe there is a question of acquiring the skills necessary in order to move out of welfare dependency.

Mr. MCCAIN. I thank my friend.

Madam President, I ask unanimous consent that Senators BOND and KASSEBAUM be added as cosponsors.

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

Mr. MCCAIN. Madam President, I ask unanimous consent that another letter from the National Governors Association and a letter from the National Association of Counties be printed in the RECORD.

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

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

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, July 14, 1994.

DEAR SENATOR: We urge your support for the amendment that will be offered by Senator John McCain and Senator Bob Kerrey to H.R. 4554, FY 1995 appropriations for agriculture, nutrition and related programs. This amendment would strike from the bill a provision that would prohibit federal waivers to allow states to convert food stamp benefits to cash payments or to wage subsidies. Currently seven states have waivers pending and a number of other states are preparing waiver requests in this area (see attached list.)

The Governors believe this provision is antithetical to recent Congressional and administration proposals to increase state flexibility to reform welfare, empower recipients by increasing their personal responsibility and control, and create jobs for recipients through wage subsidies. Furthermore, we strongly object to such a significant shift in federal welfare policy being adopted without Congressional debate or discussion and in the context of a large appropriations bill. This issue should be addressed as part of a comprehensive debate on welfare reform.

We are also very concerned about the precedent that would be set by Congress acting to preempt state demonstration initiatives that already must undergo a rigorous screening process in the executive branch in order to be approved. Supporting the amendment to strike the provision from this bill would not mean that states would have carte blanche in this area. Rather it would simply mean that the administration would continue to have the discretion to approve waiver requests that it deemed worthwhile and to deny other requests. The existing provision would strip that discretionary authority from the administration.

Again, we ask for your support for continued state flexibility and executive branch discretion in this area. Please support the McCain-Kerrey amendment to strike the food stamp "cash out" provision when the appropriations bill comes to the Senate floor.

Sincerely,

Governor TOM CARPER,
Co-Chair, Welfare Reform Leadership Team,
Governor JOHN ENGLER,
Co-Chair, Welfare Reform Leadership Team.

LIST OF STATES IMPLEMENTING OR PROPOSING CONVERSION OF FOOD STAMP BENEFITS TO WAGE SUBSIDIES OR CASH BENEFITS

All of these states would be affected by a ban on food stamp conversion waivers because even those that already have waivers approved would be barred from renewing or expanding the scope of those waivers. Six states are currently operating food stamp conversion programs, which in total affect about one percent of all food stamp recipients nationally. Seven states have waivers pending.

Alabama (implemented).
Arizona (proposed).
California (implemented).
Colorado (implemented).
Maryland (waiver pending).
Michigan (waiver pending).
Minnesota (implemented).
Mississippi (waiver pending).
Missouri (waiver approved, not yet implemented).
Montana (waiver pending).
Nebraska (proposed).
New York (implemented).
North Dakota (proposed).
Ohio (waiver pending).
Oregon (waiver pending).
Pennsylvania (waiver pending).
Rhode Island (proposed).
Utah (implemented).
Vermont (waiver denied).
Virginia (waiver denied).
West Virginia (proposed).
Wisconsin (waiver approved, not yet implemented).

NATIONAL ASSOCIATION OF COUNTIES,
July 18, 1994.

Hon. JOHN MCCAIN,
Senate Russell Office Bldg.,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Counties have been in the forefront of welfare reform efforts, and many of these efforts include food stamp conversion demonstrations as an integral component. The ability to receive food stamp benefits as either a check or as a wage subsidy gives low-income working families more flexibility over their budget, encourages personal responsibility, and provides an incentive to employ welfare recipients.

Research shows that the demonstration programs have not changed the availability or adequacy of food. In survey of demonstration counties in Alabama, for example, 80% of the families reported that they had enough to eat every month, and the percentage that reported running out of food resources was the same as in those counties that were using food coupons. In another demonstration, families using the cash system were found to be getting a better value for their food expenditures than families using coupons.

For these reasons, the National Association of Counties (NACo) strongly supports the amendment you plan to offer to the Agriculture Appropriations bill that will strike the prohibition on new waivers to convert food stamps to cash benefits or wage subsidies. I am enclosing a copy of NACo's policy supporting the food stamp cash out.

Sincerely,

LARRY NAAKE,
Executive Director.

RESOLUTION ON FOOD STAMP IMPROVEMENTS

Whereas, the Food Stamp Program was established to assist low-income households in purchasing nutritious food; and

Whereas, the 1990 reauthorization of the program did not contain major program improvements; and

Whereas, NACo continues to work with other government and interest groups to recommend improvements in the program: Therefore, be it

Resolved, That NACo supports legislation to simplify Food Stamp Program administration and to remove barriers to participation; and alignment of Food Stamp Regulations with AFDC; standardized benefits; eliminate client-cause underissuance errors and error rates; cash out food stamp; standard shelter allowance; and use of electronic benefit transfers (EBT) including no interruption in approving EBT projects.

Adopted July 16, 1991.

Mr. MCCAIN. Briefly, I would like to quote from the National Governors Association letter. It says:

The Governors believe this provision is antithetical to recent Congressional and administration proposals to increase State flexibility to reform welfare, empower recipients by increasing their personal responsibility and control, and create jobs for recipients through wage subsidies. Furthermore,

we strongly object to such a significant shift in Federal welfare policy being adopted without Congressional debate or discussion and in the context of a large appropriations bill. This issue should be addressed as part of a comprehensive debate on welfare reform.

We are also very concerned about the precedent that would be set by Congress acting to preempt State demonstration initiatives that already must undergo a rigorous screening process in the executive branch in order to be approved. Supporting the amendment to strike the provision from this bill would not mean that States would have carte blanche in this area. Rather it would simply mean that the administration would continue to have a discretion to approve waiver requests that it deemed worthwhile and to deny other requests. The existing provision would strip that discretionary authority from the administration.

Madam President, the National Association of Counties has said in their letter:

Counties have been in the forefront of welfare reform efforts, and many of these efforts include food stamp conversion demonstrations as an integral component. The ability to receive food stamp benefits as either a check or as a wage subsidy gives low-income working families more flexibility over their budgets, encourages personal responsibility, and provides an incentive to employ welfare recipients.

For these reasons, the National Association of Counties strongly supports the amendment you plan to offer to the Agriculture Appropriations bill that will strike the prohibition on new waivers to convert food stamps to cash benefits or wage subsidies.

Mr. PACKWOOD. Madam President, I rise today as a cosponsor of Senator MCCAIN's amendment to strike the provision restricting the ability of the administration to grant Federal welfare waivers dealing with food stamp cashouts. This type of restriction binds not only the administration's hands, but the States hands as well.

States are the laboratories of the Nation. It is the States where innovative ideas are found. States know what their residents need better than anyone else. They also know what will work and what won't work.

My State of Oregon is one of the most successful States when it comes to welfare reform because it has been given the flexibility to try new, innovative ideas. Let me mention just a few things Oregon has been able to accomplish because they have been given waivers in the past.

Oregon is the only Western State to see a reduction in its welfare caseload. This is not because of declining need but because the State has acted aggressively to provide its residents with the ability to train and find a job so that they are no longer dependent on the Government. Oregon has a 31-percent participation rate in job training, twice the Federal requirement. Not only is Oregon one of the few States which has drawn down its full share of Federal matching dollars, it has contributed an additional $10 million of its own money. This is the kind of thing that we, the Government should be promoting, not restricting and limiting.

Oregon has continued its search to help welfare recipients by applying for a waiver that would combine a recipients food stamps and AFDC money and use the money to subsidize a private sector job. While no recipient will receive less than they would have on welfare, many will receive more.

While Oregon has already received approval for the agriculture portion of its waiver, it is still waiting for approval by the Department of Health and Human Services.

So, while this provision will not hurt Oregon, I feel it sets a dangerous precedent. States deserve the chance to test what programs are effective in their States. Provisions like this bind the States ability to attempt programs that foster independence from the welfare system.

Madam President, I am somewhat caught between applauding and criticizing the administration. While I applaud the administration for saying they support State flexibility and State innovation, I am afraid their words haven't translated into action.

Oregon has been waiting approval for its waiver for over 8 months. I have received numerous assurances that the administration is looking at the waiver and is finalizing details. A few weeks ago, President Clinton wrote me a letter about Oregon's waiver. In the letter he says he is pleased to report that Oregon's waiver request is in the final stages and the details of Oregon's waiver will be finished in a few weeks. Well, that letter was dated July 1, 1994 so I guess he has just under a week to deliver.

States, like Oregon, which strive to make the system work better should be applauded and not bound by endless delays and restrictions by the Federal Government.

Mr. MCCAIN. Madam President, I am aware, because I have been briefed, that there is a technical change needed in the amendment. I send a modification to the desk and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 2305) as modified, is as follows:

On page 64, lines 2-6, strike the following: "*Provided further*, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1994."

Mr. MCCAIN. Madam President, I have been briefed that now the opponents of this amendment will come forward with studies, with inside-the-beltway reports, with the certain knowledge that those who dwell and work inside the beltway, and very seldom have encounters with people who are out there on the day-to-day basis trying to struggle out of welfare, and who have enormously benefited in 6 States, and if allowed to do so, in 13 more will benefit from it.

I think the issue is clear here. Whether the States should have the flexibility to do what they think is best for their people in their States—and in this case the respective counties—or whether we will again bow to the universal and omniscient knowledge of those who dwell and live here in the policymaking, rarefied environment of our Nation's capital. I think the issue is clear, and I suggest that the trend in America is certainly to allow Governors, counties, cities, and States, the flexibility to do what they think is best with their tax dollars, which they send to Washington and are sent back to them. So I urge the adoption of the amendment.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, I support the McCain amendment. It seems to me that a review of the language in the bill before the Senate shows that the House language that was inserted when the committee in the other body had this measure before it would most likely affect only those applications for waivers that are now pending before the Department of Agriculture. Prior to the July 1, 1994 cutoff date in the House provision, there were several States which had passed legislation to experiment with welfare reform initiatives. And their applications for waivers of the food stamp law, insofar as it would permit a cash-out of the food stamp benefit to accommodate these welfare reform initiatives, had been submitted to the Department of Agriculture. Those States included Maryland, Michigan, Mississippi, Montana, Ohio, Oregon and Pennsylvania.

The distinguished Senator from Arizona, in his statement in support of his amendment, mentioned several other States that had undertaken welfare reform initiatives, and there are many others which have. But insofar as the language of this provision in the bill is concerned it primarily affects pending waiver requests. It would probably not affect the welfare reform initiatives of those States which have not yet submitted waiver applications. The language of the bill simply prohibits the use of any funds appropriated in this act for the purpose of granting any waiver that did not receive final approval by the Department of Agriculture on or before July 1, 1994. It would not prohibit States from submitting waiver applications or the Department of Agriculture from considering these applications. It would simply prohibit the Secretary from finalizing waiver requests.

One other thing that ought to be noted in this connection is that whatever provision is approved in conference, or in the final version of the bill, would have effect only during the next fiscal year. So this prohibition has a life of only 1 year. It is an annual appropriations bill, so it is not a permanent change in the law.

So what the House language would do would be only to suspend the power of the Department of Agriculture to provide waivers in response to requests for waivers that are now pending at the Department. One other observation is that one State whose waiver application was pending has now been approved. The State of Oregon's application for a waiver of this provision was approved by the Secretary of Agriculture on July 1 of this year. So it is no longer pending. And any prohibition would not affect the waiver application of the State of Oregon.

Having said those things, I want to concur with the remarks of the Senator from Arizona insofar as they relate to the importance of the Congress to go on record as encouraging welfare reform initiatives on the part of the States. As a matter of fact, the administration has stated that it is one of the goals of the administration to end welfare as we know it, and there are proposals for welfare reform initiatives that are being discussed and introduced in both Houses of the Congress.

What this relates to is simply preserving the powers that the States now have to petition the Federal Government for waivers of certain provisions of Federal law to permit them to have demonstration projects, embark upon pilot programs to see how initiatives at the State and local level will work, to try to bring a greater degree of individual responsibility or help establish self-sufficiency, all of which are worthy goals. And a bipartisan leadership here in the Congress as well as the administration seems to support those goals.

One letter that I received is from the American Public Welfare Association asking for an amendment of this kind so that States can continue to consider and embark upon initiatives that are designed to achieve these goals. The letter is dated July 6, and it is signed by Sidney Johnson III, executive director of the American Public Welfare Association.

I ask unanimous consent that the text of the letter be printed in the RECORD.

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

AMERICAN PUBLIC WELFARE ASSOCATION,
Washington, DC, July 6, 1994.

DEAR SENATOR: I write today to ask your urgent support for a legislative change that is vital to the continued success of state innovations in reforming welfare and moving low-income families toward self-sufficiency. The House and Senate Agriculture Appropriations bills contain language in Title IV, "Food Stamp Program," that would prohibit any future demonstration projects to "cash out" food stamps. The Senate bill is likely to come up for a floor vote in the immediate future. I urge you to introduce an amendment to remove this language so that states can continue to go forward with innovative welfare reforms.

State human service agencies have long been leaders in the effort to transform the focus of public assistance. One of their chief means in recent years has been the flexibility allowed them under current law to develop welfare-to-work demonstrations, including those where food stamps are provided in cash so that a portion of that benefit can be utilized as a wage subsidy. States' ability to carry out these important demonstrations has had strong bipartisan support. To hamper this ability will severely limit state options to design effective welfare reform programs and will send a negative message about the willingness of Congress to support further waivers and demonstrations.

The Department of Agriculture has approved food stamp cash out demonstrations only on a very careful and limited basis, and only with safeguards to assure that the basic character of the Food Stamp Program remains intact.

If I can assist you in any way please contact me at once at (202) 682-0100.

Best regards,

A. SIDNEY JOHNSON III,
Executive Director.

In part the letter says:

I write today to ask your urgent support for a legislative change that is vital to the continued success of State innovations in reforming welfare and moving low-income families towards self-sufficiency.

The letter further states that:

One of their chief means in recent years has been the flexibility allowed the States to develop welfare-to-work demonstrations, including those where food stamps are provided in cash so that a portion of that benefit can be utilized as a wage subsidy.

That is one of the reasons waivers are requested. As in the case in our State, the welfare reform initiative, which is pending now for review before the Department of Agriculture and the Department of Health and Human Services, utilizes that as one of the key elements.

So if the Congress legislates away the right to get a waiver if the waiver is otherwise appropriate to be granted by the Department, then it has severely and adversely affected the ability of our State to proceed in the way the State legislature has already determined would be appropriate. And the same is true not only in our State of Mississippi, but in these other States: Maryland, Michigan, Montana, Ohio, and Pennsylvania. So it is these States that are most seriously affected unless we do act to approve this amendment.

In most cases, the States have done a great deal of research, bringing in all the interests which are involved, those who are advocates of the welfare recipient's rights, to try to make sure that those rights are protected. And a great deal of work has gone into, I know, the development of the proposal in our State.

This amendment, if it is enacted, will not require the Department of Agriculture to approve any waiver. And that point ought to be made very clear. We are not trying to substitute the decision of the Congress or the Senate and say to the Department of Agriculture, "You must approve each application for a waiver you receive." That is not what this amendment does.

It simply permits, under current law, the Department to exercise its discretion within the parameters of the law as it exists now. Right now the Department of Agriculture has to review these applications and so does the Department of Health and Human Services. This amendment does not direct or mandate that they do anything. It simply permits current law to continue in force and effect.

The Food Stamp Act provides that certain conditions have to be met before any waiver can be approved. What the House committee did was put language in the bill that suspends the power of the Department to make that kind of determination. It, in effect, repealed for this next fiscal year the power of the Department to make any waivers.

We have heard about how legislation can be included in appropriations bills when you do not have hearings and you do not have debate of the issue. This is an unfortunate way to legislate. Well, my view is, here is a clear and classic example of legislation without the benefit of the usual processes being followed.

The House has sent that bill over here, and it is contained in the bill as it is now pending in the Senate, and that is why we are seeking to amend it, and this amendment would amend it. We hope the Senate will go along with it.

To clarify the record in our State of Mississippi and its common causes with a waiver possibility, I ask unanimous consent, Madam President, to have printed in the RECORD letters addressed to the Mississippi Department of Human Services and to the Governor of Mississippi by both the Department of Agriculture and the Department of Health and Human Services.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 1, 1994.

Mr. GREGG A. PHILLIPS,
Executive Director, Mississippi Department of Human Services, Jackson, MI.

DEAR MR. PHILLIPS: We have received your application for waivers under Section 17(b) of the Food Stamp Act of 1977, as amended, for the Work First Demonstration Project. We support your goal of promoting the self-sufficiency of Mississippi's welfare and food stamp recipients, and are very interested in

providing whatever support we can to the Work First Demonstration Project, while ensuring the provision of food assistance to the needy.

As proposed, funds normally used to issue Aid to Families with Dependent Children (AFDC) benefits and food stamps will instead reimburse employers for wages paid to Work First participants employed in on-the-job training positions in the six demonstration counties.

The Department of Agriculture approves, in concept, your proposal to use food stamp benefits for wage supplementation, under the conditions set forth below.

The proposal must be consistent with our goals of advancing self-sufficiency, achieving nationwide Electronic Benefits Transfer (EBT, and promoting nutritional education. To these ends the State would be expected to take immediate action to ensure that EBT is implemented concurrently with the proposed demonstration for those food stamp recipients not enrolled in wage-supplemented jobs. In addition, since studies have shown a reduction in food expenditures under cash out, a nutrition education component would be required to help ensure that nutritional status would not be eroded by the conversion of benefits into cash.

As always, a rigorous evaluation of the demonstration would be required to test the effects of the approved waivers on the demonstration participants.

The Food Stamp Act, Section 17(b), requires that the food stamp allotment, if issued in cash, must be increased to compensate for any State or local sales tax on food, and that the State agency pay for the increase. The State must provide written assurances that it will compensate Work First wage supplementation participation for the 7 percent Mississippi sales tax on food purchases, as well as provide an analysis of how it intends to go about paying that compensation.

We believe the State intends that the cash benefit, which will be channeled through the employer to the Work First participant as wages, will count toward eligibility for the Earned Income Tax Credit (EITC). The Food Stamp Act provides that "the value of benefits . . . whether through coupons, access devices, or otherwise shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to taxation . . ." We are currently exploring the taxation issue and whether or not the EITC is applicable to Federal benefits issued in the form of cash or wages. We will inform you as soon as these issues are resolved.

The State is proposing to guarantee eligibility and benefit levels for Work First participants, for as long as they participate in the demonstration, to minimize contact between the participant and the welfare office in order to emphasize the employeer/employee relationship, and to assure that the training period will not be interrupted. while we certainly support strengthening the self-sufficiency and work awareness of Work First households, we cannot endorse a situation in which a household's income is allowed to grossly exceed eligibility limits. We intend to negotiate further in order to provide flexibility for continued eligibility, within agreed upon income limits.

We are willing to waive claims collections against households participating in the demonstration, except for fraud claims.

The proposal to immediately suspend the household benefits of participants who do not accept offered jobs is contrary to the Food Stamp Act. We do not have the authority to materially impair any statutory or regulatory rights of food stamp recipients or to lower or further restrict their benefit levels without due process. The State should explore alternative actions.

The State intends to issue food stamp benefits to cash form to Supplemental Security Income (SSI) recipients in the six demonstration counties. We do not believe that cash out for SSI recipients has any direct relationship to the State's welfare reform self-sufficiency plan and will not approve this aspect of the State's proposal.

This is not an official approval letter. We are currently reviewing the waiver requests contained in your proposal and expect to act on them as quickly as possible. Future correspondence will be forwarded as part of the Department of Health and Human Services' established welfare reform review process. If you have any questions or comments, please call Ellen Henigan, of the Food Stamp Program, at (703) 305-2519.

Sincerely,

ELLEN HAAS,
Assistant Secretary for Food and Consumer Services.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, July 14, 1994.

Hon. KIRK FORDICE,
Governor of Mississippi, Jackson, MS

DEAR GOVERNOR FORDICE: Since the beginning of his Administration, President Clinton has been committed to a close partnership with the nation's Governors and to allowing states the flexibility to develop and test innovative change to their health and welfare programs. The Department of Health and Human Services has worked very hard to foster this intergovernmental relationship and has worked closely with the National Governors' Association in developing a more efficient and timely process for evaluating state proposals for health care and welfare reform experiments. Many states, including yours, have submitted waiver requests that are being evaluated under our new waiver review procedures.

As we have implemented our streamlined review procedures, the number of state demonstration requests have increased significantly. We are committed, however, to continue responding to these requests as quickly as possible, while maintaining the integrity and thoroughness of the review process.

I would like to take this opportunity to update you on the status of your state's waiver request for the New Direction Demonstration Program. The Administration for Children and Families has been working with the Mississippi Department of Human Resources (DHR) to resolve issues and concerns based on a federal review of the waiver application. A significant issue has arisen in Congress regarding the federal funding of Food Stamp cash-outs in state demonstrations. Until Congress resolves this question, we will continue to work with you to address other non-Food Stamp cash-out issues.

If you have any questions about our process or about the status of your waiver proposal, please do not hesitate to contact me or have your staff call John Monahan, Director of Intergovernmental Affairs, at (202) 690-6060 or Ann Rosewater, ACF, at (202) 401-5180.

Sincerely,

DONNA E. SHALALA.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Arkansas.

Mr. BUMPERS. Madam President, I am really saddened that this amendment has been offered. I could not disagree with it more strongly.

The House had a provision in their bill that said any State that has not been approved for this program by July 1, 1994, will not be eligible for it. Now, the House did not do that whimsically. They did it because they studied the issue very carefully and said, "This program is not working. Let's don't go any further with it."

It is true, as the proponents of the amendment have said, the Department of Agriculture has discretion. Any State that wants to can submit an application for the so-called cash-out program.

Now, let me tell you what it is. I have heard three speeches so far this morning, but I have not heard anybody describe what it is. Here is what it is.

It says that instead of the Federal Government sending the States money which they will use to provide eligible people with food stamps, we will send the money to the States, and the States, instead of sending food stamps, will send the cash to those eligible people.

You will hear people say, "Well, this is a great idea, because it removes the stigma of food stamps."

Let me tell you what study after study after study has shown. It shows that when you give people money instead of food stamps, their purchases of food drop 20 percent. One of the reasons it drops is because they spend the money on other things.

Now, Madam President, we should make one thing crystal clear. What is the purpose of food stamps? Why did we adopt a food stamp program 25 years ago? Because the U.S. Congress, overwhelmingly supported by the American people, said, "We do not want to see hungry children. We do not want to see anybody hungry, but we especially do not want children to go hungry."

So, after all of these years of sending food stamps to people so that they could redeem them at the grocery store for nutritious food for their children, we are going to send them money.

I am not suggesting just because somebody is on food stamps they are going to buy dope, but if they want to, they can.

In one demonstration, I believe it was Alabama or Florida—or both—it showed conclusively that sales in grocery stores that did an inordinate amount of business in food stamps declined precipitously because people were spending for other things the money that we intended for food for their children.

The Senator from Nebraska said, "Give them a choice. If they want to spend it on education, let them." This is not an education program, it is a nutrition program. God knows we spend billions on student loans; elementary/secondary education; chapter 11 for poor children. We have education programs galore for poor people. This is a

food program. It is not for education. It is not for rent. It is not for car payments. It is not to pay utility bills. It is to make sure people eat.

Do you know what else the studies show? Not only do they show that these people are using money, cash, for things other than nutritious food, they also show that after 2 weeks the long line at the TEFAP center, which provides emergency food, begins to appear. They run out of food in 2 weeks and then they go to where they are giving out free commodities and say, "My children are hungry."

In two or three of the States where this cash-out program has gone into effect, the demand for free commodities doubled, according to TEFAP officials. The Senator from Arizona ridiculed the studies. But if you do not use GAO, the Congressional Budget Office, or other people who know a lot more about the subject than we do, we are just flying by the seat of our pants.

The studies also show that food stamp recipients buy twice as much nutritious food with a dollar as the low-income households who are not eligible for food stamps buy with that same dollar. The program is doing what it is intended to do—provide nutritious food to the needy.

Talk about welfare reform—with this program, you are going backwards. There is no welfare reform in sending people money. If you want to talk about what taxpayers like and what they do not like; they do not mind seeing poor people get food stamps, knowing they can feed their children. What they object to is sending them a check. They do not like that.

Some people say, "Well, it removes the stigma of food stamps." I recognize that may be a small problem. I do not denigrate it. We have a reform program in the works on food stamps. Do you know what it is? Put a credit card reader in every grocery store and send that food stamp beneficiary a credit card every month. If a recipient is eligible for $200, he can use the card up to $200. This system takes a lot of the administrative burden off the States. It shows the balance in an account every time the card is used. I do not even get that on my Visa card. I just hope I do not run over. I have done that once and it is pretty embarrassing, is it not, for the waitress or waiter to come back and say, "You've exceeded your balance."

But let me tell you some other things that people do not think about on this. In my State, where the sales tax is almost 5 percent, food is not excluded. If you buy food with food stamps, you pay no sales tax. If you buy food with cash, you pay 5 percent in sales taxes. So recipients lose in States where they charge sales tax on food. Of course Governors love it. If you send $100 million into a State and if it all goes for food, the increase in sales tax revenues is like a bird nest on the ground.

I used to be a Governor, Madam President. We would go to those Governors conferences, and we would draft those long resolutions telling Congress how to run its business. We would all get up and we would rail against Congress and we would rail against Washington, and we would talk about "inside the beltway." Some of it was legitimate. Some of it was pure politics.

The Senator from Nebraska said the program is mismanaged. If it is, it is the States who are doing the mismanagement. All we do is send them the money. They are the ones who manage the program. If there is fraud in it, look to the States.

In San Diego, which has this cash-out program, two out of every five people who cashed a check had to pay to get their checks cashed. So they pay to get their checks cashed, they pay sales tax, and then we hope they are not buying crack with the rest of it.

Madam President, let me just list some objections to the program: sales tax on food purchases; check-cashing fees; nutrition going down as much as 20 percent in families where they get money instead of food stamps; the TEFAP Program being overrun with people by the first of the month because people have spent their money and they do not have any food in the house.

You tell me: Why are we doing this? I will tell you why: because of a resolution the Nation's Governors passed. Ask some of the proponents, and they will say, "Well, my Governor called me." I have a great Governor and I listen to him. But if he would call me about this, I would disagree with him.

There are about eight States who have applications pending to implement the cash-out program. Our bill says you cannot grant those applications because the studies show conclusively, as I have just pointed out, it is not a good idea.

I think the idea of using a credit card for food purchases is a good idea. But I am not wedded to that. I am not going to swear even that is a great idea because there may be some hidden problems in it that I cannot think of right now. But I can tell you this cash out is a bad idea. It is regressive. And you are going to lose support in this Nation for the whole food stamp program by canceling out food stamps and giving people money to spend for whatever they want.

You cannot think of a single condition that poor people regularly experience that Congress does not try to address. We have Medicaid health care for the poorest of the poor. We have low-rent housing for people who cannot afford rent. We have low-cost housing for people who cannot afford a big down payment to buy a house. We have AFDC payments for poor women who have children. We have the WIC Program for poor pregnant women to make sure they get a nutritious diet when they are pregnant, the greatest cost/benefit of any program we have. If you give a pregnant woman a decent diet, she is much more likely to have a baby with a lot more brain cells than the pregnant mother who does not get a decent diet. And she is more likely to have a healthy baby instead of a defective baby who could cost us $5 million over the life of that child.

All I am saying is, that when people say, give these people an option, let them spend the money for whatever they want, my response is what is more important than a healthy child who goes to school well-nourished and ready to learn?

If you really care about children getting a nutritious diet and growing up, maybe deprived culturally and socially but at least not nutritionally, oppose the amendment of the Senator from Arizona and the Senator from Nebraska. I promise, we are going to regret it if we adopt this amendment. We may do it, but I am not going to vote for it. I think it is a disaster in the making.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BUMPERS. Will the Senator yield for just a moment?

Mr. BOND. I will be happy to yield to the chairman.

Mr. BUMPERS. Madam President, I ask unanimous consent that the vote on this amendment occur immediately following the vote at 2:30 on the first committee amendment.

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

Mr. LEAHY. Will the Senator from Missouri yield for one other question?

The PRESIDING OFFICER. Will the Senator yield to the Senator from Vermont?

Mr. BOND. I yield for a question.

Mr. LEAHY. If I can ask a question of the floor manager—it will be a very brief one—if I can have the attention of the floor manager, Madam President, would it be possible—the Senator from Indiana, the ranking member of the Agriculture Committee is also here—would there be a time possible to offer an amendment which we have that will be done under a very short time agreement, but there is a point at which we can do that before lunch?

Mr. BUMPERS. Is the Senator talking about a second-degree amendment or a separate amendment?

Mr. LEAHY. A separate amendment.

Mr. BUMPERS. I cannot vouch for that. I do not want to cut off debate. I know the Senator from Texas wishes to speak on an unrelated subject. I assume the Senator from Indiana and the Senator from Missouri wish to speak on this amendment. Does the Senator wish to speak on this amendment?

Mr. LUGAR. On the Leahy amendment.

Mr. BUMPERS. On the amendment he is referring to.

Mr. LUGAR. Right.

Mr. LEAHY. If we can have an agreement to go before noontime, we can complete it for before the conference.

Mr. COCHRAN. If the Senator will yield, I am told on our side there is a possible second-degree amendment to the Leahy amendment. There is opposition to it. I would not be in a position to recommend that we accept the amendment. So that may keep it from being processed as quickly as the chairman might like.

Mr. GRAMM. Will the Senator from Missouri yield?

Mr. BOND. I will be happy to yield to straighten out this procedural problem.

Mr. GRAMM. I was on the floor earlier. It is my desire to speak. I will be willing to step aside if this amendment could be presented and debated briefly for, say, 10 minutes so I might get the last 10 minutes of the session just to make a statement on an unrelated issue. That way this amendment could be raised; you could have the initial debate and then, after lunch, if someone wanted to come and offer a second-degree amendment, they could do it. If not, at that point, then it would be open for further debate. I will be glad to try to do that to help my colleagues.

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

Mr. BUMPERS. I am not at liberty to cut off debate. If the Senator will yield.

Mr. BOND. I yield to the chairman.

Mr. BUMPERS. I am not at liberty to stop debate on the Kerrey-McCain or McCain-Kerrey amendment. I will be happy to ask the distinguished ranking member of the subcommittee if he knows of any other speakers on that amendment. I am willing to move this show along. How long does the Senator from Missouri intend to take?

Mr. BOND. Madam President, I have less than 10 minutes to discuss the current amendment before us. Might I suggest to my colleagues that perhaps during my brief remarks, discussions can be held as to the appropriate means of handling the proposed amendments and the time agreement; then we would not have to take up the time of this Chamber as we discuss the procedural activities.

If I see no objection from the distinguished floor managers, I will proceed to address the amendment which is before us and one other for less than 10 minutes with the assurance that I should be finished by 11:45. And at that point, there should be time to straighten out any arrangements that are needed without taking up floor time.

Mr. BUMPERS. Madam President, I think the Senator from Missouri is probably on the right track. Let him commence and we will just see where we wind up on this. I do ask unanimous consent that no second-degree amendments be in order on the McCain amendment.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Chair advises the McCain amendment is a motion to strike.

Mr. BUMPERS. That no amendments be in order to the language proposed to be stricken by Senator McCain. It is a committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Missouri at last has the floor.

Mr. BOND. Madam President, I rise to speak, with great respect for my distinguished chairman of the Agriculture Appropriations Subcommittee. I join him in high commendation for the Women, Infants, and Children Feeding Program. His subcommittee has done an excellent job in providing assistance for that program.

I also share his enthusiasm for the experiments with food stamps to enable more efficient administrative handling. But as he himself said, we are not sure that that program is going to work properly. As a former Governor, as is my distinguished colleague from Arkansas, I believe that those experiments can best go on in the States. I, too, joined with the distinguished senior Senator from Arkansas when we were members of the National Governors' Association. We attacked the Congress and the Federal Government generally for being unwilling to allow State experimentation.

I made those speeches when I was a colleague of the distinguished senior Senator from Arkansas in the National Governors' Association; I was a colleague of the junior Senator from Arkansas when he was Governor, and I was a colleague of the President when he was a member of the National Governors' Association. Time after time after time, we emphasized that the people who carried out these programs, who had the responsibility for administering them at the State level, were often the ones who had the best ideas on how to improve the programs.

I have a quotation from a letter of the National Conference of State Legislatures from the former Governor of Arkansas, who is now our President, and the letter quotes him as saying that:

> State and local governments should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

That is why I join in strong support of the McCain-Kerrey amendment, because we have found that by obtaining waivers from the Federal Government when it is the considered judgment of the elected officials of the State that there are better ways to carry out the broad social policies encompassed in Federal legislation passed by Congress, we ought to try. The States may be right, the States may be wrong; but the best way to find out is to experiment.

I am also advised that waivers for food stamps now affect approximately 1 percent of the food stamps in the United States. One county in Missouri has been granted a waiver to use a cash-out of the food stamps in part as a means of getting welfare recipients off the rolls of welfare and into work.

One of the great disincentives that now exists for moving off welfare is the significant loss of benefits that occurs when someone takes a job.

Madam President, the objective of these programs—and there are many objectives—all come down to one thing: We want to make those families self-sufficient. We want to provide them the means and the encouragement and the incentives to get a job in the private sector so they can be working, productive providers for their families.

I happen to believe that one of the best ways to achieve those goals is to provide the States the flexibility. That is why the National Governors' Association has recently written saying that the McCain-Kerrey amendment is absolutely necessary to increase State flexibility to reform welfare, to empower recipients by increasing their personal responsibility and control, and to create jobs for recipients through wage subsidies. That is the whole purpose of this amendment.

The Food Stamp Program is not an end in itself. It is a means to an end, and that end is to encourage more families to get jobs, become economically productive, and to become good providers for their families.

I have recently introduced, with the distinguished Senator from Iowa [Mr. HARKIN], a welfare reform proposal built on successful State experiments in Utah, Iowa, and Missouri. Our welfare to self-sufficiency program requires that welfare recipients, AFDC recipients, sign agreements committing themselves to give good health care to their children—to take them for immunizations, to get them to the services they need, to provide training for the adults, and not only to take job searches but to take jobs.

One of the ways we would do this is by allowing the States, as a condition of the fulfillment of the agreement to take a job, to be able to cash-out the food stamps for a limited period of time so that the person who takes a job in the private sector would not be faced with a shock in the cut-off of existing benefits so their economic well-being would be lessened by taking a job.

Unfortunately, the language of the House denying the right of the Secretary of Agriculture, after due consideration of a State's request to grant a

cash-out of welfare, to grant a waiver, would be to limit the experimentation that is so necessary. Justice Douglas spoke of the States as being the laboratories for social experimentation, and I can tell you, Madam President, as I have had experience in State government and Washington, I will take my chances on the States making those experiments. Some may fail, yes, but some may show us the way to achieve the goals of family self-sufficiency and do a better job than our trying to mandate one size fits all.

Under the Food Stamp Program, the waivers are extremely important. As Governor of Missouri, I obtained a waiver for health care for Medicaid recipients in Jackson County. We went to a capitation program that turned out to be very successful, ensuring that people got primary and preventive care, got the better care in the less expensive settings in clinics and doctors' offices. This is just one example.

Now, my State, with a Democratic Governor, is pursuing reforms in welfare which include using the cash-out of food stamps to make sure that welfare recipients are no worse off. I do not believe it is wise at this point, as we are on the brink of some meaningful reforms of the welfare system, which everyone—Republican, Democrat, liberal, conservative, radical, and moderate—agrees I believe needs to be addressed, to put an end to the ability of the Secretary of Agriculture to grant the waivers as this provision in the bill would do.

I would thus argue very strongly that my colleagues should support the McCain-Kerrey amendment.

I will not be able to address this body prior to the vote on the Market Promotion Program. I wish to add my very strong support. The distinguished senior Senator from Mississippi, the ranking Republican on this measure, has already talked about MPP. This is a GATT legal program which has assisted us in increasing our exports of agriculture products. In 1987, U.S. red meat exports were $1.4 billion. Thanks to the MPP, the export values in 1993 reached an all-time high of $3.3 billion. In 1992, the equivalent of 1.9 million cattle were slaughtered and 5.8 percent of domestic beef production was shipped overseas.

I hope also my colleagues would support the Market Promotion Program.

It is with great respect for the chairman of the subcommittee that I disagree with him on the waivers. But having served as Governor, having known about the importance of developing programs through the people who are responsible on hand, on-site dealing one on one with the recipients, I believe we would be ill-advised to cut off the experimentation by putting on a blanket prohibition so that we could not expand from 1 to 2 percent of the food stamps now cashed out to experiment with the cash out under the waivers granted by the Secretary of Agriculture.

I thank the Chair and I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Just a two-sentence statement.

Several Senators have alluded to the fact that exports went up by several billion dollars between two periods, 1988 to 1992 or 1986 to 1992. But the GAO report on the Market Promotion Program says there is absolutely no proof of any correlation between the Market Promotion Program and the increase in those exports.

Now, Madam President, I ask unanimous consent that the vote on or in relation to the McCain amendment occur immediately after the vote at 2:30 on the Bryan amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that the Senator from Vermont [Mr. LEAHY], and the Senator from Indiana [Mr. LUGAR], have 20 minutes in which to present their amendment, after which the Senator from Texas [Mr. GRAMM], be recognized for 10 minutes to speak on an unrelated subject, after which the Leahy amendment will become the pending business until the hour of 2:15, at which time we go back on the Bryan amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Madam President, I was incorrectly informed. It is not the Bryan amendment. It is the vote on the first committee amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am very concerned about the amendment to strike language in this bill prohibiting further cash outs of food stamps. I support Senator BUMPERS on this issue—the Food Stamp Program should provide food to needy families—not cash.

Providing cash instead of coupons will increase the number of hungry children in America. Over 80 percent of food stamp benefits go to families with children. Providing cash undermines the character of food stamps as a nutrition program.

If taxpayers are going to spend money on the Food Stamp Program, they do not want to see families with hungry children lining up at TEFAP sites and soup kitchens—they expect the program to buy food.

Pilot projects have already tested the merits of food stamp cash out and they have shown that the result is hunger. In Alabama, spending on food dropped almost 20 percent when recipients received cash instead of food stamps. In Washington State, households receiving cash instead of coupons used less food, and as a result had access to less protein and other key nutrients than did food stamps households.

Researchers found reductions in purchases of meat and meat alternatives, milk and other dairy products, vegetables and fruits, and grain products. Cash out does not just hurt needy families, it also hurts America's farmers and grocers.

In three of the four pilots conducted by USDA, households receiving cash instead of food stamps showed up more often at emergency feeding sites requesting government commodities. In one pilot, the proportion of households seeking emergency food through TEFAP was more than twice as high among households receiving cash than those receiving food stamps.

It is not the families who are at fault—the Food Stamp Program targets the neediest Americans. These families need money for shoes or clothing for their children, for rent or medical expenses, and for the hundreds of necessities of life.

However, the Food Stamp Program is designed to reduce hunger—its benefits are meant to be spent on food.

I am worried that food stamp cash out will leave poor families even poorer. I am worried that landlords will just raise rents, knowing that their tenants have additional cash. I want to stop further cash outs of the Food Stamp Program unless these projects are part of a comprehensive welfare reform effort handled in other legislation.

Many States are considering cashing out food stamps as part of a larger plan to move recipients off of welfare and into jobs. Very limited cash outs to permit a transition to employment, if designed properly, could be an effective part of welfare reform. But we should leave that to the larger discussion of welfare reform.

Congress needs to carefully look at this issue and determine if and when cash out should be allowed. In the meantime, I do not believe that any additional food stamp cash out waivers should be approved.

The more cash-out projects are approved, the more the Food Stamp Program looses its link to nutrition. That undermines the basic purpose of the program. The best way to ensure that food stamps are used by families to purchase food is to provide benefits as coupons, not cash. We should continue to do so.

I am also concerned that an amendment might be offered requiring food stamp recipients to participate in workfare programs. Such a policy would be misguided and wasteful.

States, and even counties, currently have the option to require food stamp recipients to work. They have had that option since the 1970's and in 1985 Federal reimbursements were increased as an added incentive. Yet only seven States choose to require food stamp recipients to work.

Twenty percent of food stamp households already work. And half of all food stamp recipients stay on for less than 6 months. Most able-bodied, nonworking food stamp recipients currently participate in job search activities through the Food Stamp Employment and Training Program.

States know that it is more effective for recipients to participate in job search activities than to simply work off their benefits. In fact, given how rapidly food stamp recipients find jobs on their own, requiring them to waste time in Workfare might actually keep them from finding real jobs and getting off food stamps. Workfare in the Food Stamp Program is now a State option. Most States opt out. We should not turn this option into one more Federal mandate imposed on States.

AMENDMENT NO. 2306

Mr. LEAHY. Madam President, now I would send an amendment to the desk on behalf of myself and Senator LUGAR to H.R. 4554, and I ask unanimous consent that the pending amendment be set aside.

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

The Clerk will report.

The assistant legislation clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. LUGAR, proposes an amendment numbered 2306:

The amendment is as follows:

At the end of the section of the bill entitled "Agricultural Research Service" add the following "*Provided further*, the Secretary may exercise his authority to close the research locations specified for closure in the President's 1995 budget."

AMENDMENT NO. 2307 TO AMENDMENT NO. 2306

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 2307 to amendment numbered 2306:

The amendment is as follows:

At the end of amendment add the following: "for the Department of Agriculture."

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, for several years the Senator from Indiana and I have been working on the fact that the Department of Agriculture needs to be both restructured and downsized. This has spanned two administrations, Republican and Democrat. The Senator from Indiana is recognized throughout the country as the leader in this regard.

Anybody who carries the roles that we have as the Democrat and Republican leader of the Agriculture Committee knows in just researching what we have to look at each year with the budget, this Department has grown way beyond what it should be, and the taxpayers are paying the price. This is not an era when 50 or 60 percent of the American people are in agriculture. It is 3 or 4 percent now. But the Department we had back when we were at 50 or 60 percent of America related to agriculture is a tiny fraction of the Department we have today with less than 5 percent related to it. And in fact, the Senate agrees with us on this. We had a major USDA reorganization bill before the Senate. It was in April. In fact, it was April 13. And it passed the rollcall vote 98 to 1. Some have said we are prepared to do deficit reduction in the abstract, and taxpayer increase spending in the specific. That sometimes is what is happening here. We have a bill that we are going to cut, again in the abstract, but second, because of the specific we want to stop the cuts.

The bill before us would keep open 10 of the 19 facilities the President said we could not afford. We are immediately moving to stop what we voted for in reorganization. The second is we say yes, but now we have all agreed in the abstract that we want to cut spending. The second we say in the specific we will cut it, we suddenly find, "whoops," cannot do that. You cannot have it both ways.

To keep these facilities open will cost the American taxpayer approximately $17.5 million per year. If we cannot just cut 10 totally outdated research facilities, how are we ever going to cut into the $300 billion-plus deficit? How are we going to make the $3 billion in cuts which are necessary in the Department of Agriculture?

In fact, let me just give you one graphic example. Just one of the research facilities we are talking about cutting. One of the facilities the President proposes to close has five scientists. It has 89 separate buildings. Each scientist gets 18 buildings. It does not make any sense. It is one of the reasons it is on the hit list.

We are spending far more money to repair some of these worn out buildings than we are on research. If we are going to spend money, let us spend it on science and research. But what we are trying to do with this is get rid of the money we spend just on repairing and keeping open old buildings where we spend far more to do that than we do to do research. Many of these facilities are underutilized, are falling apart, and are not equipped to carry out what we should do. If we spend a dollar on research, we are spending 50 cents just to keep the buildings from falling apart.

That does not make much sense at all. In fact, if anybody thinks it is a radical proposal, in 1988 we had the Users Advisory Board recommendation. This was set up by USDA representatives, not only researchers but people who use that research. And they recommend they close 20 of these facilities in fiscal year 1989, and 20 more in fiscal year 1990. What we are talking about is just closing half of those.

So I would hope that people are realizing we are trying to save money. The Senator from Indiana and I are not capriciously trying to see places close but we are trying to save billions of dollars in the USDA budget. Unless we are able to take these modest steps, Lord knows how we will ever take it seriously.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, it is a privilege to join with the distinguished chairman of the Agriculture Committee, Senator LEAHY, in offering this amendment to make clear the right of the Secretary of Agriculture to close Federal agricultural research facilities that he has identified as low priority. The amendment is sound budgetary and scientific policy.

There has long been a recognition, as Senator LEAHY has pointed out, that we need to consolidate Federal agricultural research at fewer locations in order to prevent duplication of research and to make more effective use of the Agricultural Research Service's physical and human resources.

The Agriculture Committee heard testimony in support of such consolidation during the consideration of the 1990 farm bill. Under Secretary Madigan's direction, the Department of Agriculture in 1992 undertook an evaluation of ARS research facilities, considering such factors as the impact of research and the physical conditions of the facilities. Building on this initiative, Secretary Espy has now conducted an extensive analysis of ARS facilities which yielded a recommendation of closing 19 of those which he determined to be the lowest priority. According to the Department, the closures would avoid nearly $20 million in major modernization costs at those locations.

(Mr. BREAUX assumed the Chair.)

Yet, the Senate Appropriations Committee report on the bill before us recommends the continued funding of 10 of those 19 facilities, a step that flies in the face of the proposal to reorganize and streamline the Department of Agriculture, which this body passed overwhelmingly by a vote of 98 to 1 just 3 months ago.

As one example, the committee report recommends continued funding for a facility which has been estimated would cost five times more to renovate than it receives in annual research funding from ARS.

Another example of a facility that would be continued is one that funds research in support of the blueberry and cranberry industries. And according to USDA, the original objectives of this research—breeding blueberries and reducing disease problems in blueberries and cranberries—have largely been met. Clearly, we have to do a better job of concentrating our research dollars on efforts of high priority, broader scope, and not duplicated by other ARS facilities. A vote for our amendment will help ensure that our limited research dollars are spent as responsibly and productively as possible.

Let me just point out for Members who have followed this debate that there are 120 ARS research facilities altogether. The Secretary of Agriculture has chosen to close 19, among the lowest priority of the 120. We are talking about substantial money. Closing the 10 facilities recommended for continuation in this bill could save $7.5 million in direct costs. In addition, closing the facilities would result in the cost avoidance for routine operating costs, with a total of approximately $50 million being saved over a 5-year period of time.

I suppose even more importantly, this is the first time that the body has had a chance to take hold of the recommendations made for reorganization. We voted 98 to 1 in behalf of Secretary Espy's plan. I would point out that implied in that plan is the potential closure of 1,200 to 1,300 field offices of various branches of the U.S. Department of Agriculture, out of over 7,000 that are out in the field.

President Clinton has counted on those savings in his budget submission. Vice President AL GORE in his "reinventing" statement has counted on those savings already.

Mr. President, we come, however, to the moment of truth. And for some reason 10 of these agricultural research facilities reappear with Senators asserting that they must continue despite low priority by every criteria imaginable.

Selection by the two Secretaries, Madigan and Espy, has not been capricious. In fact, they have looked very carefully on point totals to try to take a look at precisely the services being offered, the costs of those services, the proximity of the users in this field, and in all other agricultural services.

But we finally come to the fact that the Nation wants some action on reorganization. As Senators consider this amendment, they must consider the fact that a vote to retain those 10 ARS stations is a vote to roll back reorganization, to retain every single vestige of USDA activity, however low priority, however little warranted.

Mr. President, at this first instance, if we lose the battle on these 10 stations of negligible value, but with potentially $50 million of cost savings, how in the world will the billions of dollars that are prophesied to come from savings in the USDA in the next 5 years ever occur? How can reinventing Government even start?

Mr. President, the amendment that Senator LEAHY and I have offered is modest. It says simply, give the Secretary the opportunity to close these 10 stations. He is not mandated to do that, but he almost has to in order to fulfill the budget of his President and the dictates of this Senate. Mr. President, to roll that back means an unraveling that is very serious. And that is why the distinguished chairman and I take time to make this point as clearly as we can.

A vote for the Leahy-Lugar amendment is a vote for a beginning of organization of the USDA in a more modern form, consistent with what taxpayers want. A vote against our amendment is to continue business in the same old way: spending money willy-nilly because a few Senators have come on the floor and said "save our station," whatever is occurring out there, how negligible the efforts, how incidental the situation.

That kind of sloppiness will not work. Mr. President, a vote for this amendment, I believe, is imperative for those who really want reinvention of Government, a sound budget, as well as more solid agricultural research.

I yield the floor.

Mr. JOHNSTON. Mr. President, I strongly support the committee's recommendation to restore funds for the Houma, LA, Sugarcane Research Station and several other agricultural research service facilities.

When the fiscal year 1995 budget proposal was submitted, for obvious reasons I paid close attention to the proposal to eliminate funding for the Houma Sugarcane Research Unit. This spring, I posed several questions to ARS in the subcommittee's hearings on this proposal and was told that the criteria used to select facilities for closure included:

> Such factors as location research mission and completion of original research objectives, magnitude of industry problems requiring additional research, and age and condition of facilities.

As to the first criterion, the mission of the Houma Sugarcane Research Unit which was established in 1924 is to conduct basic and applied research to increase sugarcane production efficiency. This research is not complete, and is even more important now in the new global environment Louisiana's sugar producers are facing in light of NAFTA, and under the proposed GATT agreement. Ongoing programs include the development of improved sugarcane germplasm and cultivars—varieties—to combine high yield of sugarcane per unit area and sugar per ton of cane, with pest resistance, cold tolerance, stubble longevity, and suitability to mechanical harvesting. The Houma unit is the largest of USDA's 3 mainland facilities which conduct this research; the only USDA scientists working in sugarcane cytology—the study of the formation, structure, and function of cells—are assigned to the Houma unit, as are the only USDA weed-control scientists working in cane.

Variety development is particularly critical. All varieties eventually suffer from yield decline and most of major importance peak in acreage before 10 years of age. The two varieties used in some 75 percent of the sugar acreage in Louisiana today were released in 1973 and 1978 and are among the oldest varieties being grown. They are already past their peak and it is critical that new varieties be released soon for the industry to survive. The varieties produced in Houma are also used in Texas and provide breeding material for other domestic and international sugar industries located in more tropical areas. These areas have distinct soil and climatic conditions and are not now served by the other USDA facilities.

In addition, the Houma station is developing environmentally sound, integrated sugarcane production systems using cultural practices and improved weed, disease, and insect control methods. The emphasis at Houma is on research using cultural and biological measures as alternatives to chemical controls—which is important to production throughout the United States and to the American public generally. Very little weed control research is performed at either the Florida or Texas stations, although information developed at Houma has been modified to fit the different weed spectra and growing conditions in both Texas and Florida.

As to the magnitude of problems facing the sugar industry, these problems have been intensified as a result of new global trading arrangements. The passage of NAFTA last year, and the possibility of a new GATT arrangement soon, have made it more imperative then ever that we renew our efforts to increase production efficiency to compete with other nations which have lower wage rates, lower environmental standards, and lower, less costly, worker protection laws. Dismantling the Houma station would severely hamper efforts to increase production efficiency and enable U.S. producers in Louisiana and elsewhere to compete in this global setting.

I was surprised to discover that no attention was paid by the Department to contributions by industry or States

to the ARS facilities. Louisiana contributes over $170,000 to the Houma research efforts and in addition has provided at no cost 107 acres of land for additional research property near Houma and 300 acres offstation for experiments under commercial production practices along with the equipment, supplies, and labor for these offstation efforts. This public-private partnership developed as a result of the location of an ARS sugar research facility in Louisiana.

Nationwide, the U.S. sugarcane industry generates approximately $2 billion annually in direct sales, with an economic value to the four cane-producing States of around $6 billion. In Louisiana, cane is grown in some 19 parishes in Louisiana, and in many of these there are not feasible or suitable alternatives. Cane is an important part of my State's economy, and is especially important to south Louisiana. The future health of this important part of our economy depends on a strong research program, which would be placed at risk if the Houma facility were closed. Obviously, this could have negative economic impacts in the future.

I urge that the amendments by the Senators from Indiana and Vermont be rejected, and that the committee amendment be approved.

Mr. SASSER. Mr. President, I oppose the Leahy/Lugar amendment because I know it will eliminate research efforts that are extremely important to not only my State of Tennessee, but to States throughout the Southeast. You see, Mr. President, nematology research and screening conducted at the West Tennessee Research Station in Jackson, TN, is aimed at solving the No. 1 problem for soybean producers in all Southeastern States—damage from the soybean cyst nematode.

The soybean cyst nematode is, in fact, the most serious soybean pest in the entire country. I have heard from quite a number of soybean producers who have stressed to me the importance of controlling this highly destructive pest. Soybean cyst nematodes cause millions of dollars in soybean yield losses each year and yet the cost of the Federal nematology program is a very modest $164,000.

Among other things, the West Tennessee Research Station of the Agricultural Research Service is working to develop a cyst nematode resistant variety of soybean. Researchers at Jackson are participating in a national project on molecular mapping and diagnostic probes for soybean cyst nematode resistant genes. The benefit-to-cost ratio of this research is estimated at 300-to-1. Clearly, this is a sound investment in our future food-producing capability.

The research done at the Jackson research station is used in southern soybean producing States by both private and public institutions. I believe it would be penny wise and pound foolish to eliminate this vital research.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Leahy-Lugar amendment to cut funding for 10 agricultural research stations [ARS] across the Nation. One of those ten facilities is located in my State. And I know that the work done there is vital to the health of the Nation's blueberry industry. The Chatsworth, NJ ARS station conducts and disseminates research so that growers can produce consistently reliable yields of high-quality blueberries and cranberries. Additionally, one of the major goals of the facility is to find ways to increase production in environmentally acceptable ways. The work done at this facility has helped, for example, reduce pesticide use while maintaining production levels.

The blueberry and cranberry industries are important to both the Nation and to New Jersey. Together, they inject some $800 million into the national economy. Reducing spending by a little over $500,000 sounds superficially appealing—but it also is a little silly not to make an investment of $500,000 to support an $800 million industry. The withdrawal of Federal funding for the Chatsworth ARS facility would leave the blueberry and cranberry industry vulnerable to a variety of diseases and terminate research and development of varieties resistant to these diseases. We are being penny wise and pound foolish.

Instead of cutting programs that actually produce something of value and are consistent with our national agricultural policy, I'd like to see us eliminate the real waste in agricultural spending: the subsidies that support western water, deficiency payments that distort market mechanisms, and other programs which I identified in a bill I have introduced. In addition, Mr. President, I note that the Senate has restored $7 million cut by the House for tobacco-related research. Now that, Mr. President, is the real waste and I hope, before we conclude action on this bill, that the House position will prevail.

Mr. ROBB. Mr. President, I rise in opposition to the amendment offered by Senators LEAHY and LUGAR regarding the Secretary of Agriculture's discretion over the future of 10 Agriculture Research Service units which USDA has identified for closure.

My opposition to this amendment comes not from a philosophical disagreement over whether this administration—or any administration—should have reasonable discretion in running the Government. As a former Governor, I vote for enhanced State autonomy whenever I can, as I did to preserve the State waiver process for Food Stamp cashouts earlier this afternoon.

I oppose this amendment, Mr. President, because I believe strongly that the rationale for moving the production and protection research activities for Virginia-type peanuts from Suffolk, VA, to Dawson, GA, is not defensible. And I believe that the Congress should have the ability to express its opposition on a policy basis to decisions that affect our States and our Nation.

After the Department of Agriculture announced that the USDA Peanut Production, Disease, and Harvesting Unit in Suffolk would be closed, along with 18 other ARS research units, the Department of Agriculture advised some members of the Virginia delegation that,

> We intend for ARS to continue research on peanut production and protection at Dawson, Georgia, and on postharvest quality and handling of Virginia-type peanuts at Raleigh, North Carolina. Research results from these locations will continue to be available for, and applicable to, the Virginia peanut industry.

Mr. President, Dawson, GA, is located 80 miles north of Florida.

There are enormous differences between Suffolk, VA, and Dawson, GA—differences in the varieties of peanuts predominately grown in the two regions, differences in the climate, the soil, the propensity of specific diseases, as well as differences in production practices.

Peanuts grown in Virginia and North Carolina are large seeded Virginia-type—or ballpark—peanuts, Mr. President, while the majority of peanuts grown in the Southeast—Georgia, Florida, and Alabama—are runner-type peanuts. In fact, USDA is proposing to do production research on Virginia-type peanuts in a State where Virginia-type peanuts constitute just 2 percent of its peanut acreage.

In addition, Virginia is located in the northernmost portion of the peanut belt and has a much shorter growing season than southwestern Georgia. Frost injury directly affects the flavor and quality of the finished product, and research is underway in Suffolk to develop an early maturing peanut variety. How can Virginia's climatic conditions be replicated in Georgia to continue this important research?

Virginia soil is also much more susceptible than even North Carolina soil to a fungal disease called sclerotinia blight, which can devastate peanut yields. Georgia has absolutely no problem with sclerotinia blight.

The Suffolk Unit is currently developing a Sclerotinia Blight Advisory Program, which is similar to the Virginia Leaf Spot Advisory Program, a computerized approached which, using weather condition data, assists farmers in determining the optimal time to spray to prevent diseases. These advisory programs make the Suffolk Unit a leader in reducing pesticide and chemical use in treating serious diseases. How can this be replicated in Georgia soil?

I do not believe, Mr. President, that research on peanut and protection of

Virginia-type peanuts that is applicable to producers in the Commonwealth of Virginia can be effectively conducted in Dawson, GA.

For this reason, I will vote against this amendment—and I yield the floor.

Mr. LEAHY. Mr. President, I wholeheartedly concur with the Senator from Indiana. When we started doing the idea of reorganization in the Department of Agriculture, we knew the only way you do it is to cut. We knew we were starting with a department where too much money is being spent and we are going to have to cut. So I went down through and saw where cuts would occur. And in the package we passed in the Senate—which we are hoping the other body will soon pass—it was obvious to me there were going to be cuts in the State of Vermont and cuts in the State of Indiana and cuts in the State of Louisiana and cuts in every other State represented here. But it is the only way you can do it. It cannot be the "don't cut you, don't cut me, cut the guy behind the tree," to paraphrase the expression often used by the Presiding Officer's distinguished predecessor in this body.

All of us on basically a resolution, or an overall piece of legislation that says let us cut money out of the Department of Agriculture, let us go for a streamlined Department, we all vote for it. In fact, we are voting 98-1 that way. The rub comes when we go to the specifics. And there will be specifics that we will feel in every single State. But it is the only way we are going to do it.

You cannot have a situation where we all stand up and say we want to cut the deficit—and, of course, we do—but when it comes to specifics, I want to keep the money in there. It does not work that way. You have to do it. It might be painful, but you have to do it. In this case, it should not be all that painful. You have cases where you are spending more money to repair old, useless buildings than we are on research, where the costs to the taxpayers, under any objective criteria, are just not justified. So I hope that we will adopt the amendment by the Senator from Indiana and myself.

I would like to say that we have had debate in here on cash-out of food stamps. I must say, as chairman of the Senate Agriculture Committee, I am very, very concerned with the amendment of the Senator from Arizona [Mr. MCCAIN], to strike language prohibiting further cash-outs of food stamps. As chairman of the authorizing committee, I strongly urge my colleagues to support the chairman of the appropriations subcommittee, Senator BUMPERS, on this.

The Food Stamp Program should provide food to needy families, not cash. If we are not going to provide food with it, then get rid of the program. But do not make it into something it is not. If you provide cash, you undermine the character of food stamps as a nutrition program.

If taxpayers are going to spend money on the Food Stamp Program, they want to see people buying food. They do not want to see the money go elsewhere and then have to spend more money on TEFAP sites and food kitchens. Senator BUMPERS pointed out that in Alabama spending on food dropped almost 20 percent where recipients received cash instead of food stamps. It is designed to reduce hunger, and its benefits are meant to be spent on food. I am worried that food stamp cash-outs are going to leave poor families even poorer. If landlords, for example, know tenants now have additional cash, they are not going to say, "Gee, take the money out and spend it on food"; they are going to say, "Here is a chance to raise the rent and get it paid." Very limited cash-outs permit transition of employment if it is designed properly. That could be an effective part of welfare reform. But let us work that in when we do welfare reform.

I am afraid that the more cash-out projects are approved, the more the Food Stamp Program loses its link to nutrition. That undermines the basic program.

Mr. President, I am more concerned that we ignore what this is. The Food Stamp Program is designed to buy food, designed to give food to needy people. If we do not want the Food Stamp Program, then do away with it, but do not pretend we are feeding people by giving them cash, because there are going to be a lot of other demands on that cash.

Mr. President, what is the parliamentary situation?

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

Under the previous order, the Senator from Texas is now recognized for 10 minutes.

Mr. GRAMM. Mr. President, I thank the Chair. Today the President is out traveling around the country promoting his health care plan. New polls are out today showing that support for the President's health care program has reached a new low. What I would like to do in the 10 minutes I have here is simply talk about where we are on the health care debate and talk about that debate as it move closer to the floor of the Senate.

I think the first indisputable point is that the President has had over a year to sell the American people on his health care plan. The President has not failed in that effort because he lacks a big megaphone. The truth is that the President has the largest megaphone in the world. The President has not failed to sell his health care plan because he is a bad salesman. The President is a great salesman. The First Lady is a better salesperson. The administration is full of great salesmen.

The President has failed to sell his health care program to the American people because he has not been able to convince the American people that they want to turn over the running of the greatest health care system in the history of the world to the Government. A Government-run health care system is simply unacceptable to the American people, and I think the cold reality is that while Elvis may be out there alive somewhere, the President's health care plan is dead.

It is dead for a lot of reasons. Most of all it is dead because it infringes on the freedom of the people.

Despite the President's best efforts to convince people otherwise, the President's plan requires that unless you work for the Federal Government or unless you work for a huge employer with 5,000 or more employees that can ransom you out of the Government plan by paying 1 percent of your salary to the Government in a new tax, your private health insurance is going to be canceled and you are going to have to buy health care through a Government-run cooperative controlled by a seven-member board in Washington, DC.

The American people basically understand the loss of freedom and, as a result, they are rejecting the President's health care plan in overwhelming numbers.

And, Mr. President, if the vote were occurring in America, I would be absolutely confident. The fact the vote is occurring in Washington, DC, makes me nervous. Despite the fact that the President's plan is clearly not going to pass—not one Democrat on the House Ways and Means Committee voted for it, and only half of the Democratic Members of the Senate have cosponsored it—that does not mean every bad idea in it is dead.

A second point that I wanted to mention—given the comments of the Governors' Association today in the paper—is that clearly there is a second problem that is beginning to emerge, and that is, how are you going to pay for this health care plan?

I thought it was more than just comical that Democratic Governors support all the President's benefits, but they oppose the way he funds the program. They want all the benefits of a Government-run system with a 9.6-percent payroll tax, but their message to the President is, "Don't impose a payroll tax to pay for it."

It was also interesting that Republican Governors support the basic tenets of the Dole plan, which basically reforms the system and reorders Medicaid in order to help the working poor buy private health insurance. But they oppose the Medicaid reforms and the Medicaid cuts that are needed to pay for the assistance program.

In fact, one thing is very clear, and that is that when all of these programs

are analyzed by the Congressional Budget Office and we know what they cost, they are all going to be massively underfunded.

One of the few remnants of the old Gramm-Rudman law that exists is that if a bill comes to the floor that adds to the deficit, there is a 60-vote point of order against that bill. I want to put our colleagues on notice that if any health care bill comes to the floor of the Senate and it is not paid for, I intend to raise a point of order against that bill and it is going to have to get 60 votes or that bill is going to die in the Senate.

Second, I know that there will be an effort made to limit debate on health care. I want to debate health care. I am not interested in bringing other issues into the debate, but I want my colleagues to understand that to millions of Americans—and I am one of them—this is the most important issue that we have debated in Congress in the last 15 years. I do not plan to give up any of my rights as a Member of the Senate on this health care debate. I am going to object to any unanimous consent request that limits anybody's ability to offer amendments, that limits anybody's ability to make points of order, and that seeks to impose anything on this debate other than the strict rules of the U.S. Senate.

I believe that we have to take a long, hard look at limitations on the rights of a free people. I do not believe the American people support canceling private health insurance and forcing people to buy health care through a Government-run agency. I do not believe the American people want Government to write their health insurance policy for them, to impose coverage on them that they do not want themselves, or deny them access to coverage that they do want.

I believe that the American people want to know how we are going to pay for this bill.

I think people are going to be shocked when they discover that the Finance Committee bill that will come to the floor of the Senate—barring a substitute by Senator MITCHELL—I think people are going to be shocked that this bill seeks to have the Government funding for health care for 110 million Americans, almost half the population. I think people are going to be shocked when they discover that one of the ways that this is partially paid for is by taxing the health benefits that workers now receive.

We do not yet have the Finance Committee bill costed out, but the benefits it provides are roughly equivalent to the Cooper bill, which raises taxes on 53 percent of all the workers in America by taxing their health insurance benefits. And 8.7 million Americans under that bill pay $500 or more per year in new taxes.

These are things I want to have us debate in full. I want us to understand what is at stake here.

Finally, I believe that there are things about the health care system that can be fixed, that should be fixed.

I want insurance to be portable, so you can change jobs without losing it. I want insurance to be permanent, so it cannot be canceled if you get sick. I want to deal with medical liability. It makes no sense to spend up to 20 cents out of every $1 we spend on health care trying to keep people out of the courthouse instead of out of the grave. I want to reform this absurd system where if you do not work, you get Medicaid, you get good health insurance, but if you do work and make a modest income, you can't afford to buy private health insurance.

I want to reform Medicaid, add a modest copayment, allow the States to run the Medicaid Program and use those savings to give a refundable tax credit to let working families keep more of what they earn so that they can buy good private health insurance.

But in the final analysis, I do not want the Government to take over and run the health care system. If the President is going to say to the Congress, "Do it my way or leave it," I believe Congress is going to leave it.

My basic proposal is: Let us do what we agree on. Let us take all these bills. Let us take the areas where they overlap. Let us sit down on a bipartisan basis and let us legislate to fix those areas where there is a broad consensus. I believe we could pass a bill with 80 or 90 votes in the Senate, and I think America would applaud that effort.

Then the President can go to the American people, if he chooses, in the 1994 elections and say, "If you want the Government to take over and run the health care system, then vote for people who support that." I would be perfectly happy to go to the same electorate and say, "I don't want the Government to take over and run the health care system, and if you don't want it either, vote for people who oppose it."

That, I think, is the path we should follow, Mr. President.

I thank you for the time.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Thank you very much, Mr. President.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, I rise to support the committee amendment to fund the Market Promotion Program at $90 million in the agriculture appropriations bill now on this floor.

Mr. President, I think it is important to point out at the outset that funding this program at $90 million is a cut of 18 percent from last year, and since 1992 it has faced a 55-percent cut in funding. So you might say it is a program that has been greatly reduced. It is also a program which is of major priority to American agriculture.

It is a cost-shared program and participating industries must spend their own funds to export development before receiving up to 50 percent of certain promotional costs.

And, as I hope to show, it is a program that is vital to being able to develop new markets for agricultural products all across this globe. In a GATT economy, the only legal tool to assist these products will be market promotion. According to USDA data, market promotion expenditures for export activities by the world's 11 major agricultural exporting nations total nearly $500 million annually. In contrast the U.S. Market Promotion Program is being funded at $90 million. If American agriculture is to remain competitive in foreign markets, we must insure that our growers are given the same support that their foreign competitors receive.

The positive impact of this program on California is dramatic. There have been scores of success stories. Exports to overseas markets have doubled and tripled. These new markets are providing jobs, jobs for longshoremen, jobs in processing, jobs in transportation, and in the fields all across this Nation. I believe we need to maintain this GATT-legal Market Promotion Program in the future. Exports account for nearly one-third of total U.S. agriculture production and over $40 billion in sales. California agricultural exports total over $5 billion, generate nearly $13 billion in economic activity, and provide 137,000 export related jobs. A 10-percent increase in agricultural exports would help create over 13,000 new jobs in my State alone. I am hoping that when GATT is passed by this body, with its favorable provisions for agriculture, that we can see agricultural jobs all across this great land increase.

The Market Promotion Program allows independent farmers and producers organized access into foreign markets that would otherwise be difficult for them to penetrate. By requiring that participants make a minimum contribution to receive funds, this program is an ideal example of how the public-private partnership can work.

Most of the companies receiving funds are small. Based on their number employees, 61 percent of the firms are

defined as small—less than 100 employees, 22 percent are medium-sized—100 to 500 employees, and only 17 percent are large—more than 500 employees.

The average 1991 allocation to individual companies under the State Regional Trade Groups [SRTG] Branded programs was $50,000. In 1993, no firm received more than $270,000.

This year 71 different commodity groups received funds from the Market Promotion Program, directly benefiting approximately 1,600 small business in 47 states.

For my State, MPP funds will help boost exports of almonds, brandy, fresh and processed asparagus, dried prunes and prune products, citrus, fresh avocados, kiwifruit, canned and frozen peaches, canned pears, canned fruit cocktail, pistachios, fresh and frozen strawberries, table grapes, fresh tomatoes walnuts, wine, raisins, fresh plums, fresh peaches, fresh prunes, fresh nectarines, bartlett pears, raw cotton and cotton products, and more.

Let me give a few examples of how this program has been used.

In peanuts—not particularly benefiting my State—MPP funds helped reestablish a market in Russia for raw peanut kernels and introduce peanut butter to Russian consumers, leading to United States exports of 50 tons.

For barley, MPP funds helped counter subsidized European Community exports of barley in Brazil, leading to United States export sales of 14,000 metric tons, the first such sales in 20 years.

Apples—MPP funds helped establish a trade distribution network in Mexico, boosting United States export of apples from just 574,000 cartons to over 4 million cartons in just 1 year.

Asparagus—U.S. asparagus exports are up 14 percent.

Citrus—in Hong Kong, MPP funds were used to create highly visible advertising regarding United States oranges and grapefruits, leading to a 300-percent increase in consumer recognition and a 28-percent increase in sales.

Avocados—MPP funds have been used to heighten the awareness of Japanese to the higher quality of California avocados as opposed to the lower priced, lower quality from other foreign sources. Between 1990 and 1993 alone, exports to Japan rose approximately 200 percent. This dramatic rise is directly attributable to the cost-sharing assistance provided our domestic avocado industry through the Market Promotion Program.

Mr. President, there are numerous successes for small businesses as well.

Caesar Cardini Foods sells salad dressing in 10 countries and had an export program of $700,000 in 1993. Yet, in 1991, their exports were only $98,400. This small California company uses its $10,000 MPP allocation to price their product at break even prices in order to enter new markets. This strategy enabled them to increase their exports sevenfold in 2 years. These funds have also enabled them to invest in marketing their brand in selected countries.

I can tell you about small producers of organic blue corn chips who have permeated markets in Singapore through this program.

I can tell you about the cut flower industry in America which in 2 weeks in January 1992 had immediate results. One grower was able to fill four orders, another grower shipped two orders, two additional growers shipped to Hong Kong, and so on.

Fresh and processed foods were promoted all over Taiwan beginning in November 1991. Fresh fruits and vegetables attained an increase during the promotion of 54 percent, and a 125-percent increase within the month following the promotion. Grocery items, excluding U.S. beef, attained an increase of 185 percent during the month-long promotion, and a 44-percent immediately following the promotion.

Mr. President, I have tried to show that this is a program that works for the farmers and growers of America. For my State, where farm revenue amounts to about $17 billion, it is a critical way that small- and middle-sized farmers and growers can break into foreign markets, have an opportunity to promote their crops and, I think in the GATT world, it is going to be a program that will have an even greater value when quotas, duties, and tariffs are done away with in the agricultural commodities world.

I thank the Chair and I urge a yes vote on the committee amendment to fund the Market Promotion Program.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I wish to join with my distinguished colleague from California in speaking in support of the committee amendment, which funds the Market Promotion Program at $90 million in the agriculture appropriations bill, and I congratulate her for her eloquence, the force of her statement, and reasoning for defending this very important program.

Clearly, the subcommittee was faced with many difficult funding priorities, in large part because the Clinton administration's budget request made many inappropriate budgetary assumptions—like the collection of Food and Drug Administration user fees, the imposition of user fees on the meat and poultry industry, implementation of the administration's crop insurance reform proposal, and savings from the proposed reorganization of the USDA. Each of these budget assumptions proposed by the administration require authorizing legislation—which has not yet happened.

In anticipation of the tough decisions that faced the subcommittee this year due to budgetary constraints, 18 Senators joined together with Senator FEINSTEIN and me in sending a letter to the subcommittee requesting full funding for the Market Promotion Program. Because of tight budgetary constraints, we thought it important to illustrate to the subcommittee that bipartisan support for the program existed in the Senate.

Unfortunately for U.S. agriculture, funding for MPP was zeroes out in the chairman's subcommittee proposal. This action left Senator FEINSTEIN and me with no choice but to offer an amendment in the subcommittee to restore funding for the program. Although the authorized amount for the program is $110 million, our amendment funded the program at $90 million—the same as the House level and a $10 million reduction from last year's funding level. The off-set for the amendment was a 1.5-percent reduction in the salaries and expenses accounts of 27 departments within USDA.

Funding for the MPP is a $90 million investment in increasing U.S. agriculture exports. Exports account for nearly one-third of total U.S. agriculture production and for over $40 billion in direct sales. Agricultural exports in turn spur economic activity and provide jobs for more than 1 million Americans.

And, as we learned during the debate over the North American Free-Trade Agreement and the pending ratification of GATT, U.S. agriculture stands to gain from free trade and open markets. MPP helps to promote U.S. agriculture in new and existing markets.

During the NAFTA debate, nearly every Member of this body stood on the floor of the Senate and proclaimed to be for free trade. Whether its selling apples in Mexico or pears to Taiwan—MPP puts free trade into action.

Mr. President, a perfect example of why the Senate must support the amendment before us comes today from my own State.

In 1991, only 3 short years ago, 575,000 boxes of Washington State apples were sold to Mexican consumers. With the help of Market Promotion Program funds, the Washington Apple Commission began to tell Mexican consumers about our apples. Growers used MPP funds as seed money, added their own money, and started promoting Washington State apples in supermarket demonstrations, billboard advertising, participating in Mexico's trade and consumer programs, radio advertising, and more.

Without the Market Promotion Program, Washington State applegrowers might not have been as effective in telling Mexican consumers about their apples because you cannot simply ship millions of apples to consumers who have never seen or tasted the product. First, you must sell them on the product, and that is exactly what MPP funds have done; 3 years later, Mexican consumers purchased 6.65 million boxes

of Washington State apples, well over 10 times the amount of 3 years earlier.

MPP funds have developed markets across the globe for U.S. agriculture. The GATT agreement, in particular, once ratified, will result in substantial changes in many existing support and subsidy programs when we reauthorize the farm bill next year. GATT will reduce export subsidies and trade barriers, but it does allow for nations to maintain and increase funding for promotions which are nontrade distorting. These GATT legal or green box programs include market promotion expenditures.

Of equal importance, according to USDA, every $2 in MPP funds generates $7 in export sales. This ratio is even greater for specific commodities that participate in the program. I believe that this ratio—a 2-to-7 ratio—is an extremely persuasive argument in favor of retaining funding for this program. It is not very often that we appropriate Federal dollars and get a return on our investment as large and as significant as we do with the MPP.

I urge Senators to vote for the committee amendment for the following reasons:

The Gorton-Feinstein amendment was accepted in the Agriculture Appropriations Subcommittee on a bipartisan vote of 7 to 4;

A similar amendment to eliminate funding for MPP failed by a vote of 70 to 30 in last year's appropriations bill;

The 1993 Budget Reconciliation Act instituted reforms to MPP in an effort to address past criticisms of the program;

MPP is a GATT legal program;

For every $2 in MPP funds spent, $7 in agricultural exports are generated.

In summary, Mr. President, the Senate must vote to retain funding for the Market Promotion Program. Funding for the Market Promotion Program is, of vital importance, in keeping U.S. agriculture competitive in the world market. Without such a program, we give our competitors an advantage and U.S. agriculture is the loser.

MARKET PROMOTION PROGRAM

Mr. WOFFORD. Mr. President, I oppose the elimination the Market Promotion Program. I believe the Market Promotion Program serves an important role by helping domestic producers find and take advantage of export opportunities. It helps offset unfair trading practices that our producers encounter when trying to make inroads in foreign markets.

While I do not believe this program should be eliminated, I also believe the Market Promotion Program should be reformed to ensure that priority be given to small- and medium-size companies that need our help in establishing a foothold in foreign markets. To cut funding for the Market Promotion Program does not reform the program, it simply shrinks the pot of available money for all participants. Without real reform, the public and Congress will continue to criticize the program. If we continue at the current rate of reducing the MPP moneys, we will not need to have this discussion in another year or two.

Unfortunately, the loser in all this is American agriculture. they are trying to be more competitive and respond to the markets by developing the value-added products that, many times, make the difference between profit and loss. At a time when we are trying to finalize the GATT implementing legislation, an agreement that will drastically change what we produce and who buys it, we should be certain our small- to medium-size companies have the support they need. With reform, the Market Promotion Program is one tool that can help do just that.

When I introduced my MPP reform legislation in 1992 there were assurances that the program would be reformed. In 1993 and 1994 more assurances. There is even a legislative requirement that the Department of Agriculture will give priority to small businesses. Here we are again asking for more assurances.

Even though the USDA says they have reformed MPP by giving small- and medium-size businesses priority, their 1993 and 1994 allocations are virtually identical to previous years—same participants, only less money. The pot has shrunk and that is it. That not my definition of reform. To reassure Congress and the American people, we need to know what criteria the USDA is using to make the funding allocations.

In addition to making small business a priority, the USDA needs to work in tandem with State departments of agriculture to maximize both State and Federal promotion resources. At a Small Business Subcommittee hearing on Export Expansion and Agriculture Development that I chaired at the Port of Philadelphia, I heard of the creative and effective work the Pennsylvania Department of Agriculture is doing with small food processing entrepreneurs like Bob Cotten. Mr. Cotten employs 15 people and produces specialty pies for export—using all Pennsylvania produced or processed ingredients. This is exactly the type of market promotion we should be encouraging. In this case the States' involvement made the difference in whether Mr. Cotten exported or not.

Just as there should be more coordination with State Departments of Agriculture, the Extension Service could play more of a role in identifying small farmers and agribusinesses that have the potential for exporting. Since coming to the Senate I have had the opportunity to work closely with the Pennsylvania State University on a number of fronts, including agriculture and know that the Cooperative Extension Service, which receives part of their funding from the USDA and has highly qualified personnel in each county, should be utilized in export promotion. With exceptional staff, a research base linked with the USDA and the Foreign Agricultural Service, it seems to be a resource we should be tapping. Extension is a great link to agriculture and business.

One of the points made many times by witnesses at the subcommittee hearing in Philadelphia was that it is confusing, frustrating, and costly to piece together all these agency trade assistance programs. I believe extension can be a tremendous help to small- and medium-size agribusinesses by helping them make the initial contact with the appropriate agency.

Mr. President, as I said, I oppose the elimination of funding for the Market Promotion Program. But this program needs to be reformed. As I mentioned before, if it is not reformed significantly and soon, those who oppose this program will surely prevail in the future.

FOOD WORKS—COMMON ROOTS

Mr. LEAHY. Mr. President, I want to clarify an understanding with the chairman of the Agriculture Appropriations Subcommittee on a matter important to me.

There is a great program in Vermont which involves a number of issues related to nutrition, nutrition education, better health, and agriculture.

Food Works is a Vermont-based, nonprofit, educational organization, which provides teaching aids and other materials to elementary schools interested in implementing the Common Roots curricula. Common Roots is an educational model which integrates nutrition and food preparation education, agriculture, gardening, ecology, and diet, health, and hunger education with the regular elementary school curricula. Students learn math, science, and verbal skills through the practical application of small-scale agriculture. The Common Roots model currently operates in five schools in Vermont, and one school in Upstate New York.

The Food Works—Common Roots project has received a great deal of favorable press attention in Vermont. Common Roots and other innovative educational approaches in the State received national attention in a New York Times article (September, 1991), which stated: "As the nation's students return to classes, Vermont is expanding an experimental program in learning and evaluating mathematics and writing skills that some experts believe may revolutionize testing and teaching in the United States."

Food grown in Common Roots school gardens is often contributed to local food pantries or soup kitchens or used to teach the students healthy food preparation techniques.

Funding for the Common Roots project will enable Food Works to expand the program into more schools, and assist in the development of a graduate training center in order to train elementary school educators on how to implement the Common Roots curricula in their classrooms.

USDA has authority to fund this program under the Extension Service or through the Food and Nutrition Service. S. 1614, the Better Nutrition and Health for Children Act, as reported by the Senate Agriculture Committee on June 22, 1994, contains additional authorizing language designed for this program.

This program should be funded by USDA in the amount of $150,000 for fiscal year 1995 in that it is fully consistent with a number of initiatives related to nutrition education, better health through better nutrition and agriculture. Mr. Chairman, do you agree that USDA should fund such a program?

Mr. BUMPERS. Yes, this program would fit in with a number of initiatives that USDA is planning to conduct in fiscal year 1995 with money we are providing and Food Works in Vermont should be considered for funding by the Food and Nutrition Service of USDA for the purposes the Senator described in his remarks.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. I realize that we are about to recess for the regular party luncheons.

The PRESIDING OFFICER. Is the Senator from Pennsylvania seeking unanimous consent to extend the time?

Mr. SPECTER. Mr. President, I ask unanimous consent that the time be extended not to exceed 5 minutes.

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

AMENDMENT NO. 2305, AS MODIFIED

Mr. SPECTER. Mr. President, I have sought recognition to support the amendment offered by Senator MCCAIN and Senator KERREY which would strike from the agriculture appropriations bill the language banning food stamp waivers and do so in part because of a plan offered by the Commonwealth of Pennsylvania which has an application before the U.S. Department of Agriculture entitled "Pathways to Independence," where there is an effort to utilize cash instead of the food stamps.

It is structured on a pilot basis to try to deal in an overall coordinated way with the problems of welfare. There is an issue as to whether the proceeds, or the equivalent of the food stamps, would be used for something other than food, like alcohol, for example, which would be contrary to the direct purpose of the food stamps. But there are strong indications that the potential disadvantage from that kind of a diversion would be outweighed by the advantages of allowing the States to have innovative programs which would be directed to the overall program of welfare.

The application which is pending by the Commonwealth of Pennsylvania was recently submitted under the provisions of the bill. There would be a cutoff of such innovative programs which were not granted prior to July 1. It seems to me on its face that is an undesirable provision without ample notice for States like Pennsylvania to put the programs into effect and to have them granted by the U.S. Department of Agriculture.

But the overall concept of flexibility for the States to tackle this very difficult problem is one which I think ought to be recognized by the Federal Government. The specific Pennsylvania program has all the indicia of being a good program, and that kind of flexibility ought to be promoted by the Federal Government.

Certainly the problem of dependency and welfare payments and aid to families with dependent children, and food stamps—that whole amalgam—is one of the major problems facing our country today. There is, admittedly, a stigma attached to the use of stamps when you go to the checkout stand in the supermarkets, and the kind of a program with the flexibility as proposed by the Commonwealth of Pennsylvania I think is a good idea.

Therefore, I support the McCain-Kerrey amendment and wanted to put my comments on the RECORD at this time because I know we will be voting on this issue immediately after returning from the luncheon recess.

I thank the Chair for awaiting my speech, and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:37 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 86, LINE 9 THROUGH PAGE 88, LINE 12

The PRESIDING OFFICER. The question now occurs on the committee amendment on page 86 of the bill.

Mr. COCHRAN. Mr. President, the issue before the Senate, as I understand the order, is there is 15 minutes of debate time between now and the vote on the committee amendment which relates to the Market Promotion Program. If it has not already been stated, our intention is to divide that time evenly between the proponents and opponents of the amendment.

Let me say that I hope the Senate will vote in favor of the committee amendment. This may be a little confusing to some; the committee chairman is opposing the committee amendment. The amendment was originally offered in our subcommittee by the distinguished Senator from Washington State [Mr. GORTON]. His proposal is to fund this program at $90 million, which is $10 million less than the funding level for the current fiscal year. The President's budget asked for funding to be continued for the program at $75 million for this year. But the opponents of the program want to zero it out completely.

And so if you are for zeroing out the Market Promotion Program, you will vote against the committee amendment. If you are for supporting the committee position, which is to fund the program at $90 million, the same level as contained in the appropriations bill from the other body, then you will vote for the committee amendment.

Mr. President, at this time, if he wishes time, I would be pleased to yield 2 minutes of our time to the distinguished Senator from Washington State [Mr. GORTON].

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON], for 2 minutes.

Mr. GORTON. Mr. President, the Market Promotion Program of the Department of Agriculture is a modest program in comparison with many of the functions of that Department. It is, nevertheless, a vitally important program for literally thousands of agricultural entrepreneurs across the United States in dozens or perhaps hundreds of different commodity-producing fields—all of those that relate to agriculture and agricultural exports.

Agricultural exports are a huge—$40 billion a year—business in the United States of America. To promote those programs is vitally important. This program, for example, in my own State of Washington has helped multiply by 10 the number of boxes of apples exported to Mexico in a single 3-year period.

If we accept the committee amendment, we continue that program with a $10 million cut from last year. If we reject the committee amendment, all of this money goes back into the bureaucracy of the Department of Agriculture, not for the Market Promotion Program, not to help American agriculture, but simply into the bureaucracy itself.

That is the choice, Mr. President—whether we wish to continue an effective program, whether we continue a program consistent with the General Agreement on Tariffs and Trade at a time at which that will cut down on our agricultural subsidies, or whether we wish to leave this money entirely to the discretion of the bureaucracy in the Department of Agriculture for its own benefit rather than for that of the agricultural community of the United States.

I urge a vote in favor of the committee amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska [Mr. MURKOWSKI].

The PRESIDING OFFICER. Senator MURKOWSKI is recognized for 3 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I wish to state for the RECORD my strong support for the U.S. Department of Agriculture's Market Promotion Program [MPP]. I am no fan of subsidies that only serve to increase prices, but that is by no means the case here.

The Market Promotion Program is a highly successful and cost-effective program. It has been instrumental in the Alaska seafood industry's tremendous achievements in the export market in recent years.

If the Market Promotion Program suffers from all the problems, ailments and abuses that the sponsors of this amendment seem to think, then they should either fix it in authorizing legislation or move to repeal the program altogether. But this attempt to strangle the program in the appropriations process is wrong, out of place, and unfair to the hundreds of small American companies that depend on it to counter the unfair practices of their foreign competitors.

The intent of the MPP is to help fund additional market promotion activities undertaken by U.S. industries and producers—but only as a means of leveling the playing field in foreign markets where U.S. products suffer from unfairly subsidized competition.

Let me point out that this is not a free ride—the private-sector participants share the costs with the Federal Government. Its value lies in the ability to increase promotion purchasing power, and thus effectiveness, over and above what the private sector can do by itself.

MPP's cost effectiveness is a matter of record. According to figures I received last year, every dollar spent for MPP-backed promotion results in an average increase in U.S. sales of $2 to $7. And those dollars return to circulate throughout the Nation's economy, helping maintain stability and stimulate growth throughout the country. In other words, this is one program that truly pays its own way.

Let me offer some solid examples from my own State of Alaska. The Alaska Seafood Marketing Institute [ASMI] has participated in the MPP since 1987. Before entering the program, the Alaskan salmon industry was suffering great difficulty competing in Europe and the Pacific rim, where Alaskan salmon faced—and continues to face—unfair competition from heavily subsidized farm-raised salmon from Norway, Japan, Canada, and elsewhere.

Using MPP funds, ASMI has been able to develop a promotional campaign to differentiate Alaska salmon as uniquely natural and wild—despite significant price disadvantages in comparison with subsidized foreign products. The campaign results have been impressive by any standard.

In Japan, our foremost market, Alaska increased its exports by 17 percent in 1992 and another 12 percent last year, bringing the market share for Alaska salmon to a full 61 percent, despite heavy competition from alternative sources.

Exports to the United Kingdom have increased over 200 percent since MPP supported marketing efforts began there, leading to an astounding 73 percent market share in 1993.

In France, MPP funding has helped ASMI turn around a downward spiral, changing the minds and hearts of French importers and consumers, and helping Alaska exporters post increases in both volume and market share. Alaska is now France's No. 2 supplier, next to heavily subsidized fish from Norway's salmon farms, as well as South America.

Finally, in Australia, MPP-assisted promotions led Alaska to an unprecedented 55 percent share of the salmon market, which has previously been dominated by Canadian exports.

The MPP is an effective mechanism to counter unfair trade practices and subsidized competition by our foreign trade partners—and rivals—such as the members of the European Economic Community, which spends billions of dollars each year to protect and increase the market share of its agricultural producers.

This program has been a great success according to the rules established for it. I strongly support its continuation, and vehemently oppose any further cuts.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, how much time do I have remaining on this side?

The PRESIDING OFFICER. One minute and thirty-five seconds.

Mr. COCHRAN. I yield the remainder to the Senator from Alaska.

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

Mr. STEVENS. Mr. President, the Market Promotion Program [MPP] is one of the most profitable U.S. assistance programs we have, returning anywhere from $2 to $7 for each $1 spent.

In my State, the MPP has provided invaluable help to the Alaska seafood industry in battling foreign fish subsidies and improving foreign markets for Alaska seafood. Despite the massive subsidization and promotion of foreign farmed salmon, for example, the MPP has helped Alaska salmon exports to grow significantly in recent years to a number of the countries which import large amounts of seafood.

We continue to need the help of the MPP in foreign markets.

The National Marine Fisheries Service recently reported that while commercial fish landings off the United States set a record in 1993—10.5 billion pounds total, the total value of this catch was $200 million lower than the value of 1992 catch of 9.6 billion pounds. This is an important and concerning statistic in my State, where roughly 50 percent of these 10.5 billion pounds of fish were harvested.

The MPP can help us get better prices and create bigger markets for our seafood in foreign countries. Despite the proven benefits of the MPP, in each of the past few years we have faced challenges to the program in the Senate.

The MPP program went from $200 million in fiscal year 1992, down to $148 million in fiscal year 1993, and last year down to only $100 million. This year, we are trying to keep it alive at $90 million.

In the letter that 19 other Senators and I sent to the chairman of the Agriculture Appropriations Subcommittee in May, we explained how the MPP has passed GATT and NAFTA tests, while a number of U.S. export assistance programs have been found to violate these agreements.

We also explained that previous concerns about the use of the MPP for brand-name promotion have been addressed in the past year:

A provision in last year's Budget Reconciliation Act requires the MPP to give small-sized entities a priority over branded promotion;

The House report accompanying the fiscal year 1994 Agriculture appropriations bill directs the Department of Agriculture to encourage smaller and medium-sized participants in allotting MPP funds.

Mr. President, I close by emphasizing that this is an important program to continue not only for our State but for all seafood producing areas in the country. It is one of the agriculture programs of great benefit to the seafood market of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

Mr. President, the House has $90 million in this program. If the committee amendment is defeated, as I divinely hope it will be, we will go to the conference with the House of Representatives and probably come out with about half of that, $45 million.

So first of all, my colleagues, you are not going to kill the program by voting against the committee amendment.

No. 2, I have a deep, abiding interest in small business of this country. I was a small businessman. I am chairman of the Small Business Subcommittee in the Senate. If you are going to do this, it ought to be directed at small business.

You tell me—and I invite the people who promote this program—what in the name of all that is good and holy are we doing subsidizing Hiram Walker, McDonald's, Burger King, Pillsbury, Gallo Wine, Sunsweet Prunes, Sunmaid Raisins? Go down the list of the people who are going to get this $90 million. It looks like the Fortune 500.

Do you think if Gallo Wine saw an opening to sell wine someplace where they could make some money with that they would say, "I would immediately like to open this billion-dollar wine market in Japan, but I am not going to do it unless the Federal Government gives me $2 million to do it with?" When you vote for the committee amendment, that is what you are saying.

You talk about corporate welfare. I invite my colleagues to look at the General Accounting Office report. No correlation could be found between the increase in exports and the Market Promotion Program. One after another of the promoters of this thing have stood up and said, "This is wonderful." Look at how much our exports have grown in the last 6 years. They have grown in the last 6 years, and this program according to the GAO had absolutely nothing to do with it.

You do not have to be a rocket scientist to figure this out. They said something that I have always believed; that is, the people who are getting this money would spend it anyway. We are indifferent about spending. We put up $90 million. So they say, "I think I will go see if I cannot get $1 million of that." "Oh, yes. Here is $1 million to teach the joys of McNuggets to the Japanese."

Mr. President, it is not as though we are doing nothing for exports. This is just redundancy on top of redundancy. Do you know how much the U.S. Government is spending this year to promote exports, including agricultural exports? One billion "smokes." Yet we are going to pile another $90 million on top of that for the biggest corporations in America to say, "Oh, please. Take this money, and export raisins to Japan."

I have to repeat that raisin story. They take the dancing raisins, and put them on Japanese television. It scared the Japanese children to death. They look disheveled, and shrunken. There was a big debate in Japan. "Are they potatoes, or are they chocolates?" Well, they were dancing raisins. But the Japanese never got the message.

Do you know what else? The Japanese under that program paid $1,583 to Sunmaid a ton; $1,583 a ton for those raisins. And what do you think it cost "Uncle Sugar" to finance it? About $3,000 a ton. That is what you are defending here; that kind of junk.

Mr. President, I applaud my distinguished colleague from Nevada for his effort to kill this program. I strongly urge my colleagues to break out in a spate of common sense, sanity, and rationality, and kill something. For God's sake. Thirty-three of you are running this fall. Would you not like to go home and report something that you voted against?

So, Mr. President, I hope my colleagues will vote against the committee amendment with a "no" vote.

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. LEAHY. Mr. President, I rise in opposition to the committee amendment to restore $90 million in funding for the Market Promotion Program.

The purpose of the Market Promotion Program is a worthy one. One of the best ways to help U.S. farmers and businesses is to help them market their products abroad.

Unfortunately, I am not convinced that the Market Promotion Program is the best mechanism to provide support to our export efforts in a time of budget austerity. The Agriculture Committee has held oversight hearings on the Market Promotion Program that uncovered a number of problems with USDA's management of the program. I am not convinced that those problems have been adequately addressed.

During the budget reconciliation process last year, we attempted to mandate some reforms of the program. We sought to better target the program so that it would provide assistance to small businesses that really need the help, not to large multinational companies to subsidize their advertising budgets. We tried to make sure that firms would not get money to do the same thing year after year.

It is not clear that USDA ever received the message that the usual way of doing business just is not good enough. When I look at USDA's allocations of MPP funds for the current year, I see little evidence that USDA has reordered priorities to address the concerns expressed by this Senator and many others.

Finally, I oppose the committee amendment because it pays for MPP by making an across-the-board cut in a large number of other programs. Some of those programs are already underfunded, and these additional cuts are unwarranted. If the MPP is truly worthy of funding, it would be far more appropriate to identify particular programs that should be cut to pay for it.

Mr. KERRY. Mr. President, I want to add my support to the effort of Senators BUMPERS and BRYAN to terminate the Market Promotion Program. I am proud to be associated once again with these two colleagues, who make repeated attempts to rout out waste in the Federal budget and whose efforts have saved the taxpayers millions of dollars: Senator BUMPERS, most recently through his success in terminating the supercollider, and Senator BRYAN in our successful joint effort to terminate the wool and mohair subsidy.

The taxpayers know, and so do we, that there is still a great deal of room to cut the budget without gravely harming our ability to meet pressing national needs. There are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

That is the reality, Mr. President, and when we deny it we succeed only in making people cynical about their elected officials. Our constituents see these programs ridiculed on "60 Minutes" and on the evening news. And they feel ridiculed themselves, because it is their hard-earned money that pays for these programs. The amounts may not matter as much as the idea that the Government is careless with tax dollars. They understandably believe that we should not raise taxes or eliminate programs that help those who truly need our help before we have cut all the expenditures that are unnecessary or wasteful. One of the programs which most deserves to be terminated is the Market Promotion Program.

The Market Promotion Program [MPP] was created in 1986 to increase exports of agricultural products. Despite the fact that agriculture constitutes only 10 percent of U.S. exports, it receives 74 percent of all Federal export promotion dollars. Since 1986, the program has given scores of private companies—foreign and domestic—$456 million to advertise their products overseas. MPP funds have been used to promote such well-established brands as Blue Diamond, which has received $35.7 million since 1986; Pillsbury, $9.3 million; and Dole fresh fruit, $8.2 million.

The U.S. taxpayers paid for a failed media campaign by the California Raisins to introduce Japanese children to

the dancing raisin—which failed because the dancing, shriveled raisins frightened the children. More importantly the California Raisins already had the dominant market share in Japan.

MPP money has been used to attempt to peddle Ernest and Julio Gallo wine to the French; to advertise Japanese-made underwear, manufactured it is true with American cotton, in Japan; to promote McDonald's chicken McNuggets worldwide; and to sell Campbell's V-8 juice in Korea, Japan, and Taiwan.

Most of the companies receiving MPP funds are major firms with millions of dollars in profits. Taxpayers cannot be blamed for feeling that they are simply reimbursing companies for advertising they would have run in any case. M&M/Mars, which received $785,000 in 1992, has an annual advertising budget of $272.4 million. The Washington Post asked Mars why it bothered to apply for Federal funds. The company spokesman compared the program to a mortgage deduction. "If it's available, you would certainly take advantage of it," he said.

What adds insult to injury in the case of the MPP is the fact that the Department of Agriculture could do much more for exports of high value-added agricultural products—products made from basic far commodities—if it simply ceased spending billions of dollars supporting high domestic prices on those commodities. If peanut prices were not held artificially high, United States-made peanut butter would be cheaper. So, too, would be products made from cotton, sugar, rice, and milk. Over the next 5 years, the American taxpayer will spend $46 billion on these price support programs.

As long as the U.S. economy was growing strongly, it was relatively easy for Congress to ignore failed programs and simply add programs that we hoped would work better. However, in these times of high deficits and a staggering national debt, we cannot afford to continue to fund wasteful programs when we have so many current priorities and so little money to fund them. We must force the system to respond to changing circumstances.

President Clinton is the first President in over a decade to demonstrate real leadership for cutting back some of these programs. But the cuts he proposed have been subject to endless attacks from the special interests, who insist that someone else's programs be cut before theirs. Even in Congress, where Members of both parties chide the President for not cutting enough, many of the cuts the President has proposed have been whittled away by Members protecting their parochial interests.

In light of the $220 billion annual Federal deficit and $4 trillion national debt, we can no longer be swayed by special interest pleading. We must face the touch choices. If we take a bold step now, we can restore some integrity to the Federal Government and its budget process. The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest.

I hope that this amendment, which will eliminate the wasteful MPP Program, will be approved, and that its approval will signal that the Senate recognizes that there is much more that can be done to cut the deficit if we are willing to make touch choices.

Mr. KOHL. Mr. President, I rise in support of the committee amendment to fund the Market Promotion Program [MPP].

I have been troubled by the debate on this issue. The program has been characterized as corporate welfare, and nothing else. Mr. President, I reject that characterization, because the program is far more than that.

It is true that there have been some abuses in the program in the past that have led to large corporations receiving funding for foreign market development in cases where they were clearly able to finance those efforts on their own. It is for this reason that I have supported efforts to reform this program, as was done through the Omnibus Budget Reconciliation Act of 1993. However, while I have supported efforts to reform the program, I do not support efforts to eliminate the program all together.

Despite the past abuses, this program serves a valid purpose. That purpose is to help U.S. farmers and food companies compete in foreign market, especially where the huge export subsidy programs of other nations have made it difficult for U.S. products to compete abroad. And I think that it has been successful in achieving that goal. Export market expansion in recent years for many U.S. agricultural commodities can be attributed, at least in part, to assistance under the Market Promotion Program.

The new GATT agreement underscores the need for continuation of this program. While the GATT agreement reduces the overall level of export subsidies nationwide, it proposes to make an across-the-board cut for all nations, allowing nations like those in the European Union to continue to subsidize exports at significantly greater levels than the United States. In other words, even if the GATT agreement passes, markets will continue to be distorted in a way that hinders U.S. exports into certain markets. For this reason, we need to continue programs like the Market Promotion Program to help create a more level playing field in international markets.

Mr. President, in my State of Wisconsin, one in every five jobs are dependent on agriculture. And Wisconsin agricultural exports total over $1 billion, supporting over 27,500 export-related jobs. A 10 percent increase in agricultural exports from my State, would help create an estimated 3,000 new jobs. This is not corporate welfare, it is an effort to maintain and increase markets to help farmers and to create jobs in the food and fiber industry of my State.

I urge my colleagues to vote in support of the committee amendment to restore funds to the Market Promotion Program.

Mr. WARNER. Mr. President, I rise today with mixed feelings toward the amendment offered by Senators LUGAR and LEAHY which would give the Secretary of Agriculture the right to close the Agriculture Research Service facilities recommended for funding in the Agriculture Appropriations Committee report for fiscal year 1995.

Let me begin by stating that I commend the chairman and ranking member of the Senate Agriculture Committee for continuing to seek ways to limit unnecessary spending at the U.S. Department of Agriculture. Their efforts in this area has been aggressive, thoughtful, and most importantly mindful of the American taxpayer.

Their leadership and strong efforts led to the formulation of legislation passed by the Senate earlier this year to reorganize the U.S. Department of Agriculture. I supported that legislation and I look forward to supporting the chairman and ranking member in their efforts to further streamline and reduce duplicative programs at the Department of Agriculture.

While I will support this amendment, which among other actions could effectively close the USDA Peanut Production, Disease, and Harvesting Unit in Suffolk, VA, I want my colleagues to know that I believe a terrible mistake will have been made if the Secretary of Agriculture decides to do so.

Mr. President, I want my colleagues who are following this debate to understand that this is not a not-in-my-backyard plea. I believe that the Suffolk unit should remain open on research and scientific grounds, and if debated independently could stand on its own.

As the chairman of the Senate Agricultural Appropriations Committee, Senator BUMPERS, clearly knows, I have cosponsored with him legislation to discontinue the development of the space station *Freedom*. This has not been a popular proposal in my beloved State of Virginia because there is clearly an economic interest for some in the development of the space station. However, I recognize that these are difficult budgetary times and difficult decisions must be made.

With respect to the Suffolk ARS Research Unit, the research conducted at this facility is specialized for problems geographically unique to Virginia and North Carolina peanut growers. Virginia is more susceptible than other

peanut growing States to an early frost which directly affects the flavor and quality of the finished product. In addition, Virginia soils are more susceptible to the disease sclerotinia blight which can devastate peanut yields. In brief, Virginia and North Carolina growers are dependent upon the Suffolk unit for the development of an early maturing, sclerotinia resistant variety of peanut.

I have been informed by the Secretary of Agriculture that the administration intends for this research to be conducted at facilities in Dawson, GA. I intend to again make the Secretary aware of climatic and geographic barriers which will prevent satisfactory scientific results for Virginia and North Carolina growers of Virginia-type peanuts.

Mr. President, there are numerous arguments which can be made to keep the Suffolk unit open. In fact, I have made Senator BUMPERS aware of many of them and he graciously, and fairly I might add, accepted them and included funding for the Suffolk unit in the report language to this measure.

I cannot, however, justify to the American taxpayer the necessity for keeping these other research facilities open. While some of them may merit continued funding, as I believe the Suffolk unit does, those arguments must be made with the administration and the Secretary of Agriculture.

I pledge to the growers of the Commonwealth of Virginia that following this vote I will continue to work diligently with the executive branch to keep the Suffolk unit open on its own merits.

Therefore, although I strongly believe that the Suffolk unit should remain open, I will vote for the Leahy-Lugar amendment.

Mrs. BOXER. Mr. President, I strongly support the Market Promotion Program. I urge my colleagues to support the subcommittee's amendment funding the Market Promotion Program at $90 million for fiscal year 1995. I would like to point out to the Senate why this program is so important for agriculture in my State of California, and many other States as well.

The MPP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price support and toward expanding markets.

The U.S. Department of Agriculture estimates that each dollar of MPP money results in an increase in agricultural product exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own. While the program has been the subject of criticism, some of it justified, I believe it would be a mistake to cut the program because of a few cases of poor judgment. Overall, the program has greatly benefited the small growers for whom it was intended.

Earlier this year, a task force of U.S. Agriculture Export Development Council met for two days in Leesburg, VA, to review the role of the MPP, and other agriculture programs as part of our overall trade policy. This task force affirmed that the purpose of the MPP is to "increase U.S. agricultural project exports." It concluded that the increase in such exports helps to "create and protect U.S. jobs, combat unfair trade practices, improve the U.S. trade balance, and improve farm income."

Mr. President, the Market Promotion Program has been an unqualified success for California farmers. For many California crops, the MPP has provided the crucial boost to help them overcome unfair foreign subsidies. I would like to share one of the successes of this program in California.

California produces about 85 percent of the U.S. avocado crop on over 6,000 farms that average less than 8 acres per farm. Between 1985 and 1993, California avocado growers utilized $2.5 million of their own money, combined with $3.4 million of MPP funds to achieve over $58 million in avocado sales in Europe and the Pacific rim. This is better than a 17-to-1 return on our MPP investment. That means jobs for Californians.

The MPP is a wise investment in American agriculture and I urge my colleagues to support it at the highest possible level.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 86, line 9, of the bill. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The 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 62, nays 38, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—62

Akaka	Exon	Moseley-Braun
Baucus	Faircloth	Moynihan
Bennett	Feinstein	Murkowski
Biden	Gorton	Murray
Bond	Graham	Packwood
Boren	Gramm	Pell
Boxer	Grassley	Pressler
Breaux	Hatch	Pryor
Burns	Hatfield	Riegle
Campbell	Heflin	Robb
Coats	Helms	Sasser
Cochran	Hutchison	Shelby
Cohen	Jeffords	Simon
Craig	Kassebaum	Simpson
D'Amato	Kempthorne	Specter
Danforth	Kennedy	Stevens
Daschle	Kerrey	Thurmond
DeConcini	Kohl	Wallop
Dole	Lott	Warner
Domenici	Mathews	Wofford
Durenberger	McConnell	

NAYS—38

Bingaman	Glenn	McCain
Bradley	Gregg	Metzenbaum
Brown	Harkin	Mikulski
Bryan	Hollings	Mitchell
Bumpers	Inouye	Nickles
Byrd	Johnston	Nunn
Chafee	Kerry	Reid
Conrad	Lautenberg	Rockefeller
Coverdell	Leahy	Roth
Dodd	Levin	Sarbanes
Dorgan	Lieberman	Smith
Feingold	Lugar	Wellstone
Ford	Mack	

So, the committee amendment on page 86, line 9, was agreed to.

Mr. COCHRAN. 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.

RURAL BUSINESS ENTERPRISE GRANT FUNDING FOR ANDERSON COUNTY, TN

Mr. SASSER. Mr. President, I rise to congratulate the Senator from Arkansas on his work in bringing this bill before the Senate. I commend the Committee for its recognition of the importance of Rural Business Enterprise Grants and for including $5 million over last year's level for this program. The program is designed to foster the development of business and industry in rural communities. There is an area in my State that would benefit greatly from this kind of assistance. Recent actions by the Department of Energy to downsize employee levels at its Oak Ridge facilities have created the urgent need in Anderson County, TN for new employment opportunities. In that area of my State there are few alternatives for employment other than the Oak Ridge facilities. Anderson County officials have developed a proposal for infrastructure improvements to support development of an industrial park to help offset the negative impacts of downsizing at Oak Ridge. However, they are in need of assistance to carry out this proposal. It is my understanding that funding through the Rural Business Enterprise Grants could be used for this proposal. Is that correct?

Mr. BUMPERS. I say to my friend from Tennessee, I respond in the affirmative. The Senator had advised me of the negative impacts of reduced Energy Department activities at Oak Ridge. I believe the Rural Business Enterprise Grants would be an appropriate and effective program to assist Anderson County in its efforts to develop employment opportunities. I encourage the Department to review and consider a proposal by Anderson County, TN for infrastructure development to support a new industrial park.

Mr. SASSER. I thank the Senator from Arkansas and again commend him for his fine work on this bill.

LOCOWEED RESEARCH

Mr. HATCH. Mr. President, I wonder if I might ask the chairman of the Agriculture Appropriations Subcommittee a few questions regarding the funding of the Locoweed Research Program

as set out in the committee report accompanying the 1995 Department of Agriculture appropriations bill.

Last year, Congress provided funding in the 1994 appropriations bill for the Agriculture Research Service [ARS], for locoweed research at New Mexico State University [NMSU]. Under an agreement with NMSU, Utah State University has received a portion of that amount to participate in the research effort.

Some concerns have been raised that moving the NMSU locoweed research funding from ARS to the Cooperative State Research Service, as proposed in the Senate bill, may alter the funding portion Utah State University has been receiving. Could the Senator from Arkansas explain this situation?

Mr. BUMPERS. Let me assure my colleague from Utah that there is no intention of denying funds to Utah State University for the purpose of conducting locoweed research through this transfer of funds.

Mr. HATCH. I appreciate that response. Then, am I correct in stating that, assuming the Senate recommendation is agreed upon by the conference, it is my colleague's position that the research station at Utah State University will continue to receive a portion of the funds for locoweed research under the new funding proposal?

Mr. BUMPERS. That is correct. It is the subcommittee's intention that Utah State University be included in the locoweed research effort.

Mr. HATCH. I thank my colleague from Arkansas for this clarification.

AMENDMENT NO. 2305, AS MODIFIED

Mr. HATCH. Mr. President, I rise in support of the McCain-Kerrey amendment to eliminate the provision in the fiscal year 1995 Department of Agriculture appropriations bill barring the continued use of the "cash out" demonstration authority in the Food Stamp Program. This provision would prevent States from receiving new waivers to convert food stamps either to cash benefits or to wage subsidies, an option that is now utilized by 20 States, including Utah.

The sponsors of this amendment have carefully explained the cash out demonstration authorization and why it is vital to the success of our overall welfare system. I will not restate the reasons why this portion of the program should continue.

The State of Utah has received three welfare demonstration grants during the last 2 years to implement its overall welfare program. To receive these grants, the State had to obtain 44 waivers, one of which included a waiver to initiate a cash out program. It has taken considerable work to obtain this waiver, which would suddenly be eliminated by four simple lines in the Department of Agriculture Appropriations bill.

Utah's cash out program has been operating for nearly 2 years in three cities: St. George, Roosevelt, and Kearns, all of which are located in distinct geographic areas of our State. This program has proven to be so successful in helping welfare recipients get off the welfare rolls that State officials want to expand the demonstration project statewide. Only a very small portion of Utahns participating in the State's welfare program use the cash out provision, but these officials believe the provision should remain an option for all participants. The provision demonstrates the flexibility inherent in Utah's overall welfare program, which is key to its long-term success.

The concept behind Utah's welfare program is a simple one: to help individuals become as independent as possible in every aspect of their lives. The cash out provision of Utah's Single Parent Employment Demonstration Program is crucial to achieving this goal, which I wholeheartedly support. Allowing recipients to receive cash for food stamps allows them to exercise the same economic independence as everyone else. Rather than continually remind welfare recipients that they are dependent on the government for their subsistence, the cash out enables welfare recipients to make consumer choices on their own. It sends the message that they are expected to stand on their own two feet.

If we eliminate the ability to continue the cash out program, then we will encourage these individuals to continue their dependence on the government. They will never need to think for themselves. Moreover, we will send the message that society does not trust them to make the proper and correct decisions in their lives. How will people ever develop the positive attitude, to say nothing of the life skills needed, if our Food Stamp Program treats them like children.

The States need Congress to provide them as much flexibility as possible in the Federal Government's welfare system. The cash out provision in the Food Stamp Program provides some of this flexibility. By removing this component from the program, we will eliminate one of the discretionary powers that we have given to the States. We will be sending the message to the States that they, too, cannot be trusted to make the proper and correct decisions when it comes to the welfare of its citizens. I am not one who believes that the Federal Government has all wisdom in this area.

The cash out provision has been successful and borne fruit in several areas of my State. Rejection of this amendment will prevent that same success from being experienced in other parts of Utah.

I commend my colleagues, Senators MCCAIN and KERREY, for proposing this amendment. I urge my colleagues to adopt it.

Mr. COCHRAN. Mr. President, I ask unanimous consent the following Senators be added as cosponsors to the McCain amendment: Mr. COCHRAN, Mr. BENNETT, and Mr. GORTON.

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

Mr. BROWN. Mr. President, today I come to support the McCain-Kerrey amendment to strike the food stamp waiver prohibition from H.R. 4554, the fiscal year 1995 Agriculture appropriations bill. As the bill now stands, it prohibits States from getting new waivers to cash-out food stamp benefits and use them as part of wage subsidies or work supplements in State welfare programs. The provision allows such cash-outs if the waiver was granted before the first of July, but effectively prohibits any State from applying for or getting a waiver after that. Put simply, this provision would prohibit States from using food stamp benefits, in conjunction with other welfare benefits, as an instrument to move the welfare beneficiary from dependency into a private sector job.

My concern is with how this provision would impair welfare reform initiatives. I recognize that there are problems of fraud and abuse in the Food Stamp Program and we must continue to ferret out such abuses and prosecute them. However, we should not tie the hands of Governors who are not handing out the cash value of food stamps willy-nilly, but who want to combine welfare and food stamp benefits and use them to provide jobs to welfare recipients.

Currently, 20 States are pursuing or are interested in pursuing waivers from the Food Stamp Program. With the use of wage subsidies and work supplements, States are implementing bold and innovative programs which will create jobs and increase personal responsibility for welfare recipients. This provision would stop these innovations unless the State has already received a waiver. It is simply inappropriate to prohibit these waivers at a time when the States are leading the way in our country's efforts to reform welfare.

Further, the provision in the Agriculture appropriations bill runs counter to welfare reforms proposed by the President and contained in welfare reform bills now before Congress. Specifically, I am the sponsor of welfare reform legislation, S. 1795—the Brown-Dole Welfare Reform Act. This bill would allow a welfare recipient to shop for a job with a voucher equal to their combined AFDC and food stamp benefit. Once hired in a job paying twice the amount of the welfare benefits, the amount of the voucher would be paid to the private sector employer. Moreover, S. 1795 would expand the existing AFDC work supplementation program to encompass not only AFDC cash benefits but also food stamp benefits. S. 2134, the Faircloth-Grassley-Brown

Welfare Reform Act, follows the voucher and work supplementation proposals of S. 1795. Other proposals such as, S. 2009, the Welfare to Self-Sufficiency Act, sponsored by Senators HARKIN and BOND, would give States the option to use wage subsidies to assist welfare recipients in their transition from welfare to work and S. 2057, the Welfare to Work Act, sponsored by Senators KOHL and GRASSLEY, would turn the AFDC and portions of the Food Stamp programs over to States.

Please remember that under current law, States are permitted to implement these programs if they are granted a waiver. However, a State must go through an extremely rigorous waiver process that often takes months of preparation, in addition to an intensive screening period, before their plan can be approved or denied. Welfare reform efforts almost uniformly try to streamline the waiver process, but they do not prohibit either a State from seeking, or the Federal Government from granting, a waiver. Rather, most welfare reforms are designed to give the States more flexibility. What this appropriations rider would do is strip from the States the ability to get a waiver. This provision is simply counterproductive and should be removed.

In closing, it should be clear that there is a bipartisan consensus that States be allowed to continue to apply for food stamp cash-out waivers from the Federal Government to pursue welfare reform. We must continue to afford States the flexibility to implement reforms in the welfare system. We should not punish States who have led the way in implementing these innovative programs by allowing this potentially destructive provision to remain in the bill. This provision would hurt not only State innovation, but welfare recipients who would be denied an opportunity to become employed and self-sufficient through State welfare reforms. I urge my colleagues to vote in favor of the McCain-Kerrey amendment.

Mr. KOHL. Mr. President, I rise in support of the Kerrey-McCain amendment which would allow States to continue to use the food stamp program to experiment with innovative welfare reform programs. I want my colleagues to be clear: If we do not pass this amendment, we will be taking a giant step away from welfare reform. We will be saying to the States: You can no longer use Federal food stamps funds to try new ways to move people off welfare. We will be saying to the States: We in Washington know better how to run a welfare program than you who live and work in the communities you represent.

If that were true, Mr. President, we wouldn't be talking about overhauling the Federal welfare system. If we could design a one-size-fits-all welfare plan that really works, don't you think we would have done it?

At a time when our States need more flexibility rather than less, I do not see why we should legislate away the meager amount of flexibility that is now built into the Federal welfare system, specifically in the Food Stamps portion of our welfare system.

I therefore join my colleagues in opposing this attempt to enact new policy in an appropriations bill—a policy which has not been the subject of hearings—a policy that is the product of people who believe that all wisdom lies within the Capital Beltway. I'm here to inform you that just isn't so.

I have said repeatedly that our welfare system is broken and that a one-size-fits-all, made-in-Washington solution won't work. That is why I worked with Senators GRASSLEY, EXON, and FORD to develop the Welfare to Work Act of 1994. This bill acknowledges that the Federal welfare system, made up primarily by AFDC and food stamps, needs to be scrapped and completely replaced with welfare-to-work block grants to States. Our bill gives States the flexibility they need to change welfare from a system that pays people not to work to a system that helps them move toward work.

I strongly believe that we need more State flexibility rather than less. And less flexibility is what the provision that we are trying to remove from this appropriations bill is all about—less flexibility to find out what works and what doesn't. States have only recently wanted to conduct experiments to reform their welfare system, and those inclinations should be encouraged, not stopped. It is not as if Washington had a monopoly on wisdom as to how to run welfare. If it did, the system would be working by now.

Mr. President, we ought to reform welfare this year. It is a cruel and ineffective system that destroys families, destroys hope, and destroys the American value of work. We ought not to stifle any attempts to move away from this system. We ought not to close our eyes and ears to ideas for reform that come from outside of the beltway. We ought to vote for the McCain amendment and ensure that some experimentation with welfare is still allowed to the States.

Mr. President, I ask unanimous consent that letters in support of this amendment from the State of Wisconsin's Department of Health and Social Services, the National Conference of State Legislatures, and the National Governors' Association be printed in the RECORD.

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

DEPARTMENT OF HEALTH
AND SOCIAL SERVICES,
July 11, 1994.

Hon. HERB KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The House recently added language to the Agriculture Appropriations bill that prohibits future demonstration projects that "cash out" food stamps. We would urge you to oppose such language in the Senate version of this bill.

Food stamps cash out has been an essential part of a number of state welfare reform projects, including Wisconsin's Work Not Welfare plan. By prohibiting cash out, states would lose the flexibility they need to develop comprehensive welfare reform initiatives.

And it should be noted that the flexibility doesn't hurt recipients of welfare. It only means that recipients receive the equivalent of food stamps in cash.

We appreciate your consideration of our concern.

Sincerely,

GERALD WHITBURN,
Secretary.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, July 12, 1994.

Hon. HERB KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The National Conference of State Legislatures urges your support for a floor amendment to H.R. 4554, FY 1995 appropriations for agriculture, nutrition and related programs. This amendment would delete a provision in H.R. 4554 that would prohibit states, for one year, from converting food stamp benefits to cash payments or wage subsidies for beneficiaries. We strongly feel that this provision should be deleted.

Those states seeking to convert food stamp benefits would do so only subsequent to a grant of waiver authority from the federal government. Seven states have waivers pending; others are contemplating applying for waivers. These waivers are being sought as part of a larger strategy to strengthen welfare systems and demonstrate alternative mechanisms for providing benefits. The language in H.R. 4554 would have a chilling effect on these requests.

President Clinton asserts in Executive Order 12875 that "these (state and local) governments should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government". The report on the National Performance Review concludes that "(state and local) managers must have flexibility to waive rules that get in the way". The language within H.R. 4554 discards flexibility and undermines the executive branch's discretionary capacity to approve waiver requests.

Many believe that the welfare and income security systems we have now are inefficient or ineffective. The "cash out" demonstrations sought by several states present perhaps a more effective means for giving recipients more control of and responsibility for their benefits. We will not know whether this is an appropriate alternative if the waiver process is stymied.

We appreciate your consideration of our perspective on the aforementioned language in H.R. 4554 and respectfully encourage you to support an amendment to have it struck from the legislation.

Sincerely,

WILLIAM T. POUND,
Executive Director.

NATIONAL GOVERNORS ASSOCIATION,
July 6, 1994.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: We are writing to ask for your support for a floor amendment to strike a little noticed provision of the fiscal 1995 Agriculture Appropriations bill that would bar states from pursuing important innovations in welfare reform. This provision would prohibit for one year federal waivers to allow states to convert food stamp benefits to cash payments or to wage subsidies. Currently seven states have waivers pending and a number of other states are preparing waiver requests in this area.

The Governors believe this provision is antithetical to recent Congressional and administration proposals that would increase state flexibility to reform welfare, empower recipients by increasing their personal responsibility and control, and create jobs for recipients through wage subsidies. Furthermore, we strongly object to such a significant shift in federal policy being adopted without Congressional debate or discussion and in the context of a large appropriations bill. This issue should be addressed as part of a comprehensive debate on welfare reform.

We are also very concerned about the precedent that would be set by Congress stepping in to preempt state demonstration initiatives that already must undergo a rigorous screening process in the executive branch in order to be approved. Supporting the amendment to strike the provision from this bill would not mean that states would have carte blanche in this area. Rather it would simply mean that the administration would continue to have the discretion to approve waiver requests that it deemed worthwhile and to deny other requests. This existing provisions would strip that discretionary authority from the administration.

Again, we ask for your support for continued state flexibility and executive branch discretion in this area. Please support the amendment to strike the food stamp "cash out" provision when the appropriations bill comes to the Senate floor.

Sincerely

Governor CARROLL A. CAMPBELL, JR.,
Chair, National Governors' Association.
Governor HOWARD DEAN,
Vice-Chair, National Governors' Association.
Governor JOHN ENGLER,
Co-Chair, Welfare Reform Leadership Team.
Governor TOM CARPER,
Co-Chair, Welfare Reform Leadership Team.

Mr. BUMPERS. Mr. President, I move to table the McCain 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.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2305, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on the motion to lay on the table amendment No. 2305, as modified, offered by Senator from Arizona.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—37

Akaka	Feingold	Moseley-Braun
Biden	Feinstein	Murray
Bingaman	Ford	Nunn
Boren	Glenn	Pell
Boxer	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Inouye	Riegle
Byrd	Jeffords	Rockefeller
Campbell	Kerry	Sarbanes
Conrad	Leahy	Sasser
DeConcini	Mathews	Wellstone
Dodd	Metzenbaum	
Dorgan	Mitchell	

NAYS—62

Baucus	Gorton	Mack
Bennett	Graham	McCain
Bond	Gramm	McConnell
Bradley	Grassley	Mikulski
Breaux	Gregg	Moynihan
Brown	Harkin	Murkowski
Burns	Hatch	Nickles
Chafee	Hatfield	Packwood
Coats	Helms	Pressler
Cochran	Hutchison	Robb
Cohen	Johnston	Roth
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Danforth	Kerrey	Specter
Daschle	Kohl	Stevens
Dole	Lautenberg	Thurmond
Domenici	Levin	Wallop
Durenberger	Lieberman	Warner
Exon	Lott	Wofford
Faircloth	Lugar	

NOT VOTING—1

Simon

So, the motion to lay on the table the amendment (No. 2305), as modified, was rejected.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is on agreeing to amendment No. 2305 offered by the Senator from Arizona. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. INOUYE], are necessarily absent.

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

The result was announced—yeas 63, nays 34, as follows:

(Rollcall Vote No. 208 Leg.)

YEAS—63

Baucus	Dole	Johnston
Bennett	Domenici	Kassebaum
Bond	Durenberger	Kempthorne
Breaux	Exon	Kennedy
Brown	Faircloth	Kerrey
Burns	Gorton	Kohl
Chafee	Graham	Lautenberg
Coats	Gramm	Levin
Cochran	Grassley	Lieberman
Cohen	Gregg	Lott
Coverdell	Harkin	Lugar
Craig	Hatch	Mack
D'Amato	Hatfield	McCain
Danforth	Helms	McConnell
Daschle	Hutchison	Mikulski
Moseley-Braun	Pressler	Specter
Moynihan	Robb	Stevens
Murkowski	Roth	Thurmond
Nickles	Shelby	Wallop
Nunn	Simpson	Warner
Packwood	Smith	Wofford

NAYS—34

Akaka	Feingold	Murray
Biden	Feinstein	Pell
Bingaman	Ford	Pryor
Boxer	Glenn	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Rockefeller
Byrd	Jeffords	Sarbanes
Campbell	Kerry	Sasser
Conrad	Leahy	Simon
DeConcini	Mathews	Wellstone
Dodd	Metzenbaum	
Dorgan	Mitchell	

NOT VOTING—3

Boren	Bradley	Inouye

So the amendment (No. 2305), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, the amendment offered by the Senator from Arizona, Senator MCCAIN, presented a difficult choice. The amendment strikes language in the bill which prohibited providing food assistance in cash in any county not covered by a demonstration project that had final approval on or before July 1, 1994.

On one hand is the concern over maintaining the Food Stamp Program's basic purpose of providing assistance to prevent hunger among needy Americans, and whether providing assistance in cash rather than food stamps detracts from that purpose. On the other hand is the great need for reform of our welfare system in order to help people move from dependency to jobs and self-sufficiency.

To achieve meaningful welfare reform, I believe we are going to have to allow for experimentation, and for trying some new ideas. That is why the bill that I have introduced with Senator BOND provides for wage supplementation demonstration projects. The provisions of our bill are based on a promising pilot project that is being developed in Kansas City, MO. In that program, the value of AFDC and food stamps would be paid in cash as a wage supplement. The employer would have to pay no less than the minimum wage. The wage supplement would be designed to provide an incentive for those on welfare to take jobs.

As innovative concepts like this are tried, we will need to evaluate very carefully whether providing food assistance in cash adversely affects the nutritional status of those—particularly children—in households that would otherwise receive food stamps.

The language in the bill as approved by the House of Representatives and as reported by the Senate Committee on Appropriations would allow for no further approvals of demonstration

projects involving cash food assistance, regardless of the merits of the project. Because the bill language was too restrictive, I vote in support of the McCain amendment.

However, I hope that neither my vote, nor the vote of the Senate, will be interpreted as supportive of a wholesale cashing out of the Food Stamp Program. The Food Stamp Program is of critical importance in preventing hunger among the most vulnerable in our society, particularly children, the elderly, and people with disabilities. As the chairman of the Nutrition Subcommittee, I have been honored over the years to work with Chairman LEAHY to improve our Nation's programs to prevent hunger. Hunger and malnutrition are among the biggest impediments to education, employment, and self-sufficiency. So as we work to reform our welfare system, it is imperative that we not lessen our commitment to the Food Stamp Program and other nutrition assistance programs.

The choice presented this afternoon was more difficult than it had to be. Language in the bill was too restrictive. Yet, by striking the language entirely, the McCain amendment does raise legitimate concerns about how far the Department of Agriculture may go in allowing food stamp cash outs without appropriate limitations and conditions. Surely there is a middle ground, which I hope we will be able to find in conference on this bill and as we move forward on welfare reform legislation.

AMENDMENT NO. 2307

The PRESIDING OFFICER. The question now occurs on amendment No. 2307 offered by the Senator from Indiana.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I wonder if we can get a time agreement on the Leahy-Lugar amendment. I think there are a few Senators wishing to speak on it for a little bit. Senator WARNER wants 5 minutes to speak for the amendment; is that right?

Mr. WARNER. Yes, it is in support of the amendment. I thank the manager.

Mr. BUMPERS. Are there other Senators on the floor wishing to speak pro or con?

Mr. BAUCUS. In opposition, 10 minutes.

Mr. BUMPERS. Mr. President, I wonder if we can propound this unanimous-consent request.

I ask unanimous consent that there be a period of 40 minutes, equally divided—strike that—make that 30. Senator WARNER wanted 5 on behalf of, and Senator BAUCUS wanted 10 in opposition.

Mr. CONRAD. Mr. President, reserving the right to object. I, too, would like time on this amendment. I would like 7 or 8 minutes in opposition.

Mr. BUMPERS. Will we have a vote on the second-degree amendment by the Senator from Indiana? Will that require a rollcall vote?

Mr. LUGAR. I would say that I am prepared to see a voice vote, but I gather there is opposition to it. So I suspect there would be a rollcall vote.

Mr. LEAHY. Mr. President, if the Senator will yield, the Senator from Indiana and I are in total agreement on both the first and second degrees of the amendment here. I would be willing to have both voice voted, or I am willing to have it the other way.

Mr. COCHRAN. One recorded vote would be satisfactory.

Mr. BUMPERS. That would be a recorded vote on the second degree and a voice vote on the first-degree amendment?

Mr. LEAHY. It is going to be the same result either way.

Mr. COCHRAN. A voice vote on the second-degree and have a recorded vote on the amendment as pending.

UNANIMOUS-CONSENT AGREEMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that there be a time of 40 minutes, equally divided, on the Lugar second-degree amendment, because the debate is essentially the same on Leahy-Lugar amendment; that at the expiration of that 40-minute period, there be a voice vote on the amendment of the Senator from Indiana, followed immediately by a rollcall vote on the amendment of the Senator from Vermont.

Mr. COCHRAN. Reserving the right to object. Because we have heard requests from a number of Senators who want to speak in opposition that amounts to more than 20 minutes, I suggest to the distinguished Senator that he enlarge the time for debate to 1 hour, equally divided, and if we do not use all the time, we can yield it back.

Mr. BUMPERS. I so amend the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LUGAR. Reserving the right to object, Mr. President. Let me ask the distinguished manager this: If a rollcall vote occurs without pause, does that rule out any further amendments? In other words, once the second-degree amendment has been agreed to by voice vote, do we move on immediately, or does the manager's request preclude any further action in terms of intervening amendments or intervening activity?

Mr. BUMPERS. There is a second-degree amendment by Senator LUGAR——

Mr. LUGAR. Mine is a second-degree. I gather the manager now would not want to see that occur. With all due respect, I am suggesting perhaps the need for a rollcall vote on my second-degree amendment.

Mr. BUMPERS. Mr. President, let me amend the request then to 1 hour, equally divided, on the Lugar second-degree amendment; that at the expiration of 1 hour, there be a voice vote on the Lugar amendment; that immediately following that, with no intervening business and no second-degree amendments in order, we go immediately to a rollcall vote on the amendment of the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2307 TO AMENDMENT NO. 2306

Mr. COCHRAN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Is my understanding correct that there is 1 hour, equally divided between the proponents and the opponents?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. With the Senator from Mississippi controlling the time in opposition to the amendment and the Senator from Arkansas the time in support of the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I yield the 30 minutes of my time as the floor manager to the distinguished Senator from Vermont.

The PRESIDING OFFICER. Time will be controlled, 30 minutes on each side, by the Senator from Vermont and the Senator from Mississippi.

Mr. BUMPERS. I ask for the yeas and nays on the amendment of the Senator from Vermont.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. It should be noted that the underlying amendment is the Leahy-Lugar amendment.

The PRESIDING OFFICER. It is so noted.

Mr. COCHRAN. I yield 10 minutes to the distinguished Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. I thank the Senator from Mississippi.

Mr. President, I rise today in opposition to the amendment offered by the distinguished chairman and ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry. I have a great deal of respect for the Senator from Vermont and the Senator from Indiana, but I must say, in this instance, I very much disagree with their approach.

The amendment, particularly the second-degree amendment, would reiterate the authority of the Secretary of

Agriculture to close the facilities which the Department recommended for closure in the administration's budget for fiscal 1995. The amendment would directly contradict efforts taken by the House and by the Senate Appropriations Committee.

Let me repeat that, Mr. President. The House of Representatives chose not to make these cuts. The Senate Agriculture Appropriations Subcommittee decided not to make these cuts. This is an amendment which would be contrary to the wishes of the House and contrary to the wishes of the Senate Agriculture Appropriations Subcommittee.

When the administration brought forth its budget for the 1995 fiscal year, the USDA recommended the closure of 19 facilities operated by the Agricultural Research Service, including the Northern Plains Soil and Water Research Center in Sidney, MT. While I am not well acquainted with the activities of all 19 stations recommended for closure, I am intimately aware of the valuable work conducted at the station in Sidney, MT. That work is a vital part of efforts to achieve USDA's goal of putting integrated pest management in place on three-quarters of the Nation's acreage by the turn of the century.

The station at Sidney is a small station performing critical service to agriculture in Montana and the surrounding Great Plains States. The station operates on an annual budget of approximately $750,000. That is all. Their efforts on the biological control of leafy spurge are positively impacting 389 sites in North and South Dakota, and Montana. This work will ultimately lead to the improvement of 5 million acres in 29 States, including acreage in Vermont. Their progress was prominently featured in the April 1994, ARS publication Agricultural Research.

Mr. President, I have a copy of that periodical in my hand right now. This is a magazine put out by the Agriculture Research Service. And inside, I might say, at page 20, there is a lengthy article of work done to combat leafy spurge. This was research work done at Sidney Research Station, and also at the research station at Montana State University in Bozeman, MT.

Let me just read a couple of portions from this publication. Again, this is an Agriculture Research Service publication, not something else, the Agriculture Research Service promoting the work of the research station in Sidney, MT.

Leafy spurge is ranked as one of the worst weeds in the northern Great Plains and Canada and it is getting worse every year. It expands its infestation by 10 percent annually, essentially doubling its original area over about 7 years. Spurge contains irritating chemicals; cattle and horses generally won't graze on it, and they sometimes refuse to eat nutritious forage growing nearby.

It goes on and on about the problems of leafy spurge.

Then the article goes on to promote the positive efforts in developing insects at this research station to fight leafy spurge.

Mr. President, that is a critical point. Developing insects, developing nonchemical alternatives to fight weeds. This is being conducted at Sidney. It is being conducted at MSU and other places in the country. It is critically important, Mr. President, that we find other alternatives other than chemicals to fight pests—pests that ravage our crops. And leafy spurge is one such plant, I must say, that ravages the West and other parts of the country.

I wish you could come out and see the problems leafy spurge causes. It is tremendous. And work done at Sidney, MT, helps combat it.

I must say, in that article, Dr. Paul Quimby, Jr., described the vital economic need for biological control of leafy spurge, just one of the noxious weeds threatening our land resources. He is one of the people who is doing a lot of research at Sidney and MSU.

Dr. Quimby stated that, "Chemicals are too expensive, at $72 per acre, for temporary control on land that has value only for livestock grazing. Plus, chemicals kill desirable broad-leaf plants." I ask unanimous consent that this article be printed in the RECORD, following my remarks.

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

(See exhibit 1.)

Mr. BAUCUS. Mr. President, leafy spurge fails to recognize the boundaries between cropland and rangeland or between Montana and North Dakota, or between Montana and the 29 States where leafy spurge threatens both agriculture and wildlife. The only potential for controlling this weed pest is found in the work being conducted by the researchers in Sidney.

One of the strengths of the ARS system is that centers are located in different geographical areas to conduct research which is specific to that region. The station in Sidney, in cooperation with State efforts in both Montana and North Dakota, serves a vast area. The work there is applicable to approximately 70 million acres in four States. Let me repeat that—70 million acres in four States. That is an area the size of the entire State of Nevada. And it is work that is not being done elsewhere.

The effects of geographical differences on agricultural production practices are well documented. As my colleague from Vermont knows, we do not grow bananas in Montana. That fact points to the need for a geographical distribution of research operations.

Field research conducted around Sidney, MT, cannot be duplicated here in Washington, DC. It cannot be duplicated in Beltsville, MD. And we sometimes seem to care more about foreign agriculture than we care about our lands or our farmers here at home.

I believe the selection of these particular facilities for closure is flawed. If you review the locations of these doomed facilities, numerous questions arise. According to the ARS evaluation, upon which the original proposal was based, the closures do not line up with the numerical ratings made.

Again, if you look at the list, if you look at the numerical ratings ARS gave to each of the various sites, the closures are not correlated with those recommended by the ratings. ARS took other factors into consideration. We do not know what they were. Therefore, it is wrong to just willy-nilly take the recommended closures by USDA without looking at the various criteria. I do not know what those other factors are, but before we close anything, I think it is important to know what they are.

Mr. President, I would also like to know why we need to maintain a station in the Virgin Islands but not in Sidney, MT. I would like to know why we need a station in Argentina but not in Grand Forks, ND. And why do we need a station in Puerto Rico but not in El Reno, OK? I think we deserve some answers before we authorize these cuts.

I would call your attention to the vast distances in the West. If you look at a map, you can see that Montana, indeed the northern Great Plains, has sparse representation in the ARS structure. I think fairness should be a part of the debate in the closure process. At this point that critical factor has been left out of the equation.

Again, it makes no sense whatsoever to close facilities where there are virtually no other facilities for hundreds of miles around. I can see closing a few facilities in Maryland, a few facilities in the Washington, DC, area—and there are many—because one facility with a lot of people, although there is another facility nearby, can conduct adequate research on areas that cover both facilities. That is not the case in the sparsely populated West. It is not the case in the West where it does not rain nearly as much as it rains out here in the East.

The Sidney station is also conducting worthwhile research into soil and water quality issues. As chairman of the Committee on the Environment and Public Works, I have a keen interest in water quality enhancement. Since the largest remaining water quality problem is runoff from nonpoint sources, agriculture must be part of an eventual solution.

Recent agricultural and environmental legislation has attempted to address the situation with mandated management changes in production agriculture. It is irresponsible to demand that agricultural producers make the

changes to reach our environmental goals without providing the technical resources to accomplish those goals.

This amendment assures failure in the development and delivery of the technology which will bring Great Plains agricultural production into the 21st century.

While the Sidney facility needs modernization, the researchers are top notch and are conducting research which is of top priority to the administration, according to USDA Deputy Secretary Richard Rominger. In a letter to Chairman LEAHY, dated April 26, 1994, the Deputy Secretary described his work on two important initiatives for USDA research. He stated:

> The first is the development of a single, comprehensive, and coordinated Departmentwide plan that will achieve the administration's goal to implement integrated pest management on 75 percent of the Nation's acreage by the turn of the century.

He continued, saying:

> Just as important, I have directed research and extension leaders to devise a comprehensive program that will lead to research, development, and adoption of new, environmentally sound pest management alternatives.

Mr. President, I ask unanimous consent that a copy of this letter follow my remarks in the RECORD.

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

(See exhibit 2.)

Mr. BAUCUS. To cut this station would deal a harsh blow to the largest industry in a 4-State area in a single stroke which runs counter to the administration's stated goals. With noxious weeds costing over $100 million annually in the northern Plains region, the investment in the work at Sidney is quite small and should be increased, not eliminated.

Agriculture Committee staff sought to allay my concerns over this action with an assurance that this action could free up these funds for other research activities in the region. While I might agree with that theory, the practice in Montana has been quite the opposite. As compared to the other States in the region, Montana already receives the lowest amount of ARS funds. Further, ARS has eliminated four scientist positions in Montana during the past 2 years.

This amendment would continue the reduction of the ARS presence in a State which derives 40 percent of its economy from agriculture.

Geographical location has always played a key role in the success of ARS efforts. Today, Montana operates seven State research stations to maximize the applicability of agricultural research. In Sidney, the State operation has joined in a cooperative effort with a Williston, ND, station and the USDA center in Sidney to create a model for other States to duplicate. Together, these three operations are maximizing scarce State and Federal resources and avoiding expensive duplication. To cut this station will jeopardize research efforts in a large area.

Although this effort to streamline the USDA's research efforts is understandable, I vehemently disagree with the approach. Next year, we will debate a farm bill. That is the appropriate forum for reform of this kind. While I would still argue for an increase of the operation at Sidney, I do believe appropriate reductions could be recommended at that time and I look forward to working with the leadership of the Agriculture Committee on that endeavor.

For today, however, I remain convinced that next year is the time for this debate. I strongly oppose this amendment and I urge my colleagues to join me in this effort. Let us resolve this issue where it belongs—during the 1995 farm bill debate.

If the station in Sidney, MT, is going to be cut then I want Secretary Espy and Budget Director Rivlin to come to Sidney, MT, and tell those farmers, face to face, why this is appropriate.

All this effort to streamline USDA's research is understandable. I vehemently disagree with their approach. Next year we will debate a farm bill. That is the appropriate forum for reform of this kind—not here. Next year, when we take up the farm bill, we can deal with the various ARS offices.

I strongly urge my colleagues to reject the amendment offered here.

Again, let us take up this issue where it should come up, and that is in the farm bill next year.

EXHIBIT 1

LEAFY SPURGE IS REUNITED WITH OLD ENEMY

(By Dennis Senft)

An insect that loves to eat leafy spurge, a range weed now infesting 2½ million acres on the Northern Plains, may bring some relief to farmers and ranchers. The weed, *Euphorbia esula L.*, causes more than $100 million in losses each year.

"Leafy spurge is ranked as one of the worst weeds in the Northern Great Plains and Canada, and it's getting worse every year," says ARS plant physiologist Paul C. Quimby, Jr., who is in charge of the Range Weeds and Cereals Research Unit in Bozeman, Montana.

"It expands its infestation by 10 percent annually, essentially doubling its original area about every 7 years. Spurge contains irritating chemicals; cattle and horses generally won't graze on it, and they sometimes refuse to eat nutritious forage growing nearby."

In recent years, ARS scientists have turned to biological control insects to curb spurge's spread.

"About 500 *Aphthona nigriscutis* flea beetles released in one spot multiplied and practically eliminated leafy spurge from an area 18 by 20 yards by the end of the second year. By the third year, the cleared area measured 53 by 59 yards. And at the end of the fourth year, the beetles had cleaned the weed from an area 88 by 100 yards," says entomologist Norman E. Rees, who is also in the Bozeman unit.

Aphthona flava, the copper leafy spurge flea beetle, is so efficient at controlling the weed that it has reduced some infestations from 57 percent of canopy cover to less than 1 percent in just 4 years. The tiny, one-eighth-inch beetle was first spotted in Italy, where it had completely defoliated leafy spurge in some areas.

"This demonstrates that insects are a biocontrol method that works," says Quimby. "We now need to find ways to get these flea beetles, in combination with other insects, distributed and established over a much larger area so we can control leafy spurge.

"Chemicals are too expensive, at $72 per acre, for temporary control on land that has value only for livestock grazing. Plus, chemicals kill desirable broad-leaf plants. No known approved herbicide has shown any promise in killing 3-year-old and older spurge plants. Some root buds have even sprouted 7 years after the soil was sterilized."

Adds Quimby, "Although *A. flava* and its close relatives are the most successful insects in our arsenal, we need to find many more to control leafy spurge. The adults of these flea beetles eat leaves and flowers and the larvae feed in the root hairs and yearling roots. We need other insects that bore into stems or eat shoot tips, so as to attack spurge in all possible ways."

Key to finding the right insects is to return to the spurge's native areas. Early settlers in this country probably brought the weed with them among seed stocks from their native European and Asian lands. There, predatory insects had evolved along with the plant, feeding on it and keeping it at low levels.

All insects that are candidates for introduction are carefully tested to make sure they survive only on leafy spurge and not on valuable crop plants or plant species native to North America.

"In our area, *A. flava* likes southfacing slopes, 18 to 20 inches of moisture per year, and generally sunny locations. It doesn't like clay or acidic soils or, possibly, shaded areas. We need to study a whole series of *Aphthona*, as well as other insect species, to find ones that adapt to the many different climate zones where spurge now thrives. Some areas are moist, others dry; some are hilly, others flat. And each zone may be home to spurge plants that are different enough that some species or subspecies of insect won't attack," says Rees.

More recent additions to the program include three *Aphthona* species—*abdominalis* from Europe, plus *chinchihi* and *seriata* from China. After their discovery, they underwent extensive testing by Luca Fornisari at the ARS European Biological Control Laboratory in Montpellier, France. Adult beetles emerged only from leafy spurge and from none of the other 21 key plants that are used to see if the insects might be able to live on plants not being targeted for control.

Then, beginning in 1992, ARS entomologist Neal R. Spencer established three spurge flea beetle species at 389 research sites in eastern Montana and North Dakota, making the first U.S. releases of *A. abdominalis* in 1993. ARS entomologist Robert W. Pemberton and Rees made the first *A. flava* releases in Montana in 1985, after thorough testing by Pemberton in Albany, California.

Now the black dot spurge flea beetle, a close relative provided by Agriculture Canada in 1989, is being pilot-tested at six sites in five states—Colorado, Idaho, Montana, Nebraska, and North Dakota.

The scientists arrange annual events at which weed control officials can pick up *Aphthona* insects, learn about their habitat

needs, and later use them to populate new areas throughout the Northern Plains. Rees estimates that more than 500,000 *A. flava* beetles, enough for 1,000 releases, have been distributed from the Bozeman site in the last 3 years.

Evaluation of how good the released insects are at controlling weeds can be time consuming and expensive. Scientists and technicians usually walk into release areas and manually record the distance insects have spread after the initial release and their impact on the plant population.

State-of-the-art remote sensing may make such work easier, faster, and cheaper. Spencer, along with ARS range scientist James H. Everitt and ecologist Gerry L. Anderson, who are in the Remote Sensing Research Unit in Weslaco, Texas, are cooperating in a study near Dickinson, North Dakota.

This past summer they used an airplane flying at 5,000 feet to obtain aerial video and photographic imagery of areas where insects were released to control spurge in the Theodore Roosevelt National Park in North Dakota and on Bureau of Land Management (BLM) areas in Montana. Those photos will form the benchmark measurement for subsequent photo comparison. The researchers hope to remotely measure the decreased infestation the insects cause. They will also integrate remote-sensing data with geographic information systems technology of monitor the spread or contraction of purge-infested areas.

In Bozeman, ARS plant pathologist Anthony J. Caesar is studying an area in the Lewis and Clark National Forest near White Sulphur Springs, Montana. Leafy spurge infestations there are disappearing without help from researchers.

"We have strong evidence that it is a coral fungus that promotes the effects of other fungi, including *Fusarium* spp. and *Rhizoctonia solani*, in the soil. Together, these fungi create an underground environment that hurts the weed's roots. We will continue the study, hoping to find a way to spread the organisms to other weed-infested areas," says Caesar.

In the infested range, circular areas 15 to 20 feet in diameter are expanding about 1 foot each year, producing land that has only about one-third or less of the surrounding spurge populations.

In other "germ warfare," ARS microbiologist Robert J. Kremer in Columbia, Missouri has identified several bacteria naturally present around the weed's roots that suppress seedling growth. Greenhouse studies show the emergence of weed seedlings was reduced by 50 percent after apply *Pseudomonas flourescens* and *Flavbacterium*. Also, weed growth was reduced, and the main taproot was half the normal length. Kremer and colleagues plan to move studies to the field this year.

EXHIBIT 2

THE DEPUTY SECRETARY
OF AGRICULTURE,
Washington, DC, April 26, 1994.

Senator PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Although much of the public focus has recently been on reforms to the nation's pesticide laws, there is much that the Department of Agriculture can do to ensure that producers have environmentally sound and economically viable pest management alternatives even without statutory guidance.

I have met with leaders throughout USDA to establish two important initiatives. The first is the development of a single, comprehensive and coordinated Department wide plan that will achieve the Administration's goal to implement integrated pest management (IPM) on 75% of the nation's acreage by the turn of the century. Just as important I have directed research and extension leaders to devise a comprehensive program that will lead to research, development, and adoption of new, environmentally sound pest management alternatives. Planning for both initiatives is to be completed in time for inclusion in the Department's FY 1996 budget. In addition, we have entered into discussions with EPA and other federal agencies that will lead to the signing of a memorandum of agreement in July. The memorandum will set in place a process that will provide for the identification of research priorities and the expedited registration of new alternatives and biologicals in coordination with USDA's research and education efforts.

These initiatives are a tangible commitment on the part of USDA to meet producers' needs for the latest pest management tools and to replace pesticides which pose unreasonable risks. The Department's actions offer an opportunity to more effectively serve the interests of its customers in agriculture and its responsibilities to the public at large.

Knowing your strong and consistent efforts in these areas, I hope you will be as enthusiastic and hopeful as we are about the course upon which we have embarked. I look forward to your involvement and support in meeting our objectives.

Sincerely,

RICHARD ROMINGER.

Mr. LEAHY. Mr. President, I yield myself 1 minute.

First, it is always easy to say next year, the year after and the year after, we will do something that will actually save the taxpayers' money. The fact of the matter is the Senate has already gone on record virtually unanimously with a rollcall vote to do the kind of USDA reorganization that is required. We are already on record.

We talked about this in the last farm bill. We have to start consolidating. We do not need to wait.

I should also mention, as the Senator from Montana referred to a station in St. Croix, VI, that it is a quarantine worksite for the Mayaguez, PR, germplasm program. There is no other place that would work.

The senior Senator from Virginia is here. How much time does he require?

Mr. WARNER. The 5 minutes exactly given under the unanimous-consent. It is my understanding this 5 minutes was obtained under the unanimous consent.

Mr. LEAHY. I yield 5 minutes.

Mr. WARNER. Mr. President, I rise to speak on behalf of an installation that has served my State, indeed the adjoining States of North Carolina and perhaps other jurisdictions, for a very long time. It is known as the USDA Peanut Production, Disease, and Harvesting Unit, in Suffolk, VA.

Mr. President, I rise to defend this because it is on the list. You might say, "Senator if it is on the list how can you speak in support of the Leahy-Lugar amendment?" I do so for two reasons. Every Member of this Chamber—if it is not on this vote it will be on successive votes and in successive years—will suffer some cutback in his or her State as a consequence of the reorganization of the Department of Agriculture. It is a reorganization that is long overdue.

The distinguished Senator from Vermont and the distinguished Senator from Indiana both have told me they are going to have to accept cuts in their States. So the easy vote, the political vote is to stand up here and rail against this amendment; go back home and say I did the best I could to save my particular entity. But I cannot do that in clear conscience, and then consistently try to vote for a reduction in the size of the Federal Government, reduction in deficit spending, and a series of other reductions which are deemed imperative, in my judgment, if this great Nation of ours is to get on a course once again of fiscal responsibility.

Just the other day the Chairman of the Federal Reserve reminded us over and over again in his speech: Until we begin to address the question of entitlements there is no hope. Likewise, until we begin to have the courage to address the cuts that hit our individual States as they relate to agriculture, we have no hope of achieving fiscal responsibility in our great Nation.

This is an interesting entity, small though it may be, nestled in Virginia. We are very proud of Virginia peanuts. And, for the nearly 16 years I have been privileged to serve here, time and time again I have fought on behalf of the peanut growers of America—indeed, Virginia—but of America. It is a valuable cash crop, it is a large export crop, and we have to support it.

But we also have to respectively take our individual cuts. I am hopeful the Secretary of Agriculture, given the discretion, will recognize that perhaps this was an ill-advised addition to the President's enumerated series of cuts in the budget.

I say that for an interesting reason. Virginia peanuts are quite unique. We are proud of ours as Georgia is proud of theirs, as Alabama is proud of theirs. But they are all different: Different soil, different flavor, different quantity of rain. Therefore this station specializes in analyzing the soil of the regions of Virginia and Carolina so we can continue to produce a very high quality peanut in comparatively small quantities. So, I am hopeful the Secretary will recognize the wisdom of this and I will urge him to do so.

But I cannot take the safe vote. I cannot take the political vote and vote against all of them being shut down. Take back the discretion from a Cabinet officer? Unless we let the Cabinet officers have the discretion to make the cuts there is no hope.

Vidalia onions—I confess, I have a small farm, whatever size you want to

call it, large or small, relatively speaking. I tried to grow some Vidalia onions which are grown in Georgia: Utter failure. Vidalia onions are unique to Georgia. It is one of the most famous products in agriculture. Each of us, in a very short period of the year, enjoy that spectacular quality onion.

The same with Virginia peanuts. They cannot be grown in identical size and flavor anywhere else in the United States or anywhere else in the world, for that matter. But we need the facility to watch the disease which afflicts this crop, to help advise us on the unique soil and moisture conditions. So I am hopeful, while I am supporting this amendment, the Secretary of Agriculture will see the wisdom that this small, relatively inconsequential facility, in terms of dollars—not the service it renders—will be spared from this list. I yield the floor.

The PRESIDING OFFICER. Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 7 minutes to the distinguished Senator from North Dakota [Mr. CONRAD].

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the amendment offered by our two colleagues, Senators LUGAR and LEAHY, is an amendment that I believe should be defeated by our colleagues. Let me stress that I have the greatest respect for Senators LEAHY and LUGAR and I think their efforts are certainly well-intentioned here. The results, unfortunately, would be to close facilities that have enormous benefit to the entire country.

Let me just say we have a situation in East Grand Forks, MN—this is not a plant that is in North Dakota, it is right across the border in Minnesota, but it serves our States as well as the rest of the potato industry—that creates research that is of enormous benefit to this country. This is a perfect example of what we preach in this body. We hear all the time that what we ought to have are private/public entities that cooperate, that use resources together in order to achieve a result. That is what we talk about.

That is precisely what is happening with respect to this facility in East Grand Forks.

It is supported by a budget that comes partly from USDA, but the significance of this facility and the value that it has to growers in the industry can be proven by the fact of the contributions that they make to the support of this facility. About half the budget comes from the National Potato Council, from the growers themselves, from extension services at the Universities of Minnesota and North Dakota.

Buildings at the facility are actually built and paid for by the growers themselves. This is the only facility of its kind in the country.

Mr. President, you do not have to take my word for the value of this facility. Listen to what the people around the United States say. This is from the University of Maine:

> Today, the Maine potato industry relies totally on the facility at East Grand Forks for answers to problems in potato chip manufacturing, storage, quality enhancement and utilization.

That is from the State of Maine.

From Oregon:

> Located in one of the largest potato producing areas in the United States, the Grand Forks lab has been a crucial component of the Nation's potato research equation. This lab has been important in work on high-quality, certified-seed potatoes, increased potato production and involved in continuous research projects to eliminate potato diseases.

That is from Oregon.

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

Mr. CONRAD. I prefer to complete my statement and then I will be happy to yield.

From Wisconsin:

> We, the Wisconsin growing community, desperately need this research arm available for economic development.

From Idaho:

> We wish to make it crystal clear to the Federal Government that we, as a major processor of value-added potato products and our customers, such as McDonald's, Wendy's, Kentucky Fried Chicken, who sell our products to millions upon millions of consumers not only in this country but around the world, have benefited enormously from the work that has been done over the years at this facility.

And they go into a long technical description of the research that is done at this facility that is of value to the industry.

Mr. President, from Washington State University:

> The United States has the best quality and widest selection of foods in the world and at the lowest cost to the consumer, in terms of percentage of disposable income, of anywhere in the world and at any time in history.

(Mr. WELLSTONE assumed the chair.)

Mr. CONRAD. Mr. President, that is no accident. That is partly a result of the superb research that we do in this country. I know the occupant of the chair, who is unable to talk on this subject because he has the responsibility of chairing, agrees with the need to support this facility.

The fact is, the Appropriations Committee reviewed this matter and made a determination based on evidence that this facility ought to remain open. I think the amendment being offered today is ill-advised.

The fact is the growers put up money to support it, the industry puts up money to support it, research facilities around the country put up money to support it, growers from other potato growing regions, including Maine, Nebraska, Oregon, Washington, Michigan, Wisconsin, Colorado, and Idaho, benefit from the work of the lab and have written us and urged us to keep the funding for this facility.

The research is vital. It is critically important to keeping America competitive. This is a one-of-a-kind facility in the United States. In fact, it is a one-of-a-kind facility in the world. It ought to be kept.

I yield time to my colleague from North Dakota, Senator DORGAN.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DORGAN. Mr. President, that is sufficient. The Senator from North Dakota, Senator CONRAD, has said it well. This is exactly the kind of facility that works and works well. It combines resources of the Federal Government, the potato growers in our region, the university, and does vitally needed research.

I believe we ought to cut spending and I believe there are civilian/Government facilities that ought to be closed. I have supported programs that were unnecessary and will continue to do that. But let us do this in a thoughtful, not a thoughtless, way.

This kind of facility is strongly supported by Senator WELLSTONE, by Senator CONRAD, and myself precisely because it works and works well, and it is exactly what we ought to be doing: research, promoting the common good, and this kind of commodity in a way that combines our resources with the resources of the private sector.

Mr. President, with that, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as necessary.

I am sorry the Senators were not able to yield time for a question. I will point out a few things I would have raised in those questions.

One is that the facility was not chosen willy-nilly to be put on this list. Being put on the list does not mean automatic closing, but it was put there after a 2-year process evaluating all facilities.

Second, the original mission of this facility, for potato post-harvest handling and storage, has largely been completed. I point out that while it might be nice for everybody to have one of these facilities, everybody should have one in their back yard like the Chinese did with steel smelteries during the so-called great leap forward. It does not make any more sense than that did.

The current research and development duplicates what is going on in Fargo, ND, already. The East Grand Forks work can be transported to Fargo, ND, where you at least have a critical mass of scientists. There are only three left in East Grand Forks.

I point out that not only is it substantially similar to work already

being done in North Dakota at taxpayers' expense, but North Dakota itself has made the decision that it does not need this facility in Minnesota. North Dakota, in the past, spent money to help support it. But now that it is already being done and basically duplicated in Fargo, they have not sent any money to Minnesota for the last 3 years. They do not see the need for it. Why should we argue to do it?

The fact of the matter is, Mr. President, we are talking about making a dent, possibly, potentially in about 10 facilities. There are more than 250 agricultural research facilities in this country. There is an agricultural research facility in this country for every four people in my hometown. Here, we are talking about maybe taking 10.

Can any one of us honestly stand up on the floor of the Senate and say we will ever cut the agricultural budget if we can only say yes to cutting in the abstract but no to cutting in the specific? We are never going to cut anything. All we are saying is at least let the Secretary have the authority.

I applaud the Senator from Virginia, Senator WARNER, who stood up and said that cuts will come in his State but that we are going to have to do it. The USDA reorganization package which Senator LUGAR and I brought to this floor and this body voted for virtually unanimously will eventually mean cuts in the State of Indiana. It will eventually mean cuts in the State of Vermont and in the State of North Carolina. In fact, I can name every one of the 50 States that eventually will have cuts. We all voted for it.

I went back to the State of Vermont and talked to the people there and said, "Look, this is the right thing to do, but some of you are going to see the jobs cut, you are going to see the facilities cut."

I went to the places that are going to be cut. They said, "We understand it." They said, "We understand agriculture is changing. We understand, for example, in the agricultural research facilities, that we cannot afford all of them."

We have also supported construction of more than 100 agricultural research facilities through the Cooperative State Research Service in the past 10 years.

In fiscal year 1993, there were 72 active facility construction projects administered by CSRS.

They are not going to be cut at all by this. The land grant university system has 76 universities and colleges.

At some point we have to say no. Now, the folks in North Dakota have decided during the past 3 years not to spend any money to fund this.

Mr. CONRAD. Will the Senator yield on this?

Mr. LEAHY. In a moment, and I will yield on the Senator's time. Virtually everything here could be moved to Fargo, ND.

I yield the floor and retain the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Montana [Mr. BURNS].

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the ranking member, my friend from Mississippi.

I wish to also advise my friend from Vermont that there may be 250 facilities. I say cut none of them. This country eats awfully good. We spend less dollars, disposable income for our food in this country than any other country in the world. We produce it cheaper. There is a reason for it. It is because we have invested in research.

Now, you can go around to the parties here in Washington, DC, and talk about many things. Weeds is not one of those front-page issues you want to get into. But the public land managers of this country have not done a good job in controlling noxious weeds, especially with chemicals. So you have to have a facility that is on the cutting edge in the biosciences, and do it naturally. No other facility is doing that—none other. It is being done at Sidney, MT, along with the cooperation of Montana State University.

That is what we are talking about here. It is pretty easy to look at this budget and say you are going to save $18 million. But it is going to cost you $17 million to close them, with nothing coming out of those facilities that contributes to feeding this Nation. It is pretty easy to say, well, we eat pretty good.

If you have a full mouth and a full stomach, we can cut out some of this stuff. We can do that. But, I say to the Senator, one of these days—you are not going to see it, and I am not going to see it, but I think my grandchildren will—we will be hungry in this Nation, and it will be because we have put research in agriculture on the back burner.

I am on the Commerce Committee. I am ranking on Science and Technology, and NASA. We understand research and how important it is in all parts of our life, the investment we make in research and development, new ways of doing things.

My friend from Montana brought it up very ably. We are going to consider the Clean Water Act. We are going to make some decisions based on science. He is exactly right. And this facility in Sidney has the biggest data bank as far as nonpoint source off irrigated agriculture. He made the point very ably, and it should not be overlooked. It is the only facility in the upper Midwest. We cannot test what we do on the high plains in Beltsville or even Minnesota, with all due respect. It has to be in a semiarid part of the world. It is a single facility that has a very definite mission, and they are very good at what they do.

But, Mr. President, this saves no money. It puts money in the bureaucrats' pockets and does not point that money toward research and development. So to the Senator from Vermont, I say, no, we should not cut a one. In fact, we ought to be doing more investment in that respect because the first obligation of this body is to make sure this society can feed itself, because the second thing we do every morning is eat. I do not know what the first thing you do is, but I know the second thing is you eat. That is how important these facilities are to Americans.

I urge my colleagues to vote against this amendment.

I yield the floor and I reserve the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 8 minutes to the distinguished Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, the able Senator from Vermont described what we were doing here as willy-nilly going through and reversing rational decisions that have been made. The letter which was sent to each of us by Senator LEAHY and Senator LUGAR stated that USDA evaluated each agricultural research service facility using six basic criteria including cost of maintenance, repairs, productivity, impact of research, et cetera.

I challenge the scientific basis upon which these judgments were made. I find them to be both ill-informed and arbitrary. Let me give some specific examples, Mr. President. First, when this review of facilities was examined, it was found that the Department did not include the cost of relocating staff and laboratory equipment in arriving at the economics of the recommended closures.

The Department did not estimate the cost of disposing of these surplus facilities, including possible hazardous waste cleanups.

There was no formalized ranking process among the Agricultural Research Service Centers to determine which were relatively high or low or medium in terms of their contributions and priority.

Mr. President, there is one of these stations in which I have a personal, longstanding knowledge and interest, and that is Chapman Field, which has been a major center for many years for tropical and subtropical research. One of the reasons that was given for recommending the closure of Chapman Field was that it had been damaged extensively by Hurricane Andrew.

That happens to be a true statement. But what was not included is that this

Congress has appropriated $15 million to Chapman Field and a similar Agricultural Research Center in Hawaii, both of which were damaged by hurricanes in 1992. The Chapman Field repairs are now 95 percent complete. We are about to close down a station upon which we have just spent millions of dollars bringing up to a high standard of current condition—not, in my judgment, a very rational recommendation, a clear indication that this process of decisionmaking was flawed because the people who made the decision did not even realize that the Federal Government had just spent millions of dollars repairing the hurricane damage.

To speak further about Chapman Field, Mr. President, this is a major research center for the specialized agriculture in my State and other States and territories and Commonwealths of the United States which have a tropical or subtropical agriculture. The Chapman Field plant introduction station performs a unique service in terms of allowing our country to benefit by tropical and subtropical agriculture from around this world.

This is not an outdated facility. No other lab in the United States provides the type of research on nonindigenous insects and diseases and on new plant varieties that Chapman Field provides.

This facility does cutting-edge work on germ plasma. This is the extraction of DNA materials from plants and storage of it so that in the event there is destruction of crops, there will be the opportunity to regenerate them through germ plasma. The proposal is to move this research to Puerto Rico. The problem is, Mr. President, that is not an acceptable location; that there would have to be an extensive period of shutdown and startup, and possibly even a period of quarantine for products coming back into the United States.

The practical effect of this would be to throw away years and hundreds of thousands of dollars in research that has been conducted on germ plasma, particularly for tropical and subtropical agriculture.

Finally, Mr. President, we are not talking about an extraordinary or inordinate expense here. The budget impact is minimal. The administration proposal to close Chapman Field will save $330,000 per year, Mr. President, in order to get the benefits that this Nation has, is currently, and should in the future continue to receive, as a result of specialized commitment to agriculture that Chapman Field represents.

So, Mr. President, I believe that the process of analysis was flawed in its application to Chapman Field, is not in the Nation's interest, and therefore I urge the defeat of this amendment.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield such time as the Senator from Indiana may need.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Will the Senator from Vermont yield to me?

Mr. LEAHY. I yield 8 minutes to the Senator from Indiana.

Mr. LUGAR. Mr. President, this debate today is a critical juncture in the debate on reform of the U.S. Department of Agriculture. It represents the first substantial test of the will of the Senate, perhaps of the country, to do an important job. Many of our colleagues have asked, "Why Agriculture? Why not the Department of Defense, or Transportation, or Commerce, or any other Department of the Federal Government?" All are alleged to have expenditures that are too high, too many employees, too many facilities, and too many activities that have not been closely examined.

In the Agriculture Committee, chaired so ably by the distinguished Senator from Vermont, we have been trying to make certain that agriculture in our country is not only well represented and well cared for, but that we are on the right track with regard to the people that we hold most dearly; that is, the farmers, the productive people of our country, as well as the consumers who are their customers.

We believe that if we do not clean up the problems of the USDA, others are going to do so. Farmers in this country are a very substantial minority, sometimes suggested as only 2 percent of the population. People are counting on us to do the right thing.

Long ago, 2 years ago February, I raised a question in a press conference one day using data supplied by the Federal Government that there were 50 USDA field offices that were spending more in payroll and overhead than the programs that they were supporting—substantially more. I asked the Secretary of Agriculture why they should not be considered for closing or merging or some reorganization. People came to the fore. And in the next press conference I held, I said there were 150, as a matter of fact, where the administrative cost exceeding outgoing payments. I suggested to Secretary Madigan in 1992 that he use his authority, which he clearly had, to close those offices.

Just for the Record, in my own home State, I suggested to the ASCS State committee that it examine the activities in Indiana of our offices. The Farmers Home Director, George Morton, noted that there were 39 offices in Indiana serving Farmers Home. In the course of the following year, he closed 9 of them; from 39 to 30 in that year, with the full cooperation of the agriculture community of Indiana.

In the ASCS situation, the head of the State committee at that time with the unanimous consent of the State committee suggested that Ohio County be merged with Dearborn County.

This came in a response to a challenge which I gave to my people in Indiana; that is, I said I wonder if it is conceivable if a single office might be closed anywhere in the United States of America. The answer coming at least from the head of the State committee and the Indiana ASCS committee was indeed there can be.

I would be the first to admit that that closure caused a great commotion in USDA. The Secretary even questioned whether they had authority to close the office or to merge it. But indeed they did, and indeed the closure occurred, and the merger has worked well.

Mr. President, on Christmas Eve, literally, this last Christmas, I received notice as a farmer in Marion County, IN, that the ASCS office that I use was to be closed. The operation moved to nearby Johnson County. I applauded that activity. I said perhaps now all over America USDA is moving forward with reform. But I was wrong. It was another unique example in Indiana; two out of all of these offices across the country.

I make this point, Mr. President, because we come now to the moment of truth. The Agriculture Appropriations Committee knows the Secretary of Agriculture is taking a look at 120 Agricultural Research Service offices, and said 19 of these are offices that should be closed. He has that authority. But Senators put back into this bill the names of 10 offices and suggested they should not be closed. They were slipped into the bill. That is what Senator LEAHY and I challenge. We said let us get back to ground zero again. Let the Secretary of Agriculture have the authority to review these offices. The Senate voted 98 to 1 to give the Secretary that authority. In my judgment, he had already the authority.

At some point, there has to be the courage to move ahead to close at least 1, 2, or 10 offices somewhere in America. And the criteria have been set by two Secretaries who have gone through the entire process of rating over 7,500 offices to find the 1,200 or 1,300 that seem to offer the least amount of service to the people of America, generally. There could be argument at the margins. But let me just say, Mr. President, the two offices closed in Indiana in Marion County and Ohio County were by no means the least efficient of the national list. They were well up in the batting order. That would be true of a great number of offices, if we were in fact to be very objective about what they do and what they offer.

I will just add, Mr. President, the President of the United States has offered a budget which assumes the closure of all of these offices plus 1,300 field offices under the agency, plus the

amalgamation of at least 20 branches of the USDA. All of this is assumed in the budget now. Vice President AL GORE assumed it last year in reinventing Government, that $2 billion would be saved by all of these operations. The money has been counted twice—by the Vice President, and now by the President. And here we are today, in the first nibble again, to see if it can be unraveled.

Mr. President, our amendment is so important to establish the fact the Senate means business, that the country means business, that you cannot continue to keep everything open all over America in response to the heartfelt needs of constituents who may be close by, if we have any prayer of making a change in the deficit or in the credibility of the organization.

I make the case of USDA. It has the dinosaur impulse, something to continue lumbering on with agencies, with offices, with persons long ago unnecessary. Even Secretary Espy's plan eliminates only 7,500 people of the arguably 125,000 people now in the USDA as the agricultural population of the country declines substantially, and the number of counties that now have even 20 percent of their income from agriculture, less than 1 in 6. It will not sell, Mr. President.

For those who are watching this debate, very clearly the answer they want us to give is that we are serious, not about decimating American agriculture, but cleaning up our act. That is what they want to see, and they want to see it now, and some evidence that we are not rolling back the clock in our arguments.

I thank the Chair.

Several Senators addressed the Chair.

Mr. COCHRAN. Mr. President, I yield to the Senator from North Dakota [Mr. CONRAD], two minutes.

Mr. CONRAD. Mr. President, I hope those who are watching the debate conclude that it is important for us to make additional cuts. We are making additional cuts. We have approved cut after cut for agriculture. Agriculture has taken the biggest cut proportionately of any part of the budget.

Mr. President, I hope that this rush to cut is not some mindless exercise that does not look at the evidence. When my esteemed colleague from Vermont says North Dakota has written off this research facility, nonsense. Number one, this facility is not in North Dakota. It is in Minnesota. The State of Minnesota supports this agency. The National Potato Council pays for about a quarter of the budget.

Mr. LEAHY. Will Senator yield on my time?

Mr. CONRAD. I do not yield.

The growers of North Dakota, Minnesota, and the surrounding region put in money to support the work of this agency. And why? Because it is important. J.R. Simplott, one of the major companies in this country in potatoes, says in a letter to me:

> Now that the trade barriers are being eliminated, no other country in the world can compete with us in terms of quality and costs. The Red River Valley Potato Research Lab is a key element in our strategy to maintain and further strengthen our world dominance.

It is a key part of it. It is not a matter of duplicative research, of people deciding it does not have a value. The fact is that the growers themselves put their own money into this facility because of its value. I can tell you that growers do not put their own hard-earned money into a research facility unless they are absolutely persuaded that it has value. That is also true of the National Potato Council, the State of Minnesota, and all of the others who contribute.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield myself 30 seconds. Let there be no mistake about what I said. The State of North Dakota funded research at East Grand Forks in the past, but for the past 3 years, it has not contributed one cent.

Mr. COCHRAN. Mr. President, I yield my remaining time to the distinguished Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I thank my colleague from Mississippi for his leadership. Let me just say that looking at the amendment that is offered by my friends and colleagues, Senator LEAHY and Senator LUGAR, this amendment does not save any money. It has nothing to do with saving money. It just says that the Secretary can close these offices.

I call to the attention of my colleagues that if you want to save money—I am looking at the committee report. I heard people say it will save $8 million, and I also heard $18 million. That is not what is in the report. It does not say anything about saving dollars, just closing offices.

I just mention to my colleagues why some of our colleagues are trying to close the offices, some of which go back for decades. In the committee report on pages 26 and 27 it says the administration requested $25 million for new facilities, and the committee is funding $32.7 million for new facilities.

So I applaud my colleagues for their interest in being fiscally responsible. While they are trying to close a few established facilities that are doing good work in some of the States, like a facility in El Reno, OK, we are creating a bunch of new facilities. I will not read the list, but they are there for my colleagues to see. There are $32 million worth, some of which I just estimate and guess are not nearly as needed as some of the ones doing research in existing areas.

I compliment my colleague from Indiana. He has been active in trying to close down a lot of facilities. We are not closing facilities in Seoul, Korea, we are not closing facilities in the Virgin Islands, we are not closing facilities in Buenos Aires, Argentina. Those are facilities that rank much lower on their criteria than some of the facilities that are slated to be closed. I compliment my colleague from Mississippi.

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes 36 seconds.

Mr. LEAHY. Mr. President, I take issue with the Senator from Oklahoma saying this does not save any money. First, there will be some costs, just as with closing a base. After the first year, closing these 10 facilities would save approximately $7.5 million per year, every year, forever, in direct costs. It will also avoid another expenditure of another $10 million in repair costs.

He spoke to the ARS facility in El Reno, OK. This facility has five scientists, less than one-third of its full capacity, which would have been 17. Its facilities are old and badly in need of repair. In fact, they have 89 separate buildings at this site, which is about 18 buildings per scientist. Well, just repairing and renovating them would cost around $8 million. That is five times the program funding level just to repair and renovate it. Eighteen buildings per scientist.

Mr. CONRAD. Will the Senator yield?

Mr. LEAHY. I would love to, but I know the Senator from North Dakota has set the precedent of not yielding to anybody for a question, and it is a wonderful precedent.

Mr. CONRAD. Will the Senator expand the unanimous consent request so we can get more time?

Mr. LEAHY. I will yield for a question, even though he does not like to yield. I will be delighted to, but in a moment. Similar research is being done in Nebraska and in Miles City, MT. It could be transferred to either place where you have facilities and scientific expertise.

The point comes down to this. This is not pro- or anti-agriculture by any means. We are not about to stop agriculture. We may stop some construction and repair work of outdated, outmoded research facilities, but it is not pro- or anti-agriculture. The Senator from Indiana and I would not be supporting it if it were. You would still have 250 agricultural research facilities.

So it is not a question of pro- or anti-agriculture; it is a question of courage. Do you have the courage to cut the budget or not? If you cannot cut out 10 agriculture research facilities out of more than 250, how in Heaven's name are we going to cut a $200-billion deficit? This is not a matter of agriculture policy; it is a matter of having the guts to do something.

I will yield 30 seconds to the Senator from North Dakota, without losing my right to the floor, for a question.

Mr. CONRAD. I thank my colleague. I would like to make the point and say this. When he measures the worth of these facilities by the number of scientists who are there, I recall a statement that former President Kennedy made at a ceremony at the White House in which Nobel Prize winners were in attendance. President Kennedy said, "I think we have the greatest collection of wisdom in this room since Thomas Jefferson dined alone."

I just say to my colleague, I think when you start to measure the worth of facilities by the number of scientists there, you have missed the point. The question is, what is the value of the research being done there, not the number of scientists who are there. I hope my colleague from Vermont will agree with that assessment.

Mr. LEAHY. I point out that the agriculture bill here has $68 billion in it. If you want to quote President Kennedy, the whole Federal budget during President Kennedy's time was barely that amount of money—the whole shooting match. So if you want to quote him, would you like to go back to what the agriculture budget was then? The cost of agriculture now is virtually what the whole Federal budget was back then. I mean, goodness gracious me, we have to start making some cuts. That is all this is.

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. The Senator has 4 minutes 38 seconds. The other side has 11 seconds remaining.

Mr. COCHRAN. I ask unanimous consent that a statement including questions and answers from the hearing record, where I ask the ARS questions about the savings that would be realized by closing these facilities, be printed at this point in the RECORD.

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

QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN—ARS/RESEARCH FACILITY CLOSEOUTS AND REDUCTIONS

Question. How much will it cost ARS to transfer and close out the 19 research locations, as proposed in the fiscal year 1995 budget? How can you redirect existing resources to higher priority program areas in fiscal year 1995 if you need to offset closing and relocation costs.

Answer: Based on a preliminary assessment of permanent employees, we project that approximately 75 percent will relocate. Based on this assessment, it is estimated that ARS would incur approximately $17.4 million for expenses in FY 1995. These consist of relocation expenses for permanent employees being transferred, severance and lump-sum payments for permanent employees involuntarily separated, and miscellaneous costs associated with the disposition of existing facilities. There will be some continuing costs associated with the security and maintenance of facilities until final disposition.

In FY 1995, a portion of the savings to be achieved through the proposed closures will be available for reallocation to higher priority research. However, in FY 1996 and beyond, all of these savings will be available for reallocation.

Mr. SIMPSON. In April of this year, I contacted the Agricultural Research Service regarding the importance of leafy spurge research to my fine State of Wyoming and to the United States. Leafy spurge is a major weed which is causing Agricultural damage in 75 percent of the United States. In Wyoming, the northern tier of counties is inundated with this weed.

ARS informed me that if the Sidney, MT research facility were to be closed, leafy spurge research would then be transferred to the USDA-ARS Bozeman, MT facility. Of course, appropriate funding levels for leafy spurge research would be maintained when the program was transferred.

The administration's review of USDA research facilities and its recommendation for 19 Agricultural Research Service facilities continues the sorely needed reorganization of the Department of Agriculture. Consolidation of facilities does not mean the elimination of funding for important research programs.

Is it your understanding that the leafy spurge research programs will be maintained at appropriate funding levels and transferred to the USDA-ARS Bozeman, MT facility if the USDA-ARS Sidney, MT facility were to be closed?

Mr. LUGAR. Yes. It is my understanding that the leafy spurge research programs and other research programs will be transferred to the USDA-ARS Bozeman, MT facility if the secretary were to direct the closure of the USDA-ARS Sidney, MT facility.

Mr. SIMPSON. I thank my colleague for this important clarification.

Mr. LEAHY. I am prepared to yield the remainder of my time, Mr. President.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment in the second degree.

The amendment (No. 2307) was agreed to.

VOTE ON AMENDMENT NO. 2306, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment, as amended.

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 Hawaii [Mr. INOUYE] is necessarily absent.

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

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—76

Bennett	Gorton	Moseley-Braun
Biden	Gramm	Moynihan
Bingaman	Grassley	Murkowski
Bond	Gregg	Murray
Bradley	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Jeffords	Riegle
Coats	Kassebaum	Rockefeller
Cohen	Kennedy	Roth
Coverdell	Kerrey	Sarbanes
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Leahy	Simpson
DeConcini	Levin	Smith
Dodd	Lieberman	Specter
Dole	Lott	Stevens
Domenici	Lugar	Thurmond
Exon	McCain	Wallop
Faircloth	McConnell	Warner
Feingold	Metzenbaum	Wofford
Ford	Mikulski	
Glenn	Mitchell	

NAYS—23

Akaka	Craig	Lautenberg
Baucus	Dorgan	Mack
Boren	Durenberger	Mathews
Boxer	Feinstein	Nickles
Breaux	Graham	Robb
Burns	Hutchison	Sasser
Cochran	Johnston	Wellstone
Conrad	Kempthorne	

NOT VOTING—1

Inouye

So the amendment (No. 2306), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. 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 Mississippi.

Mr. COCHRAN. Mr. President, I know there are Senators on this side who wish to offer amendments. Senator HELMS has been waiting to offer an amendment and Senator BROWN has. I do not know if there is any particular order, but I hope the Chair will recognize someone on this side to offer an amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Heflin amendment is the pending question at this time.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Heflin amendment be temporarily laid aside for the purpose of the Senate considering another amendment.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

MR. BRADLEY. I thank the Chair.

Mr. President, if I can get the attention of the floor manager of the bill, I

have an amendment I will momentarily send to the desk. I say to the distinguished chairman of the committee that I am prepared to enter into a time agreement on that amendment of no longer than 30 minutes, equally divided. I do not think it will take that long.

Mr. COCHRAN. If the Senator will yield, I can assure him it will take quite a bit longer than that, and there will be no agreement on time on this amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I see the majority leader. Can I have the majority leader's attention for just a moment? A proposition has been offered on the Republican side to have a couple more amendments considered, or at least one more considered and a rollcall vote, and then try to develop an exclusive list of amendments to be debated this evening, with votes tomorrow.

I do not really have a dog in the fight. I do not care. I am prepared to stay here all night, but I defer to the majority leader if he has any thoughts on that.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, it is unclear from the Senator's statement whether the list would be completed tonight and the votes that would occur tomorrow morning would include final passage of the bill.

Mr. BUMPERS. The idea is that any amendment on the list which is apparently in the process of being developed on this side—we have not run a hot line on this side—but whatever that list was, those amendments would have to be offered this evening, and I think that is the only way we are going to finish this bill today or tomorrow.

Mr. MITCHELL. So I take it the Senator's answer to my question is, yes, the votes that would occur tomorrow morning would include final passage of the bill?

Mr. BUMPERS. Yes.

Mr. MITCHELL. Debate all the amendments tonight, finish the bill and the votes tomorrow morning, in lieu of staying in this evening and debating and voting on the measure; am I correct in my understanding on that?

Mr. COCHRAN. My understanding is that on our side our leader would hope that we would not have any votes after 6 o'clock tonight.

Mr. MITCHELL. I just say to my colleague, to accommodate our colleagues, we had no votes before 2:30 today. Now there is a request there be no votes after 6, following a day yesterday in which we had no votes at all.

I want, of course, to be accommodative, but the time within which we are asked to vote is getting narrower and narrower each day. We are now looking for windows in which to have votes instead of a window in which not to have votes. I have no problem with that provided that—and as I understand the answer was in the affirmative—there would be completion of the amendments this evening and the votes would occur tomorrow morning and the last vote would be final passage of the bill.

That is what I understand. Am I correct in that understanding, I will ask the Senator from Mississippi?

Mr. COCHRAN. I am not certain at all that you could complete action on the amendments this evening. At this point we do not have a list of amendments that we know will be offered. We do not know the subject matter of any, all of those amendments and I think that is something that would be yet to be determined. We are unable to reach an agreement without knowing what the amendments are.

Mr. BUMPERS. Mr. President, in response to the majority leader's question, it had been my understanding that we would develop this list, and everybody on that list would have an opportunity to offer their amendments tonight and we would vote on them tomorrow.

Now, let me say I am not prepared myself to accept that until I see the list. I have no interest in being here until 4 o'clock in the morning entertaining all these amendments. If the list is too long and we do not get time agreements on them, then I think this proposal is not going to work. On the other hand, if you had five amendments on this side and five amendments on that side and 30-minute time agreements on all of them, then that would suit me fine.

Mr. MITCHELL. But Senators should understand that the proposal is offered as an alternative to doing what we should be doing, which is staying here and debating and voting on the amendments this evening.

Mr. BUMPERS. Absolutely.

Mr. MITCHELL. So what I do not want to happen is to say we will not stay and deal with the bill tonight but we will come back and deal with it tomorrow, because I guarantee you from experience tomorrow we will face the same situation and the day after.

So what I am saying is either alternative is agreeable to me. I leave it to the managers. Either we stay this evening, debate and vote on amendments or we get an agreement in which the votes could occur tomorrow. But what I do not want is to have one part of each of those alternatives, the one part being we do not have any debate or votes tonight and we come back tomorrow and just start in and then I would face the same thing tomorrow. Someone will ask no votes before 10, no votes between 11 and 1, no votes between 2:30 and 4, no votes after 6, or the usual process.

Mr. COCHRAN. Mr. President, will the distinguished leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. COCHRAN. One question I have is that it seems inappropriate to me for the Senator to ask us to enter into an agreement when no Republican has offered an amendment yet to this bill. There has been a cosponsorship of an amendment, the Leahy-Lugar amendment that has just been disposed of. We have been debating a Heflin amendment. We adopted a Leahy amendment yesterday on wetlands reserve. We adopted a Daschle amendment yesterday. It seems in pointing out to the Chair, for example, if there were Republican Senators waiting to offer amendments and then when the Republican Senator sought recognition, the Chair recognized another Democrat for the purpose of offering an amendment——

Mr. BUMPERS. If the Senator will yield——

Mr. COCHRAN. It seems to me, if we are going to talk about blaming this side for not wanting to vote after 6 or having to stay in all night, this kind of consideration ought to be a part of the decisionmaking process. So that there can be parity, there can be fairness.

Mr. MITCHELL. Mr. President, I was not blaming anyone. The requests I get for no votes here and there come from all Senators, Democrats and Republicans.

Mr. COCHRAN. I heard it just the other way. I thought the Senator was saying——

Mr. MITCHELL. I was not blaming anyone. Second, I will point out, the Senator says there have been no Republican votes. I am looking at the list of votes and at 3:12 this afternoon we voted on a McCain amendment.

Mr. FORD. Two votes.

Mr. BUMPERS. Two votes.

Mr. MITCHELL. I have just been handed the list.

Mr. COCHRAN. The Senator is correct.

Mr. MITCHELL. It is inaccurate to say there have been no votes on Republican amendments. I have no objection to Senators offering amendments. I do not know what the amendments are to this bill. If someone has them, why not offer them and debate and vote on them?

That is what I was suggesting. I was asked—the Senator sought my attention—whether I would be agreeable to making up a list and putting votes off until tomorrow. I have no objection to that. But what I do not want is to say there will be no votes this evening and then we will just start on this tomorrow and get back in the same boat we are now in. If a Republican Senator wants to offer an amendment, by all means, stand up and offer it now. I am perfectly agreeable to that.

Mr. BUMPERS. Mr. President, I think it must be premature to try to

get an agreement at this point. Let me just suggest, if the majority leader has no objection to this, that we try to compile a list of the amendments, look at the amendments and then see where we are.

Mr. MITCHELL. I think that is fine. And while you are doing that, why not have a Republican Senator offer an amendment.

Mr. BUMPERS. Senator BRADLEY has just been recognized by the Chair to offer an amendment. Senator HELMS wants to offer an amendment, with a 30-minute time agreement, which the Senator from New Jersey is willing to do.

How much time does the Senator from Colorado need?

Mr. BROWN. I would be happy to enter into any time limit the majority leader might designate.

Mr. BUMPERS. Thirty minutes?

Mr. FORD. No. Mr. President, the Senator from Colorado has gone to meddling into Kentucky's business. And when you do that, I have to say that we are going to debate it a little while. I apologize to the leader because I do not want to, and I do not understand why we are having the amendment because it penalizes the farmer again; the U.S. farmer gets the shaft and the foreigners, the other countries, get the blessing of the cash.

So under those circumstances, Mr. President, the Brown amendment is going to take a long time, and we may even see grazing fees before the night is over.

Mr. MITCHELL. Well, Mr. President, might I suggest to the managers that Senator BRADLEY and Senator HELMS have agreed to offer amendments under a 30-minute time limitation. If we can do those, that would give you an hour, plus the voting time, and by then, perhaps, you could put together a list and see where you stand. I think it is better to take small steps at first.

Mr. BUMPERS. Will the Senator from New Jersey be willing to stack the vote on his amendment, we get an agreement the Senator goes now, Senator HELMS goes, then we vote on both of them?

Does the Senator have any objection to that?

Mr. BRADLEY. I have no objection.

Mr. BUMPERS. Mr. President, I ask unanimous consent——

Mr. MITCHELL. Mr. President, the Senator from North Carolina has a question.

Mr. HELMS. My question I think has been answered. Do you intend to have both Senator BRADLEY's amendment voted on tonight and mine? Is that correct?

Mr. BUMPERS. I understand the Senator wanted the yeas and nays on his amendment.

Mr. HELMS. Yes.

Mr. BUMPERS. What I was going to suggest is that we debate both of these amendments, Senator BRADLEY's 30 minutes, Senator HELMS' 30 minutes, after which we vote on those two amendments.

Mr. HELMS. Very good.

Mr. BUMPERS. Mr. President, I ask unanimous consent——

Mr. BRADLEY. Mr. President, if I could accommodate the distinguished chairman and also debate the amendment, I would have no objection if the distinguished Senator from North Carolina would like to go first in the debate so that we could say we have gone Democrat and Republican and I will go after that. I have no objection to that. However the chairman and the ranking member would like to structure the debate. The point is the distinguished Senator from North Carolina and I will have votes on our amendments in an hour.

Mr. BUMPERS. Mr. President, before entering into this agreement, I wonder if the Senator from North Carolina could give us some idea of what his amendment is.

Mr. HELMS. It is about the use of taxpayers' money on various activities by the Department of Agriculture.

Mr. BUMPERS. Does this deal with tobacco?

Mr. HELMS. No.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the amendment of the Senator from New Jersey be 30 minutes to be equally divided, and that no second-degree amendments or motions to reconsider shall be considered; after which the amendment of the Senator from North Carolina be 30 minutes equally divided with no second-degree amendments or motions to recommit, after which we will vote on the Helms amendment. Let me say, on or in relation to both the Bradley amendment, so that the tabling motions will be in order, that after the vote on the Bradley amendment, we proceed immediately without intervening business to a vote on the amendment of the Senator from North Carolina.

Mr. COCHRAN. Mr. President, reserving the right to object, and it is my hope that I will not be required to object, we are consulting with the Republican leader to get his reaction to the proposed unanimous consent agreement. I understand that he is temporarily unavailable. But I will be able to have an answer within a minute or 2, I hope.

Mr. BRADLEY. Will the distinguished ranking manager yield?

Mr. BUMPERS. While we are waiting, Mr. President, I ask unanimous consent that the Senator from New Jersey be allowed to proceed with his amendment for a period not to exceed 30 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President, I reserve the right to object. I am hoping that the Senator will withhold proposing any unanimous consent agreement until the Republican leader can convey his reaction to that to this Senator. So for that purpose, I reserve the right to object.

The PRESIDING OFFICER. The Chair wishes to clarify that on the previous unanimous consent request, the reference was to barring motions to recommit, not motions to reconsider. Is that the intent of the Senator from Arkansas?

Mr. BUMPERS. I am sorry.

The PRESIDING OFFICER. The Chair wishes to clarify whether the unanimous consent request was to bar motions to recommit rather than motions to reconsider with regard to the unanimous consent agreement with regard to the——

Mr. BUMPERS. I am sorry. I meant motion to recommit. But the agreement has been objected to at this point. So it is irrelevant.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I have an amendment, and I will send it to the desk. I would be amenable if the unanimous-consent request, I say to the ranking member, comes through. I would be prepared to count whatever time I use against the 30-minute time limit. Would that accommodate the distinguished Senator from Mississippi?

Mr. COCHRAN. Mr. President, if the Senator will yield, I stated my reasons for not being able to enter into a unanimous consent agreement previously. They still apply.

Mr. BRADLEY. Mr. President, I am looking for just a little guidance from the chairman of the subcommittee. I hope the chairman will give me his attention so he can give me some guidance. There has been a proposal for a 30-minute time agreement. We are waiting to see if that proposal is acceptable to the minority leader. I am saying I am prepared to go ahead now, instead of us standing here looking at each other, to actually discuss the amendment and have whatever time in that discussion be counted against my 15 minutes.

I also have agreed to have a Republican amendment or a Democrat amendment. I do not know how much more I can do. The only alternative is to suggest the absence of a quorum, and all of us sit here and look at each other.

Does the ranking member or the chairman of the subcommittee have an opinion on this?

AMENDMENT NO. 2308

(Purpose: To reduce the appropriation for buildings and facilities for agricultural research programs)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 2308.

Mr. BRADLEY. 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 12, line 23, strike "$38,718,000" and insert "$25,700,000".

Mr. BRADLEY. Mr. President, there is not a Member among us who has not decried the deficit and the need for spending cuts. Last year, I went to the floor numerous times to articulate, in the form of amendments to various appropriations bills, ways to reduce spending. I have consistently supported others in the attempts to shrink our deficit and instill fiscal discipline. And I will continue to do so.

I rise today to propose another amendment, which I believe will reduce Federal spending and support a process of budget discipline.

The Agricultural Research Service [ARS] is a Federal agency within the Department of Agriculture. The ARS has primary responsibility over basic, applied, and developmental research on the whole range of agricultural issues. Its facilities are scattered nationwide and its Federal appropriations total more than $700 million annually.

The President's budget request for the construction of new Federal facilities for ARS is $25.7 million. When the House considered appropriations for this account, they actually cut the account slightly and provided $23.4 million. The Senate bill before us today provides almost $39 million. My amendment simply cuts the Senate total back to the sum that was requested by the President in the budget.

I note that this amendment does not cut any particular project. This amendment only attempts to limit the overall construction level—to show restraint—to the level that the President and the USDA have identified as an appropriate target.

I would make three points in support of my amendment. First, we all have challenged the President to produce more cuts on spending. The ARS is a Federal agency with a national mission. Its purpose and priorities cannot be determined whimsically or politically. If the executive branch believes that this construction line is sufficient to meet the needs of the USDA and our farmers, then we should defer to this request, absent a clear rationale to the contrary. Given the action of the House, it is hard to claim any such rationale exists.

They cut the amount to $23 million, came under the President's request, and the Senate bill before us is at $39 million. So if we are going to cut spending, this a good place to cut spending without harming the national mission and purpose of the Agricultural Research Service.

Second, the Senate language not only exceeds the requested amount, but it also almost completely disregards the needs identified in the budget submission. Only two of six items that are proposed for funding in the budget receive support in the Senate bill. This undercuts the process of establishing priorities and instilling needed budget discipline within the Federal bureaucracy. The message to ARS lab managers is simple: If you cannot get your project through the OMB, look to the politicians. Freelance. And this bill is full of that kind of freelancing.

Last, this amendment concerns much more than $13 million. If these projects are all built, they will be staffed. These new facilities, with their larger payrolls and new priorities, will undercut the USDA financially and programmatically.

Earlier today, the Senate considered an amendment by Senators LEAHY and LUGAR. As a matter of fact, it was the amendment immediately prior to this one, and their amendment was to eliminate ARS facilities recommended for closure by the administration. During that debate, the point was made repeatedly that we needed to defer to the USDA and their priorities and the need for a streamlined agency. I believe, obviously, that analogous arguments can be made for this amendment.

The Leahy-Lugar amendment called for the closure of nine ARS facilities. These facilities, they argued, cost USDA about $50 million annually in operating costs. This underscores how these facilities, once built, keep costing the taxpayers. The Leahy amendment would cut nine facilities that the USDA does not want. The Senate language considered today—that would be cut by my amendment—spends millions to build or improve 11 research centers that the USDA also does not want. I do not think that you can argue on the one hand that it makes sense to cut 9 they do not want, but to keep in the 11 they do not want.

I further note that there is one key difference between my amendment and the one offered by Senators LEAHY and LUGAR. Their amendment did not cut any particular account. Mine does. It cuts the construction account.

So, in closing, Mr. President, I urge my colleagues to follow up the rhetoric about fiscal discipline and cutting spending, and vote for the amendment that I have proposed. It is a very simple amendment, and it would reduce the spending level of the President's request from about $39 million for construction of new Agricultural Research Service facilities to $25-million-plus for that account.

I hope that we can get an agreement and have a vote on this in the near term.

Mr. COCHRAN. 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. COCHRAN. 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. COCHRAN. Mr. President, I ask unanimous consent that the amendment offered by the Senator from New Jersey [Mr. BRADLEY] be temporarily laid aside to permit the offering of an amendment by the Senator from North Carolina.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

AMENDMENT NO. 2309

(Purpose: To stop the waste of taxpayer funds on activities by the Department of Agriculture to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2309.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . ENDING THE USE OF TAXPAYER FUNDS TO ENCOURAGE EMPLOYEES TO ACCEPT HOMOSEXUALITY AS A LEGITIMATE OR NORMAL LIFESTYLE.

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

Mr. HELMS. Mr. President, the pending bill provides operating funds for the Department of Agriculture and its related agencies totaling $67.98 billion of the taxpayers' money. I am persuaded that only a relatively few Americans approve of any of this enormous sum being used to conduct seminars or to hire staff or for the purpose of making available Federal facilities and resources to persuade—indeed, to intimidate—Federal employees to accept homosexuality as a legitimate and normal lifestyle.

So the purpose, Mr. President, of the pending amendment is to determine how Senators feel about it and to give them an opportunity to go on record one way or the other.

The pending amendment is not complicated. For Senators who were not in the Chamber when the text of the amendment was read by the clerk, I shall read it again:

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade Departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or,

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

Mr. President, I wish this amendment were not necessary. But it is. You see, the Clinton administration has launched a concerted effort to extend special rights to homosexuals in the Federal workplace—rights not accorded to other groups and individuals.

The Department of Agriculture is obviously at the forefront of this effort. An April 27, 1994, article in the Wall Street Journal was headed "A Different Kind of Whistleblower." It described a meeting of the USDA's Equal Employment Opportunity manager on February 25, at which time the head of the organized "USDA Homosexual Employees" distributed an outline which included the following statement. I hope Senators are looking in by television at these proceedings, because I think they ought to consider what the head of the organized USDA Homosexual Employees Association said should be the policy of the USDA:

Until our relationships are recognized and respected and benefits are made available to our partners and families, we are not full members of team USDA.

The Wall Street Journal reported that in response:

Top [USDA] executives pledged to hold "sensitivity training" to spread this message among the ranks and to punish those who don't toe the line.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Now, Mr. President, a question: How many American taxpayers are willing for their tax money to be devoted to financing sensitivity training for Federal bureaucrats to recognize and respect homosexual relationships?

Mr. President, there is more. According to the Federal EEO Update, which is a newsletter published by FPMI Communications, Inc., a "Gay, Lesbian, and Bisexual Program Manager" position has been created within the Department of Agriculture for the Foreign Agriculture Service. A bureaucrat active in the homosexual movement is on the job now and is being paid $1,000 a week, using the taxpayers, money, of course. His responsibilities include the following—and the cameraman may want to follow the chart here.

Here is what the responsibilities of this $52,000-a-year bureaucrat and activist in the homosexual movement, who has been hired by the USDA, here is what his agenda is. "Promoting"—get that word,

Promoting the gay, lesbian, and bisexual Employment Program and developing and disseminating information on employment matters;

Analyzing work force data and informing managers of the status of gay, lesbian, and bisexual employment;

Informing homosexual employees of training and promotional opportunities; and

Assisting in the recruitment of gays, lesbians, and bisexuals and keeping abreast of personnel-related matters affecting them.

Mr. President, I ask unanimous consent that a copy of the Federal EEO Update newsletter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. I thank the Chair.

Now, then, Mr. President, as of the close of business yesterday, Monday, July 18, the total Federal debt stood at $4,624,283,138,985.72. Now with this Draconian debt, which, by the way, averages out to be $17,737.20 for every man, woman, and child in America, the question is this: Should the U.S. Senate sit idly by and allow the spending of the American taxpayers' money on a gay, lesbian, and bisexual program manager paid $52,000 a year?

That is the expense for his salary. Think of all of his staff, all of his travel, all of his telephones and all the rest of his expenses, and you have an enormous waste—and I use the word advisedly—waste of the taxpayers' money.

Mr. President, I believe that not many Senators have even heard of, let alone seen, a memorandum dated March 25 of this year from a man named Wardell C. Townsend, Jr. Mr. Townsend is Assistant Secretary for Administration at the USDA. This memorandum grants official status to the GLOBE organization. Now GLOBE stands for, guess what? Gay, Lesbian, and Bisexual Employee organization.

The purpose of this GLOBE organization, according to the memorandum, is to: Promote understanding of issues affecting gay, lesbian, and bisexual employees in the USDA;

Serve as a resource group to the Secretary of Agriculture on issues of concern to gays, lesbians, and bisexual employees, and

Work for the creation of a diverse work force that assures respect and civil rights for gay, lesbian, and bisexual employees.

Now, this is in the memorandum.

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

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

(See exhibit 3.)

Mr. HELMS. Mr. President, formal recognition of this homosexual group allows its members to use USDA office space for their meetings, to use interoffice and electronic mail, and to have input in policy discussions.

Insofar as I have been able to determine, Mr. President, the USDA is the first Federal agency to recognize a GLOBE chapter as an officially chartered employee organization. And the Department of Agriculture boasts about it. According to an article in the Washington Times on July 4 of this year—just a few weeks ago—an official USDA memorandum, dated June 22, reads as follows:

To All Employees, Cotton Division: I would like to inform you of the creation of the USDA Gay, Lesbian, and Bisexual Employees (GLOBE) organization * * * I am confident that all Cotton Division employees will remain committed to a workplace that exemplifies Secretary Espy's * * * EEO and Civil Rights statements.

Let me say, Mr. President, that I do not know what Secretary Espy has to say about all of this. I wrote to him some time back. I do not have a copy of my letter here today. It was a friendly letter, suggesting that he take a look at what was being done in his name. Now, he may be doing it himself.

But, do you know something? I have not even had the courtesy of a response from Secretary Espy. And I am a former chairman of the Senate Agriculture Committee, and I have been on the committee nearly as long as anybody else. I think BOB DOLE outranks me in tenure, but nobody else does.

But the Secretary of Agriculture is just too busy when somebody asks him a question about what he is doing about a bunch of perverts at the U.S. Department of Agriculture.

Somewhat earlier, Mr. President, I mentioned a news article reporting that "Top [USDA] executives pledged to hold 'sensitivity training' * * * and punish those who don't toe the line."

Now what have we gotten to in this country, in this Government?

Anyone doubting that the USDA intends to punish those who fail to "toe the line" with respect to the Department's embrace of the homosexual agenda should talk with, as I have, Dr. Karl Mertz, who, until March 28 of this year, was an Equal Employment Opportunity manager for the 10-State Southeastern Region of the Agricultural Research Services headquartered in Athens, GA.

While on annual leave earlier in March, Dr. Mertz was asked by a television station, WLOX-TV in Biloxi, MS, about a proposal being floated

within the Agriculture Department to provide same-sex partners of homosexual employees within the USDA with the same taxpayer-paid benefits provided the spouses of legally married heterosexual employees.

After making it very clear that he was expressing his personal views as a Christian—and not those of the Department's—Dr. Mertz made this comment:

We need to be moving toward Camelot, not Sodom and Gomorrah, and I'm afraid that's where our leadership is trying to take us.

He was asked the question by a reporter for the Biloxi, MS, television station, and he answered it honestly. He was on leave at the time he appeared on television. He did not volunteer to go to the television station; rather he was interviewed by a television reporter.

What do you think happened?

Later that evening, after flying back to Atlanta, Dr. Mertz received a call at home from a USDA bureaucrat in Washington, DC, who told him that the Department had already been informed—by homosexual activists—about Dr. Mertz' comments. Dr. Mertz heard nothing further until March 28, when he was summoned by Mary Carter, Director of the Southeastern Region of the Agricultural Research Service.

Without asking for Dr. Mertz' side of the story, Mary Carter handed him a memorandum informing him of his transfer from his job—a job which the Department admits he had performed commendably for 7 years.

Any Senator with questions about Dr. Mertz' exemplary performance should review the USDA performance appraisals signed by the very supervisor who put him on rollers, Korona Prince, a copy of which I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. HELMS. Mr. President, it was this same Korona Prince who signed the memorandum informing Dr. Mertz of his reassignment to another position. While the memo claimed Dr. Mertz had a right as a private citizen to express his opinions, the Department's actions proved otherwise. Here is what she wrote:

You have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment.

However, and this ought to be drilled into the consciousness of every U.S. Senator, the acceptance and promotion of the homosexual's agenda is not written in law, nor has the USDA policy favoring homosexuals been approved by the Senate.

I understand, and I hope it is correct, that Dr. Mertz has not yet had a salary cut. But, he was stripped of his title, stripped of his staff, and given a job outside the area of expertise he has developed throughout his professional career. And the USDA, time and time again, had commended him for his great work. And his big sin, his cardinal sin, was to answer a question honestly and say something to the effect that instead of heading for Sodom and Gomorrah, we ought to reach for Camelot.

I ask unanimous consent that a memorandum from Korona Prince to Karl Mertz dated March 25, 1994, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 5.)

Mr. HELMS. Mr. President, it is increasingly apparent that the Department of Agriculture has unilaterally adopted a policy to treat homosexuals as a class protected under title VII of the Civil Rights Act of 1964—which of course, they are not. In his EEO and Civil Rights Policy statement dated April 15, 1993, Secretary Mike Espy wrote:

Our actions will be directed towards positive accomplishments in the Department's efforts to attain a diverse workforce, ensure equal opportunity, respect civil rights, and create a work environment free of discrimination and harassment based on gender or sexual orientation.

It's ironic that Secretary Espy also stated in his Civil Rights Policy statement that "there is no room for management by discrimination, reprisal, or fear in the new USDA and such activities will not be tolerated." Obviously, as Dr. Mertz' case proves, this policy is a one-way street and does not apply to those who dare to question USDA's newly created protected class, namely the homosexuals and the lesbians. Whatever, one wonders, happened to the first amendment down at the U.S. Department of Agriculture?

Mr. President, the question before the Senate in all of this is: Is not the primary mandate of the Department of Agriculture—as outlined in the U.S. Government Manual—to improve and maintain farm income, to develop and expand markets abroad for agricultural products, and help curb and cure poverty, hunger, and malnutrition? Are these not the purposes for which the $67.98 billion in this appropriations bill should go—and not for promoting the homosexual agenda, not for holding sensitivity training sessions for bureaucrats, not for funding homosexual program managers, and not for establishing official homosexual employee organizations.

I shall insist on a rollcall vote because every American is entitled to know where his or her Senators stand at the crossroad of twisted values. Either Senators will waste the taxpayers' money and bow down to the wishes of the homosexual lobby or Senators will stand up and be counted for decency and morality in the Federal Government by telling the Secretary of Agriculture to back up, and take a look at what he has already done.

EXHIBIT 1

[From the Wall Street Journal, Apr. 27, 1994]

A DIFFERENT KIND OF WHISTLE-BLOWER

(By Max Boot)

Karl Mertz is a whistle-blower. But unlike most members of that species, he's not exposing sexual harassment on the job or military contractors who overbill the government. He's blowing the whistle on a less publicized kind of fraud: the promise that affirmative action policies will result in a more "just" society.

Mr. Mertz has seen how such policies operate from the inside. Since 1987, he's been a senior Equal Employment Opportunity manager at the Agriculture Department in Atlanta, a commissar in the battle against racism, sexism and other "isms." Before that, he performed similar jobs for the Labor Department and the Army. It's a calling for which he has impeccable credentials: After getting a Vanderbilt doctorate, he went to work as a Methodist pastor in Mississippi and promptly got in trouble with the locals for preaching racial tolerance.

Like most Americans, Mr. Mertz is dedicated to "equal opportunity" for all, no matter what race, creed or sex. But he quickly found that those rules don't apply to white males like himself. When he's applied for numerous EEO jobs at other federal agencies since 1984, he's been turned down cold. At the Internal Revenue Service, he got top scores on his exam but didn't even land a job interview; all eight finalists were black females. Mr. Mertz tried pursuing a job-discrimination claim against the government, but when that proved fruitless he decided to express his frustration on CNN.

On the program, aired Feb. 20, Mr. Mertz declared: "People in the '60s set up a big policy machine and said we're going to try and open up doors for people who have been wrongly excluded from society, and then they put the machine in gear, and kind of turned their backs on it. Now it's rumbling across the landscape doing pretty much what it wants."

Mr. Mertz tells some hair-raising stories about what the machine is doing. Agriculture Department managers hire "twofers" (say, a black female) or "threefers" (say, a disabled Hispanic female) in order to get a bonus for meeting affirmative action quotas. Postdoctoral fellowships are funded for one year if the recipient is a white male, two years if he (or, more likely, she) is a minority. And—get this—a new training program at the department, designed to build self-esteem, is open only to senior African-American male managers. "These people are already in senior positions!" Mr. Mertz exclaims. "Why spend taxpayers' money to boost their self-esteem?"

Mr. Mertz has had to live with such programs for a while. What he wasn't prepared for was Agriculture Secretary Mike Espy's gay-rights agenda, part of the Clintonites' kowtowing to a key group.

At a Washington meeting of the department's affirmative-action administrators on Feb. 25, Mr. Mertz listened to a report by the head of the department's gay employees group. An outline distributed by the gay activist during her presentation states: "Until our relationships are recognized and respected and benefits are available to our partners and families, we are not full members of Team USDA." Top executives pledged

to hold "sensitivity training" to spread this message among the ranks, and to punish those who don't toe the line.

In other words, homosexual employees aren't just asking to be left alone—Mr. Mertz is in favor of that. They want other employees to actively approve of their lifestyle. And Mr. Espy is backing the gay-rights agenda with taxpayer-funded indoctrination courses for the department's workers. "I was pushed as far as I could go," Mr. Mertz says.

A week later, on March 4, Mr. Mertz attended a departmental conference in Biloxi, Miss. Afterward, a local TV reporter asked him to comment on the gay-rights policy. After making clear that he was voicing his own views, not the department's, the Christian expressed his disapproval of homosexuality and said that the Agriculture Department should be headed "toward Camelot, not Sodom and Gomorrah."

When he got home to Atlanta later that night, Mr. Mertz received a phone call from a Washington-based Agriculture Department bureaucrat who said he had heard about the TV interview from gay activists. Then silence—until March 28, when Mr. Mertz was summoned into the office of Mary Carter, South Atlantic area director of the department's Agriculture Research Service.

Without waiting to hear his side of the story, Ms. Carter handed him a memorandum announcing that his TV interview "reflect[s] a disagreement with Departmental Civil Rights Policy, which could seriously undermine your ability to perform your responsibilities." Then without hint of due process, he was transferred, effective immediately, to a newly created job dealing with something called "work force forecasting."

Ms. Carter insists that the reassignment "isn't punishment," but try telling that to Mr. Mertz. "I've been stripped of a title, stripped of support staff, stripped of working in the field of my expertise," he complains.

The truly noxious part of this is that Mr. Mertz is being punished for exercising his First Amendment rights, not—as the memo claims—failing to do his job, in a telephone interview, Ms. Carter couldn't name a single instance when Mr. Mertz had failed to enforce department policy for homosexuals or anyone else. In fact, Mr. Mertz's evaluation forms gave him high marks in every category, including "support EEO and Civil Rights Programs."

Given what's happened, it's a bitter irony that Mr. Espy's statement on civil rights policy says: "I am especially concerned about allegations of a 'culture of reprisal' at USDA." The secretary was writing about reprisals for filing affirmative action complaints, but that concern is equally pertinent here.

Mr. Mertz is appealing for help from those who traditionally champion the cause of whistle-blowers, ranging from the federal Office of Special Counsel to "60 Minutes" to various government-watchdog groups. It will be interesting—and highly telling—to see what support he gets.

EXHIBIT 2

[From the Federal EEO Update, June 1994]

USDA GLOBE OFFICIALLY CHARTERED

The USDA has taken strides to ensure the equal treatment of all groups. First by recognizing GLOBE (Gay, Lesbian, or Bisexual Employees), then by amending EEO complaint process, and issuing an EEO policy statement.

USDA GLOBE, on March 25, 1994, became the first chapter of GLOBE to become an officially chartered employee organization. With this approval, USDA GLOBE can exercise all of the rights and responsibilities of other officially sanctioned employee organizations.

The Formal EEO Complaint System now covers "individual complaints of discrimination based on race, color, religion, sex, national origin, age, if over 40, physical, or mental disability, marital status, sexual orientation, and reprisal for EEO related activity."

The EEO and Civil Rights Policy Statement issued by USDA Secretary Mike Epsy includes in the statement that the Department will act to "create a work environment free of discrimination and harassment based on gender or sexual orientation."

To complement these formal assertions of equal treatment for all, the USDA's Foreign Agricultural Service created a new Special Emphasis Program Manager position—Gay, Lesbian, and Bisexual Program Manager, held by Jim Patterson.

Some of the responsibilities include:

Promoting the Gay, Lesbian, and Bisexual (hereafter GLB) Employment Program and developing and disseminating information on employment matters

Analyzing workforce data and informing managers of the status of GLB's employment

Informing employees of training and promotional opportunities

Assisting in the recruitment of GLBs and keeping abreast of personnel related matters affecting them

EXHIBIT 3

DEPARTMENT OF AGRICULTURE,
Washington, DC, March 25, 1994.

Subject: Establishment of USDA GLOBE

To: Pat Browne, Spokesperson, USDA GLOBE

In keeping with the Secretary's April 15, 1993, EEO and Civil Rights Policy Statement, I am pleased to officially sanction the creation of USDA GLOBE by approving the attached bylaws. With this approval, USDA GLOBE will exercise all of the rights and responsibilities of other officially sanctioned organizations.

WARDELL C. TOWNSEND, Jr.
Assistant Secretary for Administration.

Attachment.

U.S. DEPARTMENT OF AGRICULTURE GAY, LESBIAN, AND BISEXUAL EMPLOYEE ORGANIZATION (USDA GLOBE)

BYLAWS

Mission Statement.

The mission of the U.S. Department of Agriculture Gay, Lesbian, and Bisexual Employee Organization is to create a work environment free of discrimination and harassment based on sexual orientation.

I. (name of the organization)

II. Purpose.

The purpose of USDA GLOBE is to:

A. Promote understanding of issues affecting gay, lesbian and bisexual employees in USDA.

B. Support the USDA policy of nondiscrimination based on sexual orientation.

C. Provide outreach to the gay, lesbian and bisexual employees in the Department.

D. Serve as a resource group to the Secretary on issues of concern to gay, lesbian and bisexual employees.

E. Work for the creation of [a] diverse work force that assures respect and civil rights for gay, lesbian and bisexual employees.

F. Create a forum for the concerns of the gay, lesbian and bisexual community in the Department.

(Followed by sections on meetings, dues, government, officers & election process, duties of the officers, filling vacant positions, voting, forming committees, forming chapters in field locations, and amendments. The bylaws are also signed by Wardell C. Townsend, Jr.)

EXHIBIT 4

SUPERVISORY APPRAISAL OF DEMONSTRATED PERFORMANCE OR POTENTIAL

Position: Equal Employment Manager, GM-260-14.

Name of applicant: Dr. Karl Mertz.

SECTION 1—DEMONSTRATED PERFORMANCE OR POTENTIAL RATING

1. Managerial and technical EEO knowledge (and skills sufficient to plan, organize, direct, staff and evaluate an equal employment opportunity program): Exceptional.

2. Ability to communicate in writing: Exceptional.

3. Ability to communicate orally: Exceptional.

4. Skill in fact finding, analysis and problem resolution: Exceptional.

5. Knowledge of statistical and reporting techniques (in order to develop profiles, prepares reports, analyze needs, determine effectiveness): Above averages.

SECTION II—NARRATIVE STATEMENT

1. Graduate school and extensive government training in EEO/AA and management have been evident in the regulatorily correct and innovative programs designed and administered by the incumbent.

2. Written work is timely, exacting and thorough, probably due to training as a college newspaper editor, and previous government experience writing EEO audit reports and proposed disposition of complaints.

3. A forceful and thought provoking speaker, with related "A" work in college and grad school, who has won several professional association elections, and made numerous regional and national speeches.

4. A.E.P.P.s and Accomplishment Reports/Updates have been through and well received by E.E.O.C. and internal reports have been accurate, thorough and well reasoned.

5. Incumbent has gone beyond report requirements, producing same on potential adverse impact, participation rates in awards, etc., and representation levels in special programs.

Appraiser's signature: K. Prince.

Employees signatures: Karl Mertz.

PERFORMANCE APPRAISAL OF K.C. MERTZ

INSTRUCTIONS

Blocks 1 through 10, completed by NFC, should be reviewed and, if necessary, corrected.

Block 11. Enter funding unit number.

Block 14. Enter brief description of performance elements.

Block 15A. Check performance elements identified as critical.

Blocks 15B. 15C, 15D. Rate actual performance by entering 2 for critical elements and 1 for non-critical elements in appropriate column.

Blocks 15E, 15F, 15G. Enter total of each column.

Block 15H. Enter total from 15E, 15F and 15G.

Block 16A. Check off the correct summary rating described in decision table (16B)

Blocks 17 through 22. Self-explanatory.

14—Performance elements	15A—Critical element	15B—Exceeds fully successful	15C—Meets fully successful	15D—Does not meet fully successful
1. Affirmative Employment Program Management	X	2		
2. Special Emphasis Program Management		1		
3. Research Apprenticeship & Summer Intern Prog. Mgmt.			1	
4. Technical Advice & Assistance	X	2		
5. Reporting Requirements/Special Projects		1		
6. Supervision & Human Resource Management		1		
7. Supports EEO & Civil Rights Programs	X	2		
Total		9	1	

Summary Rating: Superior.

Supervisor's Signature: Korona I. Prince.

EXHIBIT 5

OFFICE OF THE ADMINISTRATOR,
U.S. DEPARTMENT OF AGRICULTURE,
Washington, DC, March 25, 1994.

Subject: Reassignment from the EEO Staff.

To: Karl C. Mertz, EEO Manager, South Atlantic Area.

From: Korona I. Prince, Director, EEO Staff.

As you are no doubt aware, some of your recent activities have caused quite a bit of concern at the Department of Agriculture. *Your statements* in the interview that occurred on March 4 reflect a disagreement with Departmental Civil Rights Policy, which could seriously undermine your ability to perform your responsibilities for the agency in your current assignment. As a private citizen you have every right to express your opinions freely, and we have no intention of doing anything to compromise your rights or the rights of any other employee. However, you must recognize the fact that in publicly disagreeing with an admittedly controversial position of the Departmental leadership, you have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment. *It is, therefore, necessary that you be reassigned to another position.*

One of the areas identified by the ARS Human Resources Management Task Group for action was the development of a work force forecasting system. This is critical for the strategic management of human resources, which, in turn, is critical to our continued success. Dr. Mary Carter has long been an active proponent of this initiative. Consequently, the agency has identified a position to be located on the staff of the Director of the South Atlantic Area to develop and implement an Agency wide work force forecasting system. You are assigned to this position effective March 28, 1994. There will be no impact on your grade or pay. This also provides an opportunity for you to use your expertise to provide an important service for the Agency's long term success.

Dr. Carter and Dr. James Hilton, who will be your immediate supervisor will work with you in developing the details of your new assignment.

Mr. HELMS. 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. HELMS. I thank the Chair and yield the floor.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. 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. 2309, AS MODIFIED

Mr. HELMS. Madam President, the distinguished manager of the bill, Mr. BUMPERS, has suggested that there may be some ambiguity in the mind of some Senator reading this amendment who may arrive at the mistaken understanding that this amendment outlaws funds for any seminar on any program.

I must say, I believe the amendment, as written, fairly states the proposition it does not preclude the use of funds to promote or carry out various seminars or programs, rather, only those relating to homosexuals. But just to remove any ambiguity that might be in some Senator's mind before voting, I have a modification which Senator BUMPERS and I have agreed upon.

I ask unanimous consent that the amendment be modified, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Without objection, it is so ordered. The amendment is so modified.

The amendment, with its modification, is as follows:

At the appropriate place, insert the following new section:

SEC. . ENDING THE USE OF TAXPAYER FUNDS TO ENCOURAGE EMPLOYEES TO ACCEPT HOMOSEXUALITY AS A LEGITIMATE OR NORMAL LIFESTYLE.

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose, either of which is to compel, instruct, encourage, urge or persuade departmental employees or officials to—

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I just want to make an additional comment to clarify the purpose of the modification. I want to thank the Senator very much for accommodating my concern on this.

The amendment read as follows:

None of the funds made available under this act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture . . .

If you just read that, it would look as though the Senator was trying to stop any seminar for any purpose, whether the purpose is improving people's job skills or anything else. Obviously that was not his intention.

The next word is:

. . . or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the department;

And the Senator told me his sole purpose with this amendment was to say none of the funds herein may be used to hold seminars or programs, the purpose of which is to compel, instruct or urge departmental employees to recruit people on the basis of sexual orientation.

With that, I think that makes the purpose of his amendment crystal clear. I am prepared to vote on it.

Mr. HELMS. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. HELMS. Madam President, if I may, let me ask the clerk if the modification reads as follows:

None of the funds made available under this act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose, either of which is to compel * * *

And so forth. Is that the way the modification reads?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. I thank the Senator from Arkansas.

Mr. BUMPERS. Now, Madam President, unless there are Senators who wish to speak on either the Bradley amendment or the Helms amendment, I see no reason why we cannot have back-to-back votes on those two. And before I ask unanimous consent, let me suggest that the second vote be for 10 minutes. Does the Senator have any objection to that?

Mr. HELMS. None.

Mr. BUMPERS. Madam President, I ask unanimous consent that pursuant to a motion to table, by myself and the Senator from Mississippi, the Bradley amendment, that upon the completion of that vote, we proceed immediately to a vote without any intervening business on the amendment of the Senator from North Carolina.

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

Mr. BUMPERS. Madam President, I move to table the Bradley amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—50

Akaka	Dorgan	Kempthorne
Baucus	Durenberger	Kerrey
Biden	Faircloth	Lott
Bond	Ford	Mack
Boxer	Graham	McConnell
Breaux	Gramm	Mikulski
Bumpers	Grassley	Murkowski
Burns	Harkin	Murray
Byrd	Hatch	Pressler
Cochran	Hatfield	Pryor
Conrad	Heflin	Rockefeller
Craig	Helms	Sarbanes
D'Amato	Hollings	Shelby
Daschle	Hutchison	Simpson
DeConcini	Inouye	Stevens
Dole	Johnston	Thurmond
Domenici	Kassebaum	

NAYS—50

Bennett	Gorton	Nickles
Bingaman	Gregg	Nunn
Boren	Jeffords	Packwood
Bradley	Kennedy	Pell
Brown	Kerry	Reid
Bryan	Kohl	Riegle
Campbell	Lautenberg	Robb
Chafee	Leahy	Roth
Coats	Levin	Sasser
Cohen	Lieberman	Simon
Coverdell	Lugar	Smith
Danforth	Mathews	Specter
Dodd	McCain	Wallop
Exon	Metzenbaum	Warner
Feingold	Mitchell	Wellstone
Feinstein	Moseley-Braun	Wofford
Glenn	Moynihan	

So the motion to table the amendment (No. 2308) was rejected.

VOTE ON AMENDMENT NO. 2308

Mr. BUMPERS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that the rollcall vote on this amendment be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New Jersey.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—46

Bingaman	Coats	Feingold
Bradley	Cohen	Glenn
Brown	Danforth	Gregg
Bryan	Dodd	Helms
Chafee	Exon	Jeffords
Kennedy	Metzenbaum	Roth
Kerrey	Mitchell	Sasser
Kerry	Moseley-Braun	Simon
Kohl	Murkowski	Smith
Lautenberg	Nickles	Specter
Leahy	Nunn	Wallop
Levin	Packwood	Warner
Lieberman	Pell	Wellstone
Lugar	Reid	Wofford
Mathews	Riegle	
McCain	Robb	

NAYS—54

Akaka	DeConcini	Inouye
Baucus	Dole	Johnston
Bennett	Domenici	Kassebaum
Biden	Dorgan	Kempthorne
Bond	Durenberger	Lott
Boren	Faircloth	Mack
Boxer	Feinstein	McConnell
Breaux	Ford	Mikulski
Bumpers	Gorton	Moynihan
Burns	Graham	Murray
Byrd	Gramm	Pressler
Campbell	Grassley	Pryor
Cochran	Harkin	Rockefeller
Conrad	Hatch	Sarbanes
Coverdell	Hatfield	Shelby
Craig	Heflin	Simpson
D'Amato	Hollings	Stevens
Daschle	Hutchison	Thurmond

So the amendment (S. 2308) was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2309, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to the Helms amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—92

Akaka	Exon	Mack
Baucus	Faircloth	Mathews
Bennett	Feinstein	McCain
Biden	Ford	McConnell
Bingaman	Glenn	Metzenbaum
Bond	Gorton	Mikulski
Boren	Graham	Mitchell
Bradley	Gramm	Moseley-Braun
Breaux	Grassley	Murkowski
Brown	Gregg	Nickles
Bryan	Harkin	Nunn
Bumpers	Hatch	Pressler
Burns	Hatfield	Pryor
Byrd	Heflin	Reid
Campbell	Helms	Riegle
Chafee	Hollings	Robb
Coats	Hutchison	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Sasser
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dodd	Leahy	Thurmond
Dole	Levin	Wallop
Domenici	Lieberman	Warner
Dorgan	Lott	Wofford
Durenberger	Lugar	

NAYS—8

Boxer	Moynihan	Pell
Feingold	Murray	Wellstone
Kennedy	Packwood	

So the amendment (No. 2309), as modified, was agreed to.

TEFAP FUNDING FOR AGRICULTURE APPROPRIATIONS

Mr. LEAHY. Mr. President, I will not be offering an amendment today regardinf the subcommittee's decision to cut TEFAP food purchases to zero, but I am very concerned with this decision.

As a subcommittee chairman myself, I am quite mindful of the tight fiscal constraints placed upon the Subcommittee on Agriculture Appropriations. However, to cut funding for TEFAP at a time when record numbers of Americans are applying for food stamps and when our Nation's food banks are being forced to turn away the hungry because they cannot meet the demand, is unfair.

TEFAP is the first and last line of defense against the growing problem of hunger in America.

Children account for 45 percent of food pantry clients. More than 27 million Americans relied on emergency food assistance last year. Without food purchases for this program, I am afraid many food sites will cease to exist. Many food banks will close, especially those in the rural areas.

Food stamps alone cannot fight hunger nor will food stamps be able to fill the void created by the loss of these commodities. A recent study by Second Harvest, the Nation's largest network of food banks, reported that 82 percent of food stamp recipients run out of food before their next food stamp allotment. In short, TEFAP fills the hunger gap.

When natural disasters struck in Florida, California, and the Midwest, TEFAP played a major role in feeding the victims. Whether by flood, earthquake, or hurricane, when disaster victims were cold and scared, after they had lost their homes and businesses the emergency food provided by TEFAP kept the victims from going hungry. Readily available food stocks combined with the distribution network which TEFAP has in place has made the difference in people's lives.

Mr. President, I am aware of the tight budgetary decisions which all of us in this chamber must face, but cutting TEFAP at this time is unacceptable. I hope the Senate conferees will be mindful of the plight of millions of hungry Americans and agree to the House funding level of $80 million.

Mr. MURKOWSKI. Mr. President, I rise today on behalf of the Food Bank of Alaska and 5,600 needy Alaskan families that depend upon The Emergency Food Assistance Program [TEFAP] as a reliable source of nutrition, to urge Chairman BUMPERS and the other conferees to support the House figures of

$40 million for administrative costs and $40 million for commodity purchases.

TEFAP, a Federal commodity food distribution program, was established in 1981 to both provide food to the rising number of people not receiving adequate nutrition from other sources and to reduce the large stocks of surplus accumulated through the USDA price support system. This successful Federal program efficiently distributes large amounts of staple food items to low-income people through the assistance of local food banks. Due to its success, Congress has continued to reauthorize TEFAP and support funds to purchase foods as the original surpluses declined. With this kind of purchasing power, the Government is able to buy staple goods in cost-savings bulk quantities that far surpass the ability of a family with an income 150 percent below the poverty level.

In Alaska, most TEFAP recipients are children, elderly, and members of the working poor. Participating families have an income below 150 percent of the Federal poverty level. TEFAP commodities supplement monthly family budgets without attaching the welfare stigma and help to relieve families from having to make the choice of whether to "heat or eat."

During the disaster relief efforts following the January 17 earthquake in Los Angeles, TEFAP distributed nearly 900,000 pounds of food quickly and efficiently within a few days. When natural disasters hinder access to food markets, cash, and food stamps are not useful, while the real food items provided by TEFAP are critical.

I encourage Chairman BUMPERS and the conferees to support the House figures of $40 million for TEFAP administration and $40 million for TEFAP commodity purchases. Local organizations have reached out in every way to provide hungry families with nutritious food sources at times when their budgets are tight. Without assistance from TEFAP in each of our States, hunger levels will rise and poor nutrition will cause schoolchildren to suffer during the important development years and health care costs to rise.

Mr. CRAIG. Mr. President, I rise in support of H.R. 4554, the fiscal year 1995 Agriculture Appropriations Act. I commend the committee for doing a thoughtful and responsible job in assessing individual programs and promoting productive national policies.

The committee product before us addresses important needs at both the regional and national levels. Given current budget constraints, this is a difficult task. The bill would appropriate $3 billion less than the committee recommended in last year's bill, $4 billion less than what was finally appropriated in all of fiscal year 1994, and almost $450 million less than the President's budget. This legislation does a good job of doing more with less.

With the discretionary spending caps now in place, one portion of Federal spending—discretionary appropriations—is feeling the effects of an increase in discipline. That's good for the economy and will, I believe, force some necessary reevaluation of Federal programs. And no category of Federal spending has taken a greater hit in recent years than the agricultural sector. It's past time to make sure that the scrutiny and budget discipline applied to agriculture up to now be expanded to other areas, including, especially, entitlements.

Individual projects and regional programs often have a beneficial application or impact at the national level. We should remember that fact in assessing their worth and apply that as a threshold test in our funding decisions. I believe the bill before us reflects exactly that approach.

Every bill can be improved or damaged in conference. I look forward to continuing to work with my colleagues to find those few areas in which this bill could be made even better, to protect the sound policy decisions embodied in this bill from attack by the other body, and to economize on Federal spending wherever possible.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senators REID and BRYAN.

Mr. BROWN. Will the Senator yield? My understanding is my amendment was to be the next in order. I do not want to interfere with the Senator's plans.

Mr. REID. I have been here all day, off and on. I do not know whose understanding that was.

Mr. BUMPERS. Mr. President, I do not enjoy refereeing fights like this, but let me just say that the rule is—I regret if there was a misunderstanding—the rule is whoever is recognized first. I think Senator BROWN obviously has been here all day and so has Senator REID been here all day. I think that the Reid amendment is probably going to be accepted. So that will alleviate some pain on this side.

But let me say also before we even get into that, I think once we dispose of the Reid amendment and go to the Brown amendment, it is going to be a fairly long evening after that. What I would like to do is to let the Senator—could the Senator accept a time agreement at this point?

Mr. REID. I would be happy to.

Mr. BUMPERS. Fifteen minutes?

Mr. REID. I have about 15 minutes I would like to speak.

Mr. BUMPERS. You would like 15 minutes?

Mr. REID. Yes, although I have to be candid with my friend from Arkansas, if the chairman of the subcommittee is willing to accept the amendment, I can reduce my remarks to 10 minutes.

I will say through the Chair to my friend from Arkansas, if the two managers are going to accept the amendment, I can reduce my time to 10 minutes.

Mr. BUMPERS. Why do we not just solve this by starting the debate and letting the distinguished Senator from Mississippi and I look at the amendment and see whether or not we can accept it. If we can, we will interrupt you at a proper time and tell you the answer is yes.

Mr. REID. I also say to my friend from Colorado, one reason that I worked very hard to get the floor is what we do on an informal basis here is go from side to side, and the last amendment had been offered by my friend from North Carolina.

Mr. BUMPERS. Mr. President, my personal preference is not to do that side-to-side thing. I know that has been done a lot around here. I prefer to use the rule of the Senate, whoever gets recognized first. I do my very best to make certain that the Republican side is not discriminated against; if they have two in a row, that is fine with me. I would rather not, at this point, go side to side.

AMENDMENT NO. 2310

(Purpose: To provide that none of the funds made available in this act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair informs the senior Senator from Nevada that there is a pending amendment.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 2310.

Mr. REID. 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 appropriate place, insert the following:

SEC. . (a) None of the funds made available in this Act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States.

(b) In no case may a Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, sexual orientation, national origin, citizenship status or form of lawful immigration status.

(c) For purposes of this section, the term "Federal benefit or assistance" does not include search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision on an emergency basis of food, water, medicine, and other essential needs including movement of supplies or persons; reduction of immediate threats to life, property and public health and safety; and programs funded under title IV of this Act.

Mr. REID. Mr. President, I have an amendment that requires the Federal authorities responsible for distributing the benefits under the act to take reasonable action to determine whether the recipient is in a lawful immigration status in the United States. It is a short, simple, and commonsense amendment, and it is one this body has supported in earlier appropriations measures.

All my amendment says is that the Federal authority responsible for distributing the funds made available under this act must take reasonable action to ensure the money goes to those individuals lawfully within the United States.

I add also, Mr. President, that this amendment, with respect to programs that are aimed at benefiting children or those programs providing emergency types of assistance, does not apply. So the amendment that is at the desk offered on behalf of the two Senators from Nevada, I repeat, does not prohibit children from receiving these benefits even though these children, for some reason, may not be lawfully within the country. The programs that provide emergency types of aid or assistance are also not prohibited under this act.

Some may ask why an amendment like this is needed as part of a bill dealing with agricultural appropriations. I ask that those who question the relevancy of this amendment look carefully at the existing Federal law with respect to receipt of benefits, and then look at some of the programs provided in this bill.

Some may argue that there are already laws on the books that dictate who is and who is not entitled to receive Federal benefits.

Mr. President, this simply is not the case. Yes, with respect to certain Federal entitlement programs, there exists laws governing eligibility, but these laws have been promulgated on a program-by-program basis. There are no uniform Federal regulations governing who is eligible to receive what benefits under which federally funded program.

In addition to the statutory inconsistency over who is entitled to receive Federal benefits, many individuals unlawfully within the country may gain access to these benefits by fraudulently claiming U.S. citizenship or because the administering agency fails to verify the resident status of the applicants.

The Department of Housing and Urban Development, for example, was required by the Immigration Reform Control Act to verify that all applicants for housing assistance are legal residents. But HUD has failed to approve regulations to implement this mandate, so those not legally within the country have access to housing assistance.

Let me be clear about what my amendment does not do. It does not establish a uniform Federal policy. It in no way applies to legal immigrants or others who have played by the rules and who are in this country lawfully. And it does not apply to the distribution of funds or essential benefits provided in title IV. Title IV covers many of the federally funded programs that go toward providing benefits for children.

I, in this amendment, want to exclude federally funded programs that benefit infants and children. It is simply unfair and only penalizes the child for the parent's action.

Is there a problem with illegal immigrants availing themselves of some of the programs? I believe that is the case, but as far as I am concerned, that is evidence of our failure to enact and enforce meaningful immigration laws that would curtail the flow of illegal immigration and prevent the fraudulent procurement of taxpayer-supported Federal entitlements.

Finally, my amendment does not apply to the distribution of any funds used for the purpose of providing emergency medical assistance. I think the same reasoning that applies to the distribution of benefits to children's programs should apply here. It is an issue of humanity, and no one in the United States should ever be denied medical assistance in an emergency.

So again let me repeat, this amendment simply says that to the extent that Federal funds are being made available, the authorities responsible for distributing these funds must take reasonable action to ensure that such Federal funds do not go to individuals unlawfully within the United States.

Who would support this kind of amendment? Well, when it was offered during earthquake relief efforts, this amendment was supported by Housing and Urban Development, the Federal Emergency Management Association, and the Small Business Administration. The two Senators from California, who have both done so much to reform our current immigration laws, also contributed significantly to the passage of the amendment. And in the end the amendment was accepted without even being put to a vote in this body.

I might also add, Mr. President, that this amendment has worked. It was successfully implemented, and those who legitimately applied for relief received their compensation in a timely manner. Federal funds so desperately needed by the victims of the California earthquake were not fraudulently misappropriated.

After it passed this body, we went to conference with the House, and we were able to work out basically the same language that is in this amendment, in the appropriations conference committee dealing with earthquake relief.

So why can we not do the same thing on this bill? Why can we not ask that Federal authorities do more to ensure that those people who play by the rules and are in this country lawfully be provided greater protection from fraud? In these times of tight budgetary restrictions, we ought to do more to ensure that the dollars we appropriate go to those who are legally entitled to receive them. So I respectfully suggest that the people we serve expect nothing less from us.

If we appropriate billions of dollars to Federal agencies, why can we not place a small burden on them requiring that they make sure the money goes to those who are lawfully within the country? There are those who are afraid to take any action to clarify and strengthen our existing immigration laws out of fear of being labeled anti-immigrant.

Mr. President, my father-in-law was born in Russia, my mother-in-law Lithuanian extraction, my grandmother English. I am very proud of my immigrant status. I believe this is a country of immigrants, and we should do everything we can to maintain our immigrant tradition. It is good for the country. But we must be more responsible in our policymaking.

They say we cannot do anything that could be characterized, even unfairly, as immigrant bashing. We should stay away from that. If there is a disagreement, you do not attack the individual. You attack the idea. This idea embodied in this amendment is that we ought to be more responsible about the way we distribute Federal funds.

The current laws are too open for abuse. There is not enough that is being done to protect the integrity of the system. This is evidenced by the proliferation of State lawsuits against the Federal Government seeking reimbursement for costs arising out of Federal inaction in the area of immigration reform. People may disagree about whether the Federal Government ought to reimburse the States for costs borne

by our failed policies, but no one disagrees that a problem exists and the Federal Government must step in to address it.

It is becoming clear that meaningful immigration reform will probably not take place this year in an overall sense. I spoke to the Senator from Wyoming this morning. He has been so involved in this, and served on the committee, and has legislation which goes by his name, and he still feels there is hope we can do something this year.

But even if we cannot, it does not mean that we have to ignore the issue entirely. To stand by idly and do nothing is a recipe for disaster. It only exacerbates and escalates what all agree is a realistic problem, and some say is a crisis.

According to the Immigration and Naturalization Service, millions of people are in the country unlawfully. The obvious relevance of this fact to the bill we are now considering is that millions and millions of people could attempt to avail themselves of these scarce dollars, and even, Mr. President, whether it is millions, hundreds of thousands, thousands, or hundreds, we should stop it.

What additional evidence is necessary before we take appropriate measures to address this problem? Is it going to require the bankrupting of States before we recognize this and do something to deal with it? I hope it does not.

This amendment is an opportunity for this body to say we recognize there is a problem and we are going to direct the Federal agencies we are charged with overseeing to take reasonable action to ensure that the money and benefits they distribute go to those who play by the rules. It is an opportunity for us to stand up and take the lead in this inherently Federal issue. Let us show the States that we recognize the problem and are willing to take measures to remedy the problem.

There may be some who argue that this is too great a burden to place on Federal agencies, that it is too costly and unworkable. These bureaucratic naysayers are missing the forest through the trees. There are laws on the books restricting eligibility of certain Federal funds. We are simply asking that they take reasonable steps to ensure that these laws are enforced. I believe that the people we represent understand this and would expect nothing less than our taking action to ensure that the laws we pass are upheld.

I believe that the amounts of money appropriated for some of these programs merit the requirements set out in this amendment. This bill appropriates $2.6 billion—in fact, more than that—in housing units. While this money is to be used for purposes of benefiting rural housing, it is not asking too much to require that Federal authorities responsible for its distribution take reasonable action to assure the money goes to individuals who are of lawful immigration status in the United States.

I respectfully suggest that there is too much at stake to do anything less. This amendment provides a moderate, minimum verification requirement.

This bill also contains the Rural Housing Insurance Fund. This fund may be used to ensure or guarantee rural housing loans, loans for purchasing new or existing rural homes, loans for modernizing or improving rural dwellings, loans for rural rental and cooperative housing, rural housing site loans, and mobile home park loans. There are billions of dollars here that should be administered fairly and promptly. So should not the Federal Government take reasonable action to determine whether the recipient is of lawful immigration status in the United States? The answer is clearly yes, and that is all this amendment does.

This bill appropriates over $100 million for emergency disaster loans. Why should we not ask Federal authorities charged with distributing these emergency disaster loans to take reasonable steps to ensure that the money goes to those people who are of lawful immigration status in the United States? This body overwhelmingly supported the same requirement during the earthquake relief efforts and it is only consistent we do the same here.

I would add that when I offered the amendment to the earthquake relief supplemental, people said, well, why are you only picking on California? This was not the case, of course. And I have always insisted that this type of amendment is germane and appropriate to any appropriations measure acted on by this body.

There is no need to recite the many other meritorious and valuable programs that will benefit people as a result of the appropriations bill we are going to pass. But I believe the point is that the money should go to those people who are lawfully within the country.

In this bill, there is a tremendous amount of money to be made available for millions of people and thousands of business entities, and as we are all aware these dollars are very hard to come by. I do not think there is a Member of this body who would argue that individuals who are in this country unlawfully ought to be entitled to receive any Federal benefits. Absent greater enforcement of the existing laws, absent some type of reasonable agency action to verify the legal immigration status of an applicant, it is likely that individuals who are in this country unlawfully will avail themselves of some of the Federal benefits made available under this bill. I ask my colleagues to join me in supporting this amendment that will prevent fraud and ensure that those who play by the rules are rewarded for doing so.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Nevada?

Mr. COCHRAN. Mr. President, it is my understanding that a Senator who is not in the Chamber wishes to speak on the amendment, and that he will be here momentarily. I know of no other Senators on this side of the aisle who desire to speak.

It is our understanding that the managers are prepared to recommend that the Senate accept this amendment. Pending the arrival and the confirmation of that in the Chamber by the distinguished Senator from Arkansas, if there is no one seeking recognition, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. COCHRAN. 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. SIMPSON. Mr. President, I rise in support of the amendment.

One of the issues that has become so very important to the general public during economically difficult times is that of providing publicly funded benefits to persons who are unlawfully in the country.

This amendment will require persons or agencies distributing federally funded benefits to make a reasonable effort to determine the lawful status of persons applying for the assistance.

Although it is intended to deny illegal aliens federally funded benefits, it will not deny them food, medicine or shelter, if required on an emergency basis.

We passed a similar amendment to improve the integrity of the earthquake relief supplemental appropriations bill in January, and for the same reasons we passed that measure, we should accept this amendment.

The PRESIDING OFFICER. Are there further amendments?

Mr. BUMPERS. Mr. President, we have no objection to the amendment by the Senator from Nevada.

Mr. COCHRAN. Mr. President, we recommend the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not the question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 2310) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I send an amendment to the desk which has been cleared on both sides.

The PRESIDING OFFICER. The Chair would inform the Senator from Arkansas that there is a pending amendment.

Mr. BUMPERS. I ask unanimous consent that the pending amendment be set aside temporarily so I may offer an amendment.

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

AMENDMENT NO. 2311

Mr. BUMPERS. Mr. President, I send an amendment to the desk, which has been cleared on both sides, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. COCHRAN, proposes an amendment numbered 2311.

Mr. BUMPERS. 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 56, line 19, strike "$198,000,000" and insert: "$297,000,000".

On page 57, line 3, strike "$40,000" and insert "$60,000".

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2311) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I see Senator BROWN. I want very much for him to be recognized. It would be handy to go ahead I think and recognize the Senator from Colorado. I will ask the Senator from Colorado if he would yield to me for a discussion of how many amendments we have remaining.

Mr. FORD. Mr. President, reserving the right to object, the Senator's amendment has a great deal of my interest, I say to the floor manager. I would not want to lose my right to the parliamentary procedure here by yielding back to the Senator from Arkansas to get back to the Senator from Colorado, and that would be a unanimous-consent agreement. I do not want to agree to that right now. I say that to my friend, unless he wants a quorum call. I will be glad to visit on that.

Mr. BUMPERS. Mr. President, I would like to have now the attention of my distinguished colleague and ranking member while we talk just a moment about what we have left to do here.

I am talking now about the amendments that are likely to require rollcall votes. Mr. President, I am not sure these amendments are in sufficient order to take up the time of the Senate to discuss them. But I will just mention a few of the amendments as I have them that are likely to require rollcall votes.

The first one is by Senator LAUTENBERG. If I could have the attention of the Senator from Kentucky, there is an amendment by Senator LAUTENBERG which would restore House language on tobacco research.

Mr. FORD. Mr. President, I say to the floor leader that I have been able to discuss this amendment with the distinguished Senator from New Jersey. He is fencing tobacco. But he is allowing us to continue research on alternate crops and other things. We have a colloquy which we would be willing to put into the RECORD. So I was able to sit down and to work it out with the Senator from New Jersey, and am more than willing to allow it to go through under those circumstances, I say to the floor manager.

Mr. BUMPERS. Mr. President, I understand the Senator from North Carolina has an additional amendment. I do not know what amendment it is. I do not know whether it is controversial nor whether it will require a rollcall vote.

There is an amendment by Senator HATCH which would curb the amount of money the FDA is using for cellular phones. I do not know whether Senator HATCH is going to offer that amendment or not.

There is another amendment by Senator MURKOWSKI which would raise the $50 million cap on the business and industrial loan program of the Farmers Home Administration which, if it is offered, might require a rollcall vote.

Then there is an amendment by the Senator from Georgia [Mr. COVERDELL], to advance efficiency payments to farmers in the areas that have been recently devastated by floods in Alabama, Georgia, Florida, and perhaps one other State.

There is an additional amendment by Senator COVERDELL. But I am not sure what it is.

Then I have on my list two amendments by Senator CONRAD—I understand those are no longer relevant.

Then there is an amendment by Senator DANFORTH, and all my note says is "grain." I do not know what that amendment is.

Then there is the amendment of the Senator from Colorado on tobacco.

Mr. President, I do not see all that much involved here in disposing of these amendments. It seems to me that we are likely to have about 5 amendments that are going to require rollcall votes. But the principal purpose of reading the list as I have them is to encourage any other Senators who have amendments, if it is not on this list, to let us know as quickly as possible because I am quite sure the majority leader is going to want to get an agreement as early as possible, possibly tonight or in the morning, to make this an exclusive list so we can finish this bill at the earliest possible time tomorrow.

Does the Senator from Mississippi wish to add anything, if I misstated anything on any of those amendments?

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, our Cloakroom has put out a request of all Republican Senators to let us know about amendments that they plan to offer to the bill. I can recite to the manager the list that this hotline produced of amendments by the following Senators:

Senators COVERDELL; COCHRAN; DOLE; DANFORTH; MURKOWSKI; BROWN, two amendments; MCCAIN; HATCH; HELMS, two amendments; MCCONNELL, two amendments; SPECTER, and GRAMM.

If any Senators on this side of the aisle plan to offer amendments that were not disclosed in this statement that I just made, I hope they will please let me know. But I do have that list that I can provide to the manager at this time.

Mr. BUMPERS. Mr. President, the list that the Senator from Mississippi just read is considerably greater and more comprehensive than I had anticipated. I see no point in pursuing this any further this evening. I do not think we can get an agreement on anything.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Heflin amendment.

Mr. BROWN. I ask unanimous consent to set aside the Heflin amendment.

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

Mr. BROWN. Mr. President, I call for the regular order, and I ask unanimous consent to move to the committee amendment on page 32, line 20.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN. Obviously, at some point the committee amendments will be before us——

The PRESIDING OFFICER. The Chair informs the Senator that the parliamentary status is, the Senator having called for the regular order—the business before the Senate is the first committee amendment in a series of committee amendments on page 10, line 24.

Mr. BROWN. Mr. President, obviously, any Member is within his rights to object to moving to another part in the committee amendments. Obviously, we will reach those at some point. So my sense is that if Members are unwilling to grant us permission to

move on to page 32, I assume we should go ahead and deal with the committee amendments prior to that at this point.

The PRESIDING OFFICER. The Chair informs the Senate that under the regular order, the amendment previously identified by the Chair is the first in the series of committee amendments to be considered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The first excepted committee amendment on page 10, line 24.

Mr. BUMPERS. Mr. President, I urge adoption of that amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the first excepted committee amendment on page 10, line 24.

The amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. BUMPERS. 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. 2312

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself and Senator COCHRAN and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would enquire of the Senator, does the Senator seek unanimous consent to set aside the pending committee amendment?

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside in order to offer this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, and I will not, I do not expect, but once this amendment is accepted, then we are back to where we are now before the Senator asked for the committee amendment to be set aside?

The PRESIDING OFFICER. If the agreement as outlined is agreed to, that will be the procedure.

Mr. FORD. I thank the Chair.

Mr. BUMPERS. I might advise the Senator from Kentucky, we have a series of about six amendments which have been cleared and agreed to. We will offer those seriatim.

Mr. FORD. That suits me fine. I do not want to slow up anything the Senator is trying to do. I am just trying to protect my own interests.

The PRESIDING OFFICER. Without objection, the unanimous consent request propounded by the Senator from Arkansas is agreed to.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. COCHRAN, proposes an amendment numbered 2312.

Mr. BUMPERS. 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 14, line 24, strike "$1,500,000" and insert in lieu thereof: "$4,350,000";

On page 16, line 3, strike "$420,233,000" and insert in lieu thereof: "$423,083,000"; and

On page 83, strike lines 6 through 16 and insert in lieu thereof:

"SEC. 724. No funds shall be available in fiscal year 1995 and thereafter for payments under the Act of August 30, 1890, and the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321 et seq.).

Mr. BUMPERS. Mr. President, this amendment is technical in nature. In current law, there is a permanent appropriation under the Morrill-Nelson Act of $2,850,000 for higher education in agriculture. The House prohibited the permanent appropriation and instead appropriated the $2,850,000 outright to the Challenge Grant Program within the bill. The approach is supported by the land grant and other institutions.

The purpose of this amendment is to make this approach permanent so that these funds will always be part of the annual appropriations bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2312) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be temporarily laid aside in order to offer an amendment.

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

AMENDMENT NO. 2313

(Purpose: Add funds for ARS building and facilities and CSRS buildings and facilities)

Mr. BUMPERS. Mr. President, I send an amendment to the desk, which has been cleared on both sides. The amendment is on behalf of Senators HOLLINGS, GRAMM of Texas, and MURRAY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. HOLLINGS, for himself, Mr. GRAMM, and Mrs. MURRAY, proposes an amendment numbered 2313.

Mr. BUMPERS. 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 12, line 23, strike "38,718,000" and insert: "$43,718,000".

On page 16, line 15, strike "59,836,000" and insert: "62,744,000".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2313) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside in order to offer an amendment.

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

AMENDMENT NO. 2314

(Purpose: To provide $1,726,000 for egg product inspection from appropriated funds rather than users fees)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself and Senator KERREY of Nebraska.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. KERREY, proposes an amendment numbered 2314.

Mr. BUMPERS. 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 23, line 1, strike "533,929,000" and insert "$533,094,000".

Mr. COCHRAN. Mr. President, let me state my support for this amendment. It deals with a situation that relates to a user fee issue which the committee feels should be corrected and we recommend the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2314) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of offering this amendment.

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

AMENDMENT NO. 2315

(Purpose: To provide additional funding for the Soil Conservation Service's Conservation Operations and funding for grants for accommodating medical and special dietary needs of children with disabilities)

Mr. COCHRAN. Mr. President, on behalf of the Senator from Kansas [Mr. DOLE], I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DOLE, proposes an amendment numbered 2315.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 34, line 17, strike "$582,141,000", and insert "$591,049,000".

On page 71, line 3, strike "$767,156,000", and insert "758,248,000".

On page 61, line 18, after the word "Institute", insert the following ": Provided further, That $859,000 shall be available to provide grants to states for non-recurring costs in providing for the special dietary needs of children with disabilities".

SOIL CONSERVATION

Mr. DOLE. Mr. President, my congratulations to the chairman and ranking member for putting together this appropriations bill. I know they worked hard in developing a bill which would receive widespread support. As I indicated earlier, one of my concerns with the bill is the funding reduction for the Soil Conservation Service Conservation operations budget. The committee reduced funding by nearly $9 million. In the scheme of things, this amount may seem small. However, when we take a look at the impact on America's farmers, the consequences are significant.

In the 1985 Food Security Act, Congress established the Conservation Reserve Program, the Highly Erodible Land Program and the Wetlands Conservation Program. These programs directed America's farmers to develop plans in an effort to conserve soil and water on America's farmland. The results of these efforts in my home State of Kansas alone have been 121,000 miles of terraces constructed, 160,000 acres of waterways installed, and 2.9 million acres of permanent vegetation established. I believe most of us agree that these efforts have helped save millions of acres of soil and have improved water quality. Although these efforts reflect a great deal of progress, much remains to be done. In Kansas, 15,000 miles of terraces remain to be built, and 3,200 acres of waterways need to be installed just this year alone.

Farmers have done an excellent job of complying with the requirements of the 1985 farm bill. Working as partners with the Soil Conservation Service and local conservation districts, they have proven that as farmers, they are also environmentalists.

I believe Congress should send a message to the countryside that we are still supportive of efforts which conserve soil and water. My amendment restores funding for the Soil Conservation Service Conservation Operations budget to last year's level. We can not expect farmers to implement conservation plans without some type of technical assistance. The nearly $9 million cut in funding for this program takes us in the wrong direction and I believe sends the wrong message.

I ask my colleagues to join me in supporting this amendment. This money will assist producers in their efforts to be good stewards of the land.

GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES

Mr. DOLE. Mr. President, Senator LEAHY and I are concerned that many of our Nation's school children are not participating in the National School Lunch and School Breakfast Programs because they have disabilities or eating disorders that prevent them from eating the meals as served.

In compliance with USDA child nutrition regulations and section 504 of the Rehabilitation Act of 1973, many schools around the country are working to make the programs accessible to these children. However, to accomplish this task these schools need specific technical guidance.

Section 123 of the Better Nutrition and Health for Children Act of 1994 requires USDA to provide guidance to assist schools and other institutions in accommodating the special dietary needs of these children. The guidance will give meal providers a greater understanding of how they can meet these needs. In many cases, accommodation may require no more than substituting fruit for a piece of cake or making available a special plate or cup. In other cases, the preparation of special meals may be necessary. The guidance will help providers determine what is appropriate for each child.

Section 123 also contains an authorization of $1 million for grants to States to cover nonrecurring costs associated with accommodating special needs children. These funds would be awarded on a competitive basis and could be used to purchase items such as special feeding and food preparation equipment. Other appropriate uses would be for providing training or purchasing education videos, manuals or other training materials which deal with accommodating children with special dietary needs.

Mr. President, I would like to offer an amendment to fund these grants at the level of $859,000. I am concerned that this segment of the school population is not being addressed in the current nutrition education guidance issued by USDA. A popular maxim among those of us here in Congress who actively support school meal programs is that a hungry child cannot learn. This is doubly true of children with special dietary needs. For a child with diabetes or severe allergies, appropriate nutrition can mean the difference between sickness and health. For a child with a severe disability, appropriate nutrition can mean the difference between being alert and responsive or passive and withdrawn. These grants will assist the food service community in providing for the special needs of these children.

Mr. President, in closing I want to thank the distinguished chairman of the Agriculture Committee, Senator LEAHY, for his support and cooperation in this effort to meet the needs of children with disabilities. This focused attention to their needs will assure their full participation in the child nutrition programs. I urge my colleagues to give their support.

Mr. LEAHY. Mr. President, I am very pleased to join with the distinguished Republican leader on this amendment to help schools assist students with disabilities so that these students will enjoy the benefits of the school lunch program.

Senator DOLE has my full support and I commend him for his efforts this year, and in prior years, to make certain that all Americans live up to their full potential. The child nutrition bill—the Better Nutrition and Health for Children Act—authorizing funding for this important purpose and this amendment gets the job done.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2315) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside temporarily in order to offer an amendment.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

AMENDMENT NO. 2316

(Purpose: To increase funding for the Great Plains Conservation Program, with an offset)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CONRAD, for himself and Mr. BUMPERS, proposes an amendment numbered 2316.

Mr. BUMPERS. 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 38, line 15, strike "$11,672,000" and insert "$18,672,000".

On page 71, line 3, strike "$758,248,000" and insert "$754,587,000".

On page 71, line 21, strike "$159,708,000" and insert "$163,369,000".

Mr. CONRAD. Mr. President, my amendment would restore $7 million in funding for the Great Plains Conservation Program. The program, run by USDA's Soil Conservation Service, offers long-term technical assistance and cost-sharing to help protect agriculture lands in this region. The contracts, 3 to 10 years in length, allow landowners and operators to apply soil and water conservation resource management systems suited to their own needs.

The program is used by over 600 farmers and ranchers in North Dakota alone. It is a unique program targeted to total conservation treatment of entire farm or ranch units with the most severe soil and water resource problems. Program participation is voluntary and is carried out by applying a conservation plan on the entire operating unit.

The Great Plains Conservation Program has been in operation since 1958 and has treated over 154 million acres. Funding for the program remained constant at about $20.4 million from 1987 to 1991 when funding was increased by about 20 percent.

I appreciate the support of the chairman of the Agricultural Appropriations Subcommittee Mr. BUMPERS and the ranking member Mr. COCHRAN in this effort.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2316) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside in order to offer an amendment.

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

AMENDMENT NO. 2317

(Purpose: To permit the Secretary of Agriculture to make available certain amounts for FmHA farm ownership or operating loans)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CONRAD, for himself, Mr. LEAHY, and Mr. DORGAN, proposes an amendment numbered 2317.

Mr. BUMPERS. 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 47, line 25, insert before the period the following: ": *Provided*, That, notwithstanding any other provision of law, from the date of enactment of this Act until September 30, 1994, the Secretary of Agriculture—

"(1) may transfer funds so as to make available—

"(A) the amounts that would otherwise be available for gross obligations for the principal amount of farm ownership, operating, or emergency loans; and

"(B) the amounts that would otherwise be available for the cost of farm ownership, operating, or emergency loans (including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a));

for any of such gross obligations or such costs; and

"(2) may not expend any funds, or disburse any new loans, after September 30, 1994, made available by a transfer described in paragraph (1) for fiscal year 1994".

Mr. CONRAD. Mr. President, I am offering an amendment today on behalf of myself and Senators LEAHY and DORGAN. This amendment would allow the Secretary of Agriculture to shift unused funds from various Farmers Home Administration [FmHA] farmer programs to its direct and guaranteed operating loan programs and other underfunded farmer loan programs.

FmHA is already out of money for direct operating loans for fiscal year 1994. This shortfall is due to very high demand for the program, FmHA's renewed commitment to assisting borrowers, and interest rates changes that have reduced the amount FmHA can lend with the credit subsidy appropriated. This program has been severely cut since 1985, when actual obligations were $3.6 billion—six times this year's levels.

There remains a very high, unmet demand for these loans. FmHA has no funds available to make approximately 3,000 direct operating loans for which it has already approved applications. In addition, more funding is needed for guaranteed operating loans because of a recent mandatory funding shift to the beginning farmer downpayment loan program. This amendment will allow FmHA to meet some of this demand.

While FmHA has some excess funds available in other programs, such as emergency loans and beginning farmer downpayment loans, it does not have the authority to shift significant amounts between accounts. This amendment will give the Secretary the authority to shift these funds as needed to fund direct and guaranteed operating loans and farm ownership loans. With this amendment, FmHA expects that it will be able to make an additional $54 million in direct operating loans and $150 million in guaranteed operating loans.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2317) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I rise in support of the agriculture, rural development, and related agencies appropriations bill as reported by the Senate Appropriations Committee.

The Senate-reported bill provides $67.4 billion in new budget authority and $43.1 billion in new outlays for the Department of Agriculture, Food and Drug Administration, and related agencies for fiscal year 1995.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $58 billion in budget authority and $50.2 billion in outlays for fiscal year 1995.

Based on CBO estimates, the Senate subcommittee is $525.3 million in budget authority below the subcommittee's 602(b) allocation and essentially at the subcommittee's outlays allocation. The Senate-reported bill is $561.6 million in budget authority and $266.9 million in outlays below the President's request.

I recognize the difficulty of bringing this bill to the floor under a constrained 602(b) allocation.

I commend the distinguished subcommittee chairman and ranking member for their support of $3.47 billion for the WIC Program, an increase of $260 million over the 1994 level.

I appreciate the subcommittee's support for a number of ongoing projects

and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

Mr. President, the House-passed bill included $5 million for the Colorado River Basin Salinity Control Program which is $3.4 million below the President's request and $8.8 million below the current level. This bill does not provide funding for this program.

This program assists landowners and others in the Colorado River Basin in establishing irrigation management systems and related lateral improvement measures to decrease salt load and sedimentation levels in the Colorado River.

This enhances the supply and quality of water available for use in the United States and the Republic of Mexico.

I would respectfully appreciate the support of the chairman and ranking member for this program in conference.

I urge the adoption of the bill.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Wyoming is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 2294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, at the appropriate time, I will offer an amendment that is designed to make sure that the new tobacco subsidy program that is incorporated in the agreements with regard to trade is amended so that we make a clear policy that there can be no net tax consequence or no cost to the taxpayer.

My hope had been to move to that section of the bill where I am allowed to offer my amendment tonight. We have already tried to do that. Permission was denied. I wanted to alert the body that I am going to persist in this effort to make sure that the taxpayer is not stuck with additional costs because of protectionist trade practices.

There are specific provisions in article 28 under the GATT which allows for a compensation to other countries that are impacted by restricted trade practices. It is very clear that the restrictions on tobacco fall into that category. It is quite clear that they will result in retaliation against America; that the taxpayers or other products will be impacted by that. The substance of my amendment will simply be to make it clear there is no net cost to the U.S. taxpayers for this protectionist action.

Mr. President, I simply want to make clear that we intend to pursue this. It is unfortunate we cannot move ahead tonight. This certainly is not going to be a reason to back down or fail to offer this alternative.

The last observation I want to make, I understand distinguished Members standing up for their State, and I understand their good will and effort and sincerity in that effort, but there is another factor that I must say I truly believe. Insisting that tobacco sell for a price in this country dramatically higher than it does around the world, when you have in existence a GATT agreement and a variety of other agreements, including the North American Free-Trade Agreement, that that runs counter to, is a losing policy. It is a losing policy because if it costs significantly more to buy American tobacco, and you do not allow other tobacco in the country, you simply are going to move the processing of tobacco out of the country.

So, if we continue on this current policy, or we continue on the protectionist attitude toward tobacco, what we will do is not only lose those jobs that process tobacco, but we will also lose the entire tobacco program and the tobacco growth here. The reason we will is, in spite of the protectionist efforts, we will have moved the customer offshore. There is no restriction on sending in the finished product. Until there is, there is simply no way to achieve what the folks have tried to in this area.

Lastly, Mr. President, let me say I think it is terribly important that we as a country commit ourselves to compete long range. To begin to believe that we can hide from competition, that we can sell off our markets, that we can artificially price our commodities, I believe, is a mistake.

No one in the world is as efficient or productive in growing tobacco as Americans. We are the ones who showed the world how to do it. We were the colonies that prospered, when no other crop seemed to grow well. We are the people who know how to compete better than anybody in the world.

I believe the sooner we move to a competitive policy in this area, the better off this Nation will be.

Is it a painful transition? Yes. But to believe that it is in the long-term interest of tobacco growers to hide from the market and to run manufacturing offshore, I believe, is a mistake.

I yield the floor, Mr. President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, it sounds good, they are doing things, and we want to be competitive, and all that. The Senator from Colorado fundamentally misunderstands what the article 28 process is all about. His proposal does not even fit in the negotiations and the tariffs that are used under GATT.

So we talk about paying, are you going to pay another country cash? Are you going to send them a check? That is not the way you do trade. Our trade representative is attempting to negotiate the best possible deal to subsidize markets without requiring any compensation to any country. Compensation is mere hypothetical because the outlined strategy by our trade representative is for zero competition.

If my colleague from Colorado would like to know something about tobacco, would like to know something about world trade, or wants to know something about taxes, wants to know something about tariffs, wants to know something about nontariff restrictions, here are 132 pages, single spaced, what other countries do to us. And you are trying to move in and make it even worse—132 pages of restrictions, taxes and tariffs that other countries do.

I want to tell you, Mr. President, the understanding here is that we try to be fair, we try to help everyone. There is nothing fair about this amendment at all.

I wish to say one thing. When we start talking tomorrow, it may be a while because I intend to see, No. 1, that this amendment that the Senator from Colorado has does not pass; No. 2, if it gets into a position at some point that this amendment passes, the Senate will vote on increased grazing fees. We may not get it on as a second-degree, may not get it on this way, but I promise Senators that they will have a chance, if this amendment is passed, to vote on increased grazing fees before this bill is passed.

I yield the floor.

Mr. BUMPERS. Mr. President, I wish to move to reconsider the vote by which the committee amendments were adopted en bloc yesterday.

Mr. COCHRAN. I move to lay that motion on the table, Mr. President.

Mr. BROWN. Reserving the right to object, I wonder if the distinguished floor leader would advise me as to what particular committee amendments those were?

Mr. COCHRAN. To respond, if the Senator will yield, these are the amendments that were adopted yesterday en bloc. There were several amendments that were excepted from the en bloc adoption, and this motion to reconsider simply is a technical step to ensure that that is final action by the Senate.

Mr. BROWN. I thank the Senator for his explanation.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, it is my intention, at the appropriate time, to move to table two Committee amendments to this bill or have the floor managers do this. This action will restore House language that prohibits the Department of Agriculture from spending money on research related to the production, processing or marketing of tobacco products.

Mr. President, I want to make one thing clear up front. My tabling motions, if successful, will not prohibit the expenditure of funds for research on converting tobacco producing farms to farms that grow alternative crops. I support these efforts and I sympathize with those tobacco farmers who desire to convert their fields and grow other crops. I also want to make clear that the House prohibition does not cover health and safety research grants for tobacco farmers and those who work in tobacco fields.

Mr. President, for many years, Congress has funded USDA research to help the tobacco industry better produce tobacco. Some of these grants were given out to universities and USDA research stations to help the tobacco industry better grow tobacco. In effect, the U.S. Government is encouraging and promoting tobacco products through this research.

At the same time, we spend millions of dollars discouraging the use of the same product. The Department of Health and Human Services spends approximately $140 million each year for this purpose. How ironic! How stupid!

But to make matters worse, we spend approximately $21 billion a year in Medicare and Medicaid expenses for the health care costs of those who suffer from tobacco-related illnesses.

Mr. President, the American people simple do not understand this contradiction. Why do we spend money promoting a product at the same time we spend money trying to discourage the use of the very same product? Mr. President, I do not have an answer to this question. I do not think anyone has an answer.

Mr. President, if we restore the House language, we will in effect cut $7 million in taxpayers money that is being spent by USDA to promote the production of tobacco. This language passed the House without opposition. President Clinton proposed eliminating half of this money in his fiscal year 1995 budget submission. Now it is time for the Senate to go on record to cut all $7 million of USDA tobacco-related research.

Mr. President, some of my colleagues may wonder why I often take the floor to fight against tobacco use and the tobacco companies. If anyone thinks taking on this fight is easy—I can say candidly that it is not. I take the floor time and time again because tobacco-related illness is the largest cause of premature death in this country. In 1993, it caused approximately 420,000 premature deaths. This is more deaths each year than those that result from alcohol, heroin, crack, automobile and airplane accidents, murders, suicides, and AIDS—combined.

Furthermore, recent reports revealed in the newspapers and at House hearings indicate that the tobacco companies have manipulated the nicotine levels in their cigarettes to keep people addicted for life.

And the tobacco companies claim that nicotine is only to enhance the flavor of a cigarette. But the Commissioner of the FDA, David Kessler, a pediatrician, states that nicotine is an addictive drug. A drug more addictive than cocaine. It is no wonder that when teenagers start to smoke, they end up being adult smokers.

Mr. President, even the general counsel for the Brown and Williamson tobacco company stated 31 years ago in an internal memo that

> We are, then, in the business of selling nicotine, an addictive drug in the release of stress mechanism.

This is not a government official calling nicotine an addictive drug—not an antismoking advocate. This is a tobacco company employee.

Mr. President, as some may know, the tobacco industry has put together a front group called the Council for Tobacco Research. According to press reports, this front group was established in 1954, by the industry in consultation with major public relations firm, to supposedly fund scientific research on tobacco. Each year, the council funds approximately $20 million a year in so-called independent research on tobacco.

I would say to my colleagues, if the $7 million in USDA research is important to the tobacco industry and to the farmers who they buy tobacco from, then the Council for Tobacco Research should use some of their $20 million a year they have to pay for it. If not, I am sure that the seven tobacco companies, whose profits are estimated at over $7 billion annually, could find some extra money to pay for the $7 million in USDA tobacco-related research.

Mr. President, we are living in a new era—one of increased awareness about the dangers of tobacco use. In 1964, the Surgeon General Luther Terry issued the first surgeon general's report on the dangers of smoking. Since then, there have been over 20 additional surgeon general reports documenting the dangers of smoking. Furthermore, there have been over 40,000 studies that have showed causation between smoking and illnesses like heart disease and lung cancer.

Mr. President, since that first surgeon general's report we have lost over 9 million people to tobacco-related illnesses—9 million people lost. This is a tragedy. Our Government should do whatever it can to discourage tobacco use. We should raise the excise tax on tobacco products to help pay for health care reform and discourage tobacco use among young people.

We should strongly consider having the FDA regulate cigarettes as a drug. Currently, the FDA regulates nicotine patches for those who are trying to quit smoking but does not regulate the nicotine in cigarettes that killed 420,000 persons in 1993. We spend FDA resources to regulate drugs that try to save lives but don't regulate a product that takes lives. This doesn't make any sense.

We should also pass legislation to protect people from breathing secondhand smoke—a group A carcinogen that causes 3,000 lung cancer deaths per year and thousands of respiratory illnesses each year in our children. As my colleagues may know, I authored the law that banned smoking on airplanes. In addition, earlier this year, the Congress passed a provision in the Goals 2000 bill that I wrote that prohibits smoking in public schools, day care centers and other federally funded programs that serve children.

Mr. President, in conclusion, I urge you to support my efforts to cut Federal funding for tobacco-related research. This will save $7 million and send a signal to the American people that we will no longer promote a product that kills.

Mr. LAUTENBERG. Mr. President, it is my intention now to move to table two committee amendments to this bill which would restore House language tied to the Agricultural Research Service [ARS] and the Cooperative State Research Service [CSRS] that states "none of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing, or marketing of tobacco products," But before I do that, I would like to enter into a colloquy with the distinguished Senator from Kentucky, the majority whip.

Mr. FORD. I thank my colleague. Mr. President, the Senator from New Jersey seeks to table the two mentioned committee amendments to this bill. Since the referenced language is not specific, I would like to ask the distinguished Senator from New Jersey a few questions about the intent of the House language and his attempts to restore it. First, it is the intent of the Senator from New Jersey to prohibit the use of ARS and CSRS funds for research related to using the tobacco plant as a model for various types of genetic and biotechnology research?

Mr. LAUTENBERG. No.

Mr. FORD. Is it the intent of the Senator from New Jersey to prohibit the use of ARS and CSRS funds for tobacco research related to the health and safety of tobacco workers and tobacco farmers?

Mr. LAUTENBERG. No.

Mr. FORD. Is it the intent of the Senator from New Jersey that his amendments would not prohibit ARS and CSRS from funding tobacco-related research relating to the development of alternative crops for farmers who grow tobacco?

Mr. LAUTENBERG. No.

Mr. FORD. Is it the intent of the Senator from New Jersey to reduce the overall funding level of the Cooperative State Research Service?

Mr. LAUTENBERG. No.

Mr. FORD. I thank my friend from New Jersey for taking the time to clarify his intentions.

Mr. LAUTENBERG. I thank my friend from Kentucky. I think we have reached a reasonable compromise on this issue. I appreciate his willingness to work together with me on this issue and many others. Mr. President, at this time I move to table the committee amendment on page 12 lines, 14 to 17 and the committee amendment on page 16, lines 4 to 7. I understand that there is no request for the yeas and nays, so I move that the two amendments be tabled en bloc by voice vote.

Mr. BUMPERS. Now, Mr. President, I move to table the committee amendment at page 12, lines 14 through 17. As I understand it, that is the pending amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion.

The motion was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I urge adoption of the committee amendment on page 16, line 3.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The committee amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the committee amendment on page 16, line 4.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak therein up to 3 minutes.

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

FORMER MILWAUKEE MAYOR HENRY W. MAIER

Mr. FEINGOLD. Mr. President, the city of Milwaukee is well known for its diverse ethnic communities, celebrations of those neighborhoods, and innovative political leaders. This past Sunday, July 17, 1994, former Milwaukee Mayor Henry W. Maier, a leader who embraced the city, passed away.

Henry W. Maier was a Democrat who served the people of Wisconsin and Milwaukee from 1950 to 1960 as a State senator and subsequently as mayor of the city of Milwaukee for 28 years.

Mayor Maier was one of the leading mayors in the country advocating urban development. He created the first formal City Government Economic Development Agency in the Nation, and established the Social Development Commission to address the concerns of the elderly, young, and low-income citizens of Milwaukee. During Mayor Maier's term, Milwaukee won the Nation's top award in the Keep America Beautiful Campaign. His legacy continues as the highways in Milwaukee are graced with wildflowers.

Like so many other Wisconsin political leaders, Mayor Maier was extremely active in the city's civic programs and recognized the diversity of the State, especially in Milwaukee. Milwaukee is affectionately known as the City of Festivals, due largely in part to Mayor Maier's efforts to celebrate the city's ethnic communities. As mayor, he established Summerfest in 1968 and promoted the various other ethnic festivals which today are celebrated annually on Milwaukee's lakefront grounds now named in his honor.

Mayor Norquist, a Democrat who succeeded him praised Maier as a man who stood up for Milwaukee. Former Mayor Zeidler observed that Maier was "the most powerful mayor in the history of the city" according to the Wisconsin State Journal.

On Sunday, Mayor Maier died from complications of pneumonia at his home. As we continue to strive for a new urban agenda for our U.S. cities, the people of Milwaukee will fondly remember Henry W. Maier and his dedication. The people of Milwaukee are deeply thankful for his lifetime of public service and will miss his presence.

MAYOR HENRY W. MAIER

Mr. KOHL. Mr. President, earlier this week, former Milwaukee Mayor Henry W. Maier died in the privacy of his home with his wife Dr. Karen at his side. But the solitude of the mayor's passing gives rise to the recognition of a great legacy that few in government or politics could ever hope to achieve.

"The Mayor" is how the people of Milwaukee fondly referred to their leader of 28 years. Henry W. Maier was a Milwaukee Nationalist, a fighter—he was the people's mayor and in the course of his tenure became a spokesman for all of urban America.

Throughout his career, the mayor battled for resources for our cities. He led the fight for general Federal revenue sharing, urban development action grants and many other programs aimed at improving the lives of the working men and women who dwell in our cities.

In Milwaukee, he made sure that the city government was efficient—that the garbage was picked up, the snow was removed and that police and fire protection was always there when the people needed them. He operated a lean city government maintaining a high level of service without breaking the backs of the taxpayer or sacrificing Milwaukee's long-heralded financial rating. He was on the front lines every day battling for his fellow Milwaukee citizens.

And the mayor served with honor and dignity providing clean and honest government to the citizens he was elected seven times to represent.

It's with great sadness that I say goodbye to a great Milwaukeean and great American—Mayor Henry W. Maier.

REPORT ON CONTINUATION OF THE NATIONAL EMERGENCY WITH IRAQ—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1994 to the FEDERAL REGISTER for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency

has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 19, 1994*.

MESSAGES FROM THE HOUSE

At 4:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 537. An Act for the relief of Tania Gil Compton.

S. 1880. An Act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; and agrees to a conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Science, Space, and Technology for consideration of the House bill (except sections 211–214 and 504), and the Senate amendment (except title XI, sections 221, 303(d), 504, and 601–613), and modifications committed to conference: Mr. BROWN, Mr. VALENTINE, Mr. ROEMER, Mr. MCHALE, Mr. BECERRA, Mr. WALKER, Mr. LEWIS of Florida, and Mr. ROHRABACHER.

From the Committee on Science, Space, and Technology for consideration of sections 211–214 and 504 of the House bill, and sections 221, 303(d), 504, and 601–613 of the Senate amendment, and modifications committed to conference: Mr. BROWN, Mr. VALENTINE, Mr. BOUCHER, Ms. ESHOO, Mr. BECERRA, Mr. WALKER, Mr. BOEHLERT, and Mr. BARTLETT of Maryland.

From the Committee on Science, Space, and Technology for consideration of title XI of the Senate amendment, and modifications committed to conference: Mr. BROWN, Mr. VALENTINE, Mr. ROEMER, Mr. MCHALE, Mr. BECERRA, Mr. KLEIN, Mr. BOUCHER, Mr. WALKER, Mr. LINDER, Mr. HOKE, and Mr. BAKER of California.

As additional conferees from the Committee on Banking, Finance and Urban Affairs for consideration of sections 331–337, 341–361, 503(a) (4) and (5), 5039(b) (5) and (6) of the House bill, and sections 216, 306, and 307, the second 503(4), 1002, 1004, 1011, and title XI of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. KANJORSKI, and Mr. RIDGE.

As additional conferees from the Committee on Education and Labor for consideration of sections 346 and 407 of the House bill, and title XI, sections 211 and 212 insofar as said sections relate to workforce training and labor, sections 410, 604, 607–613, 1201, 1202, and 1302 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, and Mr. GOODLING.

As additional conferees from the Committee on Government Operations for consideration of title XI and section 1301 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. TOWNS, and Mr. CLINGER.

As additional conferees from the Committee on the Judiciary for consideration of that portion of section 205 adding section 304(g) to the Stevenson-Wydler Technology Innovation Act of 1980, and section 361 of the House bill, and title IX, section 307, that portion of section 603 of adding section 101(d) to the High-Performance Computing Act of 1991, sections 1005–1009, 1011–1013, and 1303 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. SYNAR, and Mr. FISH.

MEASURES REFERRED

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3817. An Act to amend the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

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–3068. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Electric and Hybrid Vehicles Program for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–3069. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–3070. A communication from the Assistant Secretary of Energy (Office of Policy), transmitting, pursuant to law, the report entitled "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency"; to the Committee on Energy and Natural Resources.

EC–3071. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to Haitian migrants; to the Committee on Foreign Relations.

EC–3072. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC–3073. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–270 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3074. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–271 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3075. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–272 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3076. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–273 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3077. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–274 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3078. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–275 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3079. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–276 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3080. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–277 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3081. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–278 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC–3082. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–279 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3083. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-280 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-281 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-282 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-283 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3087. A communication from the Comptroller General, transmitting, pursuant to law, the report of the audit of the financial statements of the Federal Deposit Insurance Corporation for calendar years 1992 and 1993; to the Committee on Governmental Affairs.

EC-3088. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Governmental Affairs.

EC-3089. A communication from the Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, a draft of proposed legislation to create an exception to Title 18 concerning acts of violence against civilian aircraft; to the Committee on Governmental Affairs.

EC-3090. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report concerning the status of children in Head Start Programs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2296. An original 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 (Rept. No. 103-317).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary.

John R. Schmidt, of Illinois, to be Associate Attorney General.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD (for himself, Mr. SIMPSON, and Mr. WELLSTONE):

S. 2294. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 2295. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2296. An original 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; from the Committee on Labor and Human Resources; placed on the calendar.

By Mr. METZENBAUM (for himself, Mr. THURMOND, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. SIMON, Mr. SIMPSON, and Mr. GRASSLEY):

S. 2297. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2298. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports and for other purposes to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG:

S. Con. Res. 72. A bill expressing the sense of the Congress that the President should refrain from signing the seabed mining agreement relating to the Convention on the Law of the Sea; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself, Mr. SIMPSON and Mr. WELLSTONE):

S. 2294. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Labor and Human Resources.

THE MORRIS K. UDALL PARKINSON'S RESEARCH, EDUCATION AND ASSISTANCE ACT OF 1994

Mr. HATFIELD. Madam President, today I am privileged to introduce legislation that both honors a man worthy of great esteem and strives to improve a vital Federal research program. The Morris K. Udall Parkinson's Research, Education and Assistance Act of 1994 is the first effort to strengthen the Federal Parkinson's disease research program and is desperately needed to fight this cruelly debilitating disease.

Mo Udall served the United States and the people of Arizona as the Congressman from the Second District for 30 years. Mo's integrity, his intellect, his deep commitment to public service, and his famous wit made him one of the most revered public servants of the last few decades.

Mo Udall's brilliant career in Congress was cut short by Parkinson's disease. Diagnosed in 1980, Mo struggled with the neurological decay and decreased motor skills of the disease for years before he resigned from Congress in May 1991.

I could speak for days about Congressman Udall's legislative legacy. He will primarily be remembered for his stewardship of the public lands. As chairman of the Interior Committee and as a Congressman from the West, Mo helped set aside millions of acres of land as wilderness, including about half of the land of the great State of Alaska. He worked to reform mining law and to protect the rights of many Indian tribes.

Mo also had a great commitment to political reform. He worked to reform the rules of the House and to secure important campaign finance reform. He cared deeply about human beings and championed civil rights throughout his career. He was a friend and mentor to many and a champion to constituencies all across this country.

If Mo Udall was the only victim of Parkinson's disease, our Nation would have sustained a huge loss. But Mo Udall is not the only person to suffer with Parkinson's. Over 1 million Americans struggle with this degenerative neurological disorder—more than suffer from multiple sclerosis, muscular dystrophy, and Lou Gehrig's disease [ALS] combined. It is one of the most common of the chronic neurological diseases affecting older adults, and yet the cause, as well as the cure, remains unknown.

Parkinson's disease often begins with an occasional tremor in a finger or hand which becomes more frequent over time. Men are women are nearly equally affected by the disease and while the incidence of the disease is highest in those persons over 50, an increasingly high number of patients in their thirties and forties have early-onset Parkinson's.

The great tragedy of Parkinson's disease is that we need not suffer this

enormous loss. There is tremendous potential for major scientific breakthroughs in the prevention and treatment of Parkinson's. Scientists have recently discovered evidence of genetic and neurotoxic links to the cases of the disease and new treatments, involving neural growth factors, tissue implants, and genetic engineering.

This potential, however, is stymied by the lack of investment in Parkinson's research. The Federal research effort into this devastating disease has been grossly underfunded. The Federal Government provides only about $30 million annually to Parkinson's research, compared to over $300 million of Alzheimers, and much more to diseases like cancer, heart disease, and AIDS. I have seen the dramatic benefits of a coordinated Federal strategy for Alzheimers research, and I know we can achieve great results by increasing our commitment to Parkinson's research.

The Morris K. Udall Parkinson's Research, Education and Assistance Act provides for the expansion and coordination of Parkinson's research and improves the care and assistance to victims and families. This bill creates a national council to coordinate Parkinson's research and charges the council and the Secretary of Health and Human Services with developing a coordinated research agenda. In addition, the bill would create 10 Parkinson's research centers to conduct research and enhance community awareness. Moreover, the bill creates new research grants and awards, a patient and family registry, and a National Parkinson's Disease Education Program.

Of course, the great challenge we face is to find the dollars in our Federal system to support increased Parkinson's research. This bill plots the roadmap for a coordinated Federal strategy for Parkinson's, but its future fate depends on the passage of proposal like the Harkin-Hatfield National Fund for Health Research. This proposal, now attached to the major vehicles for health care reform which are moving through the Senate, is expected to provide an increase of between $4 and 5 billion for the biomedical research infrastructure at the National Institutes of Health.

The Morris K. Udall Parkinson's Research, Education and Assistance Act is both a critical link in strengthening our ability to combat Parkinson's disease and a vivid reminder of the remarkable record, decency, and remarkable warmth of our friend from Arizona.

I would only like to close my brief comments and yield to my colleague from Minnesota, who is an original cosponsor. I want to say to those who ask the obvious and forthright question, "How are we going to fund this?" that we have a plan. We know now that the funding for our commitments of the moment far exceed our ability to maintain those commitments, at least when one considers the factor of inflation and other such factors. This is especially true with biomedical research, where the promising research far exceeds the available resources. This is what led Senator HARKIN of Iowa and myself to introduce what has come to be known as the Harkin-Hatfield National Fund for Health Research, a trust fund financed by a set aside from a premium surtax on health insurance policies. The income would be directed to a medical trust research fund.

This could produce, when it is fully implemented, $4 to $5 billion more for medical research at the National Institutes of Health.

This proposal has the broad support of the public, more than 70 percent of the public, agree with the statement: "I would be willing to pay more for my premiums," or "I would be willing to pay more in taxes," "if it were earmarked for medical research."

So we are very hopeful that the Harkin-Hatfield proposal on the research trust fund can be executed in this Congress, as well as this Mo Udall Parkinson's bill.

It is an honor for me to introduce this legislation today with the support of my friends, Senator SIMPSON and Senator WELLSTONE. Both of these colleagues of ours have firsthand experience, Senator SIMPSON's father and Senator WELLSTONE's mother and father both with Parkinson's. The House sponsor is Congressman HENRY WAXMAN joined by Congressman FRED UPTON. Together, we urge our colleagues in the House and Senate to join in this effort to stop the devastation of Parkinson's.

Madam President, I ask unanimous consent that the bill be printed in the RECORD, along with a section-by-section analysis, and support letters from members of the Parkinson's advocacy community.

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

S. 2294

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 "Morris K. Udall Parkinson's Research, Education, and Assistance Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Parkinson's disease and related disorders (hereafter referred to in this Act as "Parkinson's") is a neurological disorder affecting as many as 1,500,000 Americans.

(2) Approximately 40 percent of persons with Parkinson's are under the age of 60.

(3) While science has yet to determine what causes the disease, research has found that cells that produce a neurochemical called dopamine inexplicably degenerate, causing uncontrollable tremors, muscle stiffness, and loss of motor function.

(4) Eventually, Parkinson's renders its victims incapable of caring for themselves. In addition to causing disability and suffering for its victims, Parkinson's places tremendous and prolonged physical, emotional, and financial strain on family and loved ones.

(5) It is estimated that the disease costs society nearly $6,000,000,000 annually.

(6) To date, the federally funded research effort has been grossly underfunded. Only $30,000,000 is allocated specifically for research on Parkinson's, or only about one dollar for every $200 in annual societal costs.

(7) In order to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(b) PURPOSE.—It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for its victims and their family caregivers.

SEC. 3. BIOMEDICAL RESEARCH ON PARKINSON'S DISEASE.

Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—Parkinson's Disease Research

"SEC. 485G. PARKINSON'S DISEASE RESEARCH.

"(a) EXPANSION OF BIOMEDICAL RESEARCH.—

"(1) COORDINATION COUNCIL.—The Director of the National Institutes of Health shall establish a council to coordinate Parkinson's research activities. Members of the council shall include the Director of the National Institutes of Health, the Director of the National Institute of Neurological Disorders and Stroke, the Director of the National Institute on Aging, the Director of the National Institute of Environmental Health Sciences, patient advocates, and representatives of other departments and agencies conducting or supporting research on Parkinson's.

"(2) NATIONAL CONSENSUS CONFERENCE.—The council established under paragraph (1) shall convene a National Consensus Conference on Parkinson's Disease and Related Neuro-degenerative Disorders to aid in the development of a broad-based strategy for identifying the cause of and treating such disorders.

"(3) RESEARCH AGENDA.—Not later than 180 days after the date of enactment of this section, and annually thereafter, the Secretary, in consultation with the council established under paragraph (1), shall develop and submit to the Energy and Commerce Committee and the Appropriations Committee of the House of Representatives and the Labor and Human Resources Committee and the Appropriations Committee of the Senate, a coordinated research agenda.

"(4) RESEARCH CENTERS.—The Secretary shall provide for the establishment of 10 Parkinson's Research Centers. Such centers shall—

"(A) conduct research into the cause, prevention, treatment, and management of Parkinson's;

"(B) disseminate clinical information concerning Parkinson's and provide patient care services;

"(C) provide training for health care personnel concerning Parkinson's;

"(D) coordinate research with other such Centers and related public and private research institutions;

"(E) develop and maintain, where appropriate, a tissue bank to collect specimens related to the research and treatment of Parkinson's; and

"(F) enhance community awareness concerning Parkinson's and promote the involvement of advocate groups.

"(b) MORRIS K. UDALL FEASIBILITY STUDY GRANTS.—The Secretary may award feasibility study grants under this section to support the development of preliminary data sufficient to provide the basis for the submission of applications for independent research support grants or establishment of a Center under this section.

"(c) MORRIS K. UDALL LEADERSHIP AND EXCELLENCE AWARDS.—The Secretary shall establish a grant program to support scientists who have distinguished themselves in the field of Parkinson's research. Grants under this subsection shall be utilized to enable established investigators to devote greater time and resources in laboratories to conduct research on Parkinson's and to encourage the development of a new generation of investigators, with the support and guidance of the most productive and innovative senior researchers.

"(d) PATIENT AND FAMILY REGISTRIES.—The Secretary shall establish a registry for screening and collecting patient and family data that may be useful in determining incidence and possible risk factors concerning Parkinson's.

"(e) MORRIS K. UDALL HEALTH PROFESSIONS TRAINING GRANTS.—The Secretary may award grants to schools of medicine, nursing, social work, and health services administration, and other appropriate institutions, for the provision of training and continuing education concerning health and long-term care of individuals with Parkinson's. In awarding grants under this subsection the Secretary shall ensure appropriate geographic coverage.

"(f) NATIONAL PARKINSON'S DISEASE EDUCATION PROGRAM.—The Secretary shall establish a national education program that is designed to foster a national focus on Parkinson's and the care of those with Parkinson's. Activities under such program shall include—

"(1) the bringing together of public and private organizations to develop better ways to provide care to individuals with Parkinson's, and assist the families of such individuals;

"(2) the provision of technical assistance to public and private organizations that offer support and aid to families caring for individuals with Parkinson's; and

"(3) the establishment of a clearinghouse that will disseminate the most up-to-date research, treatment, and training information to families, health professionals, and the general public concerning Parkinson's.

"(g) APPLICATION.—To be eligible to receive a grant or other assistance under this section, an individual or entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For carrying out the activities described in this section, there are authorized to be appropriated $75,000,000 for fiscal year 1996, $100,000,000 for fiscal year 1997, $200,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000. Of amounts so appropriated, the Secretary shall make available—

"(A) $10,000,000 for fiscal year 1996, $20,000,000 for fiscal year 1997, $30,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000, for establishing centers under subsection (a)(4); and

"(B) $2,000,000 for fiscal year 1996, $4,000,000 for fiscal year 1997, $6,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000 for carrying out feasibility study grants under subsection (b).

"(2) LEADERSHIP AND EXCELLENCE AWARDS.—For carrying out activities under subsection (c), there are authorized to be appropriated $10,000,000 for fiscal year 1996, $15,000,000 for fiscal year 1997, $20,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

"(3) PATIENT AND FAMILY REGISTRIES.—For carrying out activities under subsection (d), there are authorized to be appropriated $2,000,000 for fiscal years 1996, 1997, and 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

"(4) HEALTH PROFESSIONS TRAINING PROGRAMS.—For carrying out activities under subsection (e), there are authorized to be appropriated $2,000,000 for fiscal year 1996, $5,000,000 for fiscal year 1997, $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

"(5) NATIONAL PARKINSON'S DISEASE EDUCATION PROGRAM.—For carrying out activities under subsection (f), there are authorized to be appropriated $2,000,000 for fiscal year 1996, $3,000,000 for fiscal year 1997, $4,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.".

SECTION-BY-SECTION SUMMARY

Section 1—Short Title: Morris K. Udall Parkinson's Research, Education, and Assistance Act of 1994.

Section 2—Findings and Purpose: Parkinson's disease and related disorders affect as many as 1.5 million Americans, with costs to society of nearly $6 billion annually. To date, the federal research effort has been grossly underfunded, providing about $30 million a year for research on Parkinson's. It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for its victims and family caregivers.

Section 3—Biomedical Research on Parkinson's Disease: Amends Title IV, Part E of the Public Health Service Act (42 U.S.C. 287 et seq.) with a new Subpart 4—Parkinson's Disease Research.

A. Expansion of Biomedical Research:

1. Coordination Council—The Director of the National Institutes of Health (NIH) will establish a council to coordinate Parkinson's research, composed of various institute directors, patient advocates, and representatives of other agencies.

2. National Consensus Conference—The council will convene a conference to develop a research strategy for Parkinson's and related neuro-degenerative disorders.

3. Research Agenda—Within 6 months of this bill becoming law, the Secretary of Health and Human Services will consult the council and submit a coordinated research agenda to appropriate congressional committees.

4. Research Centers—The Secretary shall provide for 10 Parkinson's Research Centers, which will conduct research, disseminate clinical information, provide training for health care personnel, develop and maintain tissue banks, and enhance community awareness concerning Parkinson's. $10 million.

Udall Feasibility Study Grants: The Secretary may award grants to develop data to support applications for independent research support grants or establish of centers. $2 million.

Udall Leadership and Excellence Awards: The Secretary shall establish grants for scientists who excel in Parkinson's research. $10 million.

Patient and Family Registries: The Secretary shall establish a registry for collecting patient and family data. $2 million.

Udall Health Professions Training Grants: The Secretary may award grants to schools of medicine, nursing, social work, etc. to train and educate concerning health and long-term care on Parkinson's patients. $2 million.

Natl. Parkinson's Disease Education Program: The Secretary shall establish a national education program to provide technical assistance to advocacy groups, establish a clearinghouse to disseminate information, and facilitate public understanding of Parkinson's Disease. $2 million.

Authorization of Appropriations: The bill establishes a five-year authorization, and authorizes appropriations beginning in fiscal year 1996 Overall funding authorizations are: $91 million for FY96, $125 million for FY97, $234 million for FY98, and such sums as necessary for FY99 and FY20. Monies not specified in the areas above will be spent on general research.

WILLAMETTE COLUMBIA
PARKINSONIAN SOCIETY,
Portland, OR, July 18, 1994.

Senator MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Our organization enthusiastically supports the Udall Parkinsons research bill. For years we have been losing ground in the funds devoted to neurological research and, in the continued hope for improvement, this bill stands out as a true and sought-for step which we feel will produce some positive results. There are many current research indications that support this conclusion.

We feel the way the bill is constituted will allow for the maximum input to gain understanding and facilitate a cure or improved therapy.

That the bill carries Morris K. Udall's name is even more uplifting to the spirit of over one million talented Parkinsonians who want to remain productive in our society.

Thank you for your support of this bill.

Sincerely yours,

L.R. GREGER,
President.

UPPER MONTGOMERY
COUNTY PARKINSON'S GROUP,
Gaithersburg, MD, July 18, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of all Parkinsonians and their families living in the Greater Washington area, I wish to thank and commend you for introducing the Morris K. Udall Parkinson's Research and Education Bill.

Research in Parkinson's disease is reaching the point where significant breakthroughs toward understanding the nature and treatment of this ailment can be made. With increased research funds being made available on the federal level, it is possible that in our lifetime this crippling illness can be eradicated.

It is very fitting that the bill is named for Congressman Udall who has fought such a valiant battle against Parkinson's. It is hoped that the admiration and respect many

members of Congress have for their esteemed colleague will insure the passage of this bill.

You can count on receiving our full support for the passage of this vital piece of legislation.

Sincerely,

DONNA J. DORROS.

OFFICE OF STEWART L. UDALL,
Santa Fe, NM, July 16, 1994.

Senator MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR MARK: A research program relating to causes and potential cures for Parkinson's disease is long overdue.

Mo's children and the whole Udall clan applaud the initiative embodied in the legislation you are introducing next week. Let us know what we can do to further your efforts on this front.

In friendship,

STEWART L. UDALL.

AXION RESEARCH FOUNDATION,
Hamden, CT, July 14, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Axion Research Foundation, its supporters, and researchers are most grateful to you and other supporters for the introduction of the Morris K. Udall Parkinson's Research and Education Act.

Our Foundation has played an important role in carrying out the funding important breakthroughs related to Neural Transplantation as a possible treatment for Parkinson's disease. We have recently helped to develop the first practical diagnostic test for Parkinson's disease, which should dramatically facilitate studies aimed at determining its cause. Other research areas also offer great promise at the present time. But it is clear that the combined efforts of the private sector and the federal government must increase to produce clinical benefits for patients and the reduction of health care costs which would result from a cure.

The Morris K. Udall Parkinson's Research and Education Act is a great step in the right direction and will be eagerly supported by patients, their families, and neuroscience researchers.

Sincerely,

D. EUGENE REDMOND, Jr.,
President.

YALE UNIVERSITY,
New Haven, CT, July 14, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: As Director of the Neural Transplantation Program for Parkinson's Disease at Yale University School of Medicine, I am writing to thank you and your other collaborators and supporters for the Introduction of the Morris K. Udall Parkinson's Research and Education Act.

There is great need for additional support of Parkinson's research by the Federal government to assure that tremendous scientific advances are able to move to the stage of treating and curing patients. Not only will this relieve suffering and loss of human life and potential, it will reduce the health care delivery costs of this disease.

I hope that the final legislation will actually add dollars to the funding relevant to this disease, and that any new administrative or coordinating activities not be initiated at the expense of the most important investigator-initiated basic science projects.

Sincerely,

D. EUGENE REDMOND, Jr.,
Professor and Director,
Neural Transplant Program.

THE AMERICAN PARKINSON DISEASE ASSOCIATION, INC.,
Staten Island; NY, July 18, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The American Parkinson Disease Association and the more than 1 million people who suffer from Parkinson's Disease commend and support the introduction of the Morris K. Udall Parkinson's Research and Education Act of 1994.

As you know, Parkinson's Disease is a long term debilitating neurological disorder which unfortunately, has no cure. Your introduction of this bill; the first legislative initiative to strengthen the federal Parkinson's research program, is a major step in the fight against Parkinson's and will address the need for scientific breakthroughs in treating Parkinson's.

While there have been recent Parkinson's research developments, limited federal investment in this area has slowed the pace of research activity and discovery. The current science in this area gives us hope that major breakthroughs in the cause and treatment of Parkinson's through expanded federal research support and a coordinated research agenda are possible. We can no longer ignore the tremendous scientific potential.

The American Parkinson Disease Association is dedicated to developing a greater understanding of Parkinson's Disease by funding research, sponsoring educational programs and medical symposiums, and raising public awareness. Until there is a cure for Parkinson's Disease, our work will continue. We look forward to working with you to achieve the breakthroughs urgently needed by Congressman Udall and the more than one million Americans who fight against this affliction.

Thank you for your leadership and sponsoring the Morris K. Udall Research and Education Act of 1994 and the Parkinson's Community.

Sincerely,

MARIO J. ESPOSITO,
President.

AMERICAN PARKINSON DISEASE ASSOCIATION, INFORMATION AND REFERRAL CENTER,
Great Falls, MT, July 18, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building,
Washington, DC.

HON. MARK O. HATFIELD: Please accept our thanks from the Montana and Wyoming Parkinson support groups and the Information and Referral Center in Great Falls, Montana, for your support of the Morris K. Udall Parkinson's Research and Education Act. It is greatly needed and we commend your efforts.

There is such a great need for expanded research support from the federal government in the Parkinson's field. Super scientific potential exists in the area and a breakthrough in treatment of Parkinsons would be truly wonderful.

Thanks for your support.

Sincerely,

CAROLYN STERGIONIS,
JOANN BARTLEY,
Coordinators, Montana and Wyoming Parkinson Information and Referral Center.

MICHIGAN PARKINSON FOUNDATION,
July 15, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the 35,000 people in Michigan affected by Parkinson's disease and their families, we wholeheartedly endorse your introduction of the Morris K. Udall Parkinson's Research and Education Act.

We share the great hope of the Parkinson's research community that we are close to a major breakthrough in the areas of causes, treatment, and cure for Parkinson's disease.

Support for your initiative will be the key to helping to eliminate disability for Parkinson's sufferers throughout our nation. We applaud and thank you for bringing this Act before Congress.

We join hands with the Parkinson's Disease Foundation in New York and the Parkinson's Action Network in urging members of Congress to support this urgently needed measure.

Sincerely,

FREDERIC L. MARBLESTONE,
Chairman, Michigan Parkinson Foundation.

CENTRAL NEW JERSEY APDA CHAPTER,
New Brunswick, NJ, July 15, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: As the President of the New Jersey Young Onset Parkinson Support group I want to express my gratitude, as well as those of our group, in being one of the lead members of Congress to introduce the "Morris K. Udall Parkinson's Research and Education Act".

Parkinson's is a devastating disorder where the person loses the ability of voluntary movement, but cognitive abilities are not diminished. The future for the patient is becoming a "prisoner within one's own body". Alzheimer's takes away a person's mind, and Parkinson's takes away one's body. However, there has been great strides in medical research within the last decade, but the "Cure" is still elusive. The Parkinson community is constantly being told that medical science is on the verge of finding a Cure, but such research costs money. The Alzheimer's Association has expressed the irony quite well . . . "We (the Alzheimer's community) have the money, but no medical breakthroughs, and you (the Parkinson community) have no money but all the promising medical research."

With the introduction of this bill, hopefully medical research will have sufficient funds necessary to find a breakthrough. I attended the Senate Hearings on February 28, 1994, when you introduced the Harkin-Hatfield Research Act, and was impressed when the portable "Iron Lung" was wheeled in from a museum. This country was able to CURE Polio through adequate funding, and hopefully we can find a CURE for Parkinson's. What a fitting accomplishment this would be in the "Decade of the Brain".

Very truly yours,

MARVIN J. WEISS.

YOUNG PARKINSON'S SUPPORT NETWORK,
San Ramon, CA, July 15, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator.

Re introduction of Morris K. Udall Parkinson's Research and Education Act.

DEAR SENATOR HATFIELD: I accept your invitation to join you at the press conference at 10:00 AM on Tuesday, July 19th to announce the bill's introduction.

Parkinson's disease and related disorders are said to cost society $6 billion annually. This monetary cost, although staggering, is minuscule when compared to the human suffering these disorders inflict on the patient and family. Research is needed to push ever closer to finding the cause and the cure for these disorders. In the mean time quality of life can be raised through education of patients, care givers and community support services.

The Morris K. Udall Parkinson's Research and Education Act allows Congress to embark on a major effort to increase the knowledge of the causes, treatments and cures for these disorders. It further sets patient, care giver, support services and community understanding as a priority in raising the quality of life of those affected by these disorders. The 1990's form the Decade of the Brain. It is only fitting that Congress move swiftly to enact this important legislative initiative for it symbolizes hope of major breakthroughs for the millions of Americans affected by these disorders.

I commend you for your leadership in this very important legislative initiative. Your leadership is much appreciated and supported by the Young Parkinson's Support Network of California.

Sincerely,

ALAN L. BONANDER,
President.

UNIVERSITY OF COLORADO
HEALTH SCIENCES CENTER,
Denver, CO, July 14, 1994.

MARK O. HATFIELD,
U.S. Senate, 711 Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I want to congratulate you on your bill, the Morris K. Udall Parkinson's Research and Education Act, which you will introduce to a press conference on Tuesday, July 19th. As a physician and scientist who has devoted my career to improving the treatment of Parkinson's disease, I am delighted to see the disease receive the attention it needs. Parkinsonism affects the lives of one-half million Americans. It robs people of the ability to move. Patients suffering from the disease gradually lose the ability to walk, to speak, to eat, and to interact with other people. The increasing isolation forces people out of their jobs and makes them invalids despite the fact that their thinking is usually clear.

The spiral of deterioration does not have to take place. We are on the threshold of curing Parkinson's disease with neural transplanation. Even with the current low level of Federal research spending, Parkinson's disease stands as the neurologic disorder most likely to be cured in the next decade if adequate resources are applied to the problem. Neural transplantation with fetal tissue has already been shown to produce substantial clinical benefit in some patients. Genetically engineered alternatives to fetal cells offer promise to supply a limitless amount of tissue for brain repair. While fundamental breakthroughs will certainly occur in the next decade, the surgical cure for Parkinson's disease is already in sight.

Your bill recognizes this unusual opportunity. If we can cure Parkinson's disease, the lessons that we learn will apply to many other disorders such as Alzheimer's disease, Huntington's chorea, and epilepsy. Research in other areas such as diabetes will also be benefited.

By focussing on the neurological disease most likely to be solved in the near future, your bill will accelerate research with an exciting outcome.

Yours sincerely,

CURT R. FREED, M.D.,
Professor and Head, Division of Clinical Pharmacology and Toxicology.

PARKINSON'S DISEASE FOUNDATION,
New York, NY, July 14, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator,
711 Senate Office Building, Washington, DC.

Re Morris K. Udall Parkinson's Research and Education Act.

DEAR SENATOR HATFIELD: On behalf of my fellow directors of the Parkinson's Disease Foundation, I am writing to thank you and to support your introduction of this bill.

The authorization of funds to launch a Parkinson's research initiative, coordinating between the several institutes now conducting research in Parkinson's disease, would give added impetus to the efforts of scientists to improve their understanding of this debilitating illness. We still do not know what causes people to develop the illness, so we cannot develop a cure.

As our population ages, there is no doubt that the prevalence of Parkinson's disease will increase. It is, therefore, imperative to work together towards a breakthrough in Parkinson's disease. Only the federal government can provide sufficient financial support and leadership to sustain a coordinated approach to the search for the cause and cure.

Your efforts, and those of your Congressional supporters, are deeply appreciated by all of us who seek to improve the quality of life of those afflicted with Parkinson's and related disorders.

Most sincerely,

PAGE MORTON BLACK,
Chairman of the Board.

NATIONAL PARKINSON FOUNDATION, INC.,
Miami, FL, July 15, 1994.

Hon. MARK O. HATFIELD,
711 Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Board of Directors of the National Parkinson Foundation, I would like to thank you for introducing the Morris K. Udall Parkinson's Research and Education Act.

It is efforts such as yours that will accelerate the day when Parkinson's disease will be only a memory.

This research support from the federal government is imperative to continue the fight against this terrible ailment.

Sincerely,

EMILIO ALONSO-MENDOZA,
National Director.

NATIONAL PARKINSON FOUNDATION, INC.,
Miami, FL, July 15, 1994.

Hon. MARK O. HATFIELD,
711 Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Board of Directors of the National Parkinson Foundation, I would like to express my sincere gratitude to you for introducing the Morris K. Udall Parkinson's Research and Education Act.

The great need for expanded research support from the federal government is crucial and will be an effective tool for researchers to attain scientific breakthroughs in the treatment and cure of Parkinson's disease.

I would also like to commend the other Congressional supporters and to let you know that the Parkinson community and researchers are looking to you for the sustenance to help realize this tremendous scientific potential.

Sincerely,

NATHAN SLEWETT,
Chairman.

THE PARKINSON'S INSTITUTE,
Sunnyvale, CA, July 13, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Having have had the opportunity to review a draft of the "Morris K. Udall Parkinson's Research and Education Act", it is with great pleasure that I accept your invitation to attend a press conference to introduce the Bill at 10:00 a.m. on July 19, 1994, in Washington, D.C. In my opinion, this Bill is the best thing to happen to Parkinson's disease research in a long time. It will undoubtedly be a tremendous shot in the arm for both research and patient care. At last, those of us who have been working desperately to try to find the cause and cure for this disease have reason to hope that we will be able to continue our work in the future. On behalf of myself, the Parkinson's Institute, and every patient in the United States, I would like to thank you for your concern and this remarkable step forward.

I look forward to meeting you next Tuesday.

Sincerely,

J. WILLIAM LANGSTON, M.D.,
President.

PARKINSON'S DISEASE FOUNDATION,
New York, NY, July 18, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator, Senate Office Building, Washington, DC.

Re Morris K. Udall Parkinson's Research and Education Act.

DEAR SENATOR HATFIELD: On behalf of the hundreds of thousands of Americans who have Parkinson's disease, and their families, the Parkinson's Disease Foundation thanks you for your advocacy of the cause.

The Parkinson's Disease Foundation will be represented at your press conference by Mrs. Margot Zobel.

The Parkinson's Disease Foundation joins with Parkinson's Action Network, United Parkinson Foundation, National Parkinson Foundation, American Parkinson's Disease Association, Michigan Parkinson Foundation and others in supporting this initiative.

Please let us know how we may assist further as the bill progresses.

Most sincerely,

DINAH TOTTENHAM ORR,
Executive Director.

THE PARKINSON'S INSTITUTE, CLINICAL CENTER FOR PARKINSON'S DISEASE AND MOVEMENT DISORDERS,
Sunnyvale, CA, July 15, 1994.

TO WHOM IT MAY CONCERN: As a neurologist who treats a large number of patients with Parkinson's disease, I strongly support the "Morris K. Udall Parkinson's Research and Education Act". In my view, lack of funding has stalled a number of promising research projects dealing with Parkinson's disease. Enactment of this legislation would provide a much needed "shot in the arm" for this disabling disease that currently afflicts about 1.5 million people in the U.S., a number that is increasing year by year. There is now a remarkable animal model that should allow researchers to probe the underlying degenerative processes in Parkinson's and perhaps other neurodegenerative diseases, but

such research has been hampered by lack of funding. I do hope that congress will recognize the compelling arguments for this legislation. I commend the efforts of Senator Hatfield, Ms. Samuelson and all who have supported this bill.

Sincerely,

JAMES W. TETRUD, M.D.

Mr. WELLSTONE. Madam President, let me, first of all, thank Senator HATFIELD for offering this bill and just simply state for the RECORD that I am very proud to be an original cosponsor.

I would also say that Senator HATFIELD'S concluding remarks are extremely important because I think the initiative that he and Senator HARKIN have undertaken to make sure there is a set-aside with a focus of funding for NIH for the research to cure for diseases is extremely important because the last thing we want to do is have one group of people struggling with an illness played off against another group. It is not a question of more of a commitment to Parkinson's and less of a commitment to Alzheimer's, less of a commitment to breast cancer or less of a commitment to diabetes.

And I do believe the initiative that Senator HATFIELD spoke of that he and Senator HARKIN have undertaken is extremely important.

Madam President, when I first came to the Senate, I drove over with Senator MCCAIN to visit Mo Udall, who had been a hero of mine. I did not have the opportunity to know him, but I knew all about him, and it was real difficult for me to visit with him at the nursing home and VA Center just to see his personal struggle and to know not only his struggle but the struggle for his family.

Madam President, in some ways all of politics is personal, and I do, as Senator HATFIELD said, speak from experience.

Both my mother and father had Parkinson's disease and my father, in particular, which I think is rare for both parents. But my father was a writer, and at the very end of his life I remember seeing him in the study trying to type with his hand just shaking like this. He could no longer type. He could no longer walk. And at the very end of his life, Madam President, he could no longer speak, at which point he whispered to me in a barely audible way "I intensely want to die."

It reached the point where from his point of view there was no reason to continue to live. It had become so debilitating. There are 1.5 million families who struggle with this, which I believe was the figure Senator HATFIELD used.

So it is not just a question of Representative Udall or my father or my mother. But I can tell you this: This initiative is extremely important, and I want to kind of summarize the hours and hours that I could take to speak on this just with one story. I have a friend, I say to Senator HATFIELD. His name is Michel Minot, who was a college teacher at Carlton College where I taught, who found out—at least in the case of my father, at about 60 the onset of Parkinson's—when he was about 35. Then when he was about 40 he could no longer teach. He had undertaken these walks across the country to raise funding for Parkinson's research. His decline is very self-evident, and it really had become a difficult, difficult struggle.

Toward the end of my dad's life, Sheila and I and our children took my mother and father to McDonald's in Northfield. He liked McDonald's because of all the small children in McDonald's, where it was always colorful and there were lots of people to look at.

And this was a particularly bad day for my father, which is to say the shake was very pronounced and he could barely walk and he had kind of a blank look on his face which comes with Parkinson's. I saw Michel Minot, my friend, at the front of the restaurant. And after my mom and dad finished eating, we always went out the front door. My father never knew this. But I took him out the back door because I did not want Michel Minot, age 38, to see my father because I felt that Michel would see his future.

My point, Madam President, is this: yesterday, I spoke with Joan Samuelson, a very courageous person who is struggling with Parkinson's, and men and women struggling with Parkinson's in the Parkinson's Action Network. Many of them are young people or middle-age people. I do not want them to believe that their future would be what my parents went through, because it does not have to be that way.

For just a reasonable investment of resources, we could find a cure for this disease. Sometimes it is more than worth it to spend the money to find cures for these diseases. Yes, it saves our society money in the long run or even in the short run, but most important of all is, how do you put a value on a human life?

So, Madam President, I think this piece of legislation is extremely important. I hope it will put a focus on Parkinson's disease, because there really has not been a focus on Parkinson's in the way it should be by the NIH. There really has not been an investment in resources. We have all sorts of promising results that tell us we could find a cure.

So I thank my colleague from Oregon. I think this is extremely important. I think it honors Mo Udall and his family, but most important of all it is an extremely important health initiative that we must take.

I, Madam President, would like to have my remarks for the RECORD be for my mother and father.

Mr. HATFIELD. Madam President, I ask unanimous consent for 1 additional minute.

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

Mr. HATFIELD. Madam President, I thank the Senator from Minnesota [Mr. WELLSTONE]. I am always moved by the fact that Senator WELLSTONE combines great intellect and great passion for causes and for issues that he represents. I am grateful that he has joined in this effort on behalf of Mo Udall and Parkinson's disease.

I also want to share, too, that I think each one of us could cite a relationship or a friend who is giving us a special dimension of understanding of this debilitating disease.

I think of Travis Cross, a young man at the time I first became acquainted with him in Salem, OR, and who later became a very close friend and my press secretary for 8 years when I was Governor and 2 years when I was secretary of state of Oregon who now has Parkinson's disease. Seeing his problems as they increased, seeing the deterioration, really illustrated the very, very dramatic change in a person's life that this disease causes, bringing great concern and great sorrow for his friends and family. But as master of the circumstance, Travis seemed to have an even greater spirit of determination, as I am sure with your parents, Senator WELLSTONE. And having known Senator SIMPSON's father for many years, I saw it in Senator SIMPSON's father as well.

So this effort will allow us to expedite the day when we can acclaim the cure and all have the joy of knowing there is help on the way.

Mr. SIMPSON. Mr. President, during this interim—and I anticipate the managers of the bill just indicating to me when they are ready to proceed at any appropriate time—but I wanted to make a few remarks about a bill that was introduced this morning by my good colleague, Senator MARK HATFIELD. Senator WELLSTONE also spoke. These two fine colleagues and I have joined together with regard to sponsorship of the introduction of the Morris Udall Parkinson's Research, Education and Assistance Act on this day.

I want to join my colleague from Oregon, my fine friend, long-time friend, who knew my father who suffered from Parkinson's and lived with it, as many of them do, for so many years; and with Senator WELLSTONE. I understand both his mother and his father have been victims of Parkinson's. There can be no more extraordinary knowledge of the disease, unless of course one is afflicted with it, I am certain, than to have a loved one who has suffered from it. It is a difficult and robbing disease. Everyone I have ever heard speak of it describes it as a disease that robs you. That would be true.

But the purpose of the bill is to establish a grant program to support scientists who have distinguished themselves in the field of Parkinson's. It establishes research centers. I believe my

colleagues, Senator HATFIELD and Senator WELLSTONE have well described the bill. I will not duplicate that. But, obviously, Federal funding for research on Parkinson's has been historically very low in comparison to other devastating and debilitating diseases. This disparity exists because Parkinson's, in the community, is often largely invisible. It is not invisible within the community, it is in the Washington community. Now we remember that many of these unfortunate people afflicted with this disease are too disabled to function publicly.

I know my dear father used to say, "The toughest part of this disease is that my mind is just as sharp as it was when I was 50. But my body and my face and the mask-like expression and the tremor leave you to feel almost trapped." And the worst part of it, of course, is that your friends who have known you for 20 or 30 or 40 years—for a lifetime—suddenly feel embarrassed. They suddenly steer around because they see a person they did not know before, with one of the most grotesque parts of the ailment, and that is the mask-like expression and the tremor. People are working with support groups. I commend those to all people suffering from Parkinson's. It is so important.

We had a very remarkable press conference this morning: Senator WELLSTONE, Senator HATFIELD, Congressman HENRY WAXMAN, and Congressman FRED UPTON. The five of us are going to work hard on this one and we are going to get the job done.

I can say with regard to my own father, he had to retire from the U.S. Senate at the age of 69 because of his long, exhausting struggle with Parkinson's. He went on to live some very productive years, even with Parkinson's claiming him, until his death last year at 95.

So we have much time to make up. The legislation has been introduced in honor of my old dear friend, former Congressman Morris "MO" Udall who had courageously battled Parkinson's for many years, since 1980. As many of my colleagues are aware, Mo's career came to a sharp halt in early 1991 after a combination of Parkinson's disease and injuries prevented him from completing his term in office.

Since then, the Udall family—and they are a wonderful lot; Norma, his wife; Ann, brothers, uncles, it is a marvelous family—they joined with the patient and research community in vigorously advocating for more Federal support to meet the growing research in Parkinson's.

So it has been a tribute to Mo Udall, and Mo's family hopes and prays their efforts will remind all of us of the terrible cost of Parkinson's when it insidiously steals an individual's ability to continue to make contributions to society.

The family also wants to remind all of us in Congress, and beyond this beltway, of his remarkable record on environmental and social causes, for Mo Udall was a success as a legislator because of unparalleled ability to use grace, rich humor and wonderful laughter to get his point across to others.

He often used humor to disarm an opponent and lighten up some very tense situations. I know, because we served on conference committees. Many times we were together and shared so much, times too numerous to mention here. But a little humor sometimes goes right to the target, and that is why Mo was such a wonderful part of our lives and our legislative endeavors with that bright, thoughtful, inquisitive mind and always that great leveling agent of humor.

He often said, "The best political humor, however sharp or pointed, has a little love behind it. It is the spirit of the humor that counts. Over the years, it has served me when nothing else could."

I remember one great phrase, indeed, of Mo Udall's when he ran for the Presidency, and it was a close call. Look at your history books and you will find if there had been another 200,000 votes in the right spot, Mo Udall would have been the candidate for President, instead of Jimmy Carter, for the Democratic Party.

But somebody asked him later, "Well, do you think you will run again for President?" He said, "Well, the only way to get it out of your system is with embalming fluid." And that was Mo, and then he would laugh.

I will just share with you my own father. He kept his sense of humor throughout this devastating disease. He had a great one, because when he ran for the U.S. Senate, he was afflicted with it but he tried to hide it, and he did pretty well. But the left hand he called his phantom hand. When he would speak, he would put it in his pocket. Of course, you could see it flapping in there, too. He would get up to the podium, and it would begin to move, as if with its own engine. He would say, "Now, wait, I see some of you looking at my left hand and that tremor there, shaking." He said, "Now, don't feel sorry for me. I feel sorry enough for myself. That's my drinking hand, I'm spilling more than I drink."

And that was Pop.

That is what you find in many Parkinson's victims: A marvelous sense of humor, a marvelous sense of self.

So I hope that this legislation will be considered. It is in the best traditions of the Senate, and we name it in honor of our friend. We miss our friend. We miss our friend Mo Udall in these Halls of Congress. He brought a great amount of wisdom and levity to this place.

I believe that this legislation is a most wonderful way to honor him and his life and his family and his valuable contributions to Congress and to society as a whole.

I hope that my colleagues will assist us in the course of this legislation.

By Mr. FORD:

S. 2295. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Natural Resources.

CANNELTON HYDROPOWER PROJECT ACT

Mr. FORD. Mr. President, I am today introducing a bill to extend the time limitation on an already issued FERC license for a hydroelectric project in Kentucky.

Upon completion of environmental, engineering, and other project review, the Federal Energy Regulatory Commission [FERC] issued a license to W.V. Hydro, Inc. for the Cannelton Hydropower project, FERC project No. 10228—Cannelton project. The Cannelton project will be located at the U.S. Army Corps of Engineers [Corps] Lock and Dam on the Ohio River in Hancock County, KY. The 80 megawatt Cannelton project would generate an estimated 358 gigawatt-hours of electricity per year using the untapped energy potential of the existing corps dam.

Construction and operation of the Cannelton project would create new jobs for local residents and the licensee would pay substantial property taxes. During construction, W.V. Hydro, Inc. also plans to spend a substantial amount in wages and salaries, providing further employment and business income to local communities.

Section 13 of the Federal Power Act [FPA], (16 U.S.C. §806 (1988)), prescribes the time limits for commencement of construction of a hydropower project once FERC has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the initial 2-year deadline. Section 13, however, permits FERC only one extension for no "longer than 2 additional years * * * when not incompatible with the public interests." Accordingly, FERC is without authority to extend the commencement of construction deadline beyond a maximum of 4 years from the date it issues the license. A licensee that fails to begin construction within the prescribed time period faces termination of its license.

FERC has extended the Cannelton projects' construction commencement deadline under the FPA for the one permissible 2-year period, setting the current deadline of June 20, 1995. If enacted, the proposed legislation would grant FERC authority to extend the commencement of construction deadline for up to 6 additional years.

Congress has authorized legislative extensions for licensees in similar situations. For example, Congress passed

Public Law 101-155 (S. 750) granting FERC authority to extend the commencement of construction deadline for the White River projects in the State of Arkansas, and Public Law 102-486 (S. 776) granting FERC authority to extend the commencement of construction deadlines for the Starved Rock Lock and Dam project in the State of Illinois, the Black Creek project located in the State of Washington, the Smithland Local and Dam Hydropower project also located in the Commonwealth of Kentucky, and the Arrowrock Dam project located in the State of Idaho.

As the June 20, 1995 deadline approaches, W.V. Hydro, Inc. is actively pursuing several avenues for reaching agreements with potential power purchasers. W.V. Hydro, Inc. has initiated power purchase negotiations with several electric utilities and industrial power users. In addition, W.V. Hydro, Inc. has contracted with a construction consortium to assess the feasibility of reducing project costs through engineering design modifications. To maintain the development opportunity of this beneficial project, W.V. Hydro, Inc. seeks legislation that would grant FERC the authority to extend the commencement of construction deadline for up to three additional 2-year periods.

If Congress enacts the legislation, W.V. Hydro, Inc. will petition FERC for an extension of commencement of construction deadline, submitting all appropriate information to enable FERC to determine whether granting the extension would be consistent with the public interest. If Congress fails to enact the legislation, the hydroelectric potential of the Corps Lock and Dam will remain undeveloped.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2295

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for the project for up to a maximum of three consecutive two-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

By Mr. METZENBAUM (for himself, Mr. THURMOND, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. SIMON, Mr. SIMPSON, and Mr. GRASSLEY):

S. 2297. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; to the Committee on the Judiciary.

INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT

Mr. METZENBAUM. Mr. President, in today's global economy, American consumers and businesses are in much greater danger of becoming the victims of foreign conspiracies, collusion, and cartels. The United States has a strong tradition of tough antitrust enforcement. However, policing anticompetitive conduct in the United States is no longer enough to protect our consumers from foreign conspiracies.

The International Antitrust Enforcement Assistance Act of 1994, which I am introducing today with my colleague STROM THURMOND, will give the Department of Justice and the Federal Trade Commission [FTC] greater power to protect American consumers. It does so by empowering DOJ and FTC to enter into cooperative agreements with their foreign counterparts to obtain evidence of antitrust violations that can only be found abroad. I am particularly gratified that so many of my distinguished colleagues are cosponsoring this bill, including Senators JOSEPH BIDEN, EDWARD KENNEDY, PATRICK LEAHY, PAUL SIMON, ALAN SIMPSON, and CHARLES GRASSLEY.

The fact is foreign monopolies and cartels can undermine American free markets and raise prices for our consumers. Within the past 2 months, DOJ has, with the assistance and cooperation of the Canadian Government, prosecuted two such international cartels. One of those cartels fixed the prices of plastic utensils and cups and the other, which DOJ announced last week, fixed the price of paper used in fax machines. DOJ collected more than $6 million in fines from the fax cartel, which included several Japanese companies. Both these prosecutions are splendid examples of how American consumers can benefit from closer international cooperation among antitrust authorities.

To combat the growing international threat to U.S. consumers, our antitrust authorities must have the cooperation of more of their foreign counterparts to investigate and prosecute anticompetitive schemes with a global reach. The International Antitrust Enforcement Assistance Act would authorize this kind of cooperation. I commend Attorney General Janet Reno, and the Chief of the Antitrust Division, Anne Bingaman, for developing this important initiative to strengthen international antitrust enforcement.

The bill will give the Attorney General and the FTC the authority to negotiate mutual legal assistance agreements with foreign antitrust agencies. The Securities and Exchange Commission, which has similar authority, has negotiated agreements with 18 of its foreign counterparts. It is essential that we give our antitrust agencies the same authority.

International antitrust enforcement assistance agreements will give U.S. consumers greater protection against companies that boycott their American rivals, fix the prices of consumer and commercial goods or otherwise abuse their monopoly power and then hide the evidence of their illegal activities behind foreign laws and loopholes. Under these new international agreements, our own antitrust authorities will have greater access to the hard evidence they need to investigate and prosecute foreign anticompetitive schemes. Likewise, foreign governments that agree to cooperate with the United States will be able to call upon our antitrust agencies to assist them with their investigations.

Greater cooperation among the world's antitrust enforcement authorities will also protect American businesses from foreign predators. When these agreements are in effect, foreign companies won't be able to use time-consuming legal maneuvers to shield themselves from our fair competition laws. You can bet that foreign cartels and monopolies facing a credible threat of prosecution from U.S. antitrust authorities will think twice before exploiting America's free markets and attacking our domestic companies.

The bill also includes necessary and proper safeguards to protect the confidentiality of the information that we share with foreign antitrust authorities. Both the Department of Justice and FTC will have to determine, with a high degree of confidence, that sensitive and proprietary information from U.S. companies won't fall into the wrong hands. I am confident that both agencies will meet their obligations in this regard.

I urge all of my colleagues to support this bold initiative to extend the reach of our fair competition laws and to protect American consumers and businesses from unfair international competition.

Mr. THURMOND. Mr. President, I rise today as an original cosponsor of the International Antitrust Enforcement Assistance Act, which I have joined with Senator METZENBAUM and others. This bill authorizes closer cooperation and sharing of information between United States and foreign antitrust authorities in order to more effectively enforce antitrust laws for the benefit of American consumers and businesses. This is a worthy objective which deserves broad bipartisan support.

It is indisputable that as business dealings have become more international in scope, antitrust violations more often involve transactions and evidence which are located in more than one country. Therefore, it is appropriate and necessary for antitrust authorities to be given better tools for obtaining evidence abroad. This bill achieves that goal by authorizing investigations to be conducted and information shared with foreign authorities in appropriate circumstances. However, this legislation does not change the jurisdictional reach or substance of either the U.S. antitrust laws or any foreign law.

Last month, Attorney General Janet Reno and Assistant Attorney General Anne Bingaman held a press conference to announce the preparation of this legislation. I stated at that time that the concept was laudable, but that care must be taken to protect against any misuse of information shared with foreign governments or other unintended consequences which could be detrimental to American interests.

In particular, I expressed concern that American companies must be protected from any possibility that this legislation could allow foreign competitors to gain competitive information or instigate unjust harassment, that there be sufficient reciprocity in the investigations conducted and information shared so that the benefits and responsibilities are evenly shared, and that our national defense must in no way be threatened through the sharing of information.

Mr. President, I am pleased to state that these concerns have been addressed in the legislation we are introducing today. First, a number of provisions have been added to the original proposal to enhance the confidentiality of any information disclosed, including a determination in each case that the foreign laws are sufficient to protect confidentiality and will be applied. Second, the bill ensures that there will be true reciprocity between the United States and foreign antitrust authorities so that the results are not one-sided. Finally, express provisions have been included to ensure that classified information relating to national defense and foreign policy will not be disclosed to foreign agencies.

I look forward to prompt hearings and action on this legislation.

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2298. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agriculture exports, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT SYSTEM AGRICULTURAL EXPORT AND RISK MANAGEMENT ACT

Mr. LEAHY. Mr. President, I am pleased to join today with the distinguished ranking member on the Agriculture Committee, Senator LUGAR, to introduce the Farm Credit System Agricultural Export and Risk Management Act.

The act does three things that I believe the American public can support strongly. First, it expands the capacity of our Nation's financial system to provide credit for the export of U.S. agricultural products—a economic growth area of paramount importance for Rural America that we must stimulate in every reasonable, affordable way we possibly can.

This is accomplished in the bill through modest expansion of the export lending authority of the National Bank for Cooperatives [CoBank], which has played a key role in financing the export of American agricultural products since 1980.

Second, the bill authorizes member institutions of the Farm Credit System—a Government Sponsored Enterprise [GSE]—and the Nation's private banks to participate together in multilender transactions for the purpose of improving loan management capability and reducing the concentration of risk.

Third, this bill moves in these two important directions without a subsidy from the Federal Treasury. Its provisons—in both the export financing and risk management areas—are modest and conservative. It will enhance credit opportunities for important rural ventures by carefully expanding the already-existing authority of the CoBank and by providing incentives for the Farm Credit System and private banks to cooperate and share risks.

The CoBank's present authority allows it to finance only exports produced by American agricultural cooperatives. This limits its ability to serve all of American agriculture. A key provision of the legislation we are introducing today will broaden CoBank's ability to finance the export of any U.S. agricultural product, regardless of the source.

CoBank, which has an excellent track record of providing significant, consistent financing for U.S. agricultural exports, actively markets our products and works with commodity and governmental organizations to develop new export opportunities.

In this rapidly changing era of NAFTA and GATT, it makes good sense to enhance this authority. CoBank—and experienced, technically proficient export lender that concentrates exclusively on agricultural products—can help our farm sector increase its exports dramatically without having to turn to the small group of foreign-owned banks that now dominate this relatively low profit, high risk business.

Further, the bill does something that I believe both the Farm Credit System and the private banking industry have been seeking for some time and can mutually benefit from. That is, it creates the opportunity for Farm Credit institutions and private banks to manage and reduce their concentration of loan loss risk in terms of geography, industry and account exposure by expanding the System's ability to purchase and sell loan participations from commercial banks and other non-System lenders.

This modest bill is good for both America's banks and for our Farm Credit System, which has been so diligent in repaying the Federal obligations it incurred under the 1987 Agricultural Credit Act and in streamlining and improving its operations.

The bill is also good for the farms, ranches and agriculture-related businesses of Rural America, which will benefit from enhanced credit opportunities.

Most important of all, the bill is good for American taxpayers and consumers, who will appreciate and support its reliance on non-Federal resources—and who have a very real stake in the health of American agriculture.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2298

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 "Farm Credit System Agricultural Export and Risk Management Act".

SEC. 2. REFERENCES TO FARM CREDIT ACT OF 1971.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), except to the extent otherwise specifically provided.

SEC. 3. PARTICIPATION DEFINED.

Section 3.1(11)(B) (12 U.S.C. 2122(11)(B)) is amended by adding at the end the following new clause:

"(iv) As used in this subparagraph, the term 'participate' or 'participation' refers to multilender transactions, including syndications, assignments, loan participations, subparticipations, or other forms of the purchase, sale, or transfer of interests in loans, other extensions of credit, or other technical and financial assistance.".

SEC. 4. AGRICULTURAL EXPORT FINANCING.

Section 3.7(b) (12 U.S.C. 2128(b)) is amended—

(1) in paragraph (1)—

(A) by striking "assistance to (A)" and inserting "assistance to";

(B) by striking "the export or" and inserting "the"; and

(C) by striking "and (B)" and all that follows through "subparagraph (A): *Provided*, That a" and inserting "if the"; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2)(A) A bank for cooperatives is authorized to make or participate in loans and

commitments to, and to extend other technical and financial assistance to—

"(i) any domestic or foreign party for the export, including (where applicable) the cost of freight, of agricultural commodities or products thereof, farm supplies, or aquatic products from the United States under policies and procedures established by the bank for cooperatives to ensure that the commodities, products, or supplies are originally sourced, where reasonably available, from 1 or more eligible cooperative associations described in section 3.8(a) on a priority basis; and

"(ii) except as provided in subparagraph (B), any domestic or foreign party in which an eligible cooperative association described in section 3.8(a) (including, for the purpose of facilitating its domestic business operations only, a cooperative or other entity described in section 3.8(b)(1)(A)) has an ownership interest, for the purpose of facilitating the domestic or foreign business operations of the association, except that if the ownership interest by an eligible cooperative association, or associations, is less than 50-percent, the financing shall be limited to the percentage held in the party by the association or associations.

"(B) A bank for cooperatives shall not use the authority provided in subparagraph (A)(ii) to provide financial assistance to a party for the purpose of financing the relocation of a plant or facility from the United States to another country.".

SEC. 5. CONFORMING AMENDMENT.

Section 3.8(b)(1) (12 U.S.C. 2129(b)(1)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(3) by aligning the margin of subparagraph (D) (as so redesignated) so as to align with the margin of subparagraph (C) (as so redesignated).

SEC. 6. LOAN PARTICIPATION AUTHORITY FOR FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS.

(a) IN GENERAL.—Title IV (12 U.S.C. 2151 et seq.) is amended by inserting after section 4.18 (12 U.S.C. 2206) the following new section:

"SEC. 4.18A. AUTHORITY OF FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS TO PARTICIPATE IN LOANS TO SIMILAR ENTITIES FOR RISK MANAGEMENT PURPOSES.

"(a) DEFINITIONS.—As used in this section:

"(1) PARTICIPATE AND PARTICIPATION.—The terms 'participate' and 'participation' have the meaning provided in section 3.1(11)(B)(iv).

"(2) SIMILAR ENTITY.—The term 'similar entity' means a person that—

"(A) is not eligible for a loan from the Farm Credit Bank or association; and

"(B) has operations that are functionally similar to a person that is eligible for a loan from the Farm Credit Bank or association in that the person derives majority of the income of the person from, or has a majority of the assets of the person invested in, the conduct of activities that are functionally similar to the activities that are conducted by an eligible person.

"(b) LOAN PARTICIPATION AUTHORITY.—Notwithstanding any other provision of this Act, and Farm Credit Bank or direct lender association chartered under this Act is authorized to participate in any loan of a type otherwise authorized under title I or II made to a similar entity by any person in the business of extending credit, except that a Farm Credit Bank or direct lender association may not participate in a loan under this section if—

"(1) the participation would cause the total amount of all participations by the Farm Credit Bank or association under this section involving a single credit risk to exceed 10 percent (or the applicable higher lending limit authorized under regulations issued by the Farm Credit Administration if the stockholders of the respective Farm Credit Bank or association so approve) of the total capital of the Farm Credit Bank or association;

"(2) the participation by the Farm Credit Bank or association would equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by other Farm Credit System institutions, would cause the cumulative amount of the participations by all Farm Credit System institutions in the loan to equal or exceed 50 percent of the principal of the loan;

"(3) the participation would cause the cumulative amount of participations that the Farm Credit Bank or association has outstanding under this section to exceed 15 percent of the total assets of the Farm Credit Bank or association; or

"(4) the loan is of the type authorized under section 1.11(b) or 2.4(a)(2).

"(c) PRIOR APPROVAL REQUIRED.—

"(1) IN GENERAL.—With respect to a similar entity that is eligible to borrow from a bank for cooperatives under the title III, the authority of a Farm Credit Bank or association to participate in a loan to the entity under this section shall be subject to the prior approval of the bank for cooperatives having, at the time the loan is made, the greatest loan volume in the State in which the headquarters office of the similar entity is located.

"(2) TERMS AND CONDITIONS.—Approval under paragraph (1) may be granted on an annual basis and under such terms and conditions as may be agreed on between the Farm Credit Bank or association, as the case may be, and the bank for cooperatives granting the approval.

"(3) APPROVAL BY SUPERVISING FARM CREDIT BANK.—An association may not participate in a loan to a similar entity under this section without the approval of the supervising Farm Credit Bank of the association.".

(b) CONFORMING AMENDMENTS.—Section 3.1(11)(B)(i)(I)(bb) (12 U.S.C. 2122(11)(B)(i)(I)(bb)) is amended—

(1) by striking "the other banks for cooperatives under this subparagraph" and inserting "other Farm Credit System institutions"; and

(2) by striking "all banks for cooperatives" and inserting "all Farm Credit System institutions."

Mr. LUGAR. Mr. President, today Senator LEAHY and I are introducing the Farm Credit System Agricultural Export and Risk Management Act. This legislation will encourage U.S. agricultural exports, remove burdensome regulatory requirements from the banks for cooperatives, and clarify legal authorities for Farm Credit System institutions to manage risk through loan participations and similar transactions that will benefit not only the System but also commercial lenders.

The Farm Credit System's borrower-owned institutions have made a phenomenal recovery from their near-collapse in the mid-1980's. It is appropriate that Congress continue to encourage the System to manage its risks prudently, structure its operations in a manner consistent with the changing nature of the U.S. financial system, and facilitate its borrowers' participation in the international marketplace. I believe this legislation will help accomplish all these goals.

The key provision of this bill affects the ability of the banks for cooperatives to finance agricultural export transactions. These banks—primarily the National Bank for Cooperatives, or CoBank—have had export financing authority since 1980. CoBank finances about $2 billion of U.S. farm exports per year, nearly all of which is backed by the Agriculture Department's GSM-102 credit guarantee program.

CoBank is, in fact, the dominant player among lending institutions participating in the GSM-102 program. Relatively few U.S. commercial banks have financed GSM-102 transactions.

The law presently requires that, in order to finance an export sale, CoBank must ensure that the exported commodities originated with a cooperative. This does not mean that a co-op must actually be the exporter; more typically, a commercial grain company would export grain that was sourced from co-op elevators.

Since CoBank is owned by its cooperative borrowers, the institution has an obvious desire to source the exports it finances from co-ops whenever possible. In some cases, however, it is difficult or impossible for the exporter to certify co-op origin to CoBank. In such circumstances, CoBank simply loses business, often to foreign banks.

Two years ago, Congress absolved CoBank of the co-op sourcing requirement with respect to exports to the former Soviet Union, reflecting the high priority of maintaining trade ties to those republics unencumbered by unnecessary redtape. The legislation I introduced today will, in essence, extend this authority to all export destinations, while requiring that priority be given to commodities originating with cooperatives.

As I have already indicated, I believe that by allowing some flexibility to CoBank, we will achieve a number of desirable goals. We will reduce a regulatory burden that sometimes results in export financing business being forfeited to offshore institutions. By virtue of CoBank's dominant role in GSM-102, we will enhance that program's efficiency and its ability to facilitate U.S. export sales. We will encourage an expansion of U.S. agricultural export sales at a time when exports of many commodities are in decline. And by reducing the administrative cost of some transactions, we will enhance efficient operations in a major Farm Credit System institution, further shoring up the safety and soundness of the entire System.

The bill has several other provisions, all of which enhance the Farm Credit System's ability to keep up with changing practices in the U.S. financial system. Specifically, the bill will:

Authorize the banks for cooperatives to finance international joint ventures and partnerships in which U.S. co-ops hold an ownership interest, while prohibiting any such financing that would lead to any U.S. facilities being moved overseas;

Authorize all Farm Credit System institutions to use risk management authorities presently available to the banks for cooperatives, by participating in loans to entities similar to those eligible to borrow from the System, but not holding more than a 50-percent interest in such loans;

Clarify the System's current authority to participate in loans originated by other financial institutions by ensuring that this authority will keep pace with evolving banking industry practice, permitting the System to take part in syndications and similar transactions.

In each case, these changes will enhance the System's ability to reduce its concentration of risk in terms of geography, industry, and account exposure. System institutions both purchase and sell participations from and to other lenders, a practice that is important particularly in the case of larger loans. For example, CoBank recently administered a $650 million syndication for Farmland Industries, Inc., a major farmer-owned marketing and supply cooperative. Seven commercial banks joined CoBank to provide funding for the syndication, illustrating the growing number of cases where banks and System institutions are working together harmoniously to meet the credit needs of rural America.

It is important to note that the legislation will not give System institutions an unfair advantage over the commercial banking industry. For example, in the case of loans to agricultural entities that are similar to System borrowers, the System would be prohibited from providing 50 percent or more of the funds for such loans, ensuring that the System's use of loan participations will be limited to those cases where commercial lenders desire to involve the System, and that the System still would not be able to originate loans of this type.

Mr. President, I am pleased to join Senator LEAHY in introducing this important bill. Very similar legislation has been introduced in the House of Representatives as H.R. 4379 by Representatives DE LA GARZA, ROBERTS, and others. I invite my colleagues to review the bill and look forward to working with them and with financial and agricultural industries to ensure that the legislation can be of broad benefit to all interested parties, and that it will enjoy widespread and enthusiastic support.

ADDITIONAL COSPONSORS

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

S. 2119

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2119, a bill to prohibit the imposition of additional fees for attendance by United States citizens at the United States Merchant Marine Academy.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2215

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2215, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Oregon [Mr. HATFIELD] 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.

S. 2286

At the request of Mr. LUGAR, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

AMENDMENT NO. 2303

At the request of Mr. COVERDELL his name was added as a cosponsor of Amendment No. 2303 proposed to H.R. 4554, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

SENATE CONCURRENT RESOLUTION 72—RELATIVE TO THE CONVENTION ON THE LAW OF THE SEA

Mr. GREGG submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 72

Whereas many of the minerals underlying the seabed have strategic and military importance to the United States;

Whereas the Convention on the Law of the Sea will come into force on November 16, 1994, having been ratified by 61 countries as of the date of adoption of this resolution, none of which is industrialized;

Whereas a new seabed mining agreement amending the Convention on the Law of the Sea will be open for signature on July 29, 1994, and the President intends to sign the agreement;

Whereas the Convention on the Law of the Sea, even as amended, continues to discriminate against the United States and the industrialized allies of the United States, is antithetical to business interests, and will discourage United States investment in seabed mining;

Whereas the signature by the President of the new seabed mining agreement will bind the United States provisionally to the seabed mining agreement and portions of the Convention on the Law of the Sea for a period of not to exceed 4 years, even if the Senate has not given advice and consent to the ratification;

Whereas the provisional application of the seabed mining agreement and portions of the Convention of the Law of the Sea will force the United States to finance 25 percent of the operations of the large bureaucracy created by the Convention on the Law of the Sea, including the international seabed authority, which will eventually support a direct competitor to mining interests of the United States and private mining interests, and distribute revenues from seabed mining

to developing countries and groups of national liberation;

Whereas provisional application of the Convention on the Law of the Sea will coerce seabed miners of the United States into participating in the regime by filing mining claims and paying exploration and application fees in an amount equal to $250,000 to the international seabed authority;

Whereas the plain language of section 5(a) of the State Department Basic Authorities Act of 1956 prohibits the participation by the United States in any international organization or any international activity of such organization for which provision has not been made by any treaty or statute for longer than 1 year without approval of Congress; and

Whereas the possible ultimate failure by the United States to ratify the Convention on the Law of the Sea will cause chaos for the United States seabed mining industry: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should refrain from signing, on behalf of the United States, the seabed mining agreement that will be open for signature on July 29, 1994, relating to the Convention on the Law of the Sea.

SEC. 2. As used in this resolution, the Term "Convention on the Law of the Sea" means the United Nations Convention on the Law of the Sea (open for signature at Montego Bay on December 10, 1982).

SEC. 3. The Secretary shall transmit a copy of this concurrent resolution to the President.

• Mr. GREGG. Mr. President, today, Congressman JACK FIELDS and I are submitting concurrent resolutions expressing the sense of the Congress that the United States should not sign the United Nations Law of the Sea Treaty.

On June 30, 1994, Secretary of State Warren Christopher announced before the Senate Foreign Relations Committee, of which I am a member, that the United States will sign the seabed mining agreement—also known as the Boat Paper—relating to the United Nations Law of the Sea Treaty, when it is opened for signatures on July 29, 1994.

In 1982, President Reagan rejected the proposed U.N. Law of the Sea Treaty, but today, President Clinton wants to sign this document, which I believe is still not in the best interest of the United States. The United Nations claims to have changed and overcome many of the items President Reagan objected to 12 years ago, but these changes are still not enough. The problem still lies within the seabed mining provisions of the treaty.

We must ask, "Is signing this treaty in the interest of the United States?" Only 60 countries have ratified the treaty, but no other industrialized nation has signed it. In this agreement Third World countries will receive preferential treatment at the expense of industrialized nations. Even though the treaty has been amended, since 1982, it continues to discriminate against the United States and other industrialized nations. There will be total domination by Third World developing countries in all aspects of the bureaucracy created by this treaty.

The Preamble of the Law of the Sea Treaty says it all, "the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries. * * *"

In article 144 of the treaty, in laymen's terms, developed nations will be "encouraged" to transfer their mining technology and other technologies to the Authority and to developing nations. In addition to this transfer, developed nations will be "encouraged" to assist citizens of developing nations obtain the jobs skills necessary to more effectively compete with developed nations' mining operations. "Encouraged" means "mandated" in UN parlance.

In Article 266 of the treaty, again, in laymen's terms, developed nations are called upon to assist with developing the marine scientific and technological capacity of developing nations; and accelerating the social and economic development of Third World nations.

In addition to these general provisions and as stated before, the most significant problem still lies within the seabed mining provisions of the treaty and the bureaucracy established to make it work. Under these provisions:

First, the United States will have no veto, but will pay for more than 25 percent of the start up costs of the International Seabed Authority and its bureaucracy—an assembly, a council, a secretariat, a chamber—which will be dominated by undeveloped countries. (Article 158)

Second, the United States will have to assist in the establishment of the Enterprise, the seabed mining arm of the Authority, which will operate in direct competition within sovereign countries and private miners.

Third, the United States will have to participate in international revenue sharing with Third World countries. (Article 140)

Fourth, the United States will not be able to guarantee access for our miners to the seabed. We may even be discriminated against.

Fifth, United States miners will have to pay one-quarter of a million dollars in application fees for both exploration and exploitation, plus royalties and unspecified annual fees. (Boat Paper, Section 7); and

Sixth, the United States may be required to allow foreign countries, including Third World, to fish within our 200 mile EEZ (Exclusive Economic Zone). (Article 62)

The United States sovereignty and economic well-being will be jeopardized should the Clinton administration sign the treaty on July 29.

Furthermore, a Clinton administration signature will bind the United States to the seabed agreement and portions of the treaty for up to 4 years, even absent of Senate ratification.

Again, the question remains, is the Law of the Sea Treaty in the best interest of the United States? I believe that the United States should not sign the United Nations' Law of the Sea Treaty because Third World countries obviously want to use it to impose an unfair and unearned redistribution of wealth. Industrialized nations, including the United States, are being asked to shell out a lot of money for little in return. No other industrialized nation, save the United States, under the Clinton administration, has taken the bait. I strongly urge my colleagues to not support the treaty's ratification when it comes before the full Senate. Support for this resolution will send a strong message to the Administration of the Senate's lack of support for the Law of the Sea Treaty.•

AMENDMENTS SUBMITTED

AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 1995

MCCAIN (AND OTHERS) AMENDMENT NO. 2305

Mr. MCCAIN (for himself, Mr. KERREY, Mr. DOLE, Mr. BROWN, Mr. DURENBERGER, Mr. KOHL, Mr. EXON, Mr. PACKWOOD, Mr. LIEBERMAN, Mr. BOND, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. BENNETT, Mr. GORTON, and Mr. THURMOND) proposed an amendment to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the end of the pending committee amendment add the following:

"*Provided further,* That the following Section of the bill is null and void: *Provided further,* That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1964."

LEAHY (AND LUGAR) AMENDMENT NO. 2306

Mr. LEAHY (for himself and Mr. LUGAR) proposed an amendment to the bill H.R. 4554, supra; as follows:

At the end of the section of the bill entitled "Agricultural Research Service" add the following:

"*Provided further,* The Secretary may exercise his authority to close the research locations specified for closure in the President's 1995 budget."

LUGAR AMENDMENT NO. 2307

Mr. LUGAR proposed an amendment to amendment No. 2306 proposed by Mr. LEAHY to the bill H.R. 4554, supra; as follows:

At the end of amendment add the following: "for the Department of Agriculture."

BRADLEY AMENDMENT NO. 2308

Mr. BRADLEY proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 12, line 23, strike "$38,718,000" and insert "$25,700,000".

HELMS AMENDMENT NO. 2309

Mr. HELMS proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ENDING THE USE OF TAXPAYER FUNDS TO ENCOURAGE EMPLOYEES TO ACCEPT HOMOSEXUALITY AS A LEGITIMATE OR NORMAL LIFESTYLE.

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade Departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or

(2) embrance, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

REID (AND BRYAN) AMENDMENT NO. 2310

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, insert the following:

SEC. —. (a) None of the funds made available in this Act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States.

(b) In no case may a Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, sexual orientation, national origin citizenship status or form of lawful immigration status.

(c) For purposes of this section, the term "Federal benefit or assistance" does not include search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision on an emergency basis of food, water, medicine, and other essential needs, including movement of supplies of persons; reduction of immediate threats to life, property and public health and safety; and programs funded under title IV of this Act.

BUMPERS (AND COCHRAN) AMENDMENT NO. 2311

Mr. BUMPERS (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 56, line 19, strike "$198,000,000" and insert: "$297,000,000".

On page 57, line 3, strike "$40,000" and insert: "$60,000".

BUMPERS (AND COCHRAN) AMENDMENT NO. 2312

Mr. BUMPERS (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 14, line 24, strike "$1,500,000" and insert in lieu thereof: "$4,350,000";

On page 16, line 3, strike "$420,233,000" and insert in lieu thereof: "$423,083,000"; and

On page 83, strike lines 6 through 16 and insert in lieu thereof:

"SEC. 724. No funds shall be available in fiscal year 1995 and thereafter for payments under the Act of August 30, 1980 and the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321 et seq.).

HOLLINGS (AND OTHERS) AMENDMENT NO. 2313

Mr. BUMPERS (for Mr. HOLLINGS for himself, Mr. GRAMM, and Mrs. MURRAY) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 12, line 23, strike "$38,718,000" and insert: "$43,718,000".

On page 16, line 15, strike "$59,836,000" and insert: "$62,744,000".

KERREY AMENDMENT NO. 2314

Mr. BUMPERS (for Mr. KERREY) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 23, line 1, strike "$533,929,000" and insert "$533,094,000".

DOLE AMENDMENT NO. 2315

Mr. COCHRAN (for Mr. DOLE) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 34, line 17, strike "$582,141,000", and insert "$591,049,000".

On page 71, line 3, strike "$767,156,000", and insert "$758,248,000" and on line 21, strike "$150,800,00", and insert "159,708,00".

On page 61, line 18, after the word "Institute", insert the following ": *Provided further*, That $859,000 shall be available to provide grants to states for non-recurring costs in providing for the special dietary needs of children with disabilities"

CONRAD (AND BUMPERS) AMENDMENT NO. 2316

Mr. BUMPERS (for Mr. CONRAD for himself, and Mr. BUMPERS) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 38, line 15, strike "$11,672,000" and insert "$18,672,000".

On page 71, line 3, strike "$758,248,000" and insert "$754,587,000".

On page 71, line 21, strike "$159,708,000" and insert "$163,369,000".

CONRAD (AND OTHERS) AMENDMENT NO. 2317

Mr. BUMPERS (for Mr. CONRAD for himself, Mr. LEAHY, and Mr. DORGAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 47, line 25, insert before the period the following: ": *Provided*, That, notwithstanding any other provision of law, from the date of enactment of this Act until September 30, 1994, the Secretary of Agriculture—

"(1) may transfer funds so as to make available—

"(A) the amounts that would otherwise be available for gross obligations for the principal amount of farm ownership, operating, or emergency loans; and

"(B) the amounts that would otherwise be available for the cost of farm ownership, operating, or emergency loans (including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a));

for any of such gross obligations or such costs; and

"(2) may not expend any funds, or disburse any new loans, after September 30, 1994, made available by a transfer described in paragraph (1) for fiscal year 1994".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Tuesday, July 19, 1994, beginning at 2 p.m., in G–50 Dirksen Senate Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments Act of 1994.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Tuesday, August 2, 1994, beginning at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills pending before the subcommittee:

S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes;

S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, and for other purposes;

S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East Saint Louis portion of the Jefferson National Expansion Memorial, and for other purposes;

S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in

the State of Ohio as a affiliated area of the National Park System, and for other purposes;

S. 1871, to establish a Whaling National Historical Park in New Bedford, MA, and for other purposes;

S. 2064, to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut; and

S. 2234, to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Dionne Thompson of the subcommittee staff at (202) 224-5925.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 19, 1994, to receive testimony on S. 2151, a bill to direct the Secretary of the Interior to convey certain lands to the State of California, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, July 19, 1994, at 10 a.m., to consider its recommendations for legislation to implement the Uruguay round of multilateral trade negotiations.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, July 19, at 9:30 a.m. for a hearing on the subject: High Risks and Emerging Fraud: IRS, Student Loans, and HUD.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 19, 1994, beginning at 2 p.m., in G-50 Dirksen Senate Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments Act of 1994.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. 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 Tuesday, July 19, 1994, to consider the nominations of Stephen G. Breyer, of Boston, MA, to be associate justice of the Supreme Court.

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

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 19, beginning at 9 a.m., to conduct a hearing on reauthorization on the Endangered Species Act, focusing on conservation on private lands.

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

ADDITIONAL STATEMENTS

IMMUNIZATION

• Mr. BUMPERS. Mr. President, I ask that I be allowed to enter the following article regarding vaccination, in its entirety, into the CONGRESSIONAL RECORD.

The article follows:

[From the Immunization Action News, June 15, 1994]

OPPOSITION TO VACCINATION, CAUSE OF MEASLES OUTBREAKS

Among the outbreaks in the current measles season, the number of cases in persons opposed to vaccination for religious or philosophical reasons has been particularly high.

Although most of these cases have occurred in only two separate outbreaks, the 269 confirmed cases reported from January 1 through May 21, 1994 represented over 50% of all 517 measles cases reported to the MMWR during that period. Not only have these outbreaks presented challenges for controlling measles this year, they illustrate the continued challenge presented by groups claiming exemption to vaccination as states work to reach the 1996 national goals for immunization and disease reduction.

The first and longest running of these two outbreaks began in mid-February in Salt Lake County, Utah. It grew to affect 11 extended families and involved unvaccinated persons, age 3 months to 23 years, opposed to vaccination on philosophic grounds. As of May 21, 93 confirmed cases were reported to the MMWR with another 28 potential cases awaiting confirmation. By May 1, direct transmission from this outbreak to an extended family in Nevada had occurred. Twelve potential cases are being investigated, all of which occurred following a visit to one of the affected Utah families. As of May 21, suspected cases were still being reported in the Utah outbreak.

Additionally, two cases of measles in a Missouri family have been linked to the Utah outbreak and one case in Colorado has been linked to the cases in Missouri.

The other outbreak among persons opposed to vaccination began in two contiguous counties along the Illinois-Missouri border on April 4 when a Christian Science high school student became ill after skiing in Breckenridge, Colorado during a measles outbreak there. This student lived with her family on campus at Principia College, a Christian Science college in Jersey County, Illinois and commuted daily to the Principia Christian Science School (grades K-12) in St. Louis County, Missouri.

By May 21, the extended outbreak, centering around both campuses, had resulted in 175 confirmed cases (IL, 38; MO, 137) of measles reported with another 27 potential cases (IL, 8; MO, 19) being investigated. This outbreak represents the largest measles outbreak in 1994 within the United States.

Control measures in both of these outbreaks relied primarily upon quarantine and careful surveillance to prevent the spread of measles outside the groups in which it began.

Local health departments offered vaccinations which were accepted by some individuals in the affected groups. Established working relationships between these groups and the local health departments allowed strict quarantine measures to be maintained.

In Missouri and Illinois, students were confined to designated areas of campus or home for two weeks following exposure. Only persons with proof of immunity were permitted to go into quarantined areas. Although Christian Scientists generally oppose medical care, much discretion is left to the individual and many students accepted vaccination in order to return to classes. However, a large number of these students did develop measles, most likely because they had received the vaccine more than the recommended 72 hours after being exposed (ACIP recommendations). By May 21, there was no indication of measles transmission outside the Christian Science community. However, since then at least two suspected cases have been reported in St. Louis County in non-Christian Scientists who came into contact with students from the Principia School, one at a tennis match and one at a restaurant where a post-tennis match celebration was being held.

Most of the families in the Utah and Nevada outbreak live in semi-secluded areas and teach their children at home rather than use the public schools, making quarantine easier to maintain. Several family members did accept vaccine rather than risk missing work due to illness.

The large size of these outbreaks illustrates the potential difficulties that groups opposing vaccination pose for measles control efforts, and especially for elimination of indigenous measles in the United States. Immunization may be accepted by some members in such groups, particularly when the consequences of illness may be less acceptable, i.e., missing work or school. In Missouri, many students accepted immunization in order to attend school graduation. Unfortunately, individual decisions to be vaccinated may not be made until the outbreak is well established and its potential impact becomes apparent. The success that State and local health departments demonstrated in containing these outbreaks grew from established relationships based upon respect and understanding of the beliefs and rights of the groups involved. Good relations permitted health officials to learn about new cases promptly, to maintain effective quarantine, and in some cases win acceptance of vaccination.•

ANNIVERSARY OF NAVY ATTACK SQUADRON 35

• Mr. WARNER. Mr. President, it is an honor for me to rise today to commemorate the 60th anniversary of the oldest attack squadron in the U.S. Navy—Attack Squadron 35 [VA-35]—and to pay tribute to the many officers and enlisted personnel, as well as their families, who have served in and supported this historic squadron over the past 60 years.

This month, VA-35, known as the Black Panther Squadron, will celebrate their 60th year as a Navy, carrier-based aircraft squadron. Over the past 60 years, the Panthers have operated 19 different aircraft models and flown from the decks of 29 aircraft carriers, including a British carrier.

VA-35's distinguished record reads like the history of U.S. Navy carrier aviation and modern air warfare. VA-35 was commissioned on July 1, 1934, at the Naval Air Station in Norfolk, VA. Their first aircraft was the Martin BM-1/2, followed in October 1934 when they were assigned the Great Lakes BG-1 and operated from the Navy's first aircraft carrier, the U.S.S. *Langley*. Since commissioning in 1934, VA-35 has participated in most military actions involving the use of air power this country has been involved in.

During World War II, VA-35 was embarked in U.S.S. *Saratoga*, U.S.S. *Enterprise*, and U.S.S. *Yorktown*. In 1942, operating from *Saratoga*, the squadron supported the Doolittle raid on Tokyo by providing escort patrols and search and rescue aircraft. In June 1942, operating from *Yorktown* and flying the Douglas SBD-3 *Dauntless*, VA-35 participated in the greatest naval battle of all time, the Battle of Midway. Although their parent carrier, *Yorktown*, was lost in the battle, the squadron was still able to conduct air strikes against two of the Japanese carriers. Later in World War II, flying the Curtiss SB2C Helldiver, the squadron supported Marine amphibious landings at Guadalcanal, and participated in numerous major air campaigns, including air strikes against Manila Bay, Iwo Jima, Luzon, and Leyte.

During the Korean war, operating from the carrier U.S.S. *Leyte* and flying the Douglas A-1 Skyraider, the Panthers provided air strikes, close air support, and armed reconnaissance missions against North Korean troops and equipment. In 1958, VA-35 again participated in military actions, this time in Lebanon, followed in 1962, by a deployment in support of Navy operations during the Cuban missile crisis.

In December 1965, VA-35 was one of the first Navy squadrons to make the transition to the Grumman A-6 Intruder. This unique two-place aircraft (pilot and bombardier/navigator) provided the carrier battle group with a superior long-range, night/all-weather medium attack bomber. In November 1966, VA-35 embarked in the first nuclear-powered aircraft carrier U.S.S. *Enterprise*, made the first of what was to be four combat deployments to Southeast Asia, including participation in the last air campaign against North Vietnam in late 1972 and early 1973.

Mr. President, this final air campaign, Operation Linebacker 2, resulted in the release of our POW's including our distinguished colleague from Arizona, Senator JOHN MCCAIN, who as a Navy pilot was shot down in October 1967, and was a POW for 5½ years. As Secretary of the Navy during 1972, I had the privilege to observe firsthand VA-35 which included participation in Linebacker II operations as well as the other squadrons of Carrier Airwing 8 aboard the carrier U.S.S. *America*.

Mr. President, I spent most of the Christmas holidays aboard *America* in the Tonkin Gulf, and was able to follow the difficult missions assigned to VA-35 which included participation in the remining of Haiphong Harbor and nightly, low-level bombing attacks against a variety of heavily defended targets in North Vietnam.

In 1980, deployed aboard U.S.S. *Nimitz*, the Panthers became the first operational A-6 Squadron to deploy with the forward looking infrared radar and laser equipped A-6 TRAM configured aircraft. Responding to the hostage crisis in Iran, the *Nimitz* left the Mediterranean for the Indian Ocean where they would eventually spend 144 continuous days at sea.

When Operation Desert Shield began in August 1992, VA-35 was assigned to U.S.S. *Saratoga* and soon arrived on station in the Middle East. Before Operation Desert Storm ended in the spring of 1991, the Panthers, now flying the latest version of the Intruder, would be the first United States aircraft to attack Iraqi targets and would complete nearly 400 air combat missions.

As VA-35 approached its 60th anniversary in 1994, the squadron was at sea again, deployed to the Mediterranean on U.S.S. *Saratoga*. This deployment had special significance beyond the 60th anniversary, since it would be the last deployment for VA-35 beyond the 60th anniversary, since it would be the last deployment for VA-35 flying the venerable A-6 Intruder and the twilight cruise for *Saratoga*. Not resting on its many laurels during this anniversary deployment, the squadron participated in United States efforts in support of Bosnia-Herzegovina. In this and other important operational missions during the deployment, VA-35 aircrews logged over 1,400 sorties, 2,700 flight hours, and completed 1,400 carrier landings, 450 of which were at night.

Mr. President, no tribute to VA-35 on its 60th anniversary would be complete without a special salute to perhaps the most important part of the VA-35 team—the wives and families. Their contributions have been the greatest. I believe it is fitting and most appropriate that, as we honor the 60th anniversary of VA-35, we recognize and emphasize the unique contributions made by the wives and families.

So Mr. President, I will conclude this tribute by saying that the officers and enlisted personnel of Attack Squadron 35—past and present—have very much to be proud of on this, their 60th anniversary. I ask my Senate colleagues to join me today in honoring them and their families, and in thanking them for their dedication, contributions, as well as their sacrifices, in service to their country.•

HOMICIDES BY GUNSHOTS IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 29 people were killed in New York City by gunshot, bringing this year's total to 547.•

TRIBUTE TO BOB KENNEDY

• Mr. LUGAR. Mr. President, I rise today to honor the achievements of an outstanding young athlete in whose strength and ability the United States should take great pride. Recently, on the weekend of July 9 and 10, in Lille, France, United States runner Bob Kennedy set the fastest time ever for a United States-born runner in the 5,000 meter run. Kennedy finished second only to Olympic 10,000 meter champion Khalid Skah, of Morocco, with a time of 13:05.93, his lifetime best by almost 9 seconds.

Bob Kennedy has continually proven his athletic ability. From his college career at Indiana University where he was an NCAA indoor, outdoor, and cross-country champion, to his competitive finish in the 1991 World Championships and the 1992 Olympics, Bob has displayed the qualities of a champion. His courage and perseverance helped him overcome a recent stress fracture of his shin. He continues to pursue a running career and is now considered one of the most promising runners in the world, as well as a serious Olympic medal contender.

Mr. President, as an avid runner myself, I appreciate the energy and determination Bob Kennedy has displayed, as well as the dedication he must possess to achieve all his accomplishments. I am proud of the way that he has represented my State and my country. I am certain my colleagues join me in praising Bob Kennedy's recent achievement in the 5,000 meter race. I join his family and friends in wishing him luck in future races, including the upcoming 1996 Olympic games.•

DRUG WAR SURRENDER?

• Mr. D'AMATO. Mr. President, I rise today to review the current state of what used to be called the drug war. I have spoken before on this topic and urged the Clinton administration to take sensible steps to advance the progress that past administrations have made. It now appears that they have retreated from past progress and undermined both domestic and foreign counterdrug efforts. It is time to ask if the Clinton administration has surrendered in the drug war.

Anyone who is serious leader in counternarcotics will say that the drug war will be won or lost on the demand side. They will also agree that supply side efforts must be sustained and effective to shield demand side efforts against being overwhelmed by the easy availability of cheap, high purity drugs.

President Clinton has said all the right things. On the demand side, he said we would focus on "* * * the most tenacious and damaging aspect of America's drug problem—chronic, hard-core drug use and the violence it spawns." On the domestic supply side, he said:

> We will continue with strengthened efforts by Federal law enforcement agencies—in concert with their State and local counterparts—to disrupt, dismantle, and destroy drug trafficking organizations.

On the foreign front, he said:

> International drug trafficking is a criminal activity that threatens democratic institutions, fuels terrorism and human rights abuses, and undermines economic development. Antidurg programs must be an integral part of our foreign policy when dealing with major source and transit countries, equal to the worldwide commitment that the United States devotes to the promotion of democracy, human rights, and economic advancement. (1994 National Drug Control Strategy).

The problem is not what he has said, but what he has done, or in many cases, not done. Rather than attempting to review and assess the totality of the national drug control strategy and each of the component policies and programs intended to implement that strategy, in today's remarks I will highlight what has happened to a few key parts of our counterdrug effort. These parts are those that, if fully funded and well-run, would produce the greatest leverage or synergy in the drug war, and are the critical links in any effort to draw together all of the vast resources of the United States for a coordinated, sophisticated, smart counternarcotics effort.

While the Office of National Drug Control Policy [ONDCP] cannot be said to be a success, at least it played a modest but necessary role in coordinating the policies and budgets of the major agencies involved in the drug war. However, to keep a campaign promise to cut White House staff, President Clinton cut ONDCP's staff back from 146 staffers to 25 staffers, undercutting its ability to use its only effective leverage to shape the counterdrug program—its authority over drug program agencies' counterdrug budgets. The staff cuts effectively ended ONDCP's ability to analyze agency counterdrug budgets, much less monitor their execution and enforce coordination. In addition, the new director of National Drug Control Policy, Lee P. Brown, has been practically invisible on the national stage.

On the demand side, President Clinton's accurate rhetorical focus on hard-core drug users is not matched with policies or programs capable of turning his rhetoric into reality. Hard-core drug users are the source of the cash flow that is the foundation of the cocaine cartels and heroin rings, and breaking their habits—and stopping their payments for illegal drugs—is the key to making real advances against illegal drug use.

We do not have either an adequate scientific understanding of how illegal drugs work on the human central nervous system, or an actual medical treatment for either cocaine or heroin addiction. Methadone is not a curative, it is merely a palliative. The availability of workable medical treatments for cocaine and heroin addiction is a key to success with the hard-core addict population.

In fact, while experts argue over actual percentages, few addicts choose to become clean and sober voluntarily, and few of those who try to permanently change their addictive behavior actually succeed. Relapse is a serious problem. If workable medical treatments were available, treatment programs, whether voluntary or as the result of criminal justice system processing, would have a much better chance of success. This success would be a key to cutting the cartels' cash flow.

With this in mind, the provision of $81.5 million for basic biomedical research and $68.9 million for neurobehavioral research in the administration's fiscal year 1995 budget request is totally inadequate. This request represents, respectively, 0.6 percent and 0.5 percent of the total of $13.2 billion total funding request for counterdrug activities. Worse, the basic biomedical request doesn't even keep up with the fiscal year 1995 Biomedical Research and Development Price Index, which projects an increase of 4.1 percent in costs. The basic biomedical research request represents an increase of 3.8 percent over the fiscal year 1994 request, but represents an actual decrease in purchasing power of the account of 0.3 percent. While the neurobehavioral research account has gone up by 8.3 percent over fiscal year 1994, this represents only a 4.2 percent advance over inflation in the account.

In contrast, the administration is asking for a $360.3 million, or 14.3 percent increase in its drug treatment account, and a $448.2 million, or 28.0 percent increase in its education, community action, and the workplace account. This $808.5 million increase in these accounts funnels money into activities that, while helpful, are not critical. Worse, most of the funds going into those activities are coming from supply-side activities that were, in many cases, just reaching a resource level that allowed sporadic effectiveness.

On the supply side, action against drug trafficking organizations begins in source and transit countries with good relations with these nations' governments. From friendly, cooperative relations flow a series of policy, legal, and resource allocation decisions that comprise active counternarcotics programs that are coordinated with U.S. efforts.

Without even discussing program or resource specifics in this area, the single most important fact is that on May 1, 1994, the United States ceased providing real time aircraft radar track data to Colombia and Peru. This essential assistance was halted because of a legal opinion that provision of such data to countries with active policies of using lethal force against suspected trafficker aircraft constituted a violation of a Federal criminal law, specifically title 18, United States Code, section 32, Destruction of Aircraft or Aircraft Facilities.

This cutoff of radar data angered and confused the Governments of Colombia and Peru and, coupled with other developments, threatens to sour relations with governments that are critical to our efforts against cocaine trafficking. Despite a reported decision by President Clinton that would allow us to resume providing this radar data if Colombia and Peru agree to certain conditions, we have not, as of today, resumed sharing this information.

The net result of this situation is that the people who do the actual counternarcotics work in, respectively, the home country of the cocaine cartels and the major cocaine producing country, are denied critical information they need to do their jobs. This allows the cartels to move product from Peru to Colombia and to ship it from Colombia north to the United States with much less risk of interception by law enforcement. Thus, supply side forces are unable to do their jobs to protect demand side efforts from being overwhelmed by an incoming tide of cheap, high purity cocaine.

In addition, other events have taken place that downgrade the emphasis on joint cooperative counternarcotics efforts by U.S. defense and law enforcement agencies. Defense Department participation is being reduced in almost all areas. The way to determine how much it is being reduced is to compare the fiscal year 1995 DOD

counternarcotics budget request by category with what was actually appropriated in fiscal year 1993. The reason why this is important is that the fiscal year 1994 appropriation was so reduced that it gives the false impression that the fiscal year 1995 request represents growth in DOD's commitment to the drug war, at least in a few categories. Comparison with the fiscal year 1993 levels reveals that DOD's resource comment reveals a cut from $1.14 billion in fiscal year 1993 to $874.0 million, a reduction of $266.5 million, or 23.4 percent. Moreover, key components of the effort, such as interdiction, received even deeper reductions. Interdiction funding is down from $631.5 million in fiscal year 1993 to $427.8 million fiscal year 1995, a cut of $203.7 million or 32.3 percent.

Mr. President, I don't know very many government programs that can be run efficiently with such dramatic resource reductions. Everything that I hear leads me to believe that these resource reductions have had a pronounced negative impact on the effectiveness of DOD counterdrug operations—at least until the radar data decision led to the suspension of many of them.

This sequence of events has disjointed our interdiction efforts, which to function well, must be an integrated whole with end-to-end connectivity. The process starts with, hopefully, intelligence that a drug flight will soon be airborne.

Armed with this intelligence, U.S.-operated radar, either airborne or ground-based, acquires radar tracks and performs the critical sorting function—identifying the one track that is the suspect aircraft out of all of the tracks of ordinary commercial, private, and military aircraft that are in the air on legal business. Then, that suspect track is provided first to host nation forces for any action they might decide to take.

If the suspect flight proceeds north toward the United States, long-range interceptors are vectored to intercept and follow the subject aircraft. If the suspect aircraft lands in Mexico, host nation apprehension forces are vectored to the landing site to arrest the traffickers and seize the aircraft and its cargo. If the suspect's aircraft heads into the Caribbean to make an airdrop to waiting smugglers' boats, host nation or U.S. Coast Guard or U.S. Navy vessels with LEDET's onboard are vectored to the airdrop site to intercept the boats, arrest the traffickers, and seize the cargos. In that case, the long-range interceptor then follows the airdrop aircraft back to its origin, and the radar track is again provided to the host nation for any action they may choose to take.

If any link in this complex chain of intelligence, sensor data, communications, operations, and logistic support for these activities is broken, the whole interdiction process fails. According to the 1994 National Drug Control Strategy, the DOD counterdrug program's two principal objectives are: "First, disrupting narco-trafficker operations—by forcing the drug cartels to seek alternate means and routes for the delivery of illegal drugs, at increased risk and expense, and second, assisting drug law enforcement agency [DLEA] and host nation interdiction operations." The decline in resources and the dispute over radar track data has frustrated achievement of these objectives and, indeed, represents a serious step backward from a situation in which we were beginning to achieve sporadic success.

The administration's fiscal year 1995 budget requests for the Federal Bureau of Investigation and the Drug Enforcement Administration reflected serious reductions in agent personnel and support personnel, reductions so large that they would have immediately damaged domestic law enforcement efforts against drug trafficking. The Senate and House Appropriations Subcommittees on Commerce, Justice, and State, the Judiciary, and Related Agencies acted to block these reductions. The Senate bill provides for the hiring of 436 new FBI special agents and 311 more DEA special agents, restoring both agencies to their peak—fiscal year 1992—strength.

Against this background, it is only possible to conclude that President Clinton is presiding over our surrender in the drug war. Foreign policy blunders, resource cutbacks in key areas, and what I suspect is malign—not benign—neglect, lead me to that judgment. It is a judgment that is fraught with peril for the United States.

As I have said before, success in the drug war depends upon creation of a popular culture that deglamorizes and delegitimizes drug use; availability of effective medical treatment for those who want to break the cycle of addiction; strict and fair enforcement of U.S. drug laws; a cost-effective monitoring and interdiction program to defeat drug transportation networks; and friendly, cooperative counterdrug programs conducted with host nations in source and transit countries against cartel and heroin rings. When we do those things, and do them smartly, we can defeat the scourge of illegal drugs and take a long step toward restoring domestic peace and tranquility in our own country.

When we fail to do those things, violent crime surges, medical costs rise, industrial, commercial, and transportation accidents rise, the efficiency of our economy goes down, and faith in the ability of government at all levels to meet the basic needs of our citizens is undermined. U.S. surrender in the drug war doesn't mean lower costs, it means higher costs for more cops, more prosecutors, more prisons, more emergency room visits, more shattered families more public assistance. It doesn't mean less crime and violence, it means more, It doesn't produce a more tolerant civil society, it produces loss of faith and loss of confidence and a retreat into more and more extreme local measures to defend families and communities against this treat.

Mr. President, Congress cannot run the drug war. Only the President can do that. We cannot save the executive branch from all of its mistakes. We cannot turn around popular culture—culture that seems again to be looking favorably on drug abuse.

This speech is an alarm bell—a ringing alarm that is intended to awaken those who are concerned about the drug war and its progress, and who may have been misled by administration rhetoric into believing that we are making progress. We are not making progress, we are sliding backwards, losing ground that will be very expensive in time and in money to regain, if we can regain it, because part of that ground consists of confidence of people in U.S. policy.

I call upon my colleagues to again refocus their attention on the drug war, and to ask the searching, probing questions that will confirm the problems it is now facing. After we hear the answer to those questions, we must act to restore and, to the extent that we can, commitment to the drug war. If we fail, the American people will hold us responsible.•

PRESIDENTIAL ELECTIONS IN BELARUS

• Mr. DECONCINI. Mr. President, the 1990 Copenhagen document of the Conference on Security and Cooperation in Europe states that "The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of authority and legitimacy of all government."

As chairman of the Commission on Security and Cooperation in Europe, the agency mandated by Congress to monitor implementation of the decisions of the Conference on Security and Cooperation in Europe, I would like to inform my colleagues about the recent Presidential election held in Belarus. This is particularly important because these are the first Presidential elections held in Belarus since that country became independent in 1991.

As part of the mandate of the Commission on Security and Cooperation in Europe, the Commission sent two staff members to observe the elections and gain insight on the current political situation in Belarus. The report resulting from that visit will be available to the Members of this body shortly.

There were six candidates running in the first round of the elections. They

were: Prime Minister Vyacheslau Kebich; former Supreme Soviet (Parliament), Chairman Stanislau Shushkevich; the chairman of the Union of Collective Farms, Aleksandr Dubko; former head of the parliament's anti-corruption committee, Aleksandr Lukashenka; chairman of the Belarusian popular front Zenon Poznyak; and Belarusian Communist Party Chairman Vasily Novikau.

I regret to note that during the campaign, the government attempted to put one newspaper, Svoboda, out of business, canceled two unfriendly programs on the state radio network, and dropped air time for an independent television network that had been critical of the Kebich administration. Even the Soros foundation, a nonpartisan organization that promotes development of an open society, had been criticized by government authorities for allegedly promoting foreign values.

At the end of the first round of voting, Mr. Lukashenka totaled a surprising 45 percent of the total. Mr. Kebich, whom earlier polls had shown running about even with Mr. Lukashenka, came in second with an unexpectedly low 17 percent. Mr. Pozniak, who had been painted by his opponents as an extreme nationalist, overcame his earlier single-digit polling figures, and showed a respectable third with 12 percent.

In the second round of voting between Mr. Lukashenka and Mr. Kebich, Mr. Lukashenka cemented his victory with an 80 percent showing to around 14 percent for Mr. Kebich. The Prime Minister of Russia, Mr. Chernomyrdin, had visited Minsk before the runoffs, to help boost Mr. Kebich's chances, but obviously with little effect.

When all was said and done, the people of Belarus said they were tired of business as usual, and were willing to try something new. Mr. Lukashenka will have his work cut out for him. His Prime Minister and Ministry appointments will have to be approved by a heretofore hostile parliament. Administrative Fiat and imprecations against corruption will not reinvigorate the economy, nor will control over the media and resorting to antidemocratic methods will solve problems, but just exacerbate them.

A strong supporter of close cooperation with Russia, Mr. Lukashenka reportedly intends to press for the monetary union with Russia promoted by his predecessor. However, doubts about this proposal have been raised of late in both Minsk and Moscow, so the future of the monetary union remains to be seen. Besides, as one observer in Minsk expressed it, Mr. Lukashenka may decide that he'd rather take his economic reports to Brussels than to Moscow.

In any event, the people of Belarus have made their choice. We certainly wish them and their new leader well, as Belarus continues its difficult journey toward economic recovery, political plurality, and a respected place in the European community.●

PENTAGON WISH LIST

● Mr. D'AMATO. Mr. President, a short, sharp flap recently arose over efforts by the chairman of the House Defense Appropriations Subcommittee to throw the F-22, F/A-18E/F, RAH-66, and V-22 in a pot and force the Pentagon to choose three. The chairman's initiative was beaten back, but his point is well taken: The defense budget cannot sustain the current Pentagon wish list. Frankly, it behooves us to cull out the weakling now, rather than cripple the entire herd waiting for the one program to starve.

I believe that weakling is the F-22, an overbred, overpriced relic of the cold war that is no more affordable than was the B-2 or the *Seawolf*. We have been remiss in allowing the Air Force and Navy, armed with identical weapons, facing identical threats, and spending out of the same checkbook, to have come up with such radically different solutions to tactical aviation modernization.

The Navy's solution to gaining and maintaining air superiority and projecting force while reducing the overall cost of tactical aviation, is a neckdown strategy centered around an upgrade to the proven, multimission F/A-18C/D. The new F/A-18E/F, besides enjoying a significant improvement in range and payload over the C/D version of the Hornet, will be a marvel of flexibility. It will handle all strike and fighter duties for the Navy, replacing three earlier aircraft, as well as assuming some tanking responsibilities, and possibly serving as the next-generation Navy jammer. The payoff in logistics savings alone will be enormous, and the projected $48 million unit cost is a nothing short of a bargain.

The Air Force has taken a different approach to gaining and maintaining air superiority and projecting force, splitting the missions and delaying modernization of strike assets. Focusing on air superiority as the overarching concern of the next century, the Air Force is in the process of developing a new fighter with third generation stealth characteristics, supercruise, thrust vectoring, and integrated avionics. This wonder weapon, the F-22, will not come cheap. The latest estimates are that an F-22 will cost $134 million apiece, a figure likely to increase due to the state-of-the-art nature of every aspect of the aircraft. More importantly, the single-mission nature of the F-22 will force the Air Force to develop a different new aircraft to handle strike requirements.

What is the Air Force doing? The defense budget has been declining for a decade, a shortfall of several tens of billions of dollars is looming in the out years, and yet we are being asked to commit enormous resources to a single mission F-22 with a limited mission that will represent only a small fraction of total combat aircraft required.

With the cold war over, are the studies that eliminated upgrades to the F-15 still valid? The F-22 was designed to win against overwhelming odds in enemy airspace facing frontline Soviet aviation units flying aircraft, and anticraft units fielding surface-to-air missiles, a generation more advanced than those presently fielded. Today, and for the foreseeable future, we, and our allies, will have numerical superiority against opponents that are less well-equipped, well-trained, and well-supported. Can an upgrade to the F-15E really not be good enough, when an upgrade to the F/A-18C/D is? Can we afford single-mission aircraft?●

DISREGARDING OF CERTAIN PAYMENTS MADE TO VICTIMS OF NAZI PERSECUTION

Mr. FORD. Now, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1873, a bill to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; that any statements relating to this matter appear in the RECORD at the appropriate place.

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

Mr. DECONCINI. Mr. President, I rise in support of legislation passed Wednesday, July 13, in the House of Representatives to protect the rights of Holocaust survivors to receive foreign government restitution payments and the full benefits for all needs-based programs provided by our Government. Congressman WAXMAN'S bill, H.R. 1873, as amended by the Government Operations Committee, is substantially the same legislation as I introduced last year at the same time as my friend from California.

This bill will prevent all Government agencies from considering restitution payments to Holocaust survivors by the Federal Republic of Germany as income, thereby allowing survivors to receive the restitution without any reduction in the need-based Government services that they are entitled to receive.

This issue recently came to national prominence when I received a letter from Fanny Schlomowitz, an 83-year-old woman who receives low-income rent assistance from the Department of Housing and Urban Development. Fanny is a survivor of a Budapest Jewish ghetto. As a young pregnant woman

living there, Fanny was kicked in the head and beaten on several occasions by S.S. Stormtroopers. Many of those blows she still feels today.

Her only income other than the Holocaust restitution is a monthly $370 Social Security check. Fanny has high medical and prescription drug expenses. Fanny also pays $816 every 3 months for her regular medical insurance plan, and an additional plan to assure nursing home care if she needs it, so that she would not have to go to a taxpayer-supported facility. She pays $63 a month for her small HUD-subsidized apartment. Though nothing can ever make up for the unspeakable acts committed during that time, the Federal Republic of Germany sends her a monthly check as a small token of the remorse felt by the German people for her suffering.

Fanny contacted me when she learned that HUD had decided to consider these restitution payments as annual income and quadruple her rent. Even though these payments are not counted as taxable income by the Internal Revenue Service, HUD felt that the statutes governing low-income housing assistance required the Department to include these payments as income for purposes of computing her rent assistance. As a consequence, the rent for her tiny apartment was to go up by $164 per month. In desperation, she asked me to help prevent this injustice.

I contacted Secretary of Housing and Urban Development Henry Cisneros to express my dismay at HUD's decision and to request that the action be reversed. Secretary Cisneros immediately called for a review of the matter and within a month's time, the Department proposed a rule providing prospective relief from the long-standing policy. I am indeed very appreciative of the Secretary's prompt attention to the problem. His action has probably prevented any future harm to Holocaust victims eligible for HUD needs-based assistance.

However, Mr. President, as I have advised the Secretary, no legal authority exists for HUD or any other domestic agency action in this area. The Holocaust restitution payments, not reparation payments as referred to in the proposed HUD final rule, are governed by international law. Therefore, no domestic agency has any authority to make any pronouncement, pro or con, as to the legal status of these payments. Only the President, with adverse and consent of the Congress, has that authority. Moreover, the legal status of these restitution payments is governed by a 1954 international bilateral protocol.

In 1984, the Ninth Circuit Court of Appeals in *Grunfeder* v. *Heckler*, 748 F. 2d 503 (1984) reaffirmed this basic constitutional principle. In that case, former Health and Human Services [HHS] Secretary Margaret Heckler was sued by a Holocaust survivor because the Social Security Administration had included these payments as income for eligibility purposes. The Court held that payment received pursuant to the Federal Republic of Germany Compensation of Victims of National Socialist Persecution statute does not constitute income for purposes of determining eligibility for supplemental security income [SSI] despite the express absence of an exclusion in the statute. The Ninth Circuit specifically found that HHS Secretary Heckler's interpretation of the German Restitution Act is entitled to little deference as the Court is bound to construe the domestic legislation in a way that minimizes interference with the purpose or effect of foreign law.

> This case requires us to resolve a conflict between Government's interest in allocating a limited pool of funds to support the country's aged, blind, and disabled against our Government's interest in restoring a semblance of normal existence to Holocaust survivors who are part of our society. In resolving the matter in favor of the latter, we follow the lead of Congress. (Majority opinion at p. 509).

The Grunfeder majority set aside the agency's determination that the reparations payments were countable as income because the SSI eligibility regulations would frustrate German Restitution Act's penitent and restitutionary purpose and because Congress had expressed no desire to interfere with the German Government's attempt to make amends for crimes committed during the Holocaust. I also note that the Court gave great weight to the fact that Congress ratified the 1954 protocol which exempted from income taxation the restitution payments made to Holocaust victims residing in the United States.

Given that HUD's current interpretation is based solely upon the fact that the statute does not provide specific authority to exclude the payments from the rent contribution computation and given that Congress has never indicated it has had any desire to count Holocaust payments as income, any HUD interpretation is as defective as the SSI regulation struck down in Grunfeder. Without an express congressional directive, no domestic agency official, whether at HHS or HUD, has ever had authority to include these restitution payments for any purpose, especially eligibility purposes.

Mr. President, this action is long overdue. I was shocked and appalled to learn that an agency of our Government was compounding the tragedy of the Holocaust by penalizing a survivor for receiving restitution. Were it not for the injuries Fanny Schlomowitz received at the hands of the brutal Nazi stormtroopers, she most likely would not have been in the HUD-assisted apartment at all. I am sure that there are others like Fanny all over the Nation, survivors who are again paying a price for nothing more than being victimized by the Nazi regime.

But this bill is necessary for more than the correction of an injustice. The German Government makes restitution payments to Holocaust survivors as a sincere and humble gesture of apology to the people that suffered through the most horrific tragedy in modern history. To subject American citizens that receive these payments to additional financial burdens is to interfere with the penitent purpose of the restitution and to destroy Germany's sovereign right as a nation to try to symbolically do right to those who have been terribly wronged. The payments are not war reparations and they are not income. They are gifts from a nation whose citizens feel the sorrow and shame that the Holocaust has brought to all of humanity, citizens that are unable to erase history and so do what they can to repent for history.

Mr. President, it is wholly inexcusable for any agency of the United States of America to obstruct this noble sentiment as a matter of conscience, and, as a matter of international law, it is unlawful and must be stopped from ever recurring.

Mr. President, I urge my colleagues to join me in support of this important legislation. Let us make it possible for Fanny Schlomowitz and all Holocaust survivors to graciously accept the gifts from the Federal Republic of Germany without interference from our Government.

Mr. President, I ask unanimous consent that the following articles from the Washington Post and New York Times on the issue be printed in the RECORD.

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

H.U.D. RULE PUTS SQUEEZE ON HOLOCAUST SURVIVOR

(By Tamar Lewin)

PHOENIX, Feb. 17.—Since 1964, Fanny Schlomowitz, an 84-year-old Holocaust survivor, has been kept from poverty by the monthly payments she receives from the German Government to make up for her mistreatment by Nazis in World War II.

But now, those same payments are making it difficult for her to afford the federally subsidized one-bedroom apartment where she has lived for the last 12 years—in the Kivel Campus of Care, a sunny, well-tended project for the elderly where she helps take telephone messages and puts together the daily bulletin board announcements.

"The manager came last spring and told me she knew I was a Holocaust survivor, and she knew I was getting money every month, and she said that counted as income, so she raised my rent from $63 a month to $227," Mrs. Schlomowitz said. "That leaves me very tight."

Most residents at Kivel, one of hundreds of projects for the elderly that are subsidized by the Department of Housing and Urban Development, pay rent of 30 percent of their income, which often consists entirely of Social Security payments. And under the department's guidelines, those with high medical expenses pay even less.

Until this spring, Mrs. Schlomowitz paid $63 a month for her apartment, a figure determined on the basis of her $370 monthly social Security payment, and her large medical bills.

But Mrs. Schlomowitz also receives about $500 a month from the German Government in reparation for the headaches and dizziness she has suffered ever since a wartime beating in the Jewish ghetto in Budapest. At the time, she was eight months pregnant when she was kicked in the head by Nazis so severely that she was unconscious for two days.

"I didn't earn this money, I suffered for it," Mrs. Schlomowitz said. "And I never reported it to H.U.D. because I have a letter from my lawyer saying it is not income. The Internal Revenue service can't touch it, so how can H.U.D.? It's not right."

Senator Dennis DeConcini, an Arizona Democrat to whom Mrs. Schlomowitz wrote for help this month, agreed. "The department's current interpretation is grossly unfair to those who suffered through the most appalling event in modern history." Mr. DeConcini wrote in a letter last week to Housing Secretary Henry G. Cisneros. "These gifts by the Federal Republic of Germany are merely an attempt to atone for an unforgivable horror."

In another letter sent today, Mr. DeConcini cited a 1984 ruling by the Federal Court of Appeals for the Ninth Circuit that Holocaust survivors' reparation payments not be counted as income for determining welfare eligibility.

Mr. DeConcini's press secretary, Robert Maynes, noted that Japanese-Americans who receive reparation payments from the United States Government for internment during World War II do not have that money included in computing their subsidized rent.

FEDERAL LAW IS CITED

A spokesman for the housing department in Washington said that although German war reparation payments were not counted in deciding residents' eligibility for subsidized housing, Federal law required that such payments be counted as assets in setting rent. Any change, he said, would have to be made by Congress, not by the department.

"H.U.D. is the only agency that counts this money as income, and it's something we need to change," Mr. Maynes said. "It's kind of a nonsensical bureaucratic approach to say you don't count the money for eligibility but you will count it as income. The I.R.S. doesn't tax this money. H.H.S. doesn't count it as assets. H.U.D. shouldn't count it, either."

Nonetheless, since June, Mrs. Schlomowitz has been paying the higher rent of $227 a month—$100 of which is to pay back the Government for the years in which she paid the lower rent.

"I really can't afford this," she said. "I pay every three months more than $800 for health insurance and nursing home insurance. I need food and medicine and special shoes because my foot is not so good. And I don't want to take charity from anyone. But like this, I can't buy anything."

Rebecca Flanagan, the manager of the local office of the Federal department, said she was seeking guidance from agency officials in Washington.

"We have sent a fax to Washington, explaining the situation and asking for further directions, but we haven't got an answer yet," she said.

WITH A LITTLE HELP FROM HER FRIENDS

(By Guy Gugliotta)

Every once in a while somebody beats the system. Fanny Schlomowitz, for one, appears to have a great shot at doing it. she isn't going to get rich, but with a little bit of luck she should be even by this time next year.

Win or lose, however, Schlomowitz already has proven that even an 86-year-old grandmother can win if her cause is just—and if she can find a couple of friends in high places.

The Department of Housing and Urban Development started leaning on Schlomowitz in early 1992, doubling her rent at a HUD-assisted housing project after learning that she received about $500 per month from the German government.

Schlomowitz is a Holocaust survivor, a Hungarian Jewish immigrant who endured the Third Reich's extermination camps between 1933 and 1945.

She emigrated to Houston in 1956, worked in Brooklyn, N.Y., then moved with her husband to the Kivel Campus of Care project in Phoenix 13 years ago so she could be closer to her three children and her grandchildren.

Her husband has since died, but Schlomowitz remains cheerful and energetic, her Middle European English untouched by nearly 40 years in the New World. "Ooh, this isn't an Arizona accent," she laughed in a recent telephone interview. "This is a Hungarian accent. Always I'm a Hunky."

The $500 Schlomowitz receives from Germany is a reparation paid to compensate her for the dizzy spells and headaches that began after a Nazi soldier clubbed her in the face in the Budapest ghetto.

HUD doubled her rent at Kivel because those were the rules. The extra $500 meant that her monthly income was $870, not the $370 she receives in Social Security. The rules said more income means more rent: up from $63 per month to $127.

Furthermore, Schlomowitz had received the reparation ever since she moved to Kivel, so HUD charged her an extra $100 per month for the arrearage. Paying $227 per month wiped her out practically overnight.

Schlomowitz, however, was no dummy. First, local news organizations did articles about her, then she wrote Sen. Dennis DeConcini (D-Ariz.) to tell him what had happened. DeConcini notified HUD Secretary Henry Cisneros, who on March 18 exempted Holocaust reparations in calculating eligibility for HUD-assisted housing. Schlomowitz's rent returned to $63 in April.

DeConcini does not plan to run for reelection next year, but if he did, he would have at least one hard-core supporter. "God bless him, he did a lot for me," Schlomowitz said. "If I hadn't thought of writing him, I don't know what would have happened."

At one point federal officials told Schlomowitz that it would take "an act of Congress" to change the rules governing program eligibility.

Fair enough.

In April, DeConcini and Rep. Henry A. Waxman (D-Calif.) introduced legislation requiring the government to disregard "certain payments made to victims of Nazi persecution" when assessing qualifications for any kind of means-tested public assistance—housing or otherwise. Staffers are confident this measure—a bona fide "act of Congress"—will easily pass both houses early next year.

It is "a moral step, with negligible fiscal impact," Waxman said in introducing the House legislation. "The actual number of individuals who will be affected by this bill will be small."

Small, and dwindling fast. The New York-based American Gathering of Jewish Holocaust Survivors estimates there are 45,000 to 50,000 survivors living in the United States, the vast majority of whom are at least 70 years old.

Of these, said Michael Feuer, executive director of Bet Tzedek Legal Services in Los Angeles, "we do not expect there to be 10,000" who could be described as needy people qualifying for federal assistance. Feuer said most of the survivors, rich or poor, receive $200 to $500 per month from Germany, and, in a few cases, Austria.

It was Bet Tzedek that argued successfully in federal appeals court 10 years ago that Supplemental Security Income payments could not be denied to a disabled Holocaust survivor because she received $228 per month in German reparations. The recent Cisneros ruling also has exempted housing, and DeConcini-Waxman seeks to cover food stamps, Medicaid and anything else.

One question still unresolved is the extra $1,968 paid by Schlomowitz during the year when HUD raised her rent. DeConcini plans to ask for an appropriation to cover it and to cover anyone else who might step forward to ask for retroactive relief.

Getting the money could be a bit sticky, DeConcini's office admitted, but on the other hand, he isn't trying to fund the Superconducting Super Collider. Quite likely, say DeConcini and Waxman aides, there is $1,968 in Schlomowitz's future.

If so, all of us might take heart. When the bureaucracy pushed Fanny Schlomowitz, she pushed back.

And the bureaucracy blinked.

So the bill (H.R. 1873) was deemed to have been considered, read three times, and passed.

ORDERS FOR WEDNESDAY, JULY 20, 1994

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, July 20; that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that immediately after the Chair's announcement, Senator HEFLIN be recognized for up to 10 minutes and that Senator GRAMM of Texas be recognized for up to 15 minutes; that at 9:30 the Senate resume consideration of H.R. 4554, the agriculture appropriations bill.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FORD. Now, Mr. President, if there be no further business to come before the Senate today, I move that the Senate stand adjourned as previously ordered.

The motion was agreed to, and the Senate, at 8:38 p.m., adjourned until Wednesday, July 20, 1994, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 19, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETE GEREN of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 19, 1994.

I hereby designate the Honorable PETE GEREN to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member except the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

CLINTON DEFENSE CUTS ARE RETURNING US TO A HOLLOW MILITARY

Mr. HEFLEY. Mr. Speaker, there is a perception out there that defense spending has not been reduced, and that there is plenty of money in the defense budget to be tapped for other purposes. Nothing could be further from the truth.

In 1992 candidate Clinton called for $60 billion in additional defense cuts beyond the cuts that President Bush had proposed.

President Clinton has nearly tripled his defense cuts. He is now calling for $156 billion in additional cuts. This year's defense budget represents the 10th straight year of decreased defense spending. The defense budget is 35 percent smaller than in 1985.

Under the Clinton defense blueprint, by 1999 the defense budget will account for only 2.8 percent of gross domestic product. At no time since before World War II have we dropped below 4.4 percent of gross domestic product.

During the same time, domestic spending is slated to increase by 12 percent, entitlements by 38 percent. It is clear that Bill Clinton is raiding the defense budget to fund new social spending.

What effect does this have on our military? Although only 10 percent of the Clinton defense cuts have been made, enlistment in the Armed Forces is down. The quality of recruits is dropping. The voluntary military concept which has worked so well in this country is threatened.

Active duty military personnel has decreased by 32 percent, 45 percent of our Army divisions are gone, Navy battle force ships are down 37 percent, and attack/fighter aircraft are down 40 percent from 1985 levels.

Defense cuts means lost jobs. Under the Clinton plan 15,000 soldiers and DOD civilian personnel will lose their job every month.

In the private sector, the Bureau of Labor Statistics predicts that the Clinton defense cuts will result in 1.2 million defense-related jobs between now and 1997.

What do these cuts do to our ability to fight and win wars?

The United States has always maintained a force capable of winning two simultaneous wars.

Last year, the Clinton administration changed that policy to being able to win two nearly simultaneous Persian Gulf type wars.

The Clinton plan calls for maintaining only 10 active Army divisions.

During Desert Storm, the United States deployed the equivalent of eight active Army divisions.

If we deployed 8 divisions during Desert Storm, how can the United States possibly win two wars with only 10 divisions?

Even if the United States deployed every Army division simultaneously, which is not only dumb, but also impossible, it could not win two nearly simultaneous wars.

Simply, the Clinton defense numbers do not match the U.S. commitments around the globe.

The Clinton administration has exercised a tentative and inconsistent foreign policy, increasing the need for a strong national defense.

In Somalia, Clinton expanded our role to include nation-building. This fuzzy policy not only cost the lives of U.S. soldiers, but sent the signal to foreign leaders that U.S. resolve was lacking.

How about Haiti? In October Clinton sent the U.S.S. *Harlan County* to Haiti; the ship was recalled after being chased away by a small angry mob. Candidate Clinton did not support the Bush policy of returning Haitian refugees. President Clinton does support this policy, or does he? It is a little hard to tell whether he does or not. One day he does and the next day he does not. Now Clinton is beating the drums of war with Haiti.

In Neville Chamberlain style, Bill Clinton has appeased North Korea on their desire to create a nuclear weapons program. Clinton first held firm regarding nuclear inspections; now vacillation has forced our retreat from the inspection demand.

There is no clearer example of the timid Clinton foreign policy than in Bosnia. First we support air strikes, then we don't. On again, off again. Retreat and appease.

An inconsistent foreign policy makes it more likely that the United States will need to use force. The bullies of the world just won't believe in U.S. resolve anymore.

Ronald Reagan once said, "If we are forced to fight, we must have the means and the determination to prevail or we will not have what it takes to secure the peace." Under the Clinton defense plan, the United States may not have the means to secure the peace.

Mr. Speaker, I was in the field over this last weekend with a lot of young soldiers training in tank commands and doing simulated war exercises, and I found them to be dedicated and enthusiastic. I find these young people want to be soldiers, want to do their best, want to defend their country, but the disturbing part of it was that I also found deep in their minds was the concern, does America want us, does America support us?

That is not the kind of attitude we need our young soldiers to have. We need to assure them that we do support them, that we do need them, that we are behind them, and that we have a resolve to have the strongest, best defense system in the world.

HAITIANS SUFFER BECAUSE OF MISALIGNED U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 4 minutes.

Mr. GOSS. Mr. Speaker, here we are. It is another week. We still have the same horrible, critical situation in Haiti, where people are suffering because of our misaligned foreign policy

there. If anything, a week later the situation is worse. It is more repressive for the people who are trying to get along, have jobs, a way of life in Haiti, and if anything, the diplomatic situation is more confusing.

Mr. Speaker, we read now the possibility that the justification for an invasion may be because some American lives are in danger. In fact, we have checked and we have checked again recently, and we find that there is no such threat to our American personnel there. There is the possibility of a threat to Americans possibly being in danger, as there is in any foreign country.

Mr. Speaker, I think it is fair to say that the administration has not made any kind of a case at all that is compelling, either to the American people or to the U.S. Congress, about why we would want to invade in Haiti. I have been looking at the polls.

Last week we had the Newsweek poll that said something like two out of three, more than two out of three Americans thought an invasion was a very bad idea, especially a unilateral invasion. They were opposed to it. That is confirmed, I understand, by a new CBS poll which says essentially the same thing, two out of three think it would be a very bad mistake.

The administration has failed to build any type of a constituency or support for any kind of an invasion, and understandably so, because there is no justification. There is no national security reason. Haiti is not going to attack us. We are not going to wake up tomorrow morning and find the Haitian Navy sailing up the Potomac River.

□ 1040

I think the second part of the problem that has emerged is the confusion over the OAS/U.N. peacekeeping efforts in the event that Cedras and the military junta left. We have had estimates all the way from 15,000 to 20,000 people and we have had statements by Secretary-General Boutros Boutros-Ghali that the United Nations cannot afford a peacekeeping operation like that. Of course the White House has a different figure of what it would take and the Special Counsel to the President, Mr. Gray, has a different figure of what it would take.

The question is who does one believe? Who do we believe when they start telling you that it is going to take 10,000, 2,000, 20,000? It is going to take a lot of people to do peacekeeping in Haiti, especially if we invade. It seems that we have missed a good bet.

I read in the paper this morning, in fact I have read twice, once yesterday, once today, that Cedras is offering to retire. He has said he will leave at the end of his term, which is a few months away, in January 1995. Are we going to invade to get him to leave more rapidly than that if in fact he will leave? I think that we are overlooking that just as we are overlooking the military leaders' new efforts to negotiate attempts to discuss a negotiated settlement rather than a military settlement to the problem. It is reported today in USA-Today.*

We apparently in our Government are saying, "Well, we won't talk to those people because they are not legitimate." Well, they may not be legitimate in diplomatic terms, certainly the Jonassaint government is not legitimate, but the fact is, they are the people we have to talk to because they are the people causing the problem. We need to open up, as Mr. Pezzullo said before he was fired by the administration, "We need to open up that diplomatic track and start talking to the moderates in Haiti and work for a negotiated settlement." Indeed, there are some moderates and there is some desire amongst the military to work out a negotiated settlement, as there well should be, and as we all encourage should happen.

While all this is happening, we are watching the cash register tick off ever more taxpayers' dollars to support this. Right now we are into this to the tune of a quarter of a billion dollars—that's $250 million so far for this inept policy. The estimate of an invasion, I saw one gentleman from the Pentagon said, an invasion would cost about $1 billion. Well, I will tell you if we took that $1 billion and that quarter of a billion dollars we have already spent and we divided it up amongst all the people in Haiti, we would probably do more for that country and build democracy than just about anything else we could have done with that money, in terms of their ability to go out and start getting medicine they need, food they need, shelter they need and investment they need in their infrastructure to get that country back on the democratic track again.

Today I am going to put in the hopper a piece of legislation. It is a sense-of-Congress, saying to the President, don't invade Haiti unless he can certify to the Congress that there is a clear and present danger to the citizens of the United States and that the United States interest requires such action. I hope my colleagues will consider it carefully.

COMMEMORATING THE 25TH ANNIVERSARY OF THE APOLLO MOON MISSION

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Texas [Mr. SAM JOHNSON] is recognized during morning business for 4 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning I want to talk about some friends of mine, Neil Armstrong and Buzz Aldrin. Buzz Aldrin and I went through flying school together and fought in Korea together. We were fighter pilots together.

Twenty-five years ago tomorrow, Neil Armstrong and my friend Buzz walked on the Moon. Among their footprints and the American flag is a plaque stating "We came in peace for all mankind."

If left undisturbed by man, the scene will remain entirely as they left it for many thousands of years. My hope is that we allow it to remain for history undisturbed. Our research and space programs have been destructively reduced, so I come to the well today to speak of that yesterday, the Moon landing, and all the tomorrows ahead of us. We owe the fine men and women of the Apollo program, both in space and on the ground, our thanks. Counting Apollo 11, there were six Apollo missions to the Moon until 1972. No other nation has returned since then.

Twenty-five years have passed since that first space walk. An entire generation has grown to adulthood without knowing space travel. What many of you accept as part of your consciousness being an eyewitness to such a moment as I was, this generation can have no experiential feeling for. So you might ask me if it is really so important to have been a part of that particular moment in time. My answer is a resounding yes.

But, you see, I missed it. When Aldrin and Armstrong were flying to the Moon, I was sitting in the Hanoi Hilton prisoner-of-war camp in Vietnam. I not only missed all of the Moon missions but I thought the Russians had gotten there first because that is what the Vietnamese told us.

Buzz said he waved to me as he flew over Vietnam. In 6½ years, you miss an enormous amount of shared reality and freedom that your contemporaries take for granted. So I firmly believe that it is imperative we impart the facts as well as the feelings to this latest generation.

I hope July 20, 1969, will be remembered as a day when courage overcame fear of the unknown, when confidence replaced doubt, when insurmountable odds became a challenge, when humankind reached beyond the bounds of reality, not just to touch the unknown but to embrace it.

You see, mankind is at its best when confronted with tough challenges. I would like to be able to tell my grandchildren that when we faced tough choices and long odds, we looked into an uncertain future with the same courage that the Apollo astronauts had. That we decided bold ventures and glorious undertakings were to be found not on the fields of battle but inside microscopic worlds and out there among the stars.

So take a little time tomorrow to remember Apollo 11 and Michael Collins,

Neil Armstrong, and Buzz Aldrin and to thank them for more than just the mission. America owes them a great deal.

MANDATES WILL LOSE JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized during morning business for 2 minutes.

Mr. TORKILDSEN. Mr. Speaker, I want to applaud my colleague, the gentleman from Texas, for those great words on the Apollo program.

I rise today to speak about a different subject, Mr. Speaker, while there is much debate on what the impact of an employer mandate for health care will be, one point should be clear. The employer mandate will cost jobs.

The employer mandate issue is so frightening that some advocates now use the terms "soft trigger" and "hard trigger," enabling them to talk about employer mandates without ever mentioning the M word.

An employer mandate by any other name would still cost hundreds of thousands of Americans their jobs, especially those in entry level jobs, those who need the most help from health care reform.

Whether implemented by a trigger or some other euphemism, a mandate will still be a job killer, as employers lay off some workers to pay for the health care premiums of other workers.

That is the cruelest part of the mandate: Some will lose their jobs so that others can have health insurance. Shouldn't we be working for reform that makes health care accessible for all Americans, without forcing layoffs to pay for that health care?

Health security should not come at the expense of job security. We need to make health care more accessible and affordable for all Americans.

CLINTON RANGE REFORM PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 4 minutes.

Mr. THOMAS. Mr. Speaker, there is a war in the West. The previous speaker talked some about the complexities of the Clinton health care plan. Let me tell you that the complexities of the Clinton range reform plan are equally as destructive and difficult. I came just this weekend from another appearance of Secretary Bruce Babbitt in the West to talk about rangeland reform. This was the hearing that was held by the Senate Committee on Energy and Commerce, Senator WALLOP. It brought out about 250 family farmers and ranchers in Wyoming to talk about their future on public lands. It brought about people who were talking about the opportunity to stay in business as opposed to going out of business.

Under the plan, the Agriculture Department, FmHA, has indicated that about 50 percent of the borrowers that are on public lands would go out of business under this plan.

About 50 percent of Wyoming belongs to the Federal Government, more than that in most Western States, as a matter of fact. We have some 29 million acres that belongs to the Federal Government, most of it in the 13 Western States.

These lands have to be used in multiple use if we are to have an economic future in the West and they are designed for multiple use. These are not National Parks, these are not wilderness areas, these are BLM lands, these are the lands that were left after the land was taken up in homestead. These were residual lands that, frankly, were not usable.

In the early days the owners came in who homesteaded and they homesteaded along the creek bottoms and they homesteaded along the better lands, and these were lands that were left, frankly. No one wanted them. Originally the BLM Act said they would be managed pending disposal and they were not disposed of, and I have no quarrel with that particularly, although I would like to see them transferred to the States. The fact is they are for multiple use and the war in the West goes on, despite a letter to the editor from the staff director of the majority in the House, which says that these are barons, mineral barons and land barons.

I wish he could have been with me, these are barons all right. These are family barons. These are people who support their communities, who's downtown businesses depend upon the basic tax base of the communities, depend upon the multiple use of these lands.

The most egregious example, it seems to me, is the over effort in the area of rangeland reform where we have an expansive solution to a relatively modest problem.

Overgrazing conditions can be taken care of under the law. The fact is the land is in better shape than it has been for years. BLM's own figures show that.

Hunting and fishing, we have a great many more antelope, deer, elk, and mountain sheep than we have had before.

We need to do something about riparian grazing. We can do that now. We have this expansive reform as is the case in this administration of every change that they want to make. They call it some reinvention or reform, or some kind of revolution. It does not require a revolution. It requires sensible management of resources.

It is not just grazing. It has to do with timber, it has to do with oil, and gas, and trona, soda ash, it has to do with water. It has to do with endangered species. Basically and most of all it has to do with the multiple use of resources that belong to all of the people.

We can provide for family ranches to continue to graze those lands. We can provide for timber cutting which is required to have healthy forests. We can continue in an environmentally sound way to have exploration and production of oil and gas. We need to do this. This is not just a matter of grazing. This is a national matter of the best use, the best use of our natural resources.

So there is a war in the West, and it continues despite the protestations of the administration. It continues despite the delays which are put in, interestingly enough, after November, which may have some impact on Democrats running in the West. There is a war in the West.

There is a war in the West and it is a war on the economic future of people who live in the Western States and all of the impacts it has on infrastructure and education, and children.

I think we need to use those resources effectively. We need to use them in a balanced way and we can do this and continue to have an economic future.

RECESS

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly, (at 10 o'clock and 54 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

As the days go on with all the needs that must be met, remind us, O gracious God, not only of the world of action and duty, but also to see more clearly the reality of the spiritual and the holy, the place of gratitude and thanksgiving, the realm of faith and hope and love. Guide us, O God, in the things of the spirit, that we will truly be the people You would have us be. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance.

Mr. WISE 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. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 572. An act for the relief of Melissa Johnson;

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building";

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse";

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building"; and

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

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

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries;

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; and

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4539) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. DECONCINI, Ms. MIKULSKI, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. D'AMATO, and Mr. HATFIELD, be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4453) "An Act making appropriations for military construction for the Department of Defense for the fiscal ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD, be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994; and

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

TANIA GIL COMPTON

The Clerk called the Senate bill (S. 537) for the relief of Tania Gil Compton.

There being no objection, the Clerk read the Senate bill as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR TANIA GIL COMPTON.

(a) IN GENERAL.—Subject to subsection (b), Tania Gil Compton shall be classified as a child within the meaning of section 101(b)(1)(F) of the Immigration and Nationality Act for the purposes of the approval of an immediate relative visa petition filed by her adoptive parent, and the filing of an application for an immigrant visa or adjustment of status, under that Act.

(b) ADJUSTMENT OF STATUS.—If Tania Gil Compton enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully, and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act, except that paragraph (2) of section 245(c) of that Act shall not apply.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 90 days after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Tania Gil Compton, the Secretary of State shall instruct the proper officer to reduce by one number, for the current or next following fiscal year, the total number of immigrant visas available under section 201(c)(1)(A) of the Immigration and Nationality Act, in accordance with clause (ii) of that section.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—No natural parent, brother, or sister, if any, of Tania Gil Compton shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARK A. POTTS

The Clerk called the bill (H.R. 3718) for the relief of Mark A. Potts.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ORLANDO WAYNE NARAYSINGH

The Clerk called the bill (H.R. 2266) for the relief of Orlando Wayne Naraysingh.

There being no objection, the Clerk read the bill as follows:

H.R. 2266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR ORLANDO WAYNE NARAYSINGH.

(a) IN GENERAL.—Orlando Wayne Naraysingh shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Orlando Wayne Naraysingh enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Orlando Wayne Naraysingh, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Orlando Wayne Naraysingh shall not, by virtue of such relationship, be accorded any right,

privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LETEANE CLEMENT MONATSI

The Clerk called the bill (H.R. 2411) for the relief of Leteane Clement Monatsi.

There being no objection, the Clerk read the bill as follows:

H.R. 2411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMIEDIATE RELATIVE STATUS FOR LETEANE CLEMENT MONATSI.

(a) IN GENERAL.—Leteane Clement Monatsi shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigration visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Leteane Clement Monatsi enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application of issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Leteane Clement Monatsi, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Leteane Clement Monatsi shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUNG JA GOLDEN

The Clerk called the bill (H.R. 1184) for the relief of Jung Ja Golden.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FANIE PHILY MATEO ANGELES

The Clerk called the bill (H.R. 2084) for the relief of Fanie Phily Mateo Angeles.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DISPENSING WITH FURTHER CALL OF PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that further proceedings under call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House received at 3:37 p.m. on Monday, July 18, 1994 as follows:

(1) Said to contain a message from the President wherein he submits a 6-month periodic report with respect to the national emergency with Libya.

(2) Said to contain a message from the President whereby he submits an agreement, with annex between the U.S.A. and Lithuania extending the fishery agreement until December 31, 1996.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXTENSION OF FISHERY AGREEMENT WITH ANNEX BETWEEN THE UNITED STATES OF AMERICA AND LITHUANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94–265; 16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania Extending the Agreement of November 12, 1992, Concerning Fisheries off the Coasts of the United States, with annex. The agreement, which was effected by an exchange of notes at Vilnius, Lithuania on February 22, 1994, and May 11, 1994, extends the 1992 agreement to December 31, 1996. The exchange of notes, together with the 1992 agreement, constitutes a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1994.*

REPORT WITH RESPECT TO NATIONAL EMERGENCY WITH LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of February 10, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ["IEEPA"], 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Corporation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. As previously reported, on December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of certain U.S.-origin products, including equipment for refining and transporting oil, unless consistent with United Nations Security Council Resolution 883.

2. There have been two amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ["FAC"] on the Department of the Treasury, since my last report on February 10, 1994. The first

amendment (59 *Fed. Reg.* 5105, February 3, 1994) revoked section 550.516, a general license that unblocked deposits in currencies other than U.S. dollars held by U.S. persons abroad otherwise blocked under the Regulations. This amendment is consistent with action by the United Nations Security Council in Resolution 883 of November 11, 1993. The Security Council determined in that resolution that the continued failure of the Government of Libya ["GoL"] to demonstrate by concrete actions its renunciation of terrorism, and in particular the GoL's continued failure to respond fully and effectively to the requests and decisions of the Security Council in Resolutions 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. Accordingly, Resolution 883 called upon Member States, *inter alia*, to freeze certain GoL funds or other financial resources in their territories, and to ensure that their nationals did not make such funds or any other financial resources available to the GoL or any Libyan undertaking as defined in the resolution. In light of this resolution, FAC revoked section 550.516 to eliminate a narrow exception that had existed to the comprehensive blocking of GoL property required by Executive Order No. 12544 of January 8, 1986 (3 C.F.R., 1986 Comp., p. 183), and by the Regulations. A copy of the amendment is attached to this report.

On March 21, 1994, FAC amended the Regulations to add new entries to appendices A and B (59 *Fed. Reg.* 13210). Appendix A ("Organizations Determined to be Within the Term 'Government of Libya' (Specially Designated Nationals of Libya)") is a list of organizations determined by the Director of FAC to be within the definition of the term "Government of Libya" as set forth in section 550.304(a) of the Regulations, because they are owned or controlled by, or act or purport to act directly or indirectly on behalf of, the GoL. Appendix B ("Individuals Determined to be Specially Designated Nationals of the Government of Libya") lists individuals determined by the Director of FAC to be acting or purporting to act directly or indirectly on behalf of the GoL, and thus to fall within the definition of the term "Government of Libya" in section 550.304(a).

Appendix A to part 550 was amended to provide public notice of the designation of North Africa International Bank as a Specially Designated National ["SDN"] of Libya. Appendix A was further amended to add new entries for four banks previously listed in Appendix A under other names. These banks are Banque Commerciale du Niger (formerly Banque Arabe Libyenne Nigerienne pour le Commerce Exterieur et le Developpement), Banque Commerciale du Sahel (formerly Banque Arabe Libyenne Malienne pour le Commerce Exterieur et le Developpement), Chinguetty Bank (formerly Banque Arabe Libyenne Mauritanienne pour le Commerce Exterieur et le Developpement), and Societé Interaffricaine du Banque (formerly Banque Arabe Libyenne Togolaise pour le Commerce Exterieur). These banks remain listed in Appendix A under their former names as well.

Appendix B to Part 550 was amended to provide public notice of three individuals determined to be SDNs of the GoL: Seddigh Al Kabir, Mustafa Saleh Gibril, and Farag Al Amin Shallouf. Each of these three individuals is a Libyan national who occupies a central management position in a Libyan SND financial institution.

All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in appendices A and B. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 69 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (33) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent GoL interest. The largest category of denials (18) was for banking transactions in which FAC found a GoL interest. Four licenses were issued authorizing intellectual property protection in Libya.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 126 transactions involving Libya, totaling more than $14.7 million, were blocked. Four of these transactions were subsequently licensed to be released, leaving a net amount of more than $12.7 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling nearly $144,000 for violations of the U.S. sanctions against Libya. Twelve of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. The other three penalties were received for violations involving letter of credit and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Open cases as of May 27, 1994, totaled 330. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Department of State and Justice to identify U.S. persons who enter into contracts or agreements with the GoL, or other third-country parties, to lobby United States Government officials and to engage in public relations work on behalf of the GoL without FAC authorization.

On May 4, 1994, FAC released a chart, "Libya's International Banking Connections," which highlights the Libyan government's organizational relationship to 102 banks and other financial entities located in 40 countries worldwide. The chart provides a detailed look at current Libyan shareholdings and key Libyan officers in the complex web of financial institutions in which Libya has become involved, some of which are used by Libya to circumvent U.S. and U.N. sanctions. Twenty-six of the institutions depicted on the chart have been determined by FAC to be SDNs of Libya. In addition, the chart identifies 19 individual Libyan bank officers who have been determined to be Libyan SDNs. A copy of the chart is attached to this report.

In addition, on May 4, 1994, FAC announced the addition of five entities and nine individuals to the list of SDNs of Libya. The five entities added to the SDN list are: Arab Turkish Bank, Libya Insurance Company, Maghreban International Trade Company, Saving and Real Estate Investment Bank, and Societé Maghrebine D'Investissment et de Participation. The nine individuals named in the notice are: Yousef Abd-El-Razegh Abdelmulla, Ayad S. Dahaim, El Hadi M. El-Fighi, Kamel El-Khallas, Mohammed Mustafa Ghadban, Mohammed Lahmar, Ragiab Saad Madi, Bashir M. Sharif, and Kassem M. Sherlala. All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in the notice issued on May 4, 1994. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the notice is attached to this report.

The FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

5. The expenses incurred by the Federal Government in the 6-month period from January 7, 1994, through July 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the GoL continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by United Nations Security Council Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure that the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1994.*

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. McCOLLUM. Mr. Speaker, pursuant to clause 1, rule XXVIII, I am announcing to the House that tomorrow I intend to offer a motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The form of the motion is as follows:

Mr. McCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a state crime of violence or state drug trafficking crime.

79-059 O—97 Vol. 140 (Pt. 12) 16

CLINTON ECONOMIC PACKAGE HELPING THE MIDDLE CLASS

(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, the middle class is the foundation of American economic might. Measure the fortunes of the middle class and you measure the national wealth and well being.

Last year folks back in my district were pretty skeptical of the Clinton economic package. They heard a lot of disinformation about how the plan would hurt them. Today, they see that the middle class has actually benefited from the plan.

Congressional action has slashed Federal spending and gutted the deficit. Unemployment has dropped 1.7 percent since 1993. 6,398 jobs are being created each day. We have experienced more job growth since January 1993 than in the previous 4 years. Ninety-two percent of that growth has been in the private sector.

The gross domestic product has held at 3.2 percent for the last five quarters, twice the pace of the previous 4 years, and inflation is holding at a 30-year low.

The 103d Congress has done well by the middle class. It can, and should, do more.

□ 1210

HEALTH CARE REFORM IS TOO IMPORTANT TO BE DECIDED BEHIND CLOSED DOORS

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

Ms. DUNN. Mr. Speaker, as I take the floor, North Korean Communist leaders are meeting behind closed doors to select the successor to the late Kim Il Sung, the so-called Great Leader. That is the way important decisions are made in an anti-democratic country—behind closed doors.

This is not how we should make decisions in America. And yet, this is exactly how the Democrat leadership is deciding the fate of our Nation's health care system—behind closed doors. This decision will affect every man, woman, and child in America. It will affect one-seventh of our Nation's economy.

Mr. Speaker, health care reform is too important to be decided behind closed doors. It is too important to be decided without an open rule that would allow the democratically elected Members of Congress to debate this issue openly.

Mr. Speaker, this is America, the land of the free, this is not North Korea. We request, and democracy requires, a free and open rule on health care reform.

SIGN DISCHARGE PETITION NO. 12

(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, 1,300 IRS agents were busted snooping through tax returns, invading the privacy of the American people.

It has gotten so bad in some of these episodes that IRS agents actually figured out tax refunds that taxpayers overlooked, filed false, fraudulent forms, got the refunds, and kept this for themselves. Unbelievable, ladies and gentlemen.

The IRS is in our kitchen. The IRS is in our bathrooms. The IRS is in our bedroom. The IRS is in our office. Now the IRS is in our computers, Congress, and the Congress does nothing about it, absolutely nothing, but the truth is the IRS is now in our face, and they are in the face to the American people, and they are in the wallets and pocketbooks of the American people.

They should go to jail for this. Sign Discharge Petition No. 12 and get in the face of the IRS in a heartbeat.

THE AMERICAN PEOPLE TAKEN FOR A RIDE ON HEALTH CARE

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

Mr. GOODLATTE. Mr. Speaker, in a few days President Clinton and some of his Hollywood friends are hopping a bus to tour the country pushing for their big Government health care takeover. But it is the American people who are being taken for a ride.

President Clinton and his allies want Washington bureaucrats telling folks which doctors they can see and which treatments are allowed, price controls, rationing of services. And they want to pay for their new bureaucracy with huge taxes and job killing employer mandates.

Not surprisingly, their plan has millions of Americans calling 911 in a panic and, I do not blame them.

We can do better. Along with many Democrats and Republicans, I am supporting the Rowland-Bilirakis health care proposal to bring real reform without taking away the freedom families have to make their own health care decisions.

HEALTH CARE REFORM

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

Mr. WISE. Mr. Speaker, perhaps it is symbolic that you have asked me not to bring out today my display cardboard pizza, because, in a symbolic sense, I may not have a pizza, but

many Pizza Hut employees, we just learned over the weekend, do not have health insurance. Pizza Hut will pay health benefits to its employees in other countries where there are employer mandates, but they will not do the same here in the United States.

Now, what Pizza Hut says is, yes, but you pay much more for a pizza in other countries. Is that not a lot of tomato sauce, since we know the food cost is historically higher in other countries?

We know in Japan, for instance, the dollar-yen valuation changes greatly increase the price of food, and finally, we know that foreign goods produced overseas have much lower health care costs built into their product than we do in ours even though they have comprehensive health care.

Pizza Hut is saying these things, and when they tell you, incidentally, they are giving you extra bread sticks, just remember what they are also giving you is a 30-percent cost shift; that is right, we are paying 30 percent more for our health insurance to cover those employees who do not have health insurance.

Recalculated, for instance, at the additional cost of labor, at the most, it would be 10 cents more on a $10 pizza, and that is without taking out for workers' comp savings and other significant savings as well.

So when they tell you they cannot afford to provide it here in the United States, just tell them they are giving you a lot of pepperoni.

PRESIDENT'S HEALTH CARE PLAN A DISASTER

(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, over the weekend the National Governors' Association, a bipartisan association comprised of all the Nation's Governors, joined Pizza Hut and others in bluntly criticizing the Clinton-style plan passed by the House Committee on Ways and Means for the purpose of reforming health care.

The National Governors' Association said, "This plan would put 40 percent of Americans in a costly Government-run entitlement program." Democrat Governor Lawton Chiles of Florida said the bill passed by the Committee on Ways and Means would be a "disaster" if enacted.

Now, this disaster being pushed by Mr. and Mrs. Clinton and others would heap more taxes on business, cause a corresponding loss of up to a million jobs, and would produce a health care system run with the efficiency of the Post Office and the compassion of the Internal Revenue Service, about which the gentleman from Ohio [Mr. TRAFICANT] was explaining to you.

Governor Chiles was right. Such a plan is, indeed, a disaster. President Clinton should go back to the drawing board.

NEW LEGISLATION FOR TEMPORARY EMPLOYEES WOULD BENEFIT SURVIVORS OF COLORADO FIREFIGHTERS

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

Mr. McCLOSKEY. Mr. Speaker, of the 14 brave firefighters who died in the Colorado inferno, only 2 were permanent employees. The other 12 were temporary employees who were ineligible for many benefits, including health care and retirement programs.

It is truly cold comfort that their families may be eligible for some benefits, as a result of this tragedy. We must reform the Federal Personnel System to provide fair benefits to the 10,000 seasonal firefighters and law enforcement rangers and tens of thousands of other temporary employees nationwide.

For years, I have been trying to resolve this problem. Last year, after another temporary employee, James Hudson, died after working two shifts in sweltering heat at the Lincoln Memorial, I reintroduced legislation to provide basic benefits to temporary employees.

In response to congressional pressure on this vital matter, the Office of Personnel Management issued proposed regulations providing some assistance to Federal temporary employees.

Today I am circulating a dear colleague and I ask every Member to sign on to my letter to OPM Director Jim King urging OPM to expedite the final regulations. The letter also seeks to have OPM develop a fiscal strategy to provide health and retirement benefits to temporary employees.

We need to fix this issue. It is simply wrong that this issue seems to surface only after great tragedy.

DOES BIPARTISAN HEALTH CARE REFORM REQUIRE A TICKET?

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

Mr. KNOLLENBERG. Mr. Speaker, I am sure by now you have heard about the administration's proposed health care reform bus extravaganza. This is an event designed to boost the anemic support for the President's plan from its present 32 percent.

Materials distributed by the DNC state that anyone can sponsor a bus, or a leg of the journey, for a mere $5,000 to $20,000.

Sponsors riding on the bus get a cap, t-shirt, and a photo taken of them with the bus, in front of the Capitol. But aside from the obvious monetary commitment that these sponsors make is the fact that the DNC is demanding that sponsors sign a pledge.

By signing this pledge, sponsors agree to support whatever bill Congressman GEPHARDT and Senator MITCHELL agree on, without seeing any of the legislative language.

Health care reform should not be reduced to bus trips and pledge cards. This is one-seventh of our economy, and it deserves bipartisan consideration. If this consideration takes prolonged debate, compromise, or even incremental change, then it will be well worth it.

The American people elected us with the expectation that we will work together here on Capitol Hill, not behind closed doors and certainly not on some bus.

□ 1220

THE SELF-SUFFICIENCY ACT

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

Mr. ORTON. Mr. Speaker, few issues enjoy unanimous support in this body, but there is one thing upon which most of us agree, and that is that our welfare system is a failure and needs reform. It too often provides people who choose not to work with a better deal than those who choose to take a job. We need to create a system where work is not penalized, and where the logical choice for parents is to work to provide for their children.

As Congress debates reform of our welfare system, it makes sense to give States the flexibility to use an approach to welfare reform that has proven successful. For this reason, today I am pleased to introduce The Self-Sufficiency Act, a bill based on the success of the Single Parent Employment Demonstration Program in Utah.

The Self-Sufficiency Act uses a commonsense approach to welfare that provides assistance to participants who are working toward self-sufficiency, promotes work, and gradually phases out benefits to those who have chosen not to participate. Through this approach, this program has reduced spending on AFDC grants by almost 25 percent in just a year and a half.

Moreover, it can be used in conjunction with most, if not all, of the other welfare reform proposals currently being considered.

Amazingly, 44 Federal Government waivers had to be approved before the demonstration program could use this approach. This bill allows States to forgo the redtape and get on with helping people enter the labor market. It is my hope that this approach will become a national model for welfare reform.

QUESTIONS ABOUND ON THE DEATH OF VINCE FOSTER

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

Mr. BURTON of Indiana. Mr. Speaker, additional questions continue to be raised regarding the untimely death of Vince Foster, the assistant counsel to the President of the United States. Vince Foster was killed or died by his own hand last July. But it was not until 9 months later, 9 months later, after he was found at Fort Marcy Park that the FBI was called in to do an extensive investigation.

Now, why did they wait 9 months before they went out there with forensic experts to get the information which should have been gotten 1 or 2 days after he was killed or the same day?

Why did Bernie Nussbaum, Patsy Thomasson, and Hillary Clinton's chief of staff go into Mr. Foster's office right after he was dead and for 2 hours extricated files and took them out of his office, went through them very thoroughly, even though Mack McLarty, the chief of staff of the White House, ordered that office sealed? It was not sealed until 11 a.m., the next morning, after they went in and extricated or took all those files out of there. And why 2 days later did they go back in again a second time and the FBI was there with them at that time and they ordered the FBI to stay out in the hall and sit in their chairs? In fact, one FBI agent got up and looked in the room, and they said, "Sit down, this is executive privilege," and they would not let them in. More of these questions will be asked and answered tonight during a special order.

NEW YORK HEALTH INSURANCE COSTS SKYROCKET

(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 like to share with you a scenario about what can happen when individual insurers are required to charge the exact same premium for coverage to anyone who wants it, regardless of health status. This is exactly what the State of New York did in April 1993.

Younger, healthier individuals will be overcharged for health care insurance while older less healthy individuals will be undercharged for their premiums.

The goal of the New York legislation was to increase access and thus increase the number of people who were insured. The consequences, however, produced the opposite effect.

As we strive to reform health care with universal coverage as a major goal, we must also have insurance reforms. We must provide certain safeguards to insure stability and solvency in the marketplace.

Let us look at what happened in New York and learn a lesson from this as we move forward with health care reform.

THE POOR AREN'T POORER

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

Mr. EWING. Mr. Speaker, according to article in U.S. News & World Report, the poor didn't get poorer during the Reagan-Bush years. Despite the claims based on the class war mindset of this Democratic administration, the poor did better during the Republican administration than they will during the Clinton administration.

Here is what the story says: "Research by a number of prominent scholars suggests that much of the accepted wisdom about the poorest households is wrong. The tax changes and domestic-program cuts of Ronald Reagan and George Bush did not increase inequality; in fact, income inequality and poverty levels are significantly lower today than earlier in the century, and in many respects the material lot of poor families actually improved during the past two decades."

Mr. Speaker, this confirms what Republicans have been saying all along: Bigger government does not help the poor. Better opportunity does.

And this opportunity is not promoted with job-killing employer mandates, business-killing higher taxes, and Big Government bureaucracy and excessive regulation on the private sector.

GOVERNING IS NOT A CAMPAIGN

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

Mr. GOSS. Mr. Speaker, contrary to what the White House war room political consultants might believe, governance is not like a campaign. Every time you run into trouble, you cannot just climb aboard a bus and run over the truth. The truth is, many people who have to live with the Big Government medicine prescribed up by the administration spin doctors are refusing to accept the Clinton health treatment—or the hybrid that is likely to come out of behind-closed-doors Democrat-only meetings now feverishly underway. Americans understand a lot more than the "Trust-me-I'm-from-the government" types at the White House give them credit for. Most Americans do not want job-killing mandates; they do not want Big-Government bureaucrats making choices for them and they do not want to stand in line for care they know they need. They want a bipartisan approach that fixes what's broken by building on what works.

So let us cancel the bus tour and get down to work on Roland-Bilirakis as a good place to start on bipartisan reform.

MEDICAL MALPRACTICE REFORM

(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 am pleased to announce that today I will introduce the Medical Malpractice Fairness Act of 1994. This measure has the strong support of former Vice President Dan Quayle—a vocal advocate of medical malpractice reform, as well as the American Medical Association, the Minnesota Medical Association, and numerous other groups.

I find it appalling that not one of the health care reform bills reported out of committee in the House has any meaningful medical malpractice reform.

How can the White House and Democrat leadership go before the American public and say they're trying to reform health care when they virtually ignore the $15 billion a year that could be saved if my bill was approved.

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 $500, reduce the rate of defensive medicine, and reduce the cost of liability insurance.

I strongly urge my colleagues to support the Medical Malpractice Fairness Act of 1994 and show that comprehensive health care reform includes serious medical malpractice reform.

PERCEPTION IS REALITY, NOT PERKS

(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, surveys continue to reveal that Americans are disgusted with our perks and they want us to abide by all the laws they do. A lunch from a lobbyist is not going to influence our vote, but it does influence the way Americans view Congress and their vote. As a democracy, we need to be under the same rules as the people we represent. Therefore, I have introduced H.R. 4444. My bill is simple: do away with our perks and require us to live under the same laws. Over 100 new Members were elected in 1992 to reform Congress but it has not happened. The leadership bill does not go far enough. True reform will bring us under the same rules as other Americans. This not only means the same laws, but the elimination of all remaining perks.

According to others we have more restrictions than any legislature and are the most ethical Congress ever. But we

are not perceived that way. And in politics, perception is reality. To convince voters that we are the ethical, honorable body we are, reform must do away with our perks and privileges. Nothing in my bill will hinder us in our duties. We need to head down the road of reform, I say to my colleagues, and H.R. 4444 is the best legislative vehicle.

THE V-22 OSPREY PROGRAM RECOMMENDED AS MOST COST-EFFECTIVE

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

Mr. WELDON. Mr. Speaker, Congress has supported the V-22 Osprey program because it is the right aircraft for the Marine Corps and it is the right aircraft for our nation. The V-22 has been consistently shown as the most cost-effective replacement for the Marine Corps CH-46 medium-lift aircraft.

By every standard of military readiness and safety, the CH-46 should already be retired. Because of continued delays on the V-22, we are now pushing the margins of acceptable risk with the CH-46 fleet and endangering lives. Consider, for example: For each hour that the CH-46s fly, mechanics must perform seventeen and one-half hours of maintenance; Each time a CH-46 crashes, the service spends $1 million and upward to salvage it because of shortages in the fleet; They can not fly as fast, climb as high or carry a full crew; During the 5-year delay in the V-22 program, there have been 14 CH-46 crashes killing 26 people.

I have a Navy Times article outlining the problems in the CH-46 fleet, and I will insert it in the RECORD. The message is clear: every day we delay the V-22 replacement we jeopardize the lives of our soldiers in the field. It is time for the Pentagon to move ahead on the V-22.

[From the Navy Times, July 11, 1994]

HOW LONG CAN THE CH-46 LAST?

(By Gidget Fuentes)

(Due to time constraint all illustrations have been omitted)

Several words described the CH-46 Sea Knight helicopter: Workhorse. Vietnam-era. Obsolete. Museum piece. Overused. Sentimental. Determined. Aging. Tired. Venerable.

It is a study in contradictions and a metaphor for the Marine Corps: Old and tradition bound, yet tough as nails and ready to fight.

To infantry Marines, the Sea Knight is what gets them where they're supposed to go, picks them up from a hot LZ, hauls their mail and cookies and brings in reinforcements. Still, there are few places groundpounders dislike more than being in the belly of a helicopter that joined the Marine Corps a decade or more ago, before many of them were born.

To her "drivers," as helicopter pilots like to be called, the tandem-rotor Sea Knight is still a worthy aircraft. But they worry that the 46s are getting too old and that the outlook for a replacement aircraft seems to be perpetually 10 years over the horizon.

But to the wrench-turning knuckle-busters, the mechanics who service these old birds 10 to 12 hours a day, they are creatures of remarkable endurance. Sure, they require 17 or more hours of maintenance for every hour of flight, they say. But as long as they're carefully and meticulously maintained, they can last, seemingly, forever.

That's a good thing. The best estimates for a medium-lift replacement aircraft—most likely the tilt-rotor V-22 Osprey—doesn't have it joining the fleet in large numbers perhaps as late as 2010.

The H-46 was based on the Boeing Vertol 107 in 1961, and went into hastened production starting in 1962. The first operational delivery in 1964 went to HMM-265 from New River, N.C. That squadron, now at Kaneohe Bay, Hawaii, is celebrating its 30th anniversary July 29.

"It's not often an airplane sees 30 years," noted CW02 Joe Boyer, a spokesman at the Marine Corps Base Kaneohe Bay, Hawaii. Since the production line was shut down in 1971, even the newest 46s are, at 23, old in aircraft terms.

Even with upgrades in the airframes, motors, rotors and other equipment on board, however, by most definitions these aircraft should be retired or retiring right now.

Among military aircraft, the only ones that are older are the B-52 long-range bomber, which may remain in the fleet with new wings and avionics, the A-6 Intruder, which is planned to retire by 1999, and the KC-130 refueler turboprop, which entered the Marine Corps inventory in 1961, a year before the Sea Knight.

Pilots and aircrews talk in amazement about the 46's steam gauges and vacuum tubes.

Noted Cpl. Steven Barott, an avionics technician with HMM-365 at New River MCAS, N.C., who was born the year after the last 46 was built: "The 46 is getting older so a lot more things break more often." Adds a cynical pilot, noting that a replacement is not going to come anytime soon: "My 6-year-old has an opportunity to do his first tour in the 46."

JEOPARDIZING LIVES?

The H-46's age has many people wondering not who will be its next generation of pilots, but how long these birds will be safe to fly—and whether they'll survive until their likely replacement by the V-22 Osprey tiltrotor aircraft.

"As good, as concentrated as the crews and the maintenance people are * * *, they're tying to keep birds that are 30 years old in the air," says James Tanner, whose son, Navy Lt. Michael Tanner, was killed Jan. 10 in an HH-46D accident 500 miles east of Bermuda. "Why do we have to jeopardize people's lives, day in and day out?"

A COSTLY PRIORITY

The answer is plain dollars and cents. The V-22, which has been plagued by developmental problems—including a deadly crash in the Potomac River two years ago—is a very costly program, and it comes at a time when Congress and the Pentagon can't afford very many of those. During the Bush administration, then-Defense Secretary Dick Cheney tried to kill the Osprey Congress refused, and ordered that development be continued. But the squabble added years to the development cycle.

Now the Marine Corps is stuck with its CH-46s for another decade or two. And the question everyone is asking is whether the aircraft can remain viable for that long.

As it is, Marine CH-46Es are already restricted in how much they can carry and how they can fly—so the aircraft are no longer capable of doing all they were designed to do.

And lest Marines think they are the only ones on the short end of this stick, they need only look at their sister service: The Navy, which uses its H-46Ds for vertical replenishment, cargo handling and search-and-rescue missions, has no real planned successor. As of now, their replacement is supposed to be the Marine CH-46E.

"The aircraft is good, but you do outlive the technology at some point," said Lt. Col. Michael J. Bixiones, the H-46 program manager based at Naval Aviation Depot Cherry Point, N.C. The main challenge, he said, "will be to compete for the limited dollars that are out there" in order to keep the aircraft airworthy.

A replacement is long overdue. "We're going to have third-generation 46 pilots," said Lt. Gen. Richard D. Hearney, who is leaving his post as the Corps' deputy chief of staff for aviation to become assistant commandant this month. The 46s will be around so long that it's conceivable the kids piloting them in the next century will have grandfathers who flew the same choppers in the 1960s.

THE COST OF BEING FLIGHT-WORTHY

Keeping this aging fleet operational and safe until it can be replaced is the immediate priority for Marine aviation, officials say. But it won't be easy—or cheap.

Mission requirements say the Corps should have 254 CH-46 Sea Knights. But the inventory is actually only 240, and there is no way to get more aircraft. Expected losses of one to two aircraft per year will further aggravate the shortfall.

Just maintaining the current Marine fleet of H-46s through full replacement with the V-22—maybe not until 2015 or 2020 depending on production—will cost $500 million for budgeted upgrades and $1.6 billion if the Pentagon agrees to extend its service life with major overhaul. Not all that money is even budgeted yet.

Since the choppers can't be replaced, each time a 46 goes down, the Corps must try to salvage it. As much as $1 million or more will be spent to make a single downed 46 fly again.

As bad as things are for the Marine Corps, Marine 46 pilots have it easy. They fly the more modern—starting in 1974—CH-46Es, which have more powerful engines than the H-46s flown by the Navy.

The average Sea Knight has logged in 8,500 hours in its life, but continues to fly 400 hours or so a year because of high operational tempos. By the year 2005, it will have flown over 10,000 hours. By 2010, almost all will surpass 10,000 hours, its initial service life, and its maximum life will depend on a costly service life extension program. The 10,000-hour limit was an arbitrary number, however—an unusually high one for military helicopters, aviators say. One thing's for sure, say officials, Vietnam veterans and aircrews: They never expected to see the 46 reach that milestone.

These geriatric aircraft, like aging people, are no longer able to do all they once could. Officials have placed strict limits on what 46 pilots can put their choppers through, fearing failure of the helicopters' rotor heads. For example: The 46s with old rotor heads—those with faulty pitch shafts—may not be flown faster than 110 knots (versus 130 knots it was designed to do), cannot bank at more than a 30-degree angle (versus 45 degrees) and cannot exceed 6,000 feet of altitude (versus 10,000).

Likewise, the 46s can't carry the load they were designed for. No more than eight combat-loaded Marines can be carried at a time (versus the 16 the birds were designed to haul) and no more than 1,700 pounds of cargo can be carried (versus 4,000 pounds).

A SAFE RECORD

And yet, despite all those shortcomings, the Marine H-46 fleet has stayed relatively safe over the past 12 months compared with several rashes of crashes over the past eight years. It has a lower mishap rate since 1977 than all but two Marine airframes. Only the F/A-18 Hornet fighter and KC-130 cargo jet have performed more safely. "The safety record has been very good," Hearney said, crediting good maintenance, training and good commanders. Mishaps have occurred, some fatal, however, involving Marine and Navy helicopters. There seems to be no pattern of cause, ranging from pilot error, poor aircrew coordination, engine or transmission failure and cracks in rotor pitch shafts.

Even with its extensive maintenance program, the H-46 requires about 17.5 maintenance hours for every flight hour—more than the nine it originally required in 1962 but significantly less than the heavier CH-53 Huey, which requires 24. Mechanics spend 1.35 hours inspecting and maintaining the restricted rotor heads alone. Cpl. Brent A. Backus, a 24-year-old technician with HMM-264, said the typical preflight check takes nearly three hours and usually he finds some "wear and tear." He added: "You check everything."

The CH-46 "is still a super aircraft. It's safe. But it's time that we move on," said Brig. Gen. Fred McCorkle, commander of Marine Corps Air Bases East at Cherry Point and a Vietnam veteran who's logged more than 5,000 hours in the CH-46. "I won't be sad to see it go."

Not that it'll be going anytime soon, of course. The CH-46, often called "the Frog," succeeded the single-rotor UH-34 helicopter during the Vietnam War and continues to be upgraded and updated today. But while modernization has helped, it's also blamed in part for the reduced amount of weight the choppers can carry. The "Bull Frog" variant—so named because of larger fuel tanks mounted externally on the chopper's stub wings—has greater range than the conventional Frog, but has even less cargo capacity. It can fly 411 miles instead of 236, but carries less cargo and has no "over-the-horizon" capability that enables a rapid, heliborne assault to defended beaches or inland locations from the decks of a helicopter carrier 50 miles at sea.

Safety concerns with the rotor heads, which drive the helicopter's twin rotor blades and which have experienced cracks due to stress and use, resulted in operational restrictions imposed in July 1993 and additional inspections and maintenance requirements on the rotor heads imposed since the late 1980s.

An H-46 with a restricted rotor head must undergo 18 special inspections of the head, assembly and even landing gear wheels. These helicopters must carry less weight, fly slower, fly lower, turn wider and be more closely inspected. Weight limits mean more sorties or aircraft are usually needed for a mission. During Operation Restore Hope in Somalia, a forward refueling point was set up in Baledogie, halfway from the amphibious ship Tripoli to the city of Baidoa, where the CH-46s hauled an infantry company. So far, nearly half of the inventory has the new pitch shafts and are no longer operationally restricted but must still do those special inspections.

Those tactical restrictions have frustrated commanders. "We need something a little bit more state of the art," Lt. Col. Tony Zell, HMM-264 commander, said in a slight understatement. Still, he said, "it is the most versatile aircraft."

NEW VITAL PARTS

Starting next year, all Marine and Navy H-46s will get new critical dynamic components—rotor heads, drive systems, transmissions and pitch shafts—under the "dynamic component upgrade" program, or DCU, at a cost of $662,000 per helicopter.

This program, already funded, is a blessing for all field commanders who've had to grapple with strict limitations on current, inferior rotor heads suffering from wear and stress. The new parts will be stronger and less corrosive with stainless steel to better withstand saltwater and sand, and eliminate the special inspections, Bixiones said.

"It improves the safety of the airplane, although it's not unsafe now," Lt. Col. Ron Johnson, the Marine H-46 requirements officer on the chief of naval operations staff at the Pentagon. "Obviously it's in our best interest to make sure it's fielded as quickly as possible."

"We should have a restriction-free, inspection-free airplane," he added.

Capt. John Dixison, assistant maintenance officer with HMM-261 and a 25-year veteran, noted that the restrictions have denied younger aviators and crews some combat maneuvers. "We've had to compensate with a lot of classroom in the ready room," Dixison said. The squadron will get the unrestricted heads later this summer, prior to deploying.

FIXING FOR THE LONG RUN

Keeping the Sea Knight safer and flying will cost plenty, at least a half-billion dollars and likely some $1.6 billion if a service life extension program is needed to keep it flying safely until the Osprey enters the service in large numbers. These programs follow other replacement programs done in the 1980s.

The money won't buy a new aircraft, Marine officials note. It won't buy more capability. It won't buy an interim replacement. What it does buy, they say, is enough safety to keep the Sea Knight flying another two or three decades.

Officials are beefing up routine maintenance for all H-46s at 10,000 flight hours. Sea Knights go through regularly scheduled depot-level maintenance after every 1,000 hours in the air, and regular aircraft service period adjustment inspections every 12 months. These maintenance periods aren't cheap: Each depot-level checkup costs $500,000.

Once CH-46s reach 10,000 flight hours, they're put through a more in-depth airframe inspection. The extra tests and repairs cost an additional $10,000, and so far four 46s have been put through the program. Another three or four more will undergo it soon, said Johnson.

"We have not found anything to date that indicates to us that the airplane can't go past 12,500 hours, but we don't know how far past," Johnson said. A service life assessment, now under way, will try to answer that question, he said.

The $3 million study will be finished by 1996. Among the tests will be to take a CH-46 airframe and stress it "until it fails," Johnson explained. "Then we'll know exactly how many hours. . . that airframe can go to."

The service life extension program developed after that study is complete will help determine the V-22 production schedule, because it will provide the most realistic outlook yet on how long the Corps can wait. "These may include electronic warfare improvements, ground proximity warning systems, better armor, crash-resistant cockpit seats and a weight-reduction program," Johnson said. "We intend to make any safety improvements that are necessary."

INSPECTIONS, INSPECTIONS

Meanwhile squadrons are burdened with the intricate task of inspecting the helicopter's crucial parts along with normal inspection cycles for such things as corrosion, fatigue, vibration and cracks in the airframe and in the engines. The task falls on tactical squadron and aviation support squadron Marines expert in maintenance, Hearney calls them "in the trenches."

"These kids will do anything not to let each other down," said Lt. Col. W.G. Duncan, commander of HMM-365 (reinforced), which is now deployed in the Mediterranean on deployment with the 26th Marine Expeditionary Unit. "They will work as long as it's required."

After every 10 flight hours, Marines must conduct a "nondestructive inspection" of the pitch varying housings, which tend to crack and have been linked to several fatal mishaps. These control the pitch, or angle, of each of the six rotor blades.

Often, squadron Marines deployed aboard ship have little room to do required inspections and maintenance. "Ten- and 25-hour NDI inspection cycles, which are major problems ashore, become show stoppers once afloat," Marine Maj. Rich T. McFadden wrote as the logistics officer of HMM-264 after a six-month deployment in 1991. His comments were included in a report in the Marine Corps' "lessons learned" system.

But squadron Marines swear by the aircraft and training. "As long as we maintain it, it's going to last a long time," said Cpl. Brent A. Backus with HMM-264. "I'd never second-guess the Frog. I'd fly it every day."

The workload falls heavily on squadron mechanics, technicians and operators to do what many consider is miracle work to preserve the aircraft in this work environment. "As soon as we get into a sandy zone, it's right where you started from," noted Cpl. James Raymond, an HMM-365 crew chief.

Marines say they are working long hours, sometimes weekends prior to deployment. At the same time, they must keep current with volumes of safety procedures and repairs. Every repair must be researched, since "you're not supposed to memorize everything," said Cpl. Daniel Simpson, an airframes mechanic in 365's metalshop.

Making a repair without checking the manual may seem more expedient, the wrench-turners say, but if it's not done exactly by the book, the lives of the pilots and crew are in danger.

Marines, particularly in understaffed squadrons, feel the heat. GySgt. Jon Eskam, a structures mechanic and quality assurance chief with HMM-365, said it takes a technician about 30 minutes to inspect the rotor pitch shaft, connecting link and housing, which must be done after every 10 flight hours, and a technician often inspects several aircraft daily. Like other helicopters, the Sea Knight requires many eyes checking for cracks and corrosion when it flies in less-than-perfect conditions.

"Gosh, it's always over water and in a dirty, dusty environment," said Eskam, a 14-year veteran. "I've just seen as much wear and tear on these things as I'd like to see."

So bad can it get, in fact, that Col. D.J. Lavoy, Marine Aircraft Group 26 commander

at New River, stood down his group in late March "just to give everybody a five-day break. We were getting tired, and there's a lot of hard work."

NO BONE TO PICK

The CH-46 community, like others in Marine aviation, suffers from delays in getting spare parts and parts repaired, Marines say.

Getting parts is another concern with Marines. Cuts to operations and maintenance budgets and delays at depots mean some helicopters are down and inoperable until a new part comes—or one is taken from another aircraft. Sometimes, the aircraft are flown without the missing equipment—as long as it doesn't affect safety.

Aviation officials cringe at the word "cannabalize," noting that parts aren't normally removed from working aircraft. But squadron Marines say it is not unusual to seek the part you need on another chopper that's missing something else. One maintenance chief said doing that takes more time than if a part is ordered and received—but that if the aircraft must get airborne, they'll do whatever it takes.

"There's not a boneyard of 46s sitting somewhere," said Johnson.

"It's a juggling act to run maintenance," Dixison said. Between 10-hour and 100-hour inspections, daily missions and training, keeping aircraft ready is hard when there are parts still on order. "I can certainly remember when they were more plentiful."

The shrinking inventory just from normal attrition may force the Corps to give squadron commanders fewer aircraft. The CH-53D Sea Stallion, a leaner sister to the mighty, triple engine CH-53E Super Stallion, flies medium-lift missions, but its large size makes it an easier battlefield target and more difficult to place on a flatdeck amphib.

So the salvage operations continue as long as the aircraft can be recovered. Gashes and dents are repaired with new skin. A CH-46E that crashed in a forested Hawaii mountainside last fall, for example, is being repaired at the Naval Aviation Depot at Cherry Point Marine Corps Air Station, N.C., and the squadron expects it'll be back in the air.

"Crash-damaged airplanes are being repaired as quickly as we can get them back to the fleet," said Johnson. Sometimes damaged airplanes are "glued together to make one whole airframe."

It's a process that eventually would have to end for lack of 46s to salvage. But not in the foreseeable future.

Noted Bixiones: "I think the 46 will be around until the last one can't be repaired."

□ 1230

PLEASE SUPPORT H.R. 1293

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

Mrs. MEYERS of Kansas. Mr. Speaker, I talked with a man from the New York Times this morning, and he told me that the Census Bureau has new figures out today on the number of families comprised of a single parent who has never married. These figures show this group now makes up 27 percent of the population, exceeding that of single parents who have previously been married. In 1960, 243,000 were in that single family, never married group, and in 1993, Mr. Speaker, there are 6.3 million in this group.

Now can anyone doubt that our welfare policies have become a real incentive, no matter how well intentioned they were at the beginning when we promised a young woman that we are going to give her $18,000 a year if she will have two children with no men in the house, that that does not figure in her decision to undertake that lifestyle?

Please cosponsor H.R. 1293 that changes direction in our welfare and provides that we should freeze AFDC, send it back to the States in block grants and give the States maximum flexibility. I ask for my colleagues' help with this bill.

INTRODUCTION OF VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1994

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

Mr. STUMP. Mr. Speaker, today I am introducing the Veterans' Health Care Eligibility Reform Act of 1994. The purpose of this legislation is to revise and reform the current system of eligibility for health care services provided by the Department of Veterans Affairs.

The fate of the President's Health Security Act is unknown. The administration has hung all hopes of VA health reform on passage of H.R. 3600. My legislation provides a vehicle for VA health care reform to move forward regardless of what happens to national health care. If the Health Security Act fails to be enacted we should still pursue responsible reform of the VA. Veterans have waited long enough for reform. Every week that goes by leads to further cannibalization of the system and erosion of veterans health care services. This legislation was not drafted in conjunction with any particular health care bill. It could become part of an alternative biparisan consensus effort. We should not hold VA hostage to the Clinton national health care plan.

I urge my colleagues to cosponsor the Veterans' Health Care Eligibility Reform Act of 1994.

DEFENDING THE INDEFENSIBLE

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

Mr. HERGER. Mr. Speaker, quote, these mandates get a little hard to defend, end of quote. Those were the words that Democratic Gov. Bruce King of New Mexico talking about employer mandates and health reform. Governor King was explaining why Democrat Governors could not endorse the concept of employer mandates at their meeting in Washington just yesterday. It is the same reason Custer lost at Little Big Horn:

"You can't defend the indefensible."

But that is exactly what the Clinton White House continues to do. They continue to demand that Congress include a job-killing employer mandate in any health care reform.

Call it Clinton's last stand, call it bull headed obstinacy, call it impractical idealism. Just do not call it real health care reform.

Mr. Speaker, the President threatens to lead our health care to ruin as he continues to press for his employer mandate. I urge him to stop defending the indefensible and work with Republicans to achieve commonsense health care reform.

THE PEOPLE'S CHOICE IN HEALTH CARE—COMMON SENSE, NOT BIG BUREAUCRACY

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

Mr. ROTH. Mr. Speaker, President Clinton has met the enemy of health care, and it is Pizza Hut. But this kind of cheap-shot demogoguery aimed at an American-owned business we have seen on these television ads is no substitute for serious debate about one-seventh of our national economy.

The Clinton administration has resorted to such tactics because the American people, in poll after poll, have rejected the big bureaucracy, tax-the-small-business-person approach characterized by the Clinton health plan.

Even the Democratic Governors could not bring themselves to endorse a tax mandate on the very people who provide the jobs and serve as the economic engine for growth in most of their States.

Mr. Speaker, it is time to talk common sense on health care. Let us pass a bipartisan plan the people want: one that limits pre-existing condition restrictions, allows portability, allows the self-employed and small business the same tax breaks as big business and reforms our malpractice laws.

Attacking American businesses on TV is not the answer.

BOSTON TEA PARTY REDUX

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

Mr. SMITH of Texas. Mr. Speaker, the Nation's Governors have been meeting in Boston this week. They have already let it be known just what they think of the President's big Government, big spender health care plan.

According to the press, the Governors said the Clinton plan "would put 40 percent of Americans in a costly, Government-run entitlement program." Democratic Gov. Lawton Chiles called it a disaster.

This uprising calls to mind another one 220 years ago, when people threatened by a system they saw as oppressive filled Boston Harbor with tea.

Today, President Clinton comes to town wearing a redcoat as he tries to fish out his soggy health care tea.

His system, as the Governors recognize, will push tens of millions of Americans into Government health care waiting rooms, where the emphasis will be more on Government and waiting than either health or care. That's what you get with a Government monopoly.

If the President thinks Americans are eager to receive this treatment, he will be in deeper water than the health care plan he seeks to save.

GOVERNORS, TAKE A LOOK AT NEW JERSEY

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

Mr. MENENDEZ. Mr. Speaker, with the economy growing strongly, Democrats who passed the President's deficit-cutting budget package have reason to celebrate. The conviction of those who did the right thing is being rewarded.

In my home State of New Jersey, it is also becoming clear who had conviction, and who did the right thing. Former Gov. Jim Florio made the tough decision to raise taxes to close the gap between the poorest and richest schools in New Jersey, as mandated by the State supreme court. The current Governor was swept into office on the politically popular promise to cut those taxes, a decision made possible by our own tough choices, which have led to economic growth across the country.

Now the court has ruled that the State has failed to close the gap. And by how much? Oddly enough, almost precisely the amount by which Governor Whitman has reduced taxes.

When the elections were over and the cheering stopped, we did the right thing, despite the political pressure to back away. I hope that our conviction can serve as a model for her, and for the other Governors who may shortly face this test.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1994, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 19, 1994.*

□ 1240

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of the legislative business day.

HONORING THE U.S. ASTRONAUTS WHO FLEW IN SPACE TO EXPLORE THE MOON

Mr. HALL of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 261) to honor the United States astronauts who flew in space as a part of the program of the National Aeronautics and Space Administration to reach and explore the Moon.

The Clerk read as follows:

H. CON. RES. 261

Whereas on May 25, 1961, the President of the United States established a goal for the country to land a man on the Moon and return him safely to Earth before the end of the decade;

Whereas in furtherance of that goal, 34 American astronauts flew 27 missions in space;

Whereas in their efforts to achieve that goal, 3 astronauts died in the tragic Apollo 204 fire on the launch pad and 4 others died in T-38 crashes while in training;

Whereas the goal of the President was achieved on July 20, 1969 when the Lunar Module, Eagle, landed on the surface of the Moon carrying a crew of 2 astronauts;

Whereas a total of 24 American astronauts flew to the vicinity of the Moon and 12 of them landed on and explored its surface;

Whereas the successful execution of the program to reach and explore the Moon was one of the greatest achievements in the history of mankind;

Whereas the hardware and astronauts involved in the Lunar program subsequently flew 3 Skylab missions, and 1 international Apollo-Soyuz mission;

Whereas the astronauts who put their lives on the line by flying in space in the execution of that program are true national heroes; and

Whereas these astronauts should receive popular recognition from a grateful Nation for their tremendous achievement: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That henceforth Buzz Aldrin (Gemini 12, Apollo 11), William Alison Anders (Apollo 8), Neil Alden Armstrong (Gemini 8, Apollo 11), Charles Arthur Bassett II (died in T-38 crash), Alan LaVern Bean (Apollo 12, Skylab 3), Frank Borman (Gemini 7, Apollo 8), Vance DeVoe Brand (Apollo-Soyuz), Malcolm Scott Carpenter (Mercury-Atlas 7), Gerald Paul Carr (Skylab 4,) Eugene Andrew Cernan (Gemini 9, Apollo 10, Apollo 17), Roger Bruce Chaffee (Apollo 204), Michael Collins (Gemini 10, Apollo 11), Charles Conrad, Jr. (Gemini 5, Gemini 11, Apollo 12, Skylab 2), Leroy Gordon Cooper, Jr. (Mercury-Atlas 9, Gemini 5), Ronnie Walter Cunningham (Apollo 7), Charles Moss Duke, Jr. (Apollo 16), Donn Fulton Eisele (Apollo 7), Ronald Ellwin Evans (Apollo 17), Theodore Cordy Freeman (died in T-38 crash), Owen Kay Garriott (Skylab 3), Edward George Gibson (Skylab 4), John Herschel Glenn, Jr. (Mercury-Atlas 6), Richard Francis Gordon, Jr. (Gemini 11, Apollo 12), Virgil Ivan Grissom (Mercury-Redstone 5, Gemini 3, Apollo 204), Fred Wallace Haise, Jr. (Apollo 13), James Benson Irwin (Apollo 15), Joseph Peter Kerwin (Skylab 2), Jack Robert Lousma (Skylab 3), James Arthur Lovell, Jr. (Gemini 7, Gemini 12, Apollo 8, Apollo 13), Thomas Kenneth Mattingly II (Apollo 16), James Alton McDivitt (Gemini 4, Apollo 9), Edgar Dean Mitchell (Apollo 14), William Reid Pogue (Skylab 4), Stuart Allen Roosa (Apollo 14), Walter Marty Sehirra, Jr. (Mercury-Atlas 8, Gemini 6, Apollo 7), Harrison Hagan Schmitt (Apollo 17), Russell Louis Schweichart (Apollo 9), David Randolph Scott (Gemini 8, Apollo 9, Apollo 15), Elliot McKay See, Jr. (died in T-38 crash), Allan Bartlett Shepard, Jr. (Mercury-Redstone 3, Apollo 14), Donald Kent Slayton (Apollo-Soyuz), Thomas Patten Stafford (Gemini 6, Gemini 9, Apollo 10, Apollo-Soyuz), John Leonard Swigert, Jr. (Apollo 13), Paul Joseph Weitz (Skylab 2), Edward Higgins White II (Gemini 4, Apollo 204), Clifton Curtis Williams, Jr. (died in T-38 crash), Alfred Merrill Worden (Apollo 15), and John Watts Young (Gemini 3, Gemini 10, Apollo 10, Apollo 16) shall carry the honorary title Space Emissary and shall be referred to as "The Honorable".

The SPEAKER pro tempore. Pursuant to the rule; the gentleman from Texas [Mr. HALL] will be recognized for 20 minutes, and the gentleman from

Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 20, we will celebrate the 25th anniversary of the Apollo Moon landing.

This event marks one of the greatest achievements in all of human history.

In addition, this event represents one of the key victories of the cold war, providing the world with an unparalleled example of what can be achieved by a democratic nation of free people.

In ancient times and in the Middle Ages, great explorers had mountains, cities, countries, or even entire continents named in their honor.

In the former Soviet Union, astronauts were routinely bestowed with the highest honor that could be given by that country—"Hero of the Soviet Union."

But, measured by these standards, the U.S. Government has done little to recognize officially the extraordinary accomplishments and valor of our own astronaut heroes.

I recently discussed with Buzz Aldrin, one of the crew members of that historic Apollo flight 25 years ago, what might be done to correct this oversight.

On the basis of these discussions, I prepared the resolution that we are considering today.

The resolution recognizes these national heroes by name; confers on them an honorary title of "Space Emissary"; and permits them henceforth to be referred to as "The Honorable."

I can appreciate that the action that is proposed in this resolution is unprecedented in our Nation—but so too are the accomplishments of these great American heroes.

I believe that the time is long overdue for the Government of the United States to confer on these individuals a measure of the formal honor and recognition that they clearly deserve.

Accordingly, I ask for suspension of the rules and adoption of House Concurrent Resolution 261.

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

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 261 honors the United States NASA astronauts who explored the Moon.

The question of where were you on July 20, 1969, is answered by virtually anyone old enough to remember. It was the day man first walked on the Moon.

From the beginning of Eagle's powered descent until it landed, the suspense was nonstop. First a signal indicated that the computer was overloaded 5 minutes into the descent, that was quickly corrected.

As Eagle's descent continued, the engines churned up so much dust that the Moon's surface could not be seen from 100 feet above. Thirty feet from the surface Eagle began to drift backward. With mere seconds to adjust, only 30 seconds of fuel was left for landing.

Pope Paul II called on the world to pray for the mission's success.

We all held our breath until we heard, "The Eagle has landed."

This resolution before us honors the Apollo II astronauts and all the others who bravely explored the Moon.

They richly deserve this honor on the 25th anniversary of the first men on the Moon.

I urge the passage of House Concurrent Resolution 261.

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

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank my friend, the gentleman from Texas [Mr. HALL], for honoring our United States astronauts.

Mr. Speaker, let me put this in perspective a little bit. I was attending a youth conference and Apollo astronaut Wally Schirra was present. A young lady asked Mr. Schirra: "Were you afraid when they launched you on your Apollo space mission?" Mr. Schirra answered the young lady by saying, "Young lady, there I was, strapped in with a million pounds of liquid propellant under my rear end, a million moving parts in that rocket, and every one put there by the lowest bidder. Do you think I was afraid or my anxiety level was a little elevated?"

At a time when we need national heroes in our country, I think the concurrent resolution offered by the gentleman from Texas [Mr. HALL] is not only timely, but very necessary. As a cosponsor of House Concurrent Resolution 261, I fully support it.

Mr. BROWN of California. Mr. Speaker, I rise in support of House Concurrent Resolution 261. I would like to add my voice to those who have argued that we have waited too long to pay proper homage to the bravery and honor of the young Americans who put their lives on the line to participate in the unprecedented program to place a man on the Moon and return him safely to Earth within a decade.

Those of us who were alive during the time of these early space flights will recall the excitement, awe, and pride that they engendered.

With the passage of time, we have come to realize even more fully just how extensive were the risks that were being taken by these brave men. For example, the Redstone, Atlas, and Titan rockets that were used in the Mercury and Gemini programs were very prone to blow up, and all of the early manned spacecraft—including Apollo—were notorious for experiencing technical and in some cases life-threatening problems.

As we look back over all of the Mercury, Gemini, and Apollo flights we find that a significant number almost resulted in the loss of the crew. Clearly, these were very, very brave young men.

But the risk is not the only important part of what these astronauts were doing—they were at the forefront of one of the most adventurous, exciting, and uplifting periods of exploration of the unknown in modern history.

Past societies have all but deified their great explorers. In the Soviet Union, all of the cosmonauts who flew in space were awarded the highest honors that the country could bestow. But here in the United States, our astronaut heroes have received little in the way of formal Government recognition and honor.

When these men were flying in space, they did much to excite and inspire us. My greatest disappointment is that this important period of exploration and discovery came to an end. It is indeed sad that as recently predicted by one of the Apollo astronauts—"By the time of the celebration of the 50th anniversary of the Apollo landing on the Moon, there will be no human alive who has walked on another world".

This is the first great frontier that we as Americans have retreated from. What is all the more tragic, we are retreating in the face of victory, not defeat.

I believe that the time is right for us to formally honor these brave men who put their lives on the line to get us to the Moon 25 years ago. Then, I would like to see us build on the foundation that they laid, and get back on track with our inevitable destiny to become a space fairing nation.

I urge all of my colleagues to support this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. HALL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 261, the concurrent resolution just agreed to.

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

There was no objection.

DEVELOPMENT COMPANY PROGRAM INCREASES

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4322) to amend the Small Business Act to increase the authorization for the Development Company Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEVELOPMENT COMPANY LOANS.

Section 20(i)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "$8,458,000,000" and inserting "$8,758,000,000; and

(2) by striking "$1,200,000,000" and inserting "$1,500,000,000".

SEC. 2. DISASTER LOAN PERSONNEL.

Section 5(b)(8) of the Small Business Act (15 U.S.C. 634(b)(8)) is amended by striking the semicolon and inserting the following: ": *Provided*, That the Administrator may extend the six-month limitation for an additional six months if the Administrator determines the extension is necessary to continue efficient disaster loan making activities;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes, and the gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

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

Mr. Speaker, this bill would do two things: first, it would increase the authorization for the amount of financing which may be guaranteed under the development company financing programs by $300 million in the current fiscal year; and second, it would extend to 1 year the length of time which a Small Business Administration employee may be assigned at one disaster loanmaking site.

The certified development company or CDC program provides long-term loans to small concerns, with the proceeds being used for plant and equipment. These financings are made on a partnership basis: a private lender, without any SBA guarantee, provides 50 percent of the cost of the project; an SBA guarantee of the CDC debenture, which is sold to private investors, provides 40 percent of the cost of the project; and the small business borrower provides the other 10 percent of the project's cost.

The authorization in current law is limited $1.2 billion in guarantees of these financings, of which $1.032 billion has been funded by the 1994 Appropriations Act. This is not the cost of the bill—these are guarantees and under the Credit Reform Act, as is true of all loan and loan guarantee programs, the ultimate cost of the program must be provided in advance. In the case of this program, the cost of providing the required subsidy budget or loss reserve is 0.51 percent or about one-half of 1 percent. Thus the subsidy cost of a $300 million increase in these guarantees is about $1.5 million.

As of the end of June 1994, SBA had obligated guarantees in the total amount of $948 million and anticipates it will reach the appropriated level of $1.032 billion before the end of this month.

No new appropriation will be required to increase the program level to the fully authorized amount—there is additional money in another program which is not anticipated to be used. These funds can be shifted to the Development Company Program.

Turning to the other topic, the SBA provides disaster loan assistance to victims of natural disasters such as the flooding in the Southeastern United States and the January 1994, earthquake in Northridge, CA. These SBA loans are processed primarily by temporary employees who are hired and then released at the end of the job, or moved to other disaster locations.

In order to minimize costs, SBA hires local employees to the extent possible. But SBA also has a trained cadre who are sent to each disaster and also must supplement locally hired staff with individuals hired elsewhere. Both the cadre and the nonlocal hires receive reimbursement for their lodging and food. Current law limits this reimbursement to a maximum of 6 months on a single disaster.

Usually this 6-month limitation is adequate, but in a few situations, including the earthquake and Hurricane Hugo, it is not.

In the California situation, for example, loan processing will continue for another 6 months. Thus unless the per diem reimbursement time is extended, some current employees will be moved, including the attendant expenses, to another disaster site, and temporary employees hired and moved to California. Thus it would be advantageous for a budget standpoint to extend the limit to 1 year if SBA deems it necessary.

Mr. Speaker, this bill received unanimous support in committee and deserves the unanimous support of the House.

Before closing, however, I want to thank my ranking minority member, Mrs. MEYERS of Kansas, and the other members on both sides of the aisle whose support and assistance have made prompt consideration of this bill possible.

□ 1250

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

Mrs. MEYERS of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4322. Section 504 Certified Development Company loans provide long-term, fixed-rate loans to expanding small businesses. This "bricks and mortar" loan program allows small businesses to obtain financing for new construction, expansion, renovation, or equipment purchases.

Unlike most Government financing programs, the 504 program has a job creation requirement. Over the life of the Certified Development Company Program, 341,000 jobs have been created or retained. With a total of 19,546 small businesses assisted, that amounts to approximately 17 new jobs per business expanded through 504 program financing.

The success of the 504 program is evident, not only from the jobs created and businesses expanded, but from the extremely low loss rate of the program—just one-half of 1 percent. Through the Certified Development Company structure, which pairs SBA assistance with private financing to complete each project, small businesses have been able to access scarce long-term loans for capital improvements, benefiting the entire community.

Mr. Speaker, H.R. 4322 makes two simple changes in very important SBA programs. First, it increases the authorization level for the 504 loan program by $300 million for the current fiscal year. No new appropriations are required, as the SBA plans to reprogram existing funds to meet the demand for 504 program financing.

Second, the bill grants the SBA Administrator the ability to detail a disaster employee to a particular location for up to 1 year. Under current law, a disaster employee can be detailed to one location for just 6 months. After 6 months, that employee must be moved to another disaster. Recent disasters in such areas in California have required extensive work to process loan applications and provide assistance. H.R. 4322 allows the Administrator the discretion to keep disaster employees at the same site for up to 1 year. This is a commonsense change that will save taxpayer dollars, as employees will not have to be rotated arbitrarily every 6 months.

Mr. Speaker, H.R. 4322 makes two necessary changes in SBA programs. The measure was passed unanimously in the Small Business Committee, and I urge my colleagues to support its adoption.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the bill, H.R. 4322, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 4322, as amended, the bill just passed.

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

There was no objection.

MAKING APPLICABLE CERTAIN EXCLUSIONARY AUTHORITY RELATING TO TREATMENT OF REEMPLOYED ANNUITANTS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3246) to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers on rural postmasters, as amended.

The Clerk read as follows:

H.R. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsections (i) and (l)(2) of section 8344, and of subsections (f) and (i)(2) of section 8468, of title 4 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 2. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

Mr. Speaker, the purpose of H.R. 3246, as amended, is to extend to the U.S. Postal Service the authority under the provisions of title 5, United States Code, to seek from the Office of Personnel Management [OPM] waivers of the annuity offset provisions contained in sections 8344 and 8468 of title 5.

Specifically, section 1 of the bill, as amended, would authorize the U.S. Postal Service to either request that OPM waive the annuity offset provisions of title 5 on a case-by-case basis, or request that OPM delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances.

Under current law, when Federal retirees are reemployed by the Federal Government, their salaries are offset by the amount of their annuity payments. Reemployed annuitants continue to receive their monthly annuity payments. The reemploying agency then pays the retiree the amount of salary in excess of the amount of the annuity, and reimburses the Federal retirement trust fund with the amount of the annuity. If an agency, however, wishes to have an exemption from these rules, it may request a waiver from the Office of Personnel Management [OPM]. Currently, the Postal Service does not have the option to request such a waiver from OPM.

On May 12, 1994, the Subcommittee on Commerce and Banking held a hearing on H.R. 3246. The subcommittee received testimony from Congressman TOM SAWYER, the bills author, as well as OPM, the Postal Service, and organizations representing rural letter carriers and rural postmasters. The testimony indicated that the Postal Service has experienced considerable difficulty hiring substitute letter carriers and postmasters in rural areas. These individuals are needed to fill in for career employees when they are on leave or sick. Retired postal personnel provide a ready pool of trained individuals who can fill these positions on a temporary basis. The Postal Service found that retired personnel were not inclined to take these jobs because with the annuity offset, they would virtually be working for free. Enactment of this legislation will help the Postal Service move the mail in rural areas in a timely and more efficient manner.

Section 2 of the bill, as amended, provides that Federal employees and retirees may make an irrevocable assignment of incidents of ownership in their Federal Employees Group Life Insurance policy. Current law provides Federal judges this option. This provision extends it to all other participants in the life insurance program.

Mr. Speaker, I urge the approval of this legislation, and I reserve the balanced of my time.

□ 1300

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

Mr. Speaker, I rise today to add my voice in support of passage of H.R. 3246, which was introduced by our chairman of the Census and Postal Personnel Subcommittee, TOM SAWYER and our ranking minority member, JOHN MYERS, and cosponsored by myself and a number of our colleagues on the Post Office and Civil Service Committee. I commend the gentlewoman from the District of Columbia, Ms. NORTON, for her supporting remarks.

Mr. Speaker, this measure, I believe, will go a long way toward placing the Postal Service back on track with mail delivery performance. When the Postal Service offered its early-out retirement program 2 years ago it did not anticipate losing the large numbers of mail handlers, clerks, and letter carrier's to retirement. In all, some 49,000 Postal Employees took advantage of the early retirement options. As you can imagine that sudden loss of experienced personnel had an impact on the ability of the Postal Service to provide the services we had come to expect. This is particularly true in our rural areas.

H.R. 3246 provides the Postal Service with a method for addressing some of these shortages of experienced personnel. It does this by providing the Postal Service with the option of seeking approval from the Office of Personnel Management for an exemption from the annuity offset provisions to allow the Postal Service to rehire retired Postal employees on a temporary basis once approval has been granted by the Office of Personnel Management, a procedure that is available to other Federal agencies.

The shortage of trained personnel is particularly felt on rural delivery routes where routes can be lengthy and trained personnel, who are familiar with the nuances of a particular route, are not available to take the place of the regular carrier should he or she become sick or take a vacation. It goes without saying that when a carrier who is unfamiliar with a mail route goes out to deliver that route it will take them longer to complete it, which delays delivery times and they will make more delivery mistakes, which aggravate the postal customer and costs the Postal Service to make redeliveries.

Having the ability to bring in an experienced carrier who has delivered that route in the past would provide a source of continuity to both Postal customers and the Postal Service. For that reason, I encourage my colleagues in the House to join in supporting the passage of H.R. 3246.

Mr. Speaker, I also would like to address the provision in this bill which provides for the irrevocable assignment of Federal Employees' Group Life Insurance coverage.

Initially, I would like to recognize the work that our colleague the Gentlewoman from the 8th district of Maryland, [Mrs. MORELLA], has put into this provision. It was part of her bill, H.R. 3297, which was heard by the Subcommittee on Compensation and Employee Benefits on April 20th this year and approved by the Committee on Post Office and Civil Service.

This is a very important provision, Mr. Speaker, because it provides that Federal employees can have the same rights as judges and all citizens. This proviso permits any Federal employee insured under the Federal Employee Group Life Insurance [FEGLI] to irrevocably assign the incidents of ownership in the insurance to another person as a gift. This would then exclude the proceeds of the insurance from the employees taxable estate.

This provision, Mr. Speaker, is a common feature under insurance today and has been upheld by the Internal Revenue Service as an appropriate means for estate planning as long as it is permitted in the terms of the insurance policy and applicable State law. The laws in every State permit the irrevocable assignment of group life insurance ownership. Federal employees had been excluded becuase the law did not specfically provide for Federal employees to be included.

I, therefore, recognize this provision of H.R. 3246 as an important matter of equity for Federal employees and thank my colleagues for their foresight in the including this provision in the bill before us,which I hope all Members will support.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to applaud the introduction of this legislation by the gentleman from Ohio [Mr. SAWYER], and the cosponsorship of so many Members of Congress, including the ranking minority member of the Committee on Post Office and Civil Service.

Mr. Speaker, as a cosponsor of this legislation, I appreciate the time which the gentleman from New York [Mr. GILMAN] has yielded to me to say a few words in support of H.R. 3246.

This legislation authorizes the U.S. Postal Service, if and when needed, to request a waiver from the Office of Personnel Management [OPM], to the same extent as other agencies, when a retired postal employee is rehired. This bill will be particularly helpful in rural areas. In reference to current Postal Service laws, when an annuitant is reemployed, that annuitant's current salary is offset by the amount of the annuity received.

Presently, it is very difficult for rural postal employees to take a holiday or a sick day, because trained replacements cannot be found on short notice. Postal retirees are qualified to fill the position but because of the present law choose not to do so. In reality, the Postal annuitant would simply be volunteering his or her time to the Postal Service when becoming a reemployed annuitant. This legislation would permit OPM to consider, on a case-by-case basis, whether the postal employee's salary would be deducted or request that OPM delegate its authority to the Postmaster General on this issue.

This is a sound provision as it would not cost the taxpayer any more money, and it would probably cost less, than if an untrained employee filled in for an absent rural postal employee. This measure is simply permissive and would give the Postal Service the flexibility it needs to move the mail in rural areas.

Section 2 of this bill addresses the assignment authority of Federal Employee Group Life Insurance. Mr. Speaker, I would like to particularly recognize the gentlewoman from the District of Columbia [Ms. NORTON], the chair of the Subcommittee on Compensation and Employee Benefits for holding a hearing on my bill H.R. 3297, which included this provision. I would also like to thank the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], who acted on the measure in a most timely fashion and had the foresight to attach the provision to the bill before us. I would also like to thank their excellent staffs and recognize the technical assistance given to me by the Office of Personnel Management.

This section, Mr. Speaker, addresses an issue which has benefited the population of our country, but has eluded the Federal employee because of lack of a specific provision in current law. This measure would permit all Federal employees insured under the Federal Employee Group Life Insurance [FEGLI] Program to irrevocably assign all incidents of ownership in the insurance to another individual as a gift in order to exclude the insurance proceeds from the decedent's taxable estate.

Mr. Speaker, presently, the Internal Revenue Service has upheld the validity of irrevocable assignments of life insurance policy proceeds as an appropriate instrument for estate planning, provided such action is permitted by both the terms of the insurance policy and applicable State law. Laws in each State permit irrevocable assignment of group life insurance ownership. It is a matter of equity that Federal employees should have access to this mechanism, which is a common feature under insurance policies throughout the country.

Mr. Speaker, I urge my colleagues to support H.R. 3246, which, I may add, is a product of true bipartisan cooperation.

Mr. Speaker, again I thank the gentleman from New York [Mr. GILMAN], who is such a leader in these matters.

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

Ms. NORTON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER], the author of the bill and the chair of the Subcommittee on Census, Statistics and Postal Personnel of the Committee on Post Office and Civil Service.

Mr. SAWYER. Mr. Speaker, I rise in strong support of the measure that is before us. This seems to fit the requirement that our former colleague, the gentleman from Arizona, Mr. Udall, used to offer to us when he would suggest that everything that can be said about this bill has been said. It is just that not everybody has had the chance to say it. I intend to take this opportunity to say it today, Mr. Speaker, although I do not intend to take longer than 5 minutes.

Mr. Speaker, I strongly support the H.R. 3246, legislation that I introduced to help the U.S. Postal Service meet temporary personnel needs in rural areas.

At the outset, I want to thank Congressman BILL CLAY, chairman of the Committee on Post Office and Civil Service, for moving this legislation through the committee in a timely manner. I also want to recognize the valuable support of Congresswoman ELEANOR HOLMES NORTON, chairperson of the Subcommittee on Compensation and Employee Benefits. I am enormously grateful for the time she and her staff have taken to review this bill thoroughly, and move it through the subcommittee so quickly. Finally, I particularly want to thank Congressman JOHN MYERS and TOM PETRI, who are original cosponsors of H.R. 3246.

The Postal Service sometimes needs to hire employees on a temporary basis. This is particularly true in rural areas. In some rural communities, the Postal Service often has trouble attracting temporary employees to fill in when the regular postmaster or rural letter carrier is absent from work.

There are far fewer postal employees working in rural areas than in larger metropolitan communities. Therefore, those areas have more trouble hiring trained temporary employees for extended periods of time. When career postal employees in rural areas are sick, on vacation, on detail, or otherwise off from work, there often aren't knowledgeable employees who are familiar with the routes and who understand customer needs to take their place in the short term.

An example of this situation occurs when a postmaster in a rural post office is on annual leave. Because there are far fewer postal employees in rural post offices than in larger facilities, there are no supervisory or management employees to serve as acting postmaster. As a consequence, the Postal Service often will hire an untrained local resident to fill in for the postmaster. I believe that a better alternative would be to hire—on a temporary basis—a retired postal employee who may be living in the community, who does not need training, and who understands postal regulations and procedures.

Another concern is that some temporary employees, such as rural carrier reliefs, in rural areas stay in their positions for only a short period of time. They are likely to accept a temporary position only until they find permanent employment, and then they move on. A high turnover rate among temporary postal employees in rural areas does not promote efficient service.

I introduced H.R. 3246 to help the Postal Service meet temporary personnel needs in rural areas. As originally drafted, the bill exempted retired postal employees from provisions of law that require them to forfeit a portion of their annuity if they go back to work for the Federal Government. The exemption would have only applied to postal retirees who are hired temporarily as rural postmasters or rural letter carriers.

Mr. Speaker, during the committee's consideration of H.R. 3246, concerns were raised about providing the Postal Service with a direct waiver from the dual compensation prohibition contained in title 5, United States Code, and the precedent that approach might set. In an effort to address those concerns, the committee amended the bill to bring the Postal Service under the same provisions of title 5 as all other Federal agencies, with respect to the ability to seek a waiver from the Office of Personnel Management [OPM] from the annuity offset provisions.

H.R. 3246, as amended, would allow the Postal Service, like other Federal agencies, either to ask OPM to waive the annuity offset provisions of title 5 on a case-by-case-basis, or to ask OPM to delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances. This approach accomplishes the same goal as the original bill text and is acceptable to all of the parties involved.

The Postal Service's primary goal is to move the mail in a timely, efficient, and courteous manner. Even when a rural postmaster or rural letter carrier is not scheduled to work, the Postal Service must continue to meet the needs of its customers.

Enactment of H.R. 3246 will not require the Postal Service to hire its retirees. It simply will give the agency the flexibility to turn to a pool of trained and experienced individuals when no one else is available to fill a position temporarily in a rural area.

I believe that at a time when the Postal Service is facing rising operational expenses, passage of this legislation would be the fiscally smart thing to do. I urge my colleagues to support passage of H.R. 3246.

□ 1310

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. Speaker, I rise in support of H.R. 3246, a bill that helps the Postal Service meet temporary personnel needs in rural areas, and urge my colleagues to approve it.

As our committee report finds, the Postal Service has a need to hire qualified individuals on a temporary basis, particularly in rural areas, when regular postmasters or letter carriers are absent from work.

As a cosponsor of H.R. 3246, I believe the bill is a common sense, carefully crafted solution to a continuing problem.

This is not an assault on the concept of annuity offsets, nor is it the committee's intent that postal retirees take employment from individuals seeking career opportunities with the Postal Service.

When an emergency need arises, the better alternative would be to hire, on a temporary basis, a retired postal employee living in the community, who does not need training and who understands postal regulations and procedures.

Mr. Speaker, this is a good bill, and I urge the House to suspend the rules and pass it.

Ms. SNOWE. Mr. Speaker, I am pleased that the House is moving expeditiously on H.R. 3246, a bill which provides incentives for the U.S. Postal Service to temporarily hire retired Postal Service workers and thereby provide experienced and quality service when career postmasters and rural carriers are ill, on vacation, or otherwise unavailable to work.

Title 5, United States Code, section 8344 currently prohibits a Postal Service annuitant from receiving a full annuity if that retiree is temporarily employed by the U.S. Postal Service. Under current law, that retiree would need to take a reduction in pay to offset any annuity payments received while he or she is reemployed. Thus, the retirees are discouraged from lending their valuable skills and knowledge to the Postal Service.

H.R. 3246 provides an exemption to section 8344 for postal retirees who are hired to fill temporary positions. The bill, which pertains to postmaster reliefs and rural carrier reliefs, limits this temporary service to 90 days in a year, with a 180-day lifetime limit. Thus Postal retirees will not take away opportunities from individuals seeking careers with the Postal Service, but simply offer trained assistance to the Postal Service in a time of need.

Mr. Speaker, this bill will enable the Postal Service to more effectively meet its goal of moving mail in a timely and efficient manner, particularly in rural and remote areas where there are fewer career Postal workers. This bill allows the Postal Service, and ultimately every American, to benefit from the experience of trained Postal employees. I am proud to be a cosponsor of this legislation and I urge my colleagues to support its passage.

Ms. LAMBERT. Mr. Speaker, I rise today in support of H.R. 3246, a bill that will greatly help postal workers in rural areas.

Currently, post offices in rural areas have problems finding experienced substitute workers to fill in for workers who are ill or on vacation. This bill will alleviate this problem by waiving offsets in annuity payments for retirees who temporarily replace postal workers in these instances.

The Postal Service often must hire employees on a short-term basis, but it is difficult for rural areas to hire trained temporary employees for long periods of time. When rural postal employees are sick, on vacation, or off from work for other reasons, it is hard to find experienced employees who are familiar enough with the routes or with particular customer needs to take their places temporarily.

Currently, if postal retirees go back to work for a short time, they are required to give up a large portion of their annuity. But with the enactment of H.R. 3246, the annuity offset can be waived in emergency or unusual circumstances. Therefore, the Postal Service will be able to more easily attract applicants for temporary assignments from a well-trained labor pool that will be familiar with postal procedures and regulations.

Mr. Speaker, it is extremely critical that the Postal Service be able to deliver the mail in a timely and friendly manner. Therefore, I urge my colleagues to support this worthwhile bill that will enable rural post offices to do this job well. Thank you, Mr. Speaker.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3246, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

A motion to reconsider was laid on the table.

AMENDING DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PRACTICES ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, as amended.

The Clerk read as follows:

H.R. 3499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEAVE FOR DODDS TEACHERS.

Section 6 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904) is amended—

(1) in subsection (a) by inserting "(or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen)" after "ten";

(2) in subsection (d) by striking "of the military department concerned" and inserting "of Defense"; and

(3) by adding at the end the following:

"(h) The Director of Dependents' Education, in consultation with the Director of the Office of Personnel Management—

"(1) shall establish for teachers a voluntary leave transfer program similar to the one under subchapter III of chapter 63 of title 5, United States Code; and

"(2) may establish for teachers a voluntary leave bank program similar to the one under subchapter IV of chapter 63 of title 5, United States Code.

Only leave described in the last sentence of subsection (c) of this section (relating to leave that may be used by a teacher for any purpose) may be transferred under any program established under this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

Mr. Speaker, Congressman FRANK MCCLOSKEY, chair of the Subcommittee on Civil Service, introduced H.R. 3499, on November 10, 1993. The bill, as amended, provides for the establishment of voluntary leave transfer and leave bank programs for Department of Defense Dependent Schools [DODDS] teachers. These programs already exist for Federal employees generally. They permit Federal employees to transfer and receive annual leave donated by their coworkers when either they or their coworkers are experiencing medical emergencies requiring extended absence from the workplace. However, since by definition, DODDS teacher leave is not considered annual leave, a voluntary leave sharing program may not be established for them without providing new statutory authority.

In addition, H.R. 3499, as amended, also authorizes 3 additional days of leave for teachers employed in supervisory or higher positions because such employees generally work 222 days per school year compared to the 190 days required of regular teachers.

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

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

Mr. Speaker, it is my privilege to speak in support of H.R. 3499, a bill introduced by our colleague from Indiana [Mr. MCCLOSKEY]. This is a humanitarian bill and one which will benefit those who teach in our overseas schools which affect so many of the children of our military personnel.

This legislation was considered by the Subcommittee on Compensation and Employment Benefits and approved as amended by the Committee on Post Office and Civil Service in June 1994.

H.R. 3499 institutes a voluntary leave transfer program and a voluntary leave bank program for teachers employed by the Department of Defense. It would permit these employees to donate and transfer accumulated annual leave to those Federal employees whose own annual and sick leave has been exhausted because of protracted illness.

Furthermore, Mr. Speaker, this legislation authorizes the Department of Defense to grant three additional days of leave to DOD supervisory teachers as their school year is 222 work days in contrast with 190 days for nonsupervisory teachers.

I believe that this provision will increase good morale throughout the overseas teachers community and, thus, will create a positive atmosphere in our Department of Defense school system.

Accordingly, I urge my colleagues to support this measure.

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

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY], the author of this bill and the chair of the Subcommittee on Civil Service.

Mr. MCCLOSKEY. Mr. Speaker, I rise in support of H.R. 3499, a bill to establish a leave transfer program for Department of Defense dependents' school teachers. I want to take this opportunity to thank Chair ELEANOR HOLMES NORTON and her staff for their hard work on this legislation.

This bill also allows DODDS the discretion to establish a leave bank to administer and distribute the leave under the transfer program. In order to ensure that this bill does not allow teachers to transfer sick leave to another teacher to which the director of DODDS objected due to the budgetary impact, the bill specifically states that only the 3 days of any purpose leave may be transferred under the program.

During hearings on H.R. 3975, a similar bill to H.R. 3499, the overseas education association which represents a majority of the DODDS teachers, indicated that there have been numerous cases in the past where teachers wished to donate leave to a colleague but could not do so. Jack Rollins, the president of OEA discussed a case where a teacher had breast cancer and had to go on 2 months leave without pay in order to obtain treatment for her cancer in the United States. This obviously resulted in an extreme economic hardship for the teacher to have no income for 2 months.

This bill would help alleviate such circumstances and is the equitable thing to do. Leave sharing and transfer is a useful tool to help retain employees, improve morale, and would significantly improve the working conditions of DODDS teachers at virtually no cost.

H.R. 3499 has bipartisan support and was unanimously reported from the Committee on Post Office and Civil Service. I urge my colleagues to support H.R. 3499.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 3499, the Overseas Defense Teachers Leave Programs, which was referred to both the Committee on Post Office and Civil Service and the Committee on Education and Labor. The Post Office and Civil Service Committee eliminated a number of provisions during its consideration of the measure, including a provision to amend the Defense Dependents' Education Act of 1978, which falls within the jurisdiction of the Committee on Education and Labor. Therefore, the Committee on Education and Labor took no formal action on H.R. 3499.

The bill before us today would establish a voluntary leave transfer program and leave bank program for the Defense Department teachers working overseas. Teachers who work for the Department of Defense are a part of our civilian work force. Until now, these civilian workers have had no opportunity, like many of their civilian counterparts, to donate accumulated leave for use by another employee who is facing a medical emergency. The bill would rectify this inequity and, in the process, the provision could have the salutary effect, according to the Congressional Budget Office, of reducing direct spending due to smaller Government payments for retirement annuities to teachers who would accrue less leave time should they become donors.

H.R. 3499 would also authorize teachers in supervisory positions with 3 additional days of leave per year, to reflect the greater number of days per year they generally work, when compared with other teachers.

I consider both of these provisions to be provisions to simply provide equity to teachers working overseas. I wholeheartedly support these provisions, which are long overdue. I urge my colleagues to approve H.R. 3499 without delay.

□ 1320

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3499, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEGLI LIVING BENEFITS ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes, as amended.

The Clerk read as follows:

H.R. 512

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 "FEGLI Living Benefits Act".

SEC. 2. OPTION TO RECEIVE "LIVING BENEFITS".

(a) IN GENERAL.—Chapter 87 of title 5 United States Code, is amended by inserting after section 8714c the following:

"§ 8714d. Option to receive 'living benefits'

"(a) For the purpose of this section, an individual shall be considered to be 'terminally ill' if such individual has a medical prognosis that such individual's life expectancy is 9 months or less.

"(b) The Office of Personnel Management shall prescribe regulations under which any individual covered by group life insurance under section 8704(a) may, if such individual is terminally ill, elect to receive a lump-sum payment equal to—

"(1) the full amount of insurance under section 8704(a) (or portion thereof designated for this purpose under subsection (d)(4)) which would otherwise be payable under this chapter (on the establishment of a valid claim)—

"(A) computed based on a date determined under regulations of the Office (but not later than 30 days after the date on which the individual's application for benefits under this section is approved or deemed approved under subsection (d)(3)); and

"(B) assuming continued coverage under this chapter at that time;

reduced by

"(2) an amount necessary to assure that there is no increase in the actuarial value of the benefit paid (as determined under regulations of the Office).

"(c)(1) If a lump-sum payment is taken under this section—

"(A) no insurance under the provisions of section 8704 (a) or (b) shall be payable based on the death or any loss of the individual involved, unless the lump-sum payment represents only a portion of the total benefits which could have been taken, in which case benefits under those provisions shall remain in effect, except that the basic insurance amount on which they are based—

"(i) shall be reduced by the percentage which the designated portion comprised relative to the total benefits which could have been taken (rounding the result to the nearest multiple of $1,000 or, if midway between multiples of $1,000, to the next higher multiple of $1,000); and

"(ii) shall not be subject to further adjustments; and

"(B) deductions and withholdings under section 8707, and contributions under section 8708, shall be terminated with respect to such individual (or reduced in a manner consistent with the percentage reduction in the individual's basic insurance amount, if applicable), effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(2) An individual who takes a lump-sum payment under this section (whether full or partial) remains eligible for optional benefits under sections 8714a–8714c (subject to payment of the full cost of those benefits in accordance with applicable provisions of the section or sections involved, to the same extent as if no election under this section had been made).

"(d)(1) The Office's regulations shall include provisions regarding the form and manner in which an application under this section shall be made and the procedures in accordance with which any such application shall be considered.

"(2) An application shall not be considered to be complete unless it includes such information and supporting evidence as the regulations require, including certification by an appropriate medical authority as to the nature of the individual's illness and that the individual is not expected to live more than 9 months because of that illness.

"(3)(A) In order to ascertain the reliability of any medical opinion or finding submitted as part of an application under this section, the covered individual may be required to submit to a medical examination under the direction of the agency or entity considering the application. The individual shall not be liable for the costs associated with any examination required under this subparagraph.

"(B) Any decision by the reviewing agency or entity with respect to an application for benefits under this section (including one relating to an individual's medical prognosis) shall not be subject to administrative review.

"(4)(A) An individual making an election under this section may designate that only a limited portion (expressed as a multiple of $1,000) of the total amount otherwise allowable under this section be paid pursuant to such election.

"(B) A designation under this paragraph may not be made by an individual described in paragraph (1) or (2) of section 8706(b).

"(5) An election to receive benefits under this section shall be irrevocable, and not more than one such election may be made by any individual.

"(6) The regulations shall include provisions to address the question of how to apply section 8706(b)(3)(B) in the case of an electing individual who has attained 65 years of age."

(b) TABLE OF SECTIONS.—The table of sections for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8714c the following:

"8714d. Option to receive 'living benefits'.".

SEC. 3. EFFECTIVE DATE; OPEN SEASON AND NOTICE.

(a) EFFECTIVE DATE.—The amendments made by section 2 shall take effect 9 months after the date of the enactment of this Act.

(b) OPEN SEASON; NOTICE.—(1) The Office of Personnel Management shall prescribe regulations under which, beginning not later than 9 months after the date of the enactment of this Act, and over a period of not less than 8 weeks—

(A) an employee (as defined by section 8701(a) of title 5, United States Code) who declined or voluntarily terminated coverage under chapter 87 of such title—

(i) may elect to begin, or to resume, group life insurance and group accidental death and dismemberment insurance; and

(ii) may make such other elections under such chapter as the Office may allow; and

(B) such other elections as the Office allows may be made.

(2) The Office shall take such action as may be necessary to ensure that employees and any other individuals who would be eligible to make an election under this subsection are afforded advance notification to that effect.

SEC. 4. FUNDING.

Notwithstanding section 8714(a)(1) of title 5, United States Code, the Office of Personnel Management shall retain in the Employees' Life Insurance Fund such portion of premium payments otherwise due as will, no later than September 30, 1995, permanently reduce the contingency reserve established under the third sentence of section 8712 of such title 5 by an amount equal to the amount by which payments from the Employees' Life Insurance Fund during the fiscal year ending September 30, 1995, exceed the payments that would have been paid had the amendments made by this Act not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

Mr. Speaker, H.R. 512, introduced by Congressman BENJAMIN GILMAN, provides that Federal employees who are diagnosed as terminally ill with a life expectancy of 9 months or less could elect to receive all or a portion of their basic life insurance benefit in advance of their deaths as a "living benefit." In order to be eligible for the living benefit, the enrollee would be required to provide certification from medical authorities that he or she is terminally ill. While the living benefits could be used at the discretion of the enrollee, it is anticipated that these funds would most often be used for providing care and medical treatment during the remaining period of the enrollee's life.

In return for electing the living benefit, the enrollee would sever all rights that any beneficiaries might have had in the proceeds of the policy. However, H.R. 512 only affects the basic life insurance amount and does not negate beneficiary rights in the optional FEGLI benefits. H.R. 512 provides that the living benefit election is irrevocable and that the enrollee is no longer liable for monthly premiums on the basic insurance policy.

The Subcommittee on Compensation and Employee Benefits held a hearing on H.R. 512 on April 20, 1994. Congressman GILMAN, OPM, and the National Association of Retired Federal Employees testified in favor of the legislation. The subcommittee also received written statements for the record which expressed support for the bill from the American Federation of Government Employees, the National Treasury Employees Union, and the National Association of Government Employees.

The bill, as amended, directs OPM to withhold premium payments to the

FEGLI reserve contingency fund in an amount sufficient to offset the increase in direct spending that would occur as a result of the bill. The contingency reserve is funded by payments from the FEGLI trust fund and is held outside the budget at a targeted amount of $50 million. The withheld amount will permanently reduce the fund and the reduction will take place no later than September 30, 1995. CBO estimates that this provision makes the bill budget neutral. I urge its adoption by the House.

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

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

Mr. Speaker, I rise today in strong support of H.R. 512, the Federal Employees Group Life Insurance Living Benefits Act. At this time I would like to take the opportunity to thank the supporters of this legislation, including the distinguished chair of the Subcommittee on Compensation and Employee Benefits, the gentlewoman from the District of Columbia [Ms. NORTON], the ranking minority member of the subcommittee, the gentlewoman from Maryland [Mrs. MORELLA], and the ranking minority member of the full committee, the gentleman from Indiana [Mr. MYERS]. I also want to thank the distinguished chairman of the House Post Office and Civil Service Committee, the gentleman from Missouri [Mr. CLAY] for promptly scheduling this legislation for floor action following its favorable reporting from the committee.

H.R. 512 is sensible, cost-effective legislation aimed at helping employees and retirees covered under the Federal Employees Group Life Insurance [FEGLI] program cope with the financial burdens associated with a terminal illness. While this body cannot begin to alleviate the emotional toll a terminal illness places on an individual and his or her family, we can undertake efforts to ease the financial burdens.

H.R. 512 allows a FEGLI enrollee the option of receiving an actuarially reduced accelerated insurance benefit if diagnosed with a terminal illness with a life expectancy of 9 months or less. This accelerated benefit would represent the insured's basic life insurance amount less an actuarial reduction to compensate for any lost interest to the life insurance fund. An election of this accelerated benefit negates all rights the insured or any beneficiaries might have in the basic insurance amount. However, the additional options provided under FEGLI are not subject to election and remain intact for any beneficiaries' interest.

I am gratified to note that H.R. 512 enjoys broad bipartisan support. In a hearing conducted by the subcommittee chair, Ms. NORTON, Federal employee groups, retiree groups and the administration all voiced support for the legislation.

I want to particularly acknowledge the efforts on the part of the subcommittee chair Ms. NORTON in crafting the financing mechanism for the legislation. This provision directs the Office of Personnel Management to withhold premium payments to the insurance reserve contingency fund in an amount sufficient to offset any direct spending incurred during the first year of the program as a result of the accelerated payments elected by enrollees. This amendment was the product of a joint effort on the part of staff and the Office of Personnel Management. I also want to thank OPM for its support of the legislation and for providing technical assistance in helping craft this provision which meets fiscal constraints while easing administrative burdens. The congressional Budget Office estimates enactment of H.R. 512, as amended, will prove budget neutral over a 5 year period.

Mr. Speaker, I am pleased to bring this measure before the full House today. In this day and age of strict budget scrutiny, I am pleased to sponsor a measure with humanitarian intent and a cost-conscious price tag. Facing a terminal illness is morally and emotionally difficult in itself. However, the depletion of one's financial resources compounds the already serious ordeal facing the patient and his or her family. H.R. 512 will help ease the financial burdens placed on the insured while providing a needed source of income in order to allow the insured to live any remaining months of life in dignity and comfort.

I hope our colleagues in the other body share our concerns for providing a humanitarian, yet cost effective benefit and will quickly approve this measure on a timely basis. Accordingly, Mr. Speaker, I urge all my colleagues to join me today in support of H.R. 512.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 512, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on H.R. 3246, H.R. 3499, and H.R. 512, the three bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8) to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1989, as amended.

The Clerk read as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Meals for Healthy Americans Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Sense of the Congress.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

Sec. 101. Direct Federal expenditures.
Sec. 102. Technical assistance to ensure compliance with nutritional requirements under the school lunch program, the summer food service program for children, and the child and adult care food program.
Sec. 103. Nutritional and other program requirements.
Sec. 104. Special assistance for schools electing to serve all children free lunches or breakfasts.
Sec. 105. Establishment of universal school lunch and breakfast pilot program.
Sec. 106. Miscellaneous provisions and definitions.
Sec. 107. Summer food service program for children.
Sec. 108. Commodity distribution program.
Sec. 109. Child and adult care food program.
Sec. 110. Homeless children nutrition program.
Sec. 111. Pilot projects.
Sec. 112. Reduction of paperwork.
Sec. 113. Extension of Food Service Management Institute.
Sec. 114. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. School breakfast program.
Sec. 202. State administrative expenses.
Sec. 203. Special supplemental nutrition program.
Sec. 204. Nutrition education and training.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Consolidation of school lunch program and school breakfast program into comprehensive meal program.
Sec. 302. Study and report relating to use of private food establishments and caterers under school lunch program and school breakfast program.

Sec. 303. Report relating to unified accountability system under National School Lunch Act.
Sec. 304. Amendment to Commodity Distribution Reform Act and WIC Amendments of 1987.

SEC. 2. FINDINGS.

The Congress finds that—

(1) undernutrition along with environmental factors associated with poverty can permanently retard physical growth, brain development, and cognitive functioning of children;

(2) the longer a child's nutritional, emotional, and educational needs go unmet, the greater the likelihood of cognitive impairment;

(3) low-income children who attend school hungry score significantly lower on standardized tests than non-hungry low-income children; and

(4) supplemental nutrition programs under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) can help to offset threats posed to a child's capacity to learn and perform in school which results from inadequate nutrient intake.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) funds should be made available for child nutrition programs to remove barriers to the participation of needy children in the school lunch program, school breakfast program, summer food service program for children, and the child and adult care food program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(2) the Secretary of Agriculture should take actions to further strengthen the efficiency of child nutrition programs by streamlining administrative requirements to reduce the administrative burden on participating schools and other meal providers; and

(3) as a part of efforts to continue to serve nutritious meals to youths in the United States and to educate the general public regarding health and nutrition issues, the Secretary of Agriculture should take actions to coordinate the nutrition education efforts of all nutrition programs.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

SEC. 101. DIRECT FEDERAL EXPENDITURES.

(a) PURCHASE OF FRESH FRUITS AND VEGETABLES.—Section 6(a) of the National School Lunch Act (42 U.S.C. 1755(a)) is amended—

(1) in the second sentence, by striking "Any school" and inserting "Except as provided in the next two sentences, any school"; and

(2) by inserting after the second sentence the following new sentences: "Any school may refuse some or all of the fresh fruits and vegetables offered to such school in any school year and may receive in lieu thereof any other commodities for such school year if (1) such school purchases fresh fruits and vegetables for such school year which are at least equal in value to the fresh fruits and vegetables refused by such school; and (2) the fresh fruits and vegetables purchased under paragraph (1) are in addition to any purchase of fresh fruits and vegetables that would otherwise have been made by such school for such school year. The value of any fresh fruits and vegetables refused by a school under the preceding sentence for a school year shall not be included in the calculation to determine the 20 percent of the total value of agricultural commodities and other foods tendered to such school in such school year under the second sentence of this subsection.".

(b) REQUIREMENT OF MINIMUM PERCENTAGE OF COMMODITY ASSISTANCE.—Section 6 of such Act (42 U.S.C. 1755) is amended by adding at the end the following new subsection:

"(g)(1) Subject to paragraph (2), in each school year the Secretary shall ensure that not less than 12 percent of the assistance provided under section 4, this section, and section 11 of this Act shall be in the form of commodities provided under this section.

"(2) If amounts available to carry out the requirements of the sections described in paragraph (1) are insufficient to meet the requirement contained in such paragraph for a school year, the Secretary shall, to the extent necessary, use the authority provided under section 14(a) of this Act to meet such requirement for such school year.".

SEC. 102. TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH NUTRITIONAL REQUIREMENTS UNDER THE SCHOOL LUNCH PROGRAM, THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN, AND THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by striking "(1) Lunches served by schools" and inserting "(1)(A) Lunches served by schools"; and

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

"(B) The Secretary shall provide technical assistance to those schools participating in the school lunch program under this Act to assist such schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those schools that are having difficulty maintaining compliance with such requirements.".

(b) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(f) of such Act (42 U.S.C. 1761(f)) is amended—

(1) by adding after the first sentence the following new sentences: "The Secretary shall provide technical assistance to service institutions and private nonprofit organizations participating in the program to assist such institutions and organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to this subparagraph. The Secretary shall provide additional technical assistance to those service institutions and private nonprofit organizations that are having difficulty maintaining compliance with such requirements."; and

(2) in the fourth sentence (as amended by paragraph (1)), by striking "Such meals" and inserting "Meals described in the first sentence".

(c) CHILD AND ADULT CARE FOOD PROGRAM.—Section 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is amended—

(1) by striking "(1) Meals served by institutions" and inserting "(1)(A) Meals served by institutions"; and

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

"(B) The Secretary shall provide technical assistance to those institutions participating in the program under this section to assist such institutions and family or group day care home sponsoring organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those institutions and family or group day care home sponsoring organizations that are having difficulty maintaining compliance with such requirements.".

SEC. 103. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) MINIMUM NUTRITIONAL REQUIREMENTS BASED ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.—Section 9(a)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(a)(1)(A)) (as amended by section 102(a)) is further amended—

(1) by striking "; except that such minimum nutritional requirements" and inserting ", except that—

"(i) such minimum nutritional requirements";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) such minimum nutritional requirements shall, at a minimum, be based on the weekly average of the nutrient content of school lunches.".

(b) NUTRITIONAL REQUIREMENTS RELATING TO PROVISION OF MILK.—Section 9(a)(2) of such Act (42 U.S.C. 1758(a)(2)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act—

"(A) shall offer students fluid milk; and

"(B) shall offer students a variety of fluid milk consistent with prior year demonstrated preferences unless the prior year preference for any such variety of fluid milk is less than 1 percent of the total milk consumed at the school.".

(c) INCREASED FLEXIBILITY RELATING TO USE OF INFORMATION SUBMITTED TO DETERMINE ELIGIBILITY UNDER PROGRAMS UNDER NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966.—Section 9(b)(5) of such Act (42 U.S.C. 1758(b)(5)) is amended by adding at the end the following new sentences: "Except as provided in the next sentence, a local agency responsible for administering programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall use information submitted for the purpose of receiving benefits under such programs only for the purpose of determining eligibility for such benefits. Such local agency may use such eligibility determination to demonstrate the eligibility for benefits under other Federal, State, or local means-tested nutrition programs with comparable eligibility standards.".

(d) AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.—

(1) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended—

(A) in section 9(b)(6)(A) (42 U.S.C. 1758(b)(6)(A))—

(i) in the matter preceding clause (i), by striking "a member of";

(ii) in clause (i)—

(I) by inserting "a member of" after "(i)"; and

(II) by striking "or" at the end of the clause;

(iii) in clause (ii)—

(I) by inserting "a member of" after "(ii)"; and

(II) by striking the period at the end of the clause and inserting "; or"; and

(iv) by adding at the end the following new clause:

"(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A)

of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).";

(B) in section 9(b)(6)(B) (42 U.S.C. 1758(b)(6)(B)), by striking "food stamps or aid to families with dependent children" and inserting "food stamps, aid to families with dependent children, or enrollment or participation in the Head Start program on the basis described in subparagraph (A)(iii)"; and

(C) in section 17(c) (42 U.S.C. 1766(c)), by adding at the end the following new paragraph:

"(5) A child shall be considered automatically eligible for benefits under this section without further application or eligibility determination, if the child is enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1995.

(e) DOCUMENTATION OF PRODUCTION PLANS.—Section 9 of such Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall clarify that the primary need for documentation of production plans is to serve as a basis for ensuring that the meals under the school lunch program meet the nutrient needs of the children to be served under such program. The State shall determine whether existing records are adequate to ensure that the objective of the preceding sentence is met.

"(2) The Secretary shall clarify the need for internal controls in developing a claim for reimbursement under the school lunch program.".

(f) SEAFOOD PRODUCTION REQUIREMENTS.—Section 9 of such Act (42 U.S.C. 1758) (as amended by subsection (e)) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary shall purchase fish and fish products for distribution under section 14 only if such fish and fish products are—

"(A) produced in compliance with the continuous official establishment and product inspection of the National Marine Fisheries Service; or

"(B) produced in compliance with the hazard analysis critical control point requirements promulgated by the Secretary of Health and Human Services, beginning on the date of the implementation of such requirements.

"(2) Beginning on and after the date of the implementation of the requirements described in paragraph (1)(B), the Secretary shall ensure that fish and fish products purchased by schools participating in the school lunch program are produced in compliance with such requirements.".

SEC. 104. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by striking "(a)(1) Except as provided" and inserting "(a)(1)(A) Except as provided";

(2) in the second sentence, by striking "In the case of" and inserting—

"(B) In the case of";

(3) in the third sentence—

(A) by striking "In the case of" and inserting—

"(C)(i) Except as provided in clause (ii), in the case of"; and

(B) by striking "(A)" and inserting "(I)" and by striking "(B)" and inserting "(II)";

(4) by adding at the end the following new clause:

"(ii)(I)(aa) In the case of any school that, on the date of the enactment of this clause, is serving all children in that school free lunches under the school lunch program in accordance with clause (i), special assistance payments shall be paid to the State educational agency with respect to such school for free lunches served to all children in such school during a period of five consecutive years in accordance with such clause.

"(bb) Any period of time in the current 3-year period during which the school served free lunches to all children in such school in accordance with clause (i) shall count toward the 5-year period described in division (aa).

"(cc) The State may grant an extension to such schools at the end of such 3-year period, only if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained stable. The State may further use such data in subsequent 5-year periods to ensure that the income level of the population of the school has remained stable.

"(II) A school described in subclause (I) may reapply to the State at the end of a 5-year period described in such subclause for the purpose of continuing to receive special assistance payments in accordance with such subclause for additional 5-year periods."; and

(5) by further adding at the end the following new subparagraph:

"(D) In the case of any school that (i) elects to serve all children in that school free lunches under the school lunch program during any period of 4 successive years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in that school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive years and (ii) pays, from sources other than Federal funds, for the costs of serving such lunches or breakfasts, as the case may be, which are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during that period, total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to such school at a level equal to the total Federal cash reimbursements and total commodity assistance received by the school in the previous year, adjusted annually for changes in inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the purposes of the school lunch or school breakfast programs. The State may grant a renewal of the authority under the preceding sentence to such schools at the end of such 4-year period, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the year upon which the total Federal reimbursement is based.".

SEC. 105. ESTABLISHMENT OF UNIVERSAL SCHOOL LUNCH AND BREAKFAST PILOT PROGRAM.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 11 the following new section:

"SEC. 11A. UNIVERSAL SCHOOL LUNCH AND BREAKFAST PILOT PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a universal school lunch and breakfast pilot program (in this section referred to as the 'pilot program').

"(2) DESCRIPTION.—The pilot program shall consist of school lunch and breakfast service offered without cost to all students in attendance at participating schools that wish to participate in a manner consistent with the requirements otherwise applicable to the school lunch program under this Act and to the school breakfast program under section 4 of the Child Nutrition Act of 1966.

"(3) ELIGIBILITY.—A school shall be eligible to participate in the pilot program if the school meets the following requirements:

"(A) At least 30 percent of all students participating in the school lunch program at the school are students who qualify for free or reduced price lunches.

"(B) At least 30 percent of all students participating in the school breakfast program at the school are students who qualify for free or reduced price breakfasts.

"(b) APPLICATION.—

"(1) IN GENERAL.—A school may participate in the pilot program only if such school submits to the Secretary an application containing such information as the Secretary may reasonably require.

"(2) CONTENTS.—Such application shall contain a plan describing—

"(A) the additional amount over the most recent prior year reimbursement amount received under the school lunch program and the school breakfast program (adjusted for inflation and enrollment) that the school would need from the Federal government to provide free lunches and breakfasts under the pilot program; and

"(B) the funding, if any, the school will receive from non-Federal sources to provide free lunches and breakfasts under the pilot program.

"(c) UNIVERSAL PAYMENT RATE.—

"(1) IN GENERAL.—Subject to paragraphs (3) and (4), in lieu of receiving the national average payment per lunch determined under section 4 and section 11, and the national average payment per breakfast determined under section 4 of the Child Nutrition Act of 1966, each school participating in the universal program shall receive the universal payment rates determined under paragraph (2) for each lunch and breakfast served under the program.

"(2) ESTABLISHMENT.—Subject to paragraph (3), the Secretary shall establish the universal payment rates for purposes of this section. Such rates shall be equal to the national average cost of producing a school lunch, and the national average cost of producing a school breakfast, respectively, as determined by the Secretary. In making the determination required by the preceding sentence, the Secretary shall establish a maximum amount that can be charged to a participating school food service authority for indirect expenses.

"(3) COMMODITIES.—(A) Except as provided in subparagraph (B), a school participating in the pilot program shall receive commodities in an amount equal to the amount the school received in the prior year under the school lunch program under this Act and under the school breakfast program under section 4 of the Child Nutrition Act of 1966, adjusted for inflation and fluctuations in enrollment.

"(B) Commodities required for the pilot program in excess of the amount of commodities received by the school in the prior year

under the school lunch program and the school breakfast program may be funded from amounts appropriated to carry out this section.

"(4) ADDITIONAL REQUIREMENTS.—(A) Except as provided in subparagraph (B), a school participating in the pilot program shall receive a total Federal reimbursement under the school lunch program and school breakfast program in an amount equal to the Federal reimbursement rate for the school in the prior year under each such program (adjusted for inflation and fluctuations in enrollment).

"(B) Funds required for the pilot program in excess of the level of reimbursement received by the school in the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts appropriated to carry out this section. If funds required in addition to funds under subparagraph (A) are not available from non-Federal sources and no appropriations are made for the pilot program, schools may not participate in the program.

"(d) COMPETITIVE FOODS POLICY.—A school participating in the pilot program may sell competitive foods under regulations issued by the Secretary.

"(e) PROHIBITION OF WAIVER TO PROVIDE LUNCH AND BREAKFAST SERVICE WITHOUT COST.—Notwithstanding any other provision of law, the Secretary may not waive the requirement that the school will provide lunch and breakfast service without cost to all students at the school under the pilot program.

"(f) REPORTS.—

"(1) REPORTS TO THE SECRETARY.—The Secretary shall require each school participating in the pilot program to submit to the Secretary a report containing the following information:

"(A) A comparison of the participation rate of all students at the school in the pilot program to the participation of students under the school lunch program and the school breakfast program.

"(B) A comparison of the quality of meals served under the pilot program to the quality of meals served under the school lunch program and the school breakfast program.

"(C) An evaluation of the pilot program by students, parents, and administrators.

"(D) The participation rate in the pilot program of students who otherwise would be eligible for free and reduced price lunches and breakfasts under the school lunch program or the school breakfast program.

"(E) A comparison of the amount of administrative costs under the program with the amount of administrative costs under the school lunch and school breakfast programs.

"(F) The reduction in paperwork under the pilot program from the amount of paperwork under the school lunch and school breakfast programs at the school.

"(2) REPORTS TO THE CONGRESS.—

"(A) INTERIM REPORT.—Not later than September 30, 1997, the Secretary shall submit to the Congress an interim report containing—

"(i) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school participating in the pilot program; and

"(ii) an interim evaluation of the program by the Secretary.

"(B) FINAL REPORT.—Not later than September 30, 1998, the Secretary shall submit to the Congress an final report containing—

"(i) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school participating in the pilot program; and

"(ii) a final evaluation of the program by the Secretary.

"(g) SELECTION REQUIREMENT.—To the extent practicable, the Secretary shall select schools to participate in the pilot program in a manner which will provide for an equitable distribution among the following types of schools:

"(1) Urban and rural schools.

"(2) Elementary, middle, and high schools.

"(3) Low-, middle-, and high-income schools.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 1995 through 1998.".

(b) EFFECTIVE DATE.—The Secretary of Agriculture shall issue regulations to carry out section 11A of the National School Lunch Act (as added by subsection (a) of this section) that provide for the implementation of such section not later than July 1, 1995.

SEC. 106. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) TECHNICAL AMENDMENT TO DEFINITION OF SCHOOL.—

(1) IN GENERAL.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(A) in the first sentence—

(i) in clause (A), by inserting "and" at the end of such clause;

(ii) in clause (B), by striking ", and" and inserting a period; and

(iii) by striking clause (C); and

(B) in the second sentence, by striking "of clauses (A) and (B)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1995.

(b) REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND MILK UNDER CERTAIN PROGRAMS CONTINGENT UPON TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OPERATIONS REPORT.—Section 12 of such Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, family day care homes, institutions, and service institutions only if—

"(A) such claims have been submitted to such State agencies not later than 60 days after the last day of the month for which the reimbursement is claimed; and

"(B) the final program operations report for such month is submitted to the Secretary not later than 90 days after the last day of such month.

"(2) The Secretary may waive the requirements contained in paragraph (1) at the discretion of the Secretary.".

(c) REQUIREMENT OF NEGOTIATED RULEMAKING PROCESS IN ISSUING REGULATIONS UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2)(A) Prior to publishing proposed regulations in the Federal Register to carry out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (except the special supplemental nutrition program under section 17 of such Act), the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local school administrators, school food service administrators, other school food service personnel, parents, teachers, industry representatives, public interest anti-hunger organizations, doctors specializing in pediatric nutrition, and nutritionists involved with the implementation and operation of programs under this Act and the Child Nutrition Act of 1966.

"(B) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account such information in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

"(C) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(i) establish a negotiated rulemaking process on issues, including—

"(I) nutrition requirements and their implementation; and

"(II) program compliance and accountability requirements;

"(ii) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions (to the extent possible, the Secretary shall select individuals reflecting the diversity in the program, including representatives of both large and small programs, as well as individuals serving urban and rural areas); and

"(iii) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under clause (ii) not less than 45 days prior to the first meeting under such process.

"(D) Such process—

"(i) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 240 days after the date of the enactment of the Healthy Meals for Healthy Americans Act of 1994; and

"(ii) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(E) In an emergency situation in which regulations to carry out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.".

(d) AUTHORITY OF SECRETARY TO WAIVE STATUTORY AND REGULATORY REQUIREMENTS UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsections (b) and (c)) is further amended by adding at the end the following new subsection:

"(l)(1)(A) The Secretary may waive any requirement under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under such Acts, for a State or eligible service provider that requests a waiver if—

"(i) the Secretary determines that the waiver of such requirement would facilitate the ability of the State or eligible service provider to carry out the purpose of the program;

"(ii) a State or eligible service provider has provided notice and information to the public regarding the proposed waiver; and

"(iii) the State or eligible service provider demonstrates to the satisfaction of the Secretary that such waiver will not increase the overall cost of the program to the Federal government, and, if such waiver does increase such overall cost to the Federal government, such cost will be paid from non-Federal funds.

"(B) Such notice and information shall be provided in the same manner in which such State or eligible service provider customarily provides similar notices and information to the public.

"(2)(A) To request a waiver, a State or eligible service provider shall submit an application to the Secretary that—

"(i) identifies the statutory or regulatory requirements that are requested to be waived;

"(ii) in the case of a State requesting a waiver, describes actions, if any, that the State has undertaken to remove State statutory or regulatory barriers;

"(iii) describes the goal of the waiver to improve services under the program and the expected outcomes if the waiver is granted;

"(iv) includes a description of the impediments to the efficient operation and administration of the program;

"(v) describes the management goals to be achieved, such as fewer hours devoted to or fewer number of personnel involved in the administration of the program;

"(vi) provides a timetable for implementing the waiver; and

"(vii) describes the process the State or eligible service provider will use to monitor the progress in implementing the waiver, including the process for monitoring the cost implications of the waiver to the Federal government.

"(B) An application described in subparagraph (A) shall be developed by the State or eligible service provider and shall be submitted to the Secretary by the State.

"(3)(A) The Secretary shall act promptly on a waiver request contained in an application submitted under paragraph (2) and shall either grant or deny such request. The Secretary shall state in writing the reasons for granting or denying such request.

"(B) If the Secretary grants a waiver request, the Secretary shall state in writing the expected outcome of granting such a waiver.

"(C) The result of the decision of the Secretary shall be disseminated by the State or eligible service provider to interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

"(D)(i) Except as provided in clause (ii), a waiver granted by the Secretary shall be for a period not to exceed three years.

"(ii) The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or eligible service provider to carry out the purposes of the program.

"(4) The Secretary may not grant a waiver under paragraph (3) of any requirement relating to—

"(A) the nutritional content of meals served;

"(B) Federal reimbursement rates;

"(C) the provision of free and reduced price meals;

"(D) offer versus serve provisions;

"(E) limits on the price charged for a reduced price meal;

"(F) maintenance of effort;

"(G) equitable participation of children in private schools;

"(H) distribution of funds to State and local school food service authorities;

"(I) prohibiting the disclosure of information relating to students receiving free or reduced price meals;

"(J) prohibiting the operation of a profit producing program;

"(K) the sale of competitive foods;

"(L) the commodity distribution program under section 14 of this Act; and

"(M) enforcement of any constitutional or statutory right of an individual, including any right under—

"(i) title VI of the Civil Rights Act of 1964;

"(ii) Section 504 of the Rehabilitation Act of 1973;

"(iii) title IX of the Education Amendments of 1972;

"(iv) the Age Discrimination Act of 1975; and

"(v) the Americans with Disabilities Act of 1990.

"(5) The Secretary shall periodically review the performance of any State or eligible service provider for which the Secretary has granted a waiver and shall terminate the waiver if the performance of the State or service provider has been inadequate to justify a continuation of the waiver. The Secretary shall terminate the waiver if, after periodic review, the Secretary determines that the waiver has resulted in increased Federal spending and such increased Federal spending has not been paid for in accordance with paragraph (1)(A)(iii).

"(6)(A)(i) An eligible service provider that receives a waiver under this section shall annually submit to the State a report that—

"(I) describes the use of such waiver by the eligible service provider; and

"(II) evaluates how the waiver contributed to improved services to children served by the program for which the waiver was requested.

"(ii) The State shall annually submit to the Secretary a report that summarizes all reports received by the State from eligible service providers.

"(B) The Secretary shall annually submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report—

"(i) summarizing the use of waivers by the State and eligible service providers;

"(ii) describing whether such waivers resulted in improved services to children;

"(iii) describing the impact of such waivers on providing nutritional meals to participants; and

"(iv) describing how such waivers reduced the amount of paperwork necessary to administer the program.

"(7) For purposes of this subsection, the term 'eligible service provider' means—

"(A) a local school food service authority;

"(B) a service institution or private nonprofit organization described under section 13 of this Act; or

"(C) a family or group day care home sponsoring organization described under section 17 of this Act.".

SEC. 107. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PRIORITY REQUIREMENTS FOR DETERMINING PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following new subparagraphs:

"(A) Local schools.

"(B) All other service institutions and private nonprofit organizations eligible under paragraph (7) that have demonstrated successful program performance in a prior year.

"(C) Other service institutions and private nonprofit organizations eligible under paragraph (7).".

(b) ELIMINATION OF 1-YEAR WAITING PERIOD WITH RESPECT TO PARTICIPATION OF PRIVATE NONPROFIT ORGANIZATIONS IN CERTAIN AREAS UNDER THE PROGRAM.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C) of such section.

(c) ELIMINATION OF WARNING IN PRIVATE NONPROFIT ORGANIZATION APPLICATION RELATING TO CRIMINAL PROVISIONS AND RELATED MATTERS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) in paragraph (3) (as redesignated), by striking "paragraphs (1) and (3)" and inserting "paragraphs (1) and (2)".

(d) EXTENSION OF PROGRAM.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking "1994" and inserting "1998".

SEC. 108. COMMODITY DISTRIBUTION PROGRAM.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended—

(1) in subsection (a), by striking "1994" and inserting "1998"; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall maintain and continue to improve the overall nutritional quality of entitlement commodities provided to schools to assist the schools in improving the nutritional content of meals.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of entitlement commodities provided to the schools; or

"(B) otherwise provide nutritional content information regarding the commodities provided to the schools.".

SEC. 109. CHILD AND ADULT CARE FOOD PROGRAM.

(a) AUTOMATIC ELIGIBILITY OF CERTAIN EVEN START PARTICIPANTS.—Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)) (as amended by section 103(d)(1)(C)) is further amended by adding at the end the following new paragraph:

"(6)(A) A child who has not yet entered kindergarten shall be considered automatically eligible for benefits under this section without further application or eligibility determination if the child is enrolled as a participant in the Even Start program under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.).

"(B) Subparagraph (A) shall apply only with respect to the provision of benefits under this section for fiscal years 1996 through 1998.".

(b) REAPPLICATION FOR ASSISTANCE AT 3-YEAR INTERVALS.—Section 17(d)(2)(A) of such Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking "2-year intervals" and inserting "3-year intervals".

(c) USE OF ADMINISTRATIVE FUNDS TO CONDUCT OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE HOMES.—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by striking "(C) Reimbursement for administrative expenses" and inserting "(C)(i) Reimbursement for administrative expenses"; and

(2) by adding at the end the following new clause:

"(ii) Funds for administrative expenses may be used by family or group day care

home sponsoring organizations to conduct outreach and recruitment to unlicensed family or group day care homes so that such day care homes may become licensed.".

(d) INFORMATION AND TRAINING CONCERNING CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall encourage family or group day care sponsoring organizations to provide information and training concerning child health and development to family or group day care homes participating in the program under such organizations.".

(e) EXTENSION OF STATEWIDE DEMONSTRATION PROJECTS.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (4)(B), by striking "1992" and inserting "1998"; and

(2) in paragraph (5), by striking "1994" and inserting "1998".

SEC. 110. HOMELESS CHILDREN NUTRITION PROGRAM.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 17A the following new section:

"SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

"(a) IN GENERAL.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

"(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects under this section.

"(2) ELIGIBILITY REQUIREMENTS.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects under this section. Such requirements shall include the following:

"(A) Each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children at each such site.

"(B) Each site operated by each such organization shall meet applicable State and local health, safety, and sanitation standards.

"(c) PROJECT REQUIREMENTS.—

"(1) IN GENERAL.—A project conducted under this subsection shall—

"(A) use the same meal patterns and receive reimbursement payments for meals and supplements at the same rates provided to child care centers participating in the child care food program under section 17 for free meals and supplements; and

"(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project.

"(2) MODIFICATION.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

"(3) HOMELESS CHILDREN ELIGIBLE FOR FREE MEALS WITHOUT APPLICATION.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without application.

"(d) NOTICE.—The Secretary shall advise each State of the availability of the projects established under this subsection for States, cities, counties, local governments and other public entities, and shall advise each State of the procedures for applying to participate in the project.

"(e) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Healthy Meals for Healthy Children Act of 1994, the Secretary shall submit to the appropriate committees of the Congress a report that includes—

"(1) an explanation of the actions the Secretary has taken to carry out subsection (d);

"(2) an estimate, if practicable, of the number of children living in homeless shelters who are not served by projects conducted under this section; and

"(3) a detailed plan for expanding the projects so that more eligible children may participate in such projects.

"(f) PLAN TO ALLOW PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM.—Not later than September 30, 1996, the Secretary shall submit to the appropriate committees of the Congress a plan describing how emergency shelters and homeless children who have not attained the age of 6 and who are served by such shelters under the program might participate in the child and adult care food program authorized under section 17 by September 30, 1998.

"(g) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term 'appropriate committees of the Congress' means the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(2) EMERGENCY SHELTER.—The term 'emergency shelter' has the meaning given such term in section 321(2) of the Stewart B. McKinney Homeless Assistance Act.

"(h) FUNDING.—

"(1) IN GENERAL.—In addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)), the Secretary shall, except as provided in paragraph (2), expend to carry out this section from amounts appropriated for purposes of carrying out this Act $3,000,000 for fiscal year 1995 and each succeeding fiscal year.

"(2) EXCEPTION.—The Secretary may expend less than the amount required under paragraph (1) if there is an insufficient number of suitable applicants.".

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL SCHOOL LUNCH ACT.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) CHILD NUTRITION ACT OF 1966.—Section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)) is amended—

(A) by striking "projects under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c))" and inserting "projects under section 17B of the National School Lunch Act"; and

(B) by striking "1993 and 1994" each place it appears and inserting "1995 through 1998".

SEC. 111. PILOT PROJECTS.

(a) COMMODITY LETTER OF CREDIT (CLOC) PROGRAMS.—Section 18(b)(1) of the National School Lunch Act (42 U.S.C. 1769(b)(1)) is amended in the 1st sentence by striking ", and ending September 30, 1994".

(b) DEMONSTRATION PROGRAM TO PROVIDE MEALS AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.—Section 18 of such Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(d)(1)(A) The Secretary shall establish a demonstration program to provide grants to eligible institutions or schools to provide meals or supplements to adolescents participating in educational, recreational, or other programs and activities provided outside of school hours.

"(B) The amount of a grant under subparagraph (A) shall be equal to the amount necessary to provide meals or supplements described in such subparagraph and shall be determined in accordance with reimbursement payment rates for meals and supplements under the child and adult care food program under section 17 of this Act.

"(2) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless such institution or school submits to the Secretary an application containing such information as the Secretary may reasonably require.

"(3) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless such institution or school agrees that—

"(A) it will use amounts from such grant to provide meals or supplements under educational, recreational, or other programs and activities for adolescents outside of school hours, and such programs and activities are carried out in geographic areas in which there are high rates of poverty, violence, or drug and alcohol abuse among school-aged youths; and

"(B) it will use the same meal patterns as meal patterns required under the child and adult care food program under section 17 of this Act.

"(4) Determinations with regard to eligibility for free and reduced price meals and supplements provided under programs and activities under this subsection shall be made in accordance with the income eligibility guidelines for free and reduced price lunches under section 9 of this Act.

"(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection from amounts appropriated for purposes of carrying out section 17 of this Act, $325,000 for fiscal year 1995 and $525,000 for each of the fiscal years 1996 through 1998. In addition to amounts described in the preceding the sentence, the Secretary shall expend any additional amounts in any fiscal year as may be provided in advance in appropriations Acts.

"(B) The Secretary may expend less than the amount required under subparagraph (A) if there is an insufficient number of suitable applicants.

"(6) For the purposes of this subsection—

"(A) the term 'adolescent' means a child who has attained the age of 13 but has not attained the age of 19;

"(B) the term 'eligible institution or school' means—

"(i) an institution, as such term is defined in section 17 of this Act; or

"(ii) an elementary or secondary school participating in the school lunch program under this Act; and

"(C) the term 'outside of school hours' means after-school hours, weekends, or holidays during the regular school year.".

SEC. 112. REDUCTION OF PAPERWORK.

Section 19(a) of the National School Lunch Act (42 U.S.C. 1769a(a)) is amended by striking "and other agencies" and inserting "other agencies" and by inserting ", and families of children participating in such programs" after "assisted under such Acts".

SEC. 113. EXTENSION OF FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(e)(2)) is amended to read as follows:

"(2) $1,700,000 for each of the fiscal years 1995, 1996, 1997, and 1998 for purposes of carrying out subsection (a)(2).".

SEC. 114. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NONPROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT.

"(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

"(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

"(2) providing training, technical advice, and guidance in identifying and preventing such activities.

"(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(2) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

"(C) the special milk program established under section 3 of such Act (42 U.S.C. 1772);

"(D) the special nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(E) the summer food service program for children established under section 13 of this Act;

"(F) the child and adult care food program established under section 17 of this Act; and

"(G) the homeless children nutrition program under section 17B of this Act.

"(3) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods in conjunction with the participation of a local agency in a child nutrition program.

"(4) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(5) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and nonfinancial assistance, but not including Federal procurement programs and activities.

"(6) PERSON.—The term 'person' means any individual, corporation, partnership, association, or other legal entity, however organized.

"(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Secretary shall—

"(1) in cooperation with the food service management institute authorized under section 21 and with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods in conjunction with the participation of a local agency in a child nutrition program.

"(d) NONPROCUREMENT DEBARMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include the following:

"(A) A contractor commits an action or series of actions which constitute a substantial and material violation of a regulation of a child nutrition program of the Department of Agriculture, as determined by the Secretary.

"(B) A contractor is found guilty in any criminal, civil, or administrative proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods to any local agency or to any Federal agency in connection with the child nutrition programs, of—

"(i) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

"(ii) fraud, bribery, theft, forgery or embezzlement;

"(iii) breach of contract;

"(iv) making a false claim or statement; or

"(v) other obstruction of justice.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment, the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 3 years.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 5 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this paragraph shall restrict the ability of the Secretary to reverse a debarment decision, to reduce the period or scope of a debarment, nor to grant an exception permitting a debarred contractor to participate in a particular contract to provide goods in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action.

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate congressional committees information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate nonprocurement debarment proceedings against the contractor (including any cooperative) who has committed the cause for debarment (as determined under subsection (d)(2)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

"(3) is unfair to a person, subsidiary corporation, affiliate, parent company, or local division of a corporation that is not involved in the improper activity that would otherwise result in the debarment; or

"(4) is not in the public interest, as determined by the Secretary.

"(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

"(1) exhaust all administrative procedures prescribed by the Secretary; and

"(2) receive notice of the final determination of the Secretary.

"(g) INFORMATION RELATING TO PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On request, the Secretary shall present to the appropriate congressional committees information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section.".

(b) APPLICABILITY.—Section 25(c) of the National School Lunch Act (as added by subsection (a)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the date of enactment of this Act.

(c) REPORT ON CONSISTENT DEBARMENT POLICY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and such other officials as the Secretary of Agriculture determines are appropriate, shall advise the appropriate committees of the Congress and the Comptroller General of the United States as to the appropriateness and usefulness of a consistent debarment policy under—

(1) the Federal acquisition regulations issued under title 48, Code of Federal Regulations; and

(2) Federal nonprocurement regulations.

(d) NO REDUCTION IN AUTHORITY TO DEBAR OR SUSPEND A PERSON FROM FEDERAL FINANCIAL AND NONFINANCIAL ASSISTANCE AND BENEFITS.—The authority of the Secretary of Agriculture that exists on the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities, on a government-wide basis, shall not be diminished or reduced by this Act or the amendment made by subsection (a).

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH NUTRITIONAL REQUIREMENTS.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

(1) by striking "(1) Breakfasts served by schools" and inserting "(1)(A) Breakfasts served by schools"; and

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

"(B) The Secretary shall provide technical assistance to those schools participating in the school breakfast program under this section to assist such schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those schools that are having difficulty maintaining compliance with such requirements.".

(b) PROMOTION OF PROGRAM.—Section 4(f)(1) of such Act (42 U.S.C. 1773(f)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraphs:

"(B) In cooperation with State educational agencies, the Secretary shall establish a program to promote the school breakfast program by—

"(i) marketing the program in a manner that expands participation in the program by schools and students; and

"(ii) improving public education and outreach efforts in language appropriate materials that enhance the public image of the program.

"(C) For purposes of this paragraph, the term 'language appropriate materials' means materials using languages other than the English language when those languages are dominant for a large percentage of individuals participating in the program.".

(c) STARTUP COSTS.—

(1) REAUTHORIZATION.—The first sentence of section 4(g)(1) of such Act (42 U.S.C. 1773(g)(1)) is amended by striking "$3,000,000" and all that follows through "1994" and inserting "$5,000,000 for fiscal year 1995 and each succeeding fiscal year".

(2) AMENDMENT TO DEFINITION OF ELIGIBLE SCHOOL.—Section 4(g)(5) of such Act (42 U.S.C. 1773(g)(5)) is amended—

(A) in the matter preceding subparagraph (A), by inserting "and subsection (h)" after "As used in this subsection"; and

(B) in subparagraph (B), by inserting "or expanded" after "established".

(d) EXPANSION OF PROGRAM.—Section 4 of such Act (42 U.S.C. 1773) is amended by adding at the end the following new subsection:

"EXPANSION OF PROGRAMS

"(h)(1) The Secretary may use not more than $1,000,000 of funds made available under subsection (g)(1) for any fiscal year to make payments on a competitive basis to State educational agencies for distribution to eligible schools to assist such schools with expenses incurred in expanding a school breakfast program established under this section. Payments received under this subsection shall be in addition to payments to which State educational agencies are entitled under subsection (b).

"(2) In making payments under this subsection in any fiscal year, the Secretary shall provide a preference to State educational agencies that submit to the Secretary—

"(A) a plan to expand school breakfast programs conducted in the State, including a description of—

"(i) the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs; or

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year; or

"(B) documentation of the need for—

"(i) equipment, including the purchase, replacement, or upgrading of equipment associated with expanding the school breakfast program; or

"(ii) other needs, including a need for temporary personnel, or funds to defray administrative or other costs associated with expanding the school breakfast program.

"(3) Subparagraphs (B) and (C) of subsection (g)(2), and paragraphs (3) through (5) of subsection (g), shall apply to payments made under this subsection.".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) WITHHOLDING OF FUNDS FOR SERIOUS DEFICIENCY IN STATE ADMINISTRATION OF PROGRAMS.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

"(9)(A) If the Secretary determines that a State's administration of any program under this Act (other than section 17) or under the National School Lunch Act, or compliance with regulations issued pursuant to such Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under this section or under sections 13(k)(1) or 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

"(B) Upon a subsequent determination by the Secretary that the administration of any program referred to in subparagraph (A), or compliance with the regulations issued to carry out such programs, is no longer seriously deficient and is operated in an acceptable manner, the Secretary may allocate some or all of the funds withheld under such subparagraph.".

(b) EXTENSION OF AUTHORITY TO PROVIDE FUNDS FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking "1994" and inserting "1998".

(c) PROHIBITION OF FUNDING UNLESS STATE AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Section 7 of such Act (42 U.S.C. 1776) is amended—

(1) by redesignating subsection (h) (as amended by subsection (b)) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in any study or survey of programs authorized under this Act or the National School Lunch Act and conducted by the Secretary.".

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) AMENDMENTS TO DEFINITION OF NUTRITIONAL RISK.—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

(1) in subparagraph (B), by inserting ", such as alcoholism or drug abuse" after "medical conditions"; and

(2) in subparagraph (D), by striking "and migrancy" and inserting "migrancy, and pregnancy".

(b) PROMOTION OF PROGRAM.—Section 17(c) of such Act (42 U.S.C. 1786(c)) is amended by adding at the end the following new paragraph:

"(5) The Secretary shall promote the program by producing and distributing materials, including television and radio public service announcements in English and other appropriate languages, that inform potentially eligible individuals of the benefits and services under the program.".

(c) ELIGIBILITY FOR CERTAIN PREGNANT WOMEN.—Section 17(d)(2) of such Act (42 U.S.C. 1786(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) In the case of a pregnant woman who is otherwise ineligible for participation in the program because the family of such woman is of insufficient size to meet the income eligibility standards of the program, such pregnant woman shall be considered to have satisfied such income eligibility standards if, by increasing the number of individuals in the family of such woman by one individual, such income eligibility standards would be met.".

(d) PRIORITY CONSIDERATION FOR CERTAIN MIGRANT POPULATIONS.—Section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: "and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time".

(e) INCOME ELIGIBILITY GUIDELINES.—Section 17(f)(18) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

"(18) A State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the medicaid program prior to, but not later than, July 1 of each year.".

(f) USE OF RECOVERED PROGRAM FUNDS IN YEAR COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

"(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which such funds are collected for the purpose of carrying out the program.".

(g) EXTENSION OF PROGRAM.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (g)(1), by striking "1991, 1992, 1993, and 1994" and inserting "1995 through 1998";

(2) in subsection (h)(2)(A), by striking "1990, 1991, 1992, 1993 and 1994" and inserting "1995 through 1998"; and

(3) in subsection (m)(10)(A) by striking "$3,000,000 for fiscal year 1992, $6,500,000 for fiscal year 1993, and" and by inserting before the period at the end ", $10,500,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998".

(h) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking "and administration of pilot projects" and inserting "administration of pilot projects"; and

(2) by inserting at the end before the period the following:", and carrying out technical assistance and research evaluation projects of the programs under this section".

(i) BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(1) in subparagraph (A)(i)(II), by striking "$8,000,000," and inserting "the national minimum breastfeeding promotion expenditure, as described in subparagraph (E),"; and

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

"(E) The national minimum breastfeeding promotion expenditure means—

"(i) with respect to fiscal year 1995, the amount that is equal to $21 multiplied by the number of pregnant women and breastfeeding women participating in the program nationwide, based on the average of the last 3 months for which the Secretary has final data; and

"(ii) with respect to each of the fiscal years 1996 through 1998, the amount described in clause (i) adjusted for inflation in accordance with paragraph (1)(B)(ii).".

(j) DEVELOPMENT OF STANDARDS FOR THE COLLECTION OF BREASTFEEDING DATA.—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) in subparagraph (C), by striking the "and" at the end of such subparagraph;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) not later than 1 year after the date of the enactment of this subparagraph, develop uniform requirements for the collection of data regarding incidence and duration of breastfeeding among participants in the program, and upon development of such uniform requirements, require each State agency to report such data for inclusion in the report to Congress described in section 17(d)(4).".

(k) SUBMISSION OF INFORMATION TO THE CONGRESS ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT FORMULA.—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking "at 6-month intervals" and inserting "on a timely basis".

(l) PROHIBITION ON INTEREST LIABILITY TO FEDERAL GOVERNMENT ON REBATE FUNDS.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

"(L) A State will not incur an interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on such funds is used for program purposes.".

(m) USE OF UNSPENT NUTRITION SERVICES AND ADMINISTRATION FUNDS.—Section 17(h) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new paragraph:

"(10)(A) For each of the fiscal years 1995 through 1998, the Secretary shall use for the purposes specified in subparagraph (B), $10,000,000 or the amount of nutrition services and administration funds for the prior fiscal year that have not been obligated, whichever is lesser.

"(B) Funds under subparagraph (A) shall be used for—

"(i) development of infrastructure for the program under this section, including management information systems;

"(ii) special state projects of regional or national significance directed toward improving the services of the program under this section; and

"(iii) special breastfeeding support and promotion projects, including projects to assess the effectiveness of particular breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services.".

(n) LIMITATION ON ELIGIBILITY FOR FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m)(1) of such Act (42 U.S.C. 1786(m)(1)) is amended by striking ", or those who are on the waiting list to receive the assistance,".

(o) EXPANSION OF FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m) of such Act (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (5)(F)—

(A) in clause (i), by striking "15 percent" and inserting "17 percent";

(B) by striking clauses (ii) and (iii); and

(C) by inserting after clause (i) the following new clause:

"(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 3 percent of total program funds for market development if the Secretary determines that the State intends to promote the development of farmers' markets in socially or economically disadvantaged areas or remote rural areas where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables."; and

(2) in paragraph (11)(D), by inserting before the period at the end the following: "or any other agency approved by the chief executive officer of the State".

(p) CONTINUED FUNDING FOR CERTAIN STATES UNDER FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended to read as follows:

"(6)(A) The Secretary shall continue to provide funding to States which participated in the program in the most recent fiscal year as prescribed by subparagraph (B) or as a part of the demonstration program authorized by this subsection in a fiscal year ending before October 1, 1991. After satisfying the requirements of subparagraph (B), the Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 1st of each year.".

(q) ADDITIONAL CONSIDERATION IN PROVIDING FUNDS TO SERVE ADDITIONAL RECIPIENTS IN STATES THAT RECEIVED ASSISTANCE IN THE PRIOR FISCAL YEAR UNDER FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m)(6)(C) of such Act (42 U.S.C. 1786(m)(6)(C)) is amended—

(1) in clause (ii), by striking "and" at the end of such clause;

(2) in clause (iii), by striking the period at the end of such clause and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iv) the number of persons receiving assistance under subsection (c) but not receiving benefits under this subsection.".

(r) PERCENTAGE OF ANNUAL APPROPRIATIONS AVAILABLE TO STATES UNDER FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(1) in clause (i), by striking "45 to 55 percent" and inserting "75 percent"; and

(2) in clause (ii), by striking "45 to 55 percent" and inserting "25 percent".

(s) ELIMINATION OF FUNDING CARRYOVER PROVISION UNDER FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m)(10)(B)(i)(II) of such Act (42 U.S.C. 1786(m)(10)(B)(i)(II)) is amended by striking "or may be retained" and all that follows and inserting a period.

(t) ELIMINATION OF REALLOCATION OF UNEXPENDED FUNDS WITH RESPECT TO DEMONSTRATION PROJECTS UNDER FARMERS' MARKET NUTRITION PROGRAM.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(u) INITIATIVE TO PROVIDE PROGRAM SERVICES AT COMMUNITY AND MIGRANT HEALTH CENTERS.—Section 17 of such Act (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q)(1) The Secretary and the Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretaries') shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers.

"(2) Such initiative shall also include—

"(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

"(B) development and implementation of strategies to ensure that, to the maximum extent feasible, new health care facilities established in medically underserved areas as a result of subsequent Federal health care reform legislation provide supplemental foods and nutrition education under the special supplemental nutrition program.

"(3) Such initiative may include—

"(A) outreach and technical assistance for State and local agencies and such health centers;

"(B) demonstration projects in selected State or local areas; and

"(C) such other activities as the Secretaries find appropriate.

"(4)(A) Not later than April 1, 1995, the Secretaries shall prepare and submit to the Congress an initial report on the actions the Secretaries intend to take to carry out the initiative.

"(B) Not later than July 1, 1996, the Secretaries shall prepare and submit to the Congress an interim report on the actions the Secretaries are taking under the initiative or actions the Secretaries intend to take under the initiative as a result of their experience in implementing the initiative.

"(C) Upon completion of the initiative, the Secretaries shall prepare and submit to the Congress a final report containing an evaluation of the initiative and a plan to further the goals of the initiative.

"(5) As used in this subsection—

"(A) the term 'community health center' has the meaning given such term under section 330 of the Public Health Service Act (42 U.S.C. 254c); and

"(B) the term 'migrant health center' has the meaning given such term under section 329 of the Public Health Service Act (42 U.S.C. 254b).".

(v) CHANGE IN NAME OF PROGRAM.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

"SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN";

(B) in the first sentence of subsection (c)(1), by striking "special supplemental food program" and inserting "special supplemental nutrition program";

(C) in the second sentence of subsection (k)(1), by striking "special supplemental

food program" each place it appears and inserting "special supplemental nutrition program"; and

(D) in subsection (o)(1)(B), by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(2) REFERENCES.—Any reference to the "special supplemental food program" in any provision of law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "special supplemental nutrition program".

SEC. 204. NUTRITION EDUCATION AND TRAINING.

(a) USE OF FUNDS.—Section 19(f)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(f)(1)) is amended—

(1) by striking "(f)(1) The funds" and inserting "(f)(1)(A) The funds";

(2) by striking "for (A) employing" and inserting "for—

"(i) employing";

(3) by redesignating subparagraphs (B) through (I) as clauses (ii) through (ix), respectively;

(4) by indenting the margins of each of clauses (ii) through (ix) (as redesignated by paragraph (3)) as so to align with the margin of clause (i) (as amended by paragraph (2));

(5) by striking "and" at the end of clause (viii);

(6) by redesignating clause (ix) as clause (xvii);

(7) by inserting after clause (viii) the following new clauses:

"(ix) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(x) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children of varying linguistic and cultural backgrounds to practice sound eating habits;

"(xi) developing means of providing nutrition education in language-appropriate materials to children and families of children through after-school programs;

"(xii) training in relation to healthy and nutritious meals;

"(xiii) creating instructional programming, including language-appropriate materials and programming, for teachers, school food service personnel, and parents on the relationships between nutrition and health and the role of the food guide pyramid established by the Secretary;

"(xiv) funding aspects of the Strategic Plan for Nutrition and Education issued by the Secretary;

"(xv) increasing evaluation efforts at the State level regarding needs assessment for nutrition education efforts;

"(xvi) encouraging public service advertisements, including language-appropriate materials and advertisements, to promote healthy eating habits for children; and"; and

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

"(B) For purposes of this paragraph, the term 'language appropriate materials' means materials using languages other than the English language when those languages are dominant for a large percentage of individuals participating in the program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(a)) is amended by striking "nutrition education and information programs" and all that follows and inserting "nutrition education and information programs $10,000,000 for fiscal year 1995 and each succeeding fiscal year.".

(c) AVAILABILITY OF FUNDS.—Section 19(i) of such Act (42 U.S.C. 1788(i)) is amended—

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

(2) by adding a new paragraph (3) to read as follows:

"(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal year succeeding the fiscal year in which such funds were received by the State.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM INTO COMPREHENSIVE MEAL PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall, not later than 1 year after the date of the enactment of this Act, develop and implement regulations to consolidate the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) into a comprehensive meal program.

(b) REQUIREMENTS.—In establishing such comprehensive meal program under subsection (a), the Secretary shall meet the following requirements:

(1) The Secretary shall ensure that the program continues to serve children who are eligible for free and reduced price meals. Such meals shall meet the nutritional requirements under section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) and under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).

(2) The Secretary shall continue to make breakfast assistance payments in accordance with section 4 of the Child Nutrition Act of 1966 and food assistance payments in accordance with the National School Lunch Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Prior to implementing the regulations described in subsection (a), the Secretary shall submit to the Congress a report containing a plan for the consolidation and simplification of the school lunch program and the school breakfast program.

(2) REPORTS WITH RESPECT TO CHANGE IN PAYMENT AMOUNTS.—If the Secretary proposes to change the amount of the breakfast assistance payment or the food assistance payment under the comprehensive meal program, the Secretary shall prepare and submit to the Congress a report containing recommendations for legislation to effect such change.

SEC. 302. STUDY AND REPORT RELATING TO USE OF PRIVATE FOOD ESTABLISHMENTS AND CATERERS UNDER SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM.

(a) STUDY.—The Comptroller General of the United States, in conjunction with the Director of the Office of Technology Assessment, shall conduct a study on the use of private food establishments and caterers, including fast food and other restaurants, by schools that participate in the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773). In conducting such study, the Comptroller General of the United States shall—

(1) examine the extent, manner, and terms under which such private food establishments and caterers supply meals and food to students and schools that participate in the school lunch program or the school breakfast program;

(2) determine the nutritional profile of all foods provided by such establishments and caterers to students during school hours; and

(3) evaluate the impact that the services provided by such establishments and caterers have on the ability of local child nutrition programs to operate nutritionally sound and cost-effective programs and the ability of such establishments and caterers to utilize the commodities under section 14 of the National School Lunch Act (42 U.S.C. 1762a).

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

SEC. 303. REPORT RELATING TO UNIFIED ACCOUNTABILITY SYSTEM UNDER NATIONAL SCHOOL LUNCH ACT.

The Comptroller General of the United States shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes—

(1) the status of the unified accountability system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

SEC. 304. AMENDMENT TO COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987.

Section 3(h)(3) of the Commodity Distribution Reform Act and WIC Amendments of 1987 is amended by striking "Hawaii,".

SEC. 305. STUDY OF THE EFFECT OF COMBINING FEDERALLY DONATED AND FEDERALLY INSPECTED MEAT OR POULTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the incidence and the effect of States restricting or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry with federally donated and federally inspected meat or poultry from another State.

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

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

Mr. Speaker, H.R. 8, the Healthy Meals for Healthy Americans Act of 1994, provides for the reauthorization of expiring programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966.

H.R. 8 represents a strong bipartisan effort, and the cooperation of two committees, to more effectively provide nutritious meals to America's youth.

I am very pleased with the results we have achieved and believe that the changes proposed in this bill reflect what we all know to be true—that if we are to attain this country's educational, economic, and social goals—we must have well-nourished children.

Last fall the President signed Goals 2000 into law to help reform education.

In the next few months, Congress will vote on health care reform.

The child nutrition reauthorization is essential to the success of these efforts because hungry children cannot learn, and good nutrition is the first defense against disease.

To help ensure that our children are well fed, this bill: Reauthorizes for 4 additional years the special supplemental food program for women, infants, and children [WIC], one of the most cost-effective Federal programs in operation; extends the summer food service program; permanently authorizes the homeless preschoolers nutrition program, the breakfast start-up program, and the nutrition education and training program; provides the Secretary broad waiver authority to improve program administration; authorizes pilots designed to examine more effective ways of feeding children; provides for strong debarment requirements in the case of fraud; and makes Head Start children and preschool Even Start participants automatically eligible for participation in the child and adult care food program.

The bill also includes provisions designed to reduce paperwork, encourage continued improvement of the nutritional quality of the meals, and provide local flexibility.

An additional provision of the bill ensures that the level of commodities provided to the schools will not fall below 12 percent of the total assistance.

If additional commodity purchases need to be made to maintain this level, the Secretary has the authority to transfer funds from section 32 and other sources, but this commodity level will not be maintained by reducing cash reimbursements under section 4 or section 11 of the National School Lunch Act.

I urge my colleagues to join me supporting the Healthy Meals for Healthy Americans Act of 1994.

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

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

Mr. Speaker, I rise in support of H.R. 8 as reported by the House committee, although I have some reservations which are reflected in our alternate views.

I would like to begin by thanking the chairman, the gentleman from Michigan [Mr. FORD], and the chairman, the gentleman from Michigan [Mr. KILDEE], and their staffs for working with us to reach a bipartisan agreement which incorporates many of the ideas set forth by Members on my side of the aisle and keeps within spending limits set forth in the 1995 budget. I would like to thank our colleagues on the Committee on Agriculture for working with us to iron out a number of differences on a number of issues of joint jurisdiction. I certainly want to thank the staffs on both sides.

I do not believe there are any more noneducation programs which are as closely related to the education of our Nation's children as the programs before us today. Ever since I started my career as an educator, it was evident those children who ate well performed better in school, and those that were hungry concentrated on an empty stomach rather than on the subject material before them.

I am particularly pleased that H.R. 8 includes language making permanent the current cash-CLOC demonstration sites. As you are aware, there are 60 school districts, part of a program to test alternatives to the current commodity system, and even though the commodity system has been improved, it still has a long way to go. Of course, therefore, I believe 60 districts should be permitted to continue to operate alternative systems.

I might add that the CLOC gives both the Agriculture Department and the school districts the best of all worlds, because it gives the Ag Department the opportunity to determine what it is the local district can buy in lieu of the commodities that would be sent in to them and at the same time allows that local school district to buy locally where they can get things better prepared, fresh, ready to use, and things they will use because of the kind of people that they are serving.

The WIC Program has helped ensure children are born healthy and free from nutrition-related disabilities. As such, WIC helps reduce and often eliminates future Medicaid and education costs for participating children.

We have also improved the farmer's market basket in the WIC Program and also pushing fresh fruits and vegetables for them to use rather than what they might buy otherwise.

There has been a lot of discussion about reducing fat and sodium in the child nutrition programs and increasing the numbers of fresh fruits and vegetables. We have heard a number of complaints about the quality of fresh fruits and vegetables provided under the current commodity distribution. As a result, we worked with the Committee on Agriculture to construct a provision which can provide schools with the best of both worlds; first, it permits them to refuse to accept fresh fruits and vegetables through the commodity distribution program. They can use that money to buy an equal amount of other commodities or receive an equal amount of other commodities and at the same time require them not to reduce the amount of fresh fruit and vegetables that they will be serving.

We have included some legislation that will help Even Start youngsters who are participating in these programs. There are several others. There is one area that my side, of course, objects to. We objected in committee. We will continue to object to it, and that is the whole concept of a universal lunch. If 30 percent of the people qualify in the school district, everybody would be subject to a free lunch. Well, we do not have any money to do that. Therefore, it says in there that that is subject to appropriations. I would hope that the Committee on Appropriations could not find money to spend on those who can afford to pay for their own meals.

Mr. Speaker, I rise in support of H.R. 8 as reported by the House Committee on Education and Labor. This legislation provides for changes in and reauthorizes our Nation's child nutrition programs.

I would like to begin by thanking Chairman FORD and Chairman KILDEE and their staff for working with us to reach a bipartisan agreement which incorporates many of the ideas set forth by Republican members of the Education and Labor Committee and keeps within the spending limits set forth in the 1995 budget. I would also like to thank our colleagues on the Committee on Agriculture for working with us to iron out our differences on a number of issues of joint jurisdiction.

I do not believe there are many other noneducation programs which are as closely related to the education of our Nation's children as the programs before us today. Ever since I started my career as an educator, it was evident that those children who ate well performed better in school. Those children who came to school hungry and were not provided with nutritious meals, did not have the energy or the attention span necessary to do well in school. They were tired and were preoccupied with their need to find something to eat. The school lunch and breakfast programs have certainly contributed to the educational achievement of our Nation's students.

I am particularly pleased that H.R. 8 includes language making permanent the current cash-CLOC demonstration sites. As you may be aware, these 60 school districts were part of a program to test alternatives to the current commodity system at a time when it was in dire need of reform. While there have been major changes to the current commodity program, these districts still prefer operating their alternative projects. As the representative from a largely rural agriculture district, I am certainly supportive of continuing to provide commodities to schools. Not only does the current commodity system assist in providing children with nutritious meals, it assists in eliminating surplus agriculture products from the marketplace and maintaining stable, affordable food prices for all citizens.

However, schools participating in the cash-CLOC projects are not equipped to participate in the current commodity system nor do they believe that enough changes have been made

to make it an acceptable alternative to cash-CLOC. I believe, therefore, that they should be permitted to continue to operate alternative systems. At the same time, I believe that we should continue to improve the current program and address such continuing problems as the timing of delivery, quantity of commodities received, as well as storage and processing costs for the benefit of the majority of schools participating in the current program. To this end, I am more than willing to work with my colleagues on the Committee on Agriculture toward making necessary improvements in the current system.

The WIC Program has helped ensure that children are born healthy and free from nutrition-related disabilities. As such, WIC helps reduce—and often eliminate—future Medicaid and education costs for participating children. I am, of course, pleased that we have strengthened the WIC Program and provided for its continued growth. In addition, I believe we have made important improvements to the WIC's Farmer's Market Program, which benefits both WIC participants and the agriculture community. It has been shown that individuals who receive coupons through the WIC Program to use at farmers' markets, increase their overall purchase of fruits and vegetables and return to acquire additional items with their own dollars.

Mr. Speaker, there has been a lot of discussion about reducing fat and sodium in the child nutrition programs and increasing the number of fresh fruits and vegetables consumed by students. Unfortunately, we heard a number of complaints about the quality of fresh fruits and vegetables provided to schools under the current Commodity Distribution System. As a result, we have worked with the Committee on Agriculture to come up with a provision which can provide schools with the best of both worlds. First, it permits them to refuse to accept fresh fruits and vegetables through the Commodity Distribution Program. Instead, they will be eligible to receive an equal dollar amount of any other commodity offered through the Commodity Distribution System. However, in order to ensure that schools do not reduce the number of fresh fruits and vegetables available to students, they will be required to use an equal amount of their cash reimbursements to purchase fresh fruits and vegetables elsewhere. This provision will allow them to purchase fresh fruits and vegetables locally in amounts which they can use within a reasonable amount of time to ensure freshness.

I am also very pleased that this particular piece of legislation includes provisions of my bill dealing with the problem of fraud, bid-rigging, and other anticompetitive practices in the procurement of goods for the child nutrition programs. I have been very concerned about allowing companies which engage in fraud and anticompetitive activities in providing products for the child nutrition programs to profit from their illegal activities at the expense of parents, schools, and taxpayers. I believe that requiring the initiation of debarment proceedings in certain circumstances and the imposition of set mandatory periods of debarment will serve to deter this type of behavior in the future, and in turn, will save millions of dollars for these very special programs.

Another provision contained in H.R. 8 would extend automatic eligibility for the Child and Adult Care Food Program to children participating in the Even Start Program. The median income of families participating in this successful family literacy program is well under $10,000, with only 7 percent of participants reporting income over $20,000. This provision will allow them to participate in the Child Care Food Program without filling out additional paperwork and undergoing an additional income test to determine their eligibility.

Mr. Speaker, this is important legislation. H.R. 8 provides for the nutritional needs of pregnant women and their children, children in child care, children attending elementary and secondary schools, as well as homeless children. It is worthy of the support of each and every Member of the House of Representatives.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in reluctant support of this legislation. I certainly understand and appreciate the importance of these nutrition programs. However, I am deeply concerned that this legislation does not go far enough in addressing the potential for fraud and abuse in the WIC Program.

As my colleagues know, we have in recent years consistently increased both the authorization and appropriation for the WIC Program, and have recognized the importance of providing nutritional assistance to pregnant and postpartum women, and their infants and children.

I am concerned, however, that as we have increased this funding, we have not been doing all that we can to root out fraud or abuse in the WIC Program.

This was brought to my attention recently, when an employee of a beauty salon in New Jersey related to me a conversation she had with a customer who was concerned that her WIC benefits had not come in yet. This woman was having her nails done at the time, and paying in cash $50 for a nail wrap.

Now I do not know about you, but I know something is wrong with this system when mothers participating in WIC are paying in cash $50 for a manicure.

Under current law, and this bill, WIC participants must meet income criteria to participate in this program: it is my understanding that the vast majority of States use an income cut-off of 185 percent of poverty for participation in WIC.

However, a 1991 study by the Quality Planning Corp. raised a disturbing question in my mind, and indicated that some States and local agencies were not doing all that they could to ensure that this income cut-off was being adequately enforced.

For example, 16 percent of State agencies requested documentation of stated income from WIC applicants, but did not require that information to be furnished. Twenty percent of State agencies neither requested nor required documentation of income, and accepted the figure an applicant provided without any means of verification. Thus, more than one-third of State agencies were not requiring applicants to back up or provide documentation as to the income they reported for participation.

I would note also that such documentation need not present any particular burden: This could be done by providing a tax return; a pay stub; documentation of unemployment benefits; or evidence of Medicaid, food stamp, or AFDC participation.

At a minimum we should be requiring all States to obtain this documentation of income. In fact, this is an issue I raised during committee consideration of the WIC provisions in the President's health care bill. Moreover, on several occasions I have raised this question, and asked that the committee include an independent GAO analysis of these issues, and an assessment of fraud and abuse in the WIC Program. But to date, I have had no commitment from the majority on this.

As we increase funding for the WIC Program, and move toward full funding under the President's health care bill, I would think that my colleagues would take action on this issue, and make an effort to root out waste, fraud, and abuse in these programs.

While many of my colleagues will pay lip service to welfare reform, I would say that welfare reform should begin here and now.

Clearly we must do better in ensuring the WIC Program delivers its much needed benefits to those who truly need them—and not those who would game the system because of lax State and Federal regulation.

As this legislation moves forward, I will be working to ensure that adequate protections from waste, fraud, and abuse are adopted for the WIC and other programs, and I encourage my colleagues to join me in this effort.

□ 1340

Mr. Speaker, I did speak with the chairman of the subcommittee earlier, and I believe there is more understanding on the issue at hand, and I am sorry that the gentleman and I could not have conferred directly prior to floor consideration. But it is my understanding, and I would like to ask the chairman now: Is my understanding that there is agreement as to a request for a GAO study on this very issue?

Mr. KILDEE. Mr. Speaker, I yield 1 additional minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. Speaker, in response to the gentlewoman, yes, I will be very happy to join with her in asking for an updated verification of data from the GAO. The last one, about 10 years old, showed about a 5-percent error rate. I will be most happy to join with the gentlewoman from New Jersey in asking for a GAO update on that data.

Mrs. ROUKEMA. I think that is very important as we move toward more expanded funding. Hopefully, at some point in the future it is an entitlement, and an even greater expansion of the program. I think we have to be absolutely certain that while we talk about welfare reform in the abstract, that we recognize here is a real live situation and we should be moving, at the inception of the program, to assure verification through the States.

Mr. Speaker, I thank the chairman for his cooperation.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM], a member of the committee.

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

Mr. Speaker, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE]. Members may ask themselves what is DUKE CUNNINGHAM doing supporting a social program? Mr. Speaker, when a social program has positive economic benefits—and we all know that most of our welfare social programs need to be eliminated—but this one is not in that category. I am not only a supporter but a cosponsor of H.R. 8, Healthy Meals for Healthy Americans Act. The reauthorization of H.R. 8 in the Committee on Education and Labor made great strides improving the flexibility, increasing program access by children.

Mr. Speaker, if we want and expect children to perform better in school, we must make sure the children have the capacity to fully benefit from their education. I would ask the speaker: With your own children at home, if your kids are hungry, how much control do you have over them, or how much do they learn?

The same is true with our teachers in the schools: A healthy child does learn better.

It also relates to children's achievement. In some cases, we have up to 47 percent of our kids who lose or drop out of school by the time they are in high school. Healthy kids who learn better, to me that is economically sound. H.R. 1, I am particularly pleased to see increased flexibility in provision 3, allowing schools the option to provide school lunches to all students if they work within that school's previous year budget. Most of us are opposed to the fact that if 30 percent or more qualify for the program, that we include the whole school. That is wrong. That is not economically sound.

But if they operate within the budget and do this, through paperwork—and I have a good example, this is not a test but it has been proven in four different schools, one of those being in south San Diego. The four schools that participated in the paperwork reduction pilot program under the National School Lunch Act have experienced a high rate of success in reducing the stigma of serving nutritious meals to more children while reducing the paperwork and the cost of the program.

One of these pilot programs is the national school district in San Diego. I invited Helen Kerrian, director of the child nutrition, to testify before the committee on her program. It was a resounding success. Up to 75 percent of those children in the national city school district qualify for reduced-price meals. Through this program, students receive nutrition, education, and they make certain that no child goes hungry. These programs have made great strides, and I am pleased that after conversations with USDA we have been assured that a continuance of these pilot programs will exist.

What we do is we run a pilot program and, before we go national, we make sure it is cost effective. I reiterate, when it is economically sound, a social program should be supported.

Included in the legislation is a reauthorization of the Women, Infants and Children's Program, called WIC.

Mr. Speaker, this program, Women, Infants and Children, is targeted to low-income pregnant women, infants and children under the age of 5 who are at nutritional risk. If you have a child who is at nutritional risk, that child is not going to do well in school. The chances are they are going to drop out of school. If they drop out of school, they are going to get a low-income-paying job, end up on welfare, unemployment, workman's comp, or at best, end up in a ghetto, involved in crime.

So it is cost-effective if we look beyond the end of our nose.

Numerous studies have demonstrated that WIC is cost beneficial. GAO reports that up to $3.50 in Medicaid funds are saved for each dollar spent in WIC. Let me repeat: $3.50 in Medicaid funds are saved for every dollar that we spend in WIC. That is economical, that is a conservative position, and I would ask my conservative friends to support H.R. 8.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. JOHNSON].

Mr. SAM JOHNSON of Texas. I thank the gentleman from Michigan for yielding this time to me.

You all are too kind.

Mr. Speaker, besides what the gentlewoman from New Jersey was talking about earlier on WIC, I think that the child who has the ability to pay for lunches, there is absolutely no justification to provide free meals to those kids. The way this reads is that if 30 percent of the school children are receiving free meals, the whole school gets free meals, meaning that we provide free meals to everyone, paid for by the Government. Any time you accommodate a group universally whether they need it or not, it is socialism. I do not think this House wants to support that kind of a thing even though it is in an authorization bill and you say it is not going to be appropriated. I think it is time we started authorizing what we really intend.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of the amended version of H.R. 8, the Healthy Meals for Healthy Americans Act, that is being considered by the House today. The Committee on Agriculture received sequential referral of the legislation reported by the Committee on Education and Labor.

This legislation reauthorizes funding for several of our Nation's most vital and successful nutrition programs. It also makes a number of improvements and increases flexibility in the way the Federal Government operates the School Breakfast and School Lunch Programs and the WIC Program, including the Farmers' Market Nutrition Program.

One of the areas of particular interest to the Committee on Agriculture is the distribution of agricultural commodities in the School Lunch Program.

During its consideration of the legislation, the Committee on Agriculture kept foremost in mind that the Commodity Distribution Program has two primary objectives. No. 1, it seeks to safeguard the health and well-being of our Nation's children. No. 2, and equally important, it seeks to support agriculture by encouraging the domestic consumption of nutritious agricultural commodities.

The agreement worked out between the Committee on Agriculture and the Committee on Education and Labor on these issues has been included in the committee amendment. These changes are as follows:

The amendment requires that at least 12 percent of Federal assistance provided under the School Lunch Program must be in the form of "entitlement commodities."

The amendment permits schools to refuse fresh fruits and vegetables provided through the Commodity Distribution Program and, instead, choose some other entitlement commodity, if they agree to purchase produce in their local markets that are equal in value to those provided in the Federal program. Furthermore, those cash purchases must be in addition to the fresh produce they would otherwise purchase.

The amendment makes permanent the current demonstration program where 60 sites around the country can use their commodity assistance in an alternative form, either cash or as a commodity letter of credit.

Mr. Speaker, I want to express my appreciation to Chairman FORD of the

Committee on Education and Labor and to the other gentleman from Michigan, Representative KILDEE, who chairs the Subcommittee on Elementary, Secondary, and Vocational Education, for their willingness to listen to our concerns. I also appreciate the cooperation of the gentleman from Pennsylvania [Mr. GOODLING], the committee's ranking minority member, in helping us arrive at this agreement on H.R. 8.

Mr. Speaker, I also want to make clear that the Committee on Agriculture will be vigilant in its oversight of the Commodity Distribution Program. It is my hope that the Department of Agriculture, the schools, and commodity producers will work together to improve this program and make it as user friendly for schools as possible.

I would like to mention that the Department has formed a USDA Commodity Improvement Council, which includes the Food and Nutrition Service, the Agricultural Marketing Service, and the Agricultural Stabilization and Conservation Service. This Council will seek to improve not only the nutritional quality of the commodities provided to the School Lunch Program but also the form of the commodities, and the distribution, transportation, and storage system for these commodities.

Mr. Speaker, I also want to inform my colleagues that USDA intends to establish a demonstration project with the Department of Defense for the purchase and distribution of fresh fruits and vegetables used in the School Lunch Program.

As Members' may know, the Defense Department has in place its own food purchasing and distribution system for military and veterans installations around the country. This system allows the Defense Department to guarantee delivery on a date certain and provide a wide variety of produce purchased at low cost. The Committee on Agriculture has encouraged the Secretary of Agriculture to continue exploring this and other innovative methods of commodity delivery, and we look forward to receiving a report from the Secretary upon completion of this demonstration project.

□ 1350

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker and Members, I rise in support of the bill in front of us. I think it is important that we reauthorize our children nutrition programs. I will say the greatest scandal in the nutrition programs in America today is that only 45 percent of the kids in our schools participate in school lunches. We all ought to be a little bit alarmed that we have a program that is meant to provide nutrition for these children and yet they find the programs sufficiently unappealing that they are unwilling to participate, and they are willing to take that can of soda and a candy bar in exchange for or in lieu of a school lunch. That is the problem we ought to be dealing with much more than we are both here in the Congress and at the Department.

I want to take a little bit of time, Mr. Speaker, to deal with a second misunderstood issue about child nutrition, and that is the issue of school milk, particularly the whole milk issue. We have all heard more about that issue that I suspect we want to, but let me make it clear that present policy does not mandate the drinking of whole milk despite what some people have suggested. However, Mr. Speaker, in politics, because perception is reality, I think the committee has properly come up with language which changes that perception.

Let me read for my colleagues the language in the new bill:

> Lunches served by schools participating in the School Lunch Program shall offer students whole milk and shall offer students a variety of fluid milk consistent with prior year demonstrated preferences unless the prior year preference for any such variety is less than 1 percent of the total milk consumed.

Mr. Speaker, it is the intent of this language to deal with the reality that we all want to offer students a choice based on their own bodily needs and their personal tastes. Yet we have recognized that the problem in the past is that if we did not—in some way, shape, or form—mandate that we reject those desires, that when schools went out and bid for their milk contracts for the upcoming school year that the bids would always come in with all 1-percent or low-fat milk despite what the students wanted, and the school board, required to take the lowest bid, would have no choice.

So, what we do in this language is we make it very clear: Students have every right to choose whatever type of milk they would like to consume. The schools should base their annual contracts on the previous year's consumption, whether it be whole milk, whether it be 2 percent, 1 percent, whether it be white milk, or chocolate milk, or other flavored milk, et cetera. However, if in any of those categories the consumption is below 1 percent, the school has no obligation to continue that particular option.

Now this is not meant to be—and we state it very specifically in the report language—that this should not in any way, shape, or form be meant to increase paperwork on these overburdened local school dietitians that they face today, but rather it should be a way of making clear to everyone that all we have ever wanted and all we will gain under this is the same choice we have always believed every student ought to have.

Mr. Speaker, I would like to thank Chairman FORD, Chairman KILDEE, and the ranking minority member, BILL GOODLING, for their leadership in crafting bipartisan legislation. This reauthorization has addressed widespread concerns with the National School Lunch Program and lays a strong groundwork for bringing the School Lunch Program into the 21st century. I believe we have incorporated many reform suggestions from school food service personnel and administrators, WIC directors, and food and agriculture industry leaders.

The reauthorization of the National School Lunch Program has focused substantially on the nutritional content of school meals. It is a complex endeavor to try to fashion a flexible framework for nutrition standards when this program reaches across so many social, cultural, economic, and regional lines. One problem, though, which continues to persist is calcium deficiencies among school-aged children, especially girls. The fact is, Mr. Speaker, that only 10 percent of girls between the ages of 12 and 17 are getting their minimum daily requirement of calcium, the nutrient so important in preventing osteoporosis and hypertension. Dairy foods are responsible for 75 percent of the calcium and 35 percent of the riboflavin consumed daily by school children.

The consumption of dairy foods and their importance in combating mineral and nutrient deficiencies brings me to a point—a very misunderstood issue—debated on this floor before: whole milk. Current law states that, "Schools shall offer fluid whole and unflavored lowfat milk." Many well-intentioned people have sought the elimination of whole milk as a way to decrease fat levels in school meals. Although I agree we need to decrease fat levels, whole milk has become the scapegoat. On an average, only 22 percent of the saturated fat in a young child's daily diet comes from dairy products. That figure decreases as the child gets older. In fact, when compared to potato chips, french fries, tater tots, cookies, and cake, milk's contribution to saturated fat in children's diets is minimal.

And so, a compromise was reached during full committee markup of this legislation to modify the offering of varieties of milk. The statute has been amended to simply require schools to offer students fluid milk based on the student's preferences in the prior year, the concession being that a school does not have to offer a variety of milk that less than 1 percent of the students drink. I believe the compromise on whole milk stakes out reasonable middle ground which gives schools flexibility and students maximum choice.

First, the language included in this legislation simply asks schools to make available the varieties of milk the students will drink, thereby diffusing the argument that the Federal Government is imposing milk mandates. Second, we are ensuring that students will continue to have access to the variety of milk they want, because schools must bid and offer milk according to consumer preference. Without some type of Federal guidance with regard to the types of milk offered in the School Lunch Program, schools could bid and purchase milk on the basis of lowest price alone, which does not ensure that children will have choices available to them, thus creating the possibility of lower milk consumption.

I would like to touch briefly on the issue of participation in child nutrition programs. In my State of Wisconsin, in 1993, only 45 percent of total student enrollment participated in the School Lunch Program. This is especially disturbing since many low-income children depend on school lunch and breakfast as their only source of nourishment during the day. Efforts to decrease fat, as I have said, are necessary. But let us not inadvertently decrease participation even further by offering a school tray which contains nothing familiar to or liked by kids.

And finally, I would like to commend my colleague, BILL GOODLING, for his efforts to increase the offerings of fresh fruits and vegetables in school feeding programs. The Agriculture Committee, at a hearing on the use of agricultural commodities in school feeding programs, heard testimony about the commodity distribution system's failure, in some instances, to meet schools' needs for fresh fruits and vegetables. Mr. GOODLING has worked diligently with the members of the Agriculture Committee, myself included, to work out a reasonable solution addressing the quality and continuation of USDA commodities.

I am pleased that this legislation includes language which would permit schools to decline the receipt of fresh fruits and vegetables from the Commodity Distribution System. Instead, they will be eligible to receive an equal dollar amount of any other commodity offered through the commodity system while using cash to purchase fresh fruits and vegetables. Also, the continued level of commodity support in the School Lunch Program is guaranteed by requiring that at least 12 percent of the Federal assistance provided to the School Lunch Program will be in the form of commodities. I believe this compromise respects both the essential role commodities play in school feeding programs while affording maximum flexibility to school personnel.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 8, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to point out that in committee the gentleman from Ohio [Mr. BOEHNER] offered a very sensible amendment. We thought that it would be taken care of; unfortunately it was not. So, what we have included is a study. The Comptroller General of the United States should conduct a study on the incidence and effects of States restricting or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry of federally donated and federally affected meat or poultry from another State, and the report, not later than September 1 of 1996. The Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection A.

Mr. Speaker, that is how we ironed out that problem at the present time.

Mr. KLECZKA. Mr. Speaker, I rise today in support of the bill H.R. 8, and to let my colleagues know of a situation which has concerned me and my constituents. The situation is fraud and abuse of the WIC Program.

As we all know, the Special Supplemental Food Program for Women, Infants, and Children—popularly called WIC—provides infant formula and other foods to low-income women and children who are at proven nutritional risk. The program is a successful one. The committee itself has stated that WIC decreases the incidence of very low birth weight by 44 percent and lowers the occurrence of later fetal deaths by up to one-third. the fiscal benefits of WIC are telling as well. Every $1 spent on a pregnant woman under WIC saves up to $4.21 in Medicaid costs for newborns and mothers.

Unfortunately, we are losing money day after day because of fraud and abuse in this laudable program. My constituents in Wisconsin report of vendors offering free beer and cigarettes contingent upon the redemption of a WIC check. Many of these vendors then charge inflated prices on WIC-approved items in order to cover the costs of the give-aways. These low-income folks get caught in the middle.

In fact, a recent report by the Wisconsin Legislative Audit Bureau showed that the average price for a gallon of milk in south central Milwaukee, which makes up a portion of my district, was $3.02 while the statewide average was $2.52. Evidently, these stores are charging extravagant prices so that they can use the excess profits to pay for the beer and cigarettes they give away. I am sure we can all agree that this is not nutritionally sound, and certainly not what we intended for the WIC Program.

While the State of Wisconsin, and many other States around the country, have taken steps to rid the program of fraud and abuse, it is not easy. We must do what we can to help them. Rules to eliminate abusive and fraudulent vendors should be strengthened; free-item promotions directed at WIC participants should be prohibited; State criminal and civil penalties for vendors convicted of WIC Program fraud and abuse should be created; and the number of vendors authorized to accept WIC food drafts should be limited so that enforcement efforts are more effective. And, we should consider enhancing WIC delivery through electronic means.

Mr. Speaker, we are letting valuable taxpayer dollars slip through our hands. This is a problem that deserves our attention and energies.

Ms. SHEPHERD. Mr. Speaker, with 1 in 4 children in this country born into poverty, hunger is a very real and daily problem for millions of American families. In Utah, it is estimated that 1 in 9 children under the age of 12 regularly go to bed hungry. The school lunch and breakfast programs were created in recognition of the simple fact that hungry children cannot learn. Unfortunately, because the programs have been regarded more as welfare programs than nutrition programs, they have become bogged down in eligibility rules at the expense of providing meals to children who otherwise go hungry.

The administrative burden of providing eligibility is turning more and more schools away from participating in the program and the stigma associated with participating in a welfare program turns many eligible families away. The losers are the children who go without. When participation in Salt Lake schools dropped off, school officials realized that children who were in the reduced price category did not eat. The main reason: Their families could not afford it. To target this problem the school district waived the reduced charge for lunch and breakfast and picked up the additional costs themselves. This change has vastly increased participation in the school lunch and breakfast programs in Salt Lake and has refocused the program on the important goal of providing children with the healthy meals they need to learn.

The Healthy Meals for Healthy Americans Act includes a pilot program that would encourage such innovations in school meals programs in our Nations poorest schools where free meals are needed most. The Salt Lake example shows that by focusing on the true goal of the programs—providing children with a healthy meal—we can provide children with nutritious options for meals and snacks at little to no extra cost.

I commend my colleague, Representative MILLER, for his work on this important program. While some may argue the cost is too high. I say the cost of hungry children is far higher. I urge your support.

Mr. MILLER of California. Mr. Speaker, today I listened as colleagues on the other side of the aisle attacked the universal school meal pilot included in the Healthy Meals for Healthy Americans Act. I would like to clarify for the opponents of this measure what it is we seek to achieve with its implementation.

The universal pilot is a critical step toward ensuring that our investment in our children's education is not wasted. It is counterproductive for Federal and State governments to commit substantial public resources in teachers and books if the children they are intended to teach cannot pay attention because their parents did not have the time and/or money to provide them an adequate breakfast and lunch. It is in our best interest to protect our sizable investment in education by ensuring that all our children, regardless of their parent's income, receive adequate meals in school.

Much has been said today concerning the cost of moving from this pilot to full implementation of a universal school meal program. I assure my colleagues that during the course of the pilot, I intend to look into alternative payment structures that will decrease the cost burden of full implementation on the Federal budget. One such alternative being explored is to use the resources of the Internal Revenue Service. Under such a structure, all students would eat breakfast and lunch without payment at school; payment rates based on income would be recouped from parents by the IRS at the end of the year. This would allow schools to realize the benefits of a universal system without imposing a substantial cost on the Federal Government.

Let us not forget the benefits of the paperwork reduction pilots that we have extolled here today. The universal pilot takes these

projects and expands their benefits one step further. It allows us to explore how a universal school meals program would affect school districts in a variety of settings across the country. In addition to preparing our students to learn, a universal system could provide significant help in fighting childhood hunger, allow schools to reallocate resources from paperwork, provide an incentive for students to stay in school, and promote participation by students by eliminating the income identification stigma.

The reports to be issued by the pilot schools will examine these and other important factors for proper evaluation of the costs and benefits of the program. From this, the Education and Labor Committee will be able to judge the value of a nationwide universal system.

Mr. Speaker, time and time again, I hear my colleagues speak of our children as our greatest asset and how we must protect them to protect our Nation's future. I commend this body for taking a significant step toward exploring a program that could do just that. I commend this body for authorizing the Universal School Meals Pilot Program.

Mr. SYNAR. Mr. Speaker, I would like to raise and extend my remarks. I would like to thank the chairman for recognition. It is my understanding that in the Senate companion bill, S. 1614, there is a provision which would remove the urban area restriction from the current definition of reservation is the U.S. Department of Agriculture's Food Distribution Program. Because Oklahoma tribes are not on traditional reservations, this restriction places an undue hardship on low-income native American families living in urban areas of Oklahoma. It is my understanding that the Senate provision is not controversial, and that CBO has rated this at a no score, with no increase in cost to the Food Stamp Act. Unfortunately, the House was unable to consider this provision, and I would like to urge my colleague, Mr. DE LA GARZA, to consider this provision in conference. Thank you for the time.

Mr. McKEON. I rise in support of H.R. 8, reauthorizing and strengthening our Nation's child nutrition programs.

During hearings held by the Subcommittee on Elementary, Secondary and Vocational Education, one of the witnesses pointed out that over 50 percent of the paperwork completed by schools for the Federal Government involves child nutrition programs such as the National School Lunch Program and the school breakfast programs. In other words, school food service staff are spending more time on paperwork than providing nutritious meals to children.

There are a number of provisions in this legislation which addressed this problem, including a section allowing schools to request waivers from requirements of the school lunch and breakfast programs.

In addition, I was able to include several additional provisions which will help reduce the paperwork burden. For instance, one new provision allows for State authorities to approve an agency's monthly inventories, purchases, and serving records as an adequate audit trail. This audit trail must demonstrate that sufficient food stuffs have been purchased to meet the nutritional requirements of the meals served. Under current regulations, even where clear records and an audit trail exist, additional forms must be filled out in a prescribed format. This section will allow the State agency to use regulatory compliance as a measure of the adequacy of the records being kept, thereby providing recordkeeping flexibility.

This will greatly benefit my State of California, where these records for one year would stack a mile and a half high.

Mr. Speaker, I commend my colleagues for reporting a bill which will help reduce paperwork in our Nation's schools and thank Mr. Richard Deburgh of Granada Hills, CA, for bringing this matter to my attention.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 8, the Healthy Meals for Healthy Americans Act of 1994.

H.R. 8 contains the reauthorization of programs and projects included in the National School Lunch Act and the Child Nutrition Act of 1966.

The legislation reauthorizes several child nutrition programs or projects which will expire at the end of fiscal year 1994. These expiring programs include the Summer Food Service Program, the Commodity Distribution Program, nutrition education and training, State administrative expenses, the School Breakfast Startup Grant Program; the Special Supplemental Nutrition Program for Women, Infants, and Children [WIC]; the authority for the continuation of alternative Cash/CLOC commodities, and the authorization of funding for the Food Service Management Institute. The school lunch, school breakfast, child and adult care food, and special milk programs are permanently authorized.

The Summer Food Service Program authorized under section 13 of the National School Lunch Act, provides funds for food service for needy children during summer vacation. Service institutions eligible to participate in this program are limited to those serving children from areas in which poor economic conditions exist. H.R. 8 establishes priorities for selecting summer food sponsors and also eliminates the 1-year waiting period for organizations that want to operate programs.

The authority for commodity distribution requires the Secretary of Agriculture to use section 32 custom receipts to help meet the legislatively mandated levels of commodity support for child nutrition programs. If this authority were to expire, and the Secretary did not use section 32 funds for these programs, additional appropriations from the general fund of the Treasury would be required to purchase the mandated level of commodities.

The Nutrition Education and Training Program is authorized by section 19 of the Child Nutrition Act. This program provides funds for training school food service personnel in food service management, instructing teachers in nutrition education and teaching children about the relationship of nutrition to health in order to assist them in making wise food choices. Considering the increased emphasis on improved nutritional content of school meals, informing children early of the vital benefits of good nutrition is of particular importance.

State administrative expenses are necessary for program administration and for supervision and technical assistance in local school districts and child care institutions.

H.R. 8 makes permanent the breakfast startup and expansion program. Many studies show that there is a clear link between proper nutrition and learning in the classroom. Making breakfast available to students who otherwise would not be provided a breakfast increases the likelihood that children will eat breakfast and be prepared to learn in school.

The Special Supplemental Nutrition program for Women, Infants, and Children [WIC] has been cited by many as one of the most successful Federal programs. WIC provides nutritious supplemental food to low income pregnant, postpartum, and breastfeeding women; to infants; and to children up to their fifth birthday. H.R. 8 changes the name of the program from the Special Supplemental Food program for Women, Infants, and Children to the Special Supplemental Nutrition Program for Women, Infants, and Children. The legislation also strengthens and improves the program by expanding the breastfeeding provisions and the definition of nutritional risk.

H.R. 8 also makes permanent several Cash/CLOC pilot projects. For the past several years, school districts throughout the Nation have participated in a demonstration of an alternative to the existing commodity donation component of the National School Lunch Program. Under the Cash/CLOC Program, school districts are authorized through letters of credit to make their own purchases of specified foods in place of receiving donated commodities purchased by the U.S. Department of Agriculture. The commodity letters of credit [CLOC's] are used to purchase foods from local commercial sources.

Further, H.R. 8 reauthorizes the WIC Farmers' Market Nutrition Program and the Food Service Management Institute. The WIC farmers' market program makes available fresh fruits and vegetables for WIC recipients. The Food Service Management Institute conducts research and also serves as a central location where food service authorities can receive guidance and direction in operating effective and efficient food delivery services.

Not only does this legislation contain programs to be reauthorized, but it also includes: First, a demonstration universal lunch program which will permit all children to eat free regardless of family income; second, waivers provisions to provide Federal assistance in a way which eliminates unnecessary administrative burdens, paperwork, and overly prescriptive regulations; and third, negotiated rulemaking which, prior to the publication of regulations, requires communication between the Secretary and those organizations/individuals who are most affected by the regulations.

Mr. Speaker, the programs and projects contained in this legislation are all vital programs for there is no place in our Nation for hunger. It is particularly debilitating when hunger affects us, and even more so when it affects our children. As a means of providing some much needed relief, H.R. 8 has been conceptualized to bring immediate relief to our children.

I urge my colleagues to support this legislation.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 8, the Healthy Meals for Healthy Americans Act of 1994. This legislation will continue Congress' effort to provide nutritious food for the hungry in our Nation.

H.R. 8 reauthorizes programs included in the National School Lunch Act and the Child

Nutrition Act of 1966. These Acts provide authority for Federal financing of meal-service and nutrition programs serving approximately 27 million children. These programs include the School Lunch, School Breakfast, Child Care Food, Summer Food Service, Special Milk, Nutrition Education and Training [NET], State Administrative Expenses, and Commodity Distribution Programs.

The authority for several of these child nutrition programs and projects will expire at the end of fiscal year 1994 unless legislation extending them is enacted. The expiring programs include the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Summer Food Service Program, the School Breakfast Start-Up Grant Program, the Nutrition Education and Training Program [NET], the State Administrative Expenses [SAE] Program, the Homeless Preschool Children's Project; a two-State demonstration project providing alternative eligibility for the Child Care Food Program for proprietary child care facilities; authority for the continuation of CASH/CLOC commodity alternative schools; and the authorization of funding for the Food Service Management Institute.

One of the programs included in this legislation is the WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children). The WIC Program is one of the most cost-effective programs in existence. It seeks to improve the health and nutritional status of low-income pregnant women, infants, and children determined by medical authorities to be at nutritional risk. This program was established to aid in resolving the plight of our women and children who live in poverty. I earnestly believe that adequate funding of the WIC Program is a sound investment of Federal funds that saves billions of dollars in health expenditures by preventive intervention. Numerous studies, the testimony of expert witnesses, and the support of various agencies have all presented a formidable case demonstrating the success of WIC Programs. Recent reports show that for every $1 spent on WIC participants, $3 is saved in terms of health care. WIC is a true nutrition program whose benefits are tailored to the special nutritional needs of the recipients it serves. Evaluation studies also show that the WIC Program has been cost effective in both health and dollar terms. Time and time again, this program has demonstrated its cost-effectiveness. Currently, the WIC caseload is about 2.9 million and the program is funded at $3.2 billion for fiscal year 1994. This legislation contains amendments to improve and promote the WIC Program, such as, additional breast-feeding activities, expanding the definition of "nutritional risk" and removing some of the barriers for participation.

Another program included in this reauthorization is the Summer Food Service Program for Children which provides food for children in low-income areas during the summer months. In effect, it is an extension of the School Lunch Program for poor children during the time that school is out of session. The program is expected to serve over 2 million children this summer with an appropriation of $233 million for fiscal year 1994.

The school breakfast start-up and expansion program is also included in this reauthorization. This legislation permanently authorizes the School Breakfast Start-Up Grant Program. According to a recent report sponsored by USDA entitled the National Evaluation of School Nutrition Programs, the principal nutritional benefits of the breakfast program is that it increases the likelihood that children will eat breakfast. This can be considered a nutritional benefit in that, on the average, children who eat a breakfast are substantially better nourished than those who skip breakfast. H.R. 8 also provides for the improvement of the quality of the school breakfast meal pattern for approximately 5.8 million low-income children.

The Nutrition Education and Training Program [NET], another program included in this reauthorization, provides for nutrition education and information to educational and school food service personnel, and child care institutions. This program specifically provides for instructing students on the nutritional value of food and also trains school personnel to improve the management of these programs. Currently, $10 million is appropriated for this purpose.

Another expiring program provides for payments to the States to assist in meeting the administrative costs of operating all of these Federal programs. The authority for such payments now provides $85.8 million for fiscal year 1994.

H.R. 8 makes permanent and expands the Homeless Preschoolers Nutrition Program which is currently operating as a demonstration program. The committee is pleased with the success of the Homeless Preschoolers Nutrition Program and its growth. I am encouraged by its efforts to help insure that children are ready to learn in school.

In addition to reauthorizing several programs, this legislation adds new non-cost provisions. An example of one of these provisions is the "waiver statutory and regulatory requirements." These waiver provisions are necessary to facilitate the ability of the State or service provider to feed hungry children in the most efficient manner. In other words, this provision will eliminate unnecessary administrative burdens, paperwork, overly prescriptive regulations and permit flexibility in the implementation of these programs.

Another provision included in this legislation is a "universal pilot program." The universal meal concept assumes that meals provided in a school are served free to all children. A universal program has many advantages including fighting childhood hunger and promoting participation by eliminating the income identification stigma associated with the program. The Committee wants to expand its knowledge relative to the universal concept and explore its effect on a variety of school districts across the country.

Mr. Speaker, there are many other provisions contained in this legislation including extensions of the WIC Farmers' Market Program and the Food Service Management Institute; negotiated rulemaking activities; and automatic eligibility for Head Start participants.

I want you to know that I have a grave concern for the Federal deficit; but I also believe that, more importantly, it is in our national interest and a wise investment for the present and the future that we put forth efforts to put an end to the scourge of hunger in our Nation. Evidence abounds that there is a correlation between children who are well-nourished and their motivation, and children who come to school with inadequate nutritious food and their achievement levels. The committee has prepared a child nutrition committee print which I recommend to all of you. This print includes research which shows the impact of hunger on academic achievement in the classroom.

In addition, the National Center For Children in Poverty reported that in 1990 nearly one out of every four children under the age of 6 lived in poverty, and unless something more is done to help them, many of our children will remain strapped in the vicious cycle of poverty which results in failure in the home, the school, the workplace, and in the community.

There is nothing more urgent and crucial in the development and forward movement of our country than to make sure that our young are provided for in terms of proper nutrition. I believe that there is a national crisis in this regard and we can play a major role in what we do today in terms of resolving the issue of hungry and malnourished children in our Nation.

I urge my colleagues to support this vital legislation.

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

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

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 8, as amended.

The question was taken.

Mr. SAM JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 8, the bill just debated.

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

There was no objection.

PROVIDING FOR TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING ON SEPTEMBER 30, 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1880) to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994,

and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GOODLING. Mr. Speaker, reserving the right to object, I will not object, but I would like the gentleman from Michigan [Mr. KILDEE] to explain his unanimous consent request.

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

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, S. 1880 changes the termination date for the National Education Commission on Time and Learning from 90 days after submission of its report until September 30, 1994. This will give the commission a little extra time to carry out certain followup activities related to the release of their report and also provide for more orderly termination of the commission's work. The Department of Education already has the funds to pay for these activities, and no additional appropriations are required. I know of no opposition to the bill.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Michigan [Mr. Kildee] for his explanation. There are no extra costs associated with this legislation.

Mr. GOODLING. Mr. speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

Subsection (g) of section 102 of the National Education Commission on Time and Learning Act (20 U.S.C. 1221-1 note) is amended by striking "90 days after submitting the final report required by subsection (d)" and inserting "on September 30, 1994".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a notion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1880, the Senate bill just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. WALKER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 820 be instructed to agree to repeal the prohibition on judicial review contained in section 611 of title 5, United States Code.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from California [Mr. BROWN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I offer this motion to instruct directing the House conferees on H.R. 820 and the Senate amendment to agree to title IX of the Senate amendment. This section is similar to H.R. 830, the Regulatory Flexibility Act, a bill which has over 250 cosponsors. This section provides us with a real opportunity to enhance the competitiveness of U.S. industry.

The Regulatory Flexibility Act was passed in 1980 to force Federal regulatory agencies to consider the impact of their rules and regulations on small businesses and to craft those rules in ways which will be least harmful to small businesses. This law has been successful, but it does contain weaknesses which keeps it from fulfilling all of its intended purposes. Chief among these is the inability of small businesses to challenge in court agency compliance with the RFA. Title IX of S. 4 would repeal the current ban on judicial review of agency compliance with the RFA and force Federal agencies to seriously consider the impact of new rules and regulations on small businesses. Lifting the ban on judicial review would put some much-needed teeth into the RFA.

The Senate amendment to H.R. 820 would also require agencies to consider the indirect effects, as well as the direct effects, of their rules on small businesses. The original act unfortunately does not require regulatory agencies to examine the indirect impact of their regulations on small businesses. Often, Federal regulations fail to examine the secondary effects of their actions. It is my hope that this provision can be maintained in conference, as well.

There are those who may argue that this provision should not be retained by the conference because it does not belong in H.R. 820, the National Competitiveness Act of 1994. My response is that the type of relief provided by the Senate language is just what is needed by small businesses in this country to boost their overall competitiveness. If we fail to keep this language in H.R. 820, a multibillion dollar authorization for advanced technology programs, we will in effect be giving with one hand and taking away with the other. Such action will stand as yet another instance where the Federal Government in all its wisdom determines what is good for its citizens, despite their wishes to the contrary.

I remind my colleagues that the U.S. Chamber of Commerce and the National Federation of Independent Business have both announced that this vote will be a key vote in their assessment of 1994 House actions. I want to thank the Republican chairman of the Small Business Committee, Mrs. MEYERS, and the original sponsor of the legislation, Mr. EWING, for their support and assistance with this motion, and I urge an "aye" vote.

□ 1400

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the legislation now under consideration.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Pennsylvania [Mr. WALKER], and I would note that a number of other Members of the House, including committee chairman, are opposed to this for reasons that are both substantive and procedural.

Mr. Speaker, as the Members are aware, the Senate is not constrained by the same rules of germaneness that control the consideration of amendments in the House. When the Senate considered H.R. 820, the National Competitiveness Act, in its wisdom it doubled the size of the bill passed by the

House by adopting over 100 pages of amendments, virtually none of which had anything to do with the underlying bill passed by the House.

Among other things, the Senate added provisions relating to the private carriage of urgent letters; an entire title devoted to amending laws relating to counterintelligence; a title permitting local entities to waive certain Federal requirements relating to Federal assistance programs; a provision requiring legislative reports and agency actions to contain detailed economic impact analyses; and this provision amending the Regulatory Flexibility Act.

None of these provisions are germane to the House-passed version of H.R. 820.

Mr. Speaker, these extensive nongermane Senate amendments have already complicated the task of the conference committee by requiring the appointment of members of 10 other House committee on the conference.

Now we are further being asked to direct the House conferees to agree to a nongermane Senate amendment that has not been considered by the House committee with jurisdiction nor debated on the floor of the House.

Mr. Speaker, the intent of this motion to instruct is to endrun the normal committee process. The Senate amendment is comparable to H.R. 830, the Regulatory Flexibility Amendments Act of 1993, which was introduced by Representative EWING last year. The Judiciary Subcommittee on Administrative Law and Governmental Relations has held hearings, but has not marked up the bill. Supporters of the bill have filed a discharge petition.

We should not cut short the regular procedure for consideration of these bill. The Science Committee has no expertise on the Regulatory Flexibility Act. If Members want the Judiciary Committee to report the bill, Members know how to make their wishes known to the distinguished chairman of that committee, Mr. BROOKS. If Mr. BROOKS does not seem amenable, then a majority of Members have the right to bring the bill to the floor under a discharge petition where we can at least have an intelligent debate on the merits of the bill.

This debate does not belong on this bill. This debate does not belong on a motion to instruct. The effort today to instruct the conferees is yet another effort to bypass orderly committee consideration and to force a floor vote on a provision with an inadequate opportunity for consideration and debate. If this provision was brought to the floor under regular procedures, I would vote for it. Under these circumstances, however, I urge a "no" vote on the motion to instruct.

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

Mr. WALKER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

79-059 O—97 Vol. 140 (Pt. 12) 17

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in support of the motion to instruct conferees to the House-Senate conference on H.R. 820, the National Competitiveness Act.

Mr. Speaker, I would like to say to the Member who spoke immediately before me that I certainly think this bill does have a great deal to do with competitiveness, and it has been considered by a number of groups, including, I believe, the appropriate subcommittee, and by the group working with Vice President GORE on reinventing Government, because this was the very top issue listed by Vice President GORE under his reinventing Government under the small business section.

The Regulatory Flexibility Act, which became law in 1980, was the result of the efforts of many small businesses throughout this country. The issues of regulatory relief and regulatory flexibility were a dominant theme at the 1980 White House conference on Small Business, and the participants at that conference pushed for legislative action. The Regulatory Flexibility Act was enacted to require agencies to reduce the regulatory burden on small business by writing better rules.

The rationale behind the Regulatory Flexibility Act is really quite simple: First, Federal agencies often do not recognize the impact that their rules will have on small businesses; and second, small businesses are particularly burdened with excessive regulations because they do not have the cadres of lawyers, accountants, and clerks to deal with all of the paperwork. All of this overwhelms the small business man or woman, who has to do this alone, often working late at night after his store or business has closed.

We want to strengthen small businesses and make sure their success is determined in the marketplace and not at the whim of someone drafting regulations in a distant Federal office.

While the Regulatory Flexibility Act and its implementation have met with some success, I strongly believe that the act needs to be strengthened. A major weakness in the law as it presently exists is that there is no enforcement mechanism. Because the Regulatory Flexibility Act is not subject to judicial review, agency compliance has been poor. In fact, many agencies view compliance as strictly voluntary.

In an effort to strengthen the act, over 250 Members of the House have joined in cosponsoring H.R. 830, the Regulatory Flexibility Amendments Act of 1993.

□ 1410

The primary purpose of H.R. 830 is to repeal the current ban on judicial review of agency compliance with the Regulatory Flexibility Act, and force Federal agencies to seriously consider the impact of new rules on small business.

During Senate consideration of S. 4, an amendment similar to H.R. 830 was unanimously adopted, and under the Senate amendment the Regulatory Flexibility Act would be amended to allow judicial review of agency compliance with the act.

On behalf of this Nation's small businesses, I urge my colleagues to keep the Senate amendment concerning the Regulatory Flexibility Act in this National Competitiveness Act. I strongly urge a yes vote on the motion to instruct.

Mr. BROWN of California. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the chair of the Committee on Science, Space, and Technology for yielding time to me.

Mr. Speaker, I rise in opposition to the Walker motion to instruct conferees on the regulatory flexibility provision of the national competitiveness bill.

Mr. Speaker, this provision would provide judicial review that is currently not available under the Regulatory Flexibility Act. It is not germane to the national competitiveness bill to which we are appointing conferees.

When the House passed H.R. 820, the national competitiveness bill, it was a clean bill that dealt with research, development, and commercialization of generic technologies.

But the other body loaded this bill with nongermane items, including judicial review for regulatory flexibility. The provision was added as an amendment to the Senate version of the bill. We in this House have never acted on it.

Providing judicial review under the Regulatory Flexibility Act would create a whole new layer of bureaucracy that is unnecessary. It would delay the timely implementation of important regulations. It would encourage frivolous litigation to block agencies from promulgating regulations, many of which are designed to protect human health and safety, civil liberties, and the environment.

Mr. Speaker, our current regulatory flexibility process is a good one and helps protect the interests of small businesses and governmental units. The President last year signed an executive order mandating Federal agencies to take into account the burden on them when issuing regulations. And as always, these entities are entitled to the legal protection of the Administrative Procedure Act if a regulation is unfair to them.

It is doubtful that providing judicial review under the Regulatory Flexibility Act would offer any meaningful additional protection to preventing agency abuse. What the provision would do

is to greatly benefit the lawyers. It would open the floodgate to frivolous lawsuits without merit, used mainly to delay regulation.

While no one but the lawyers would benefit, our health, our civil liberties, workers' safety, and the environment could all be victims.

Mr. Speaker, I urge a "no" vote on the motion to instruct conferees.

Mr. WALKER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I appreciate the opportunity to speak on this.

Mr. Speaker, this motion instructs the House conferees to agree on an amendment which was unanimously adopted by the Senate. The amendment would strengthen the Regulatory Flexibility Act by giving the RFA judicial review. It is based on legislation I introduced, H.R. 830, which has been cosponsored by 252 bipartisan House Members, and is strongly supported by business organizations.

This motion will be considered a key vote in the annual ratings by both the Chamber of Commerce and National Federation of Independent Businesses. In addition, we have received letters of support from the National Association of Towns and Townships and the National Association for the Self Employed, and organizations which have led the charge for improving the Regulatory Flexibility Act.

This bill is called the National Competitiveness Act. I cannot think of anything more important that this Congress can do to increase our competitiveness than to reduce the cost of regulation on small business. We have a chance to do something about overregulation by passing this amendment.

American businesses, I believe, have expressed to many of us, and in many cases with some bitterness, their frustration about the costs and intrusive nature of unprecedented Government regulation.

The RFA was passed by Congress and signed by President Carter in 1980. It requires regulators to look at the impact new regulations have on small businesses and find ways to minimize these effects. This is common sense. Regulations must be flexible and take into account the ability of small business to comply.

The RFA has not fulfilled its purpose because it contained no real means of enforcement, such as judicial review of agency compliance, which in fact was specifically prohibited. Regulators cannot be taken to court if they ignore the act. As a result, agency compliance has been terrible.

I say it is time to tell the regulators to start looking at what their regulations do to small business. It is time they were required to comply with the RFA. Allowing judicial review will give the act the teeth it needs to enforce compliance with the true intent of the law.

Vice President GORE's National Performance Review studied this issue and they, too, concluded that the only way we can force bureaucrats to start complying with the RFA is to give the act judicial review. In fact, the No. 1 recommendation of the Small Business Administration was to provide judicial review. My colleagues, we can help the Vice President pass another NPR recommendation by supporting the Walker motion to instruct conferees.

For my colleagues who are concerned about unfunded mandates on local government, this proposal addresses that problem too. The RFA also requires that regulators look at the impact their regulations have on small government entities. That is why the National Association of Towns and Townships is so strongly supportive of this motion.

In an aside, Mr. Speaker, it has been mentioned on this floor that this should go through the committee process. With 252 cosponsors, repeated requests for a committee hearing and a committee markup, none has been forthcoming. We all know that the discharge petition process works very slowly and very poorly in this House.

I want to thank each of my colleagues who have cosponsored this legislation, H.R. 830, and ask them to vote for the Walker motion to instruct.

Mr. Speaker, I submit the following material for the RECORD.

NATIONAL ASSOCIATION
FOR THE SELF-EMPLOYED,
Washington, DC, July 12, 1994.

Hon. ROBERT S. WALKER,
U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE WALKER: The National Association for the Self-Employed understands that you will soon offer a motion to instruct the House conferees involving the Regulatory Flexibility Act (RFA) provisions contained in S. 4, the Senate version of the National Competitiveness Act. We strongly support this effort.

By offering your motion to instruct, you are taking a strong step towards mitigating the paperwork burden and nightmare small business persons face in trying to cope with federal regulations. We believe the RFA provisions of S. 4 will lead to an improvement in productivity for small business and in turn, result in an increase in economic growth and job creation for the American work force.

We are committed to achieving the RFA reforms contained in S. 4. Thank you for your efforts on behalf of the small business community.

Sincerely,

BENNIE L. THAYER,
President/CEO.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, July 12, 1994.

Hon. THOMAS W. EWING,
U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE EWING: The U.S. Chamber of Commerce Federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 69 American Chambers of Commerce abroad, strongly endorses strengthening the Regulatory Flexibility Act (RFA) by allowing judicial review of agency compliance. An amendment that would provide for this was adopted by the Senate during its consideration of the National Competitiveness Act.

The House is expected to name conferees on H.R. 820, the National Competitiveness Act, soon. At that time, Representative Walker will likely offer a motion to instruct the House conferees to accept judicial review of the RFA in the conference report. We urge your support of that motion. Since this is likely to be the only opportunity for the House to vote on this issue this year—despite the fact that 252 House members are cosponsors of equivalent legislation—the Chamber will include this vote in its "How They Voted" vote ratings for 1994.

The importance of judicial review cannot be overstated. The original RFA was designed to provide the small business community respite from the ever-growing hindrance of excessive regulation by requiring federal agencies to consider the impact of proposed regulations on small entities. Its intent was to ensure that the least burdensome approach for regulatory implementation was adopted. The lack of judicial review, however, has meant that agencies do not have to answer to any compelling authority. As a result, agencies routinely give the RFA minimal attention, if any at all.

Too often, small businesses have borne the brunt of the cumulative impact of unreasonable and costly federal mandates. Given their importance to our struggling economy, we need to ensure not just their survival but their growth as well. Judicial review as part of the RFA will place us closer to that goal.

Again, we urge your support for the Walker motion to instruct on H.R. 820, the National Competitiveness Act, regarding judicial review for the RFA.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
TOWNS AND TOWNSHIPS,
Washington, DC, July 14, 1994.

Hon. ROBERT S. WALKER,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WALKER: The National Association of Towns and Townships (NATaT) represents 13,000 mostly small, mostly rural communities across the U.S. which must comply with and implement numerous unfunded federal mandates. In this period of fiscal austerity, which only allows for limited funding for local governments, alternatives are needed to improve the federal government's ability to consider the impact of federal policies on our communities.

In 1980, Congress passed the Regulatory Flexibility Act (RFA) and took the first step in addressing the "one-size-fits-all" approach used by federal agencies to develop regulations. The RFA requires all federal agencies to conduct analyses of proposed regulations that are expected to have an impact on small entities—including small local governments and businesses—and attempt to reduce the burdens of those regulations. Accordingly, the act requires agencies to consider alternatives to the proposed regulations that will accomplish the agencies' objectives, while minimizing the impact on small entities

Agency compliance with the RFA has not been uniform, primarily because the act lacks an enforcement mechanism. In our view, allowing judicial review of the RFA would ensure that federal regulators comply with the act. As a result, NATaT strongly supports your motion to instruct conferees on H.R. 820/S. 4, the National Competitiveness Act, to agree to a provision that would allow judicial review of the RFA.

NATaT applauds your attention to this important issue. Allowing judicial review of the RFA is essential to ensure that small governments begin to benefit from more rational federal regulations.

Sincerely,

JEFFREY H. SCHIFF,
Executive Director.

THE REGULATORY FLEXIBILITY ACT AND JUDICIAL REVIEW—SUPPORT THE MOTION TO INSTRUCT CONFEREES TO THE NATIONAL COMPETITIVENESS ACT

Soon the House will consider a motion to instruct conferees on the National Competitiveness Act to strengthen the Small Business Regulatory Flexibility Act. In preparation for this vote, it is important to understand why the Regulatory Flexibility Act is not currently protecting small business from regulatory burdens as was originally intended when it was enacted in 1980.

The burden of regulation and paperwork is one of the fastest rising areas of concern to small business owners, according to an extensive survey by the NFIB Education Foundation. Outside of taxes and health care, no issue is more on their minds.

Regulatory costs per unit of production are higher for small business than for big business. There are economies of scale regarding regulatory compliance. Simply put, small business often cannot afford Federal regulations because their limited resources to comply have not been taken into account during the rule making process. Signed into law by President Carter, the Reg-Flex-Act requires Federal agencies to assess the impact of their proposals on small businesses and to minimize the economic impact, if significant.

WHY HAS THE REG-FLEX ACT BEEN INEFFECTIVE?

Federal agencies have ignored the Reg-Flex Act. Some agencies, like the IRS, have exploited loopholes in the law. Why? The Reg-Flex Act has no teeth.

However, with a judicial review provision, an agency that failed to adequately consider the economic impact of regulations on small business could be challenged in court.

WHY DOES SMALL BUSINESS NEED JUDICIAL REVIEW?

The Clinton Administration's Chief Counsel for Advocacy at SBA said it best at his confirmation hearing:

"The implementation of the noble goals of the Regulatory Flexibility Act have been impeded by government officials who recognized that the Act is not judicially enforceable and therefore has no teeth; . . . You will have my enthusiastic and consistent support for judicial review in the Regulatory Flexibility Act."

The Administrative Procedure Act, the National Environmental Policy Act and the Freedom of Information Act, for example, are effective because they are contestable in court. Section 611 of the current Reg-Flex Act contains a specific prohibition on judicial review.

Judicial review will:

Change agency compliance with the Reg-Flex Act from voluntary to second nature.

Ensure agencies consider the impact of proposed regulations on small business and act accordingly.

Make the Reg-Flex Act more effective for small business and true to its original intent.

Vice President Al Gore and SBA Administrator Erskin Bowles have recognized the weakness of the Reg-Flex Act and support strengthening it. The Senate overwhelmingly approved judicial review in the "National Competitiveness Act" (S. 4) and there are over 240 cosponsors of Cong. Ewing's judicial review legislation in the House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1994.

THOSE WHO SUPPORT THIS NATION'S SMALL BUSINESSES SHOULD SUPPORT WALKER MOTION TO INSTRUCT ON NATIONAL COMPETITIVENESS ACT

DEAR COLLEAGUE: We are writing to encourage you to support a motion which will be offered tomorrow by Rep. Walker to instruct conferees on H.R. 820/S. 4, the National Competitiveness Act, concerning amendments to the Regulatory Flexibility Act.

The Regulatory Flexibility Act (RFA) became law in 1980. It requires federal regulatory agencies to analyze the potential impact of proposed regulations on small businesses and small governmental entities and find ways to minimize that impact. However, because the RFA is not subject to judicial review, agency compliance with the Act has been poor.

Over 250 House members have joined us in cosponsoring H.R. 830, the Regulatory Flexibility Amendments Act of 1993, which would allow judicial review of the RFA and put some needed "teeth" into this important Act.

During Senate consideration of S. 4, an amendment which provides for judicial review for the RFA was unanimously adopted. We are hopeful that language providing for judicial review will remain in the National Competitiveness Act.

We strongly urge all cosponsors of H.R. 830 to support Rep. Walker's motion to instruct House conferees to agree to provide for judicial review of the RFA.

Sincerely,

THOMAS W. EWING,
Member of Congress.
JAN MEYERS,
Ranking Member, Committee on Small Business.
JOHN J. LAFALCE,
Chairman, Committee on Small Business.
IKE SKELTON,
Member of Congress.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of the Walker motion to instruct the House conferees to accept the Senate language included in H.R. 820 that allows regulatory flexibility to America's small businesses.

Everyday I see how new Government regulations are breaking the back of America's small businesses. Countless individuals have come before the Small Business and the Science, Space, and Technology Committees to explain the devastating effects that these regulations have on them. And, whenever I go home to Dallas I am constantly asked when will Government allow hard-working Americans to pursue the dreams without having to worry about what roadblocks their Government will put up next.

I want to remind Members how important small businesses are to America's economy. These businesses provide over 80 percent of America's work force. But, because the Government insists on intervening and imposing costly and burdensome regulations they put these businesses at risk of failing and therefore eliminating jobs for Americans.

This is why I support the Walker motion to instruct conferees. What we want to do with this is simply protect the backbone of our economy which is vital to America's future. The motion to instruct simply enforces a previous law and gives it an enforcement mechanism. The easiest way to explain this provision is that it would minimize the impact of regulations that disproportionately affect small businesses.

Congress by adopting this provision, would require Federal agencies to study the impact of the regulations they enforce and to minimize the impact they have on small businesses. Its most important provision is judicial review. It is time to force regulatory agencies to be held accountable for the regulations they implement on small businesses. Even the Vice President's National Performance Review concludes that judicial review is necessary.

And if Members need more reassurance they should ask the NFIB, who represent over 600,000 small businesses. They strongly support this measure and then they can ask the 252 Members that have signed on to a bill that accomplishes this same goal.

Let us give small businesses and their owners a break from the heavy hand of the Government. Let's for once do something to help the economy grow instead of doing something to stifle it. Vote for the Walker motion to instruct conferees.

□ 1420

Mr. BROWN of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

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

I do rise to support the motion of the gentleman from Pennsylvania. I have a rather lengthy history with involvement with the Regulatory Flexibility Act. I served as chairman of a House subcommittee that dealt with that quite some years ago. Let me go through this, if I may.

On September 19, 1980, the Regulatory Flexibility Act was signed into law. Its passage was the result of 3 years of work by the subcommittee that I chaired and this Congress.

Importantly, it culminated in a decade of efforts by thousands of concerned businessmen and women across our country. They rebelled against a volcano of seemingly senseless, ill-conceived regulations that threatened to

bury every one but was particularly harsh for small businesses.

The tool that was forged was the RFA, the Regulatory Flexibility Act, a new chapter to the Administrative Procedures Act, requiring the bureaucrats to think about the effects of their actions, consider simple alternatives and include the interested public in on the process.

The bill that is really the subject of this was introduced by the gentleman from Illinois [Mr. EWING], H.R. 830, which would establish a judicial review process. I think that if we are going to fulfill the full intent of the Regulatory Flexibility Act, we need that additional tool to do so, to require people to, in the bureaucracies, to know and explain and work out the effects of what they do in regard to small business.

I would help us; in the long run, it would help them. The Regulatory Flexibility Act is an important weapon in our efforts to reduce or eliminate unnecessary regulations, unnecessary paperwork, which, frankly, in so many instances, cripples small businesses.

When it is operated properly, it makes sure that the small town businessman, business woman that I represent is sought out and asked their opinion on Government proposals that will influence his or her life.

I think this motion is a proper one. I would hope that it would pass. The fact that this parallel bill by the gentleman from Illinois [Mr. EWING], has so many cosponsors tells us all that we are on the right track. I hope that this will pass. I intend to vote for the motion.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no one in this House or the other body who is not in favor of relieving the burden on small business. I have served here under eight past Presidents, I think now. And every one of them would make marvelous speeches about how important it was to support small business and to relieve them from unnecessary burdens of Federal or other regulation.

The act which the gentleman from Missouri [Mr. SKELTON], is the proud author of, the original Regulatory Flexibility Act, was passed during the administration of President Carter, a Democratic President. And President Carter also issued an Executive order which attempted to set forth guidance to the Federal departments as to how they would go about implementing this act and relieving the burden on small business.

I would point out that President Reagan, when he was elected shortly after this act was passed, rescinded the Carter Executive order and issued his own Executive order, making even more explicit how we should relieve the burden on small business under the terms of the Regulatory Flexibility Act. And when President Clinton was elected, he rescinded the Reagan order and issued his own Executive order explaining to the Federal departments how they should do even more to lessen the burden on small business as a result of Federal regulation.

I cannot understand for the life of me, after all these years in which we have had on the books both the statue and a series of Executive orders, that we still have the kind of problem that we have here. If we have a problem, it seems to me that we in the Congress perhaps should take some blame for failing to exercise the kind of oversight which would see that the law and the Executive orders are faithfully executed.

Now we are going to punt. We are going to say, no, we should not take it. We think the courts ought to take it.

I find a great deal of difficulty in accepting the fact that we are going to simplify the processes of Government by allowing for unlimited court appeals of Federal regulations. I think what we are going to simplify is the income problem of a lot of lawyers who are going to make a lot of money from pursuing these kinds of acts.

But I have a great deal of difficulty in seeing how we are going to solve the problem of lowering the burden on small business by the process of including in an existing law, which has been on the books now for how many years, 14 years, a provision that now they can go to court in order to challenge the Federal regulations that have been adopted.

What is equally interesting to me is that in the course of a number of bills that are moving forward in the House today, which have regulatory implications, we are finding a concerted move to add to those the text, in essence, of the existing executive order.

Now, there is, genuinely speaking, a good reason why we do not write into law the text of an executive order. Mainly, the fact that executive orders are intended to be flexible. They are intended to provide guidance, but they are not intended to constitute a basis under which we can bring suit to the Federal courts, if we do not like the results of what is happening.

□ 1430

Mr. Speaker, this is a rather important both philosophical and practical issue. As I said before, I do not disagree with the need to reform the burden on small business. I have personally pledged in my district to any small business, if they are having regulatory problems, come to me and in my wisdom I will help them solve them, generally by raising a lot of hell with some bureaucrats who did not properly reflect the intent of Congress when they issued a regulation or when they sought to fulfill the intent of that regulation.

Mr. Speaker, I am raising serious questions as to the effectiveness of a process, the purpose of which I agree with. I think the gentleman from Pennsylvania [Mr. WALKER] knows that I agree with this purpose. I would be differing with every Democratic President, as well as every Republican President, if I said I wanted to increase the burden on small business. I do not.

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

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

Mr. Speaker, I think the gentleman makes some very, very valid points. They are ones that I think deserve to be addressed.

First of all, Mr. Speaker, he makes the point, as he did earlier, that this is not something which should be in the purview of this particular bill at this particular time, and that we ought to address it through the regulatory processes of the Congress. The problem is that the gentleman from Illinois [Mr. EWING] and the gentlewoman from Kansas [Mrs. MEYERS], in pursuing this, have attempted to do this and have always been rebuffed, and always found that there was something else of higher priority for the Congress to take up. Therefore, the regular mechanisms have not worked for this bill, which is in fact supported broadly in the House of Representatives.

Mr. Speaker, second, it is suggested that somehow this is not a place where small business is really involved, and it is a Committee on Science, Space, and Technology kind of a bill. I would suggest that small business is the competitive sector of our society at this time. I know that the gentleman from California [Mr. BROWN] does share that concern, and has always been very, very solicitous toward small business concerns.

Mr. Speaker, I know that all of us try to work with our small businesses on this regulatory overload that the Federal Government has imposed upon that sector. Mr. Speaker, perhaps it is in a competitiveness bill where we ought to begin to address the real concerns they have out there. There is no doubt that this particular bill, about competitiveness, is one where, if we have a chance to help small business a little bit, we ought to go ahead and do so.

Finally, Mr. Speaker, it has been suggested that this is a lawyer's bill, that what we are going to do here is going to end up giving lawyers more work. I would simply say to that that the problem for small business right now is that we have created a whole web of Federal regulation that is employing lawyers by the hundreds of thousands across the country; that the agencies have the ability to constantly go after business with the lawyers that are

hired by the Government, and that small business in many instances is a victim. All this will do is give the victim some recourse within the process.

Mr. Speaker, I think that rather than victimizing small business without recourse, that it is high time that in this country we give them the appropriate recourse that is provided to them by the courts. Mr. Speaker, I would like to think, too, that congressional oversight would take care of this problem, but the fact is we have gone 14 years now with this bill on the books and congressional oversight has not taken care of the problem. Businesses find themselves more and more burdened by Government regulation, and more and more the heavy hand of Government is causing uncompetitiveness in our society, and it is high time we changed that.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I had not intended to make this an opportunity for dialog, but since that is becoming the style, I am more than happy to do that.

What really bothers me, Mr. Speaker, is that this legislation and this motion to instruct are both based upon purposes and intentions which I fully support. However, Mr. Speaker, I am reminded of the old adage that the road to hell is paved with good intentions, and I am very worried that the good intentions will not be fulfilled, just as the good intentions of the gentleman from Missouri [Mr. SKELTON] in drafting the original bill were not fulfilled.

Mr. Speaker, I want to make sure that that does not happen. What I foresee here with this provision, which offers judicial review of any regulatory action, is that the gentleman would find the antienvironmentalists, and this is what the environmentalists fear, offering a lawsuit to delay, modify, or prevent the kind of regulation that the environmentalists would fear is destroying the progress they have made.

On the other hand, Mr. Speaker, I can foresee environmentalists doing exactly the same thing. If a regulation comes forth from the administration, from the agency seeking to relieve the efforts, the regulatory efforts of that agency, the burden of those efforts on the small business community, and they would sue, and the gentleman would find on both sides suits going forward aimed at crippling and hobbling the efforts, good or bad, of the regulatory agency.

If the gentleman thinks this is an improvement, I do not think that the gentleman is going to be very happy with the potential results of this, Mr. Speaker.

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

Mr. WALKER. I am pleased to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I think, quite contrary to what our friend, the gentleman from California [Mr. BROWN], says may well come to pass, the regulatory agencies that promulgate rules and regulations, which now do not have to worry at all about judicial review or any kind of review, would be prone to think twice before they promulgate something that does not make sense. It will cause them to do their homework more and to do their homework better.

As a result, Mr. Speaker, I think the gentleman would have more substantial, easy to understand, and more workable rules and regulations, where the agency knows full well that should they do something foolish or out of line, it is certainly going to be taken up on a judicial review. I think the contrary would happen.

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

Mr. WALKER. I am pleased to yield to the gentleman from Illinois.

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

Mr. Speaker, I think the important point that we do not want to miss here is the judicial review is very limited, and it has nothing to do with the substance of the power of the regulators to regulate. It is only judicial review of whether they have tried to do it in an economical, fair way. That is what the complaint is out there. I do not think any of us have enough staff in our offices at home to handle all of the complaints on that type of competitive regulatory power.

Mr. BROWN of California. Mr. Speaker, if the gentleman will continue to yield, this point could be deliberated at great length. We have, as the gentleman from Pennsylvania [Mr. WALKER] knows, a bill which we will mark up in our committee tomorrow which is aimed at improving the process of risk assessment. As all of the Members know who have been in this field of regulatory impact, the measurement of regulatory impact requires both an evaluation of the risk which is sought to be met by the regulation, plus an evaluation of the cost of the efforts involved to mitigate that risk, a cost-benefit analysis. None of these are exact sciences. We would not be trying to move a risk analysis bill if anyone knew exactly how to make risk analysis.

The fact is, Mr. Speaker, the scientific community does not, the policy community does not, the lay community does not, nor do we know how to make adequate cost-benefit evaluations, and even less do we know how do we do this magic thing called comparative risk analysis, in which we compare the dangers of smoking a cigarette with driving a car. None of these are exact sciences.

What the Congress needs to do, and I will close with this sermon, we need to improve these processes of making these evaluation so enlightened policymakers can do what the gentleman from Missouri [Mr. SKELTON] hoped they would do in 1980, and which he again hopes they will do in 1994 if we pass this slight amendment to the bill he originally offered.

□ 1440

I suggest to the gentleman from Missouri [Mr. SKELTON], and to anybody else who is listening, that this is a futile hope until we get under better control the processes which go into this and to which I hope we will be able to make a contribution.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his statement. I could not agree with him more that we need to improve the processes by which we make these judgments.

On the other hand, in the meantime, small business in this country needs some element of fairness within the process that presently exists. That is what this motion to instruct is all about, being fair to small business within the process now so that they have some recourse against the burden of regulation that has been imposed upon them by the Federal Government.

Mr. QUINN. Mr. Speaker, I rise today to urge my colleagues to support the motion to instruct on H.R. 820, the National Competitiveness Act.

This motion will instruct House conferees to agree to a provision that the Senate unanimously adopted which would allow judicial review of agency compliance with H.R. 820. The Senate language is similar to that contained in H.R. 830, the Regulatory Flexibility Amendments Act, of which I am a cosponsor.

Small business is the backbone of our country's economy. Over the next 25 years, the United States will create about 43 million jobs—small business will create nearly 75 percent of these jobs. While this outlook is positive, small business owners have some very real and very serious concerns—Government regulation among them.

The regulatory burden on businesses can be crippling—particularly on small businesses. Like the Regulatory Flexibility Act, the Senate provision would require Government regulatory agencies to consider the impact of any new regulations and draft these rules so that they will be the least burdensome.

Mr. Speaker, I would like to call on the support of my colleagues for the motion to instruct. Freedom from the burden of too much Government regulation is crucial to America's competitiveness.

Mr. FORD of Michigan, Mr. Speaker, I rise in opposition to the motion to instruct conferees. The Senate amendment to H.R. 820—which would mandate judicial review of regulatory flexibility analysis—has not been reported by the appropriate committees of the House of Representatives. It is premature for the House to agree to such provisions.

I suspect that the purpose of seeking judicial review of regulatory flexibility analysis is not to improve the regulatory process, but to give the business community greater opportunity to obstruct and delay regulations designed to benefit workers, consumers, or the environment. In the Reagan-Bush administrations, OMB was assigned the task of improving the regulatory process, but we learned that their main goal was to thwart worker protection, consumer, environmental, and health and safety regulations designed to protect the public. Expanding judicial review of regulatory flexibility analysis will have the same effect.

Would judicial review improve the Department of Labor's evaluation of the costs of its regulations? I doubt it. The Department already prepares extensive economic analyses of the regulations it proposes. Under the Occupational Safety and Health Act and the Mine Safety and Health Act, the Department must evaluate the economic feasibility of its regulations on each affected industry. If an industry cannot afford the costs of the regulation, it cannot be issued. I do not believe that additional analysis or judicial review of the analysis would provide regulations that better protect workers, consumers, or the environment.

I believe, instead, expanded judicial review would have an adverse effect on the ability of the Department of Labor to do its job. Will expanded judicial review make it more difficult for the Labor Department to achieve the goals of ERISA, the Fair Labor Standards Act, or the Occupational Safety and Health Act? I suspect it will and that the proponents of expanded judicial review hope that such review will create new obstacles for regulatory agencies. Will judicial review affect the time it takes the Labor Department to promulgate regulations or the resources the Department needs to do its job? I fear that expanding judicial review of regulatory flexibility analysis will prevent the Department of Labor from adopting much needed worker protection and health and safety regulations in a timely manner.

Therefore, I oppose the motion to instruct conferees. Expanded juridical review of regulatory flexibility analysis is a bad idea. It will create more litigation. It will make it more difficult for agencies to fulfill their statutory responsibilities. The relevant committees of the House have not reported legislation authorizing such review. Without adequate committee consideration of the impact of expanded judicial review, it is premature for the House to agree to such provisions. I urge my colleagues to oppose the motion to instruct.

Mrs. MORELLA. Mr. Speaker, I rise in support of the motion to instruct the House conferees to agree to the Senate amendment allowing judicial review of agency compliance with the Regulatory Flexibility Act [RFA].

As legislators, sometimes we overlook the consequences of our actions. While one regulation will not break a small business, the total weight of the regulatory burdens that we, in Congress, impose on small businesses can close businesses that are essential to our economic recovery and prosperity.

In 1980, Congress passed the Regulatory Flexibility Act [RFA]. This is a good piece of legislation that requires agencies to take a look at the burden that each proposed rule places on small firms. It also requires each Federal agency to develop a less onerous compliance system for small firms. Further, under the RFA, each agency is required to review their regulations every 10 years to see if they are still needed or if they should be changed.

While the Regulatory Flexibility Act has been somewhat successful, it also has some weaknesses that need to be corrected. The problem is that the act has no teeth. Agencies can choose to ignore it and the Small Business Administration seems powerless to enforce it. Congress needs to clamp down and require compliance with this act, and it needs to add some teeth to it by adding a judicial review process for agencies that fail to comply with the act.

With a judicial review provision, an agency that failed to adequately consider the economic impact of regulations on small business could be challenged in court. Judicial review would ensure that agencies consider the impact of proposed regulations on small business and make changes accordingly. Judicial review makes this act more effective for small business and more true to its original intent.

Mr. Speaker, both Vice President AL GORE and SBA Administrator Erskine Bowles have recognized the weaknesses of the Regulatory Flexibility Act and support strengthening it. The Senate overwhelmingly approved judicial review in the National Competitiveness Act, and there are more than 240 cosponsors of Congressman EWING's judicial review legislation in the House.

I urge my colleagues to support Mr. WALKER's motion to instruct conferees to concur with Senate language which amends the Regulatory Flexibility Act.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. WALKER. 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 380, nays 36, not voting 18, as follows:

[Roll No. 331]

YEAS—380

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Engel
English
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
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)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw

Shays	Stupak	Upton
Shepherd	Sundquist	Valentine
Shuster	Swett	Visclosky
Sisisky	Swift	Volkmer
Skaggs	Talent	Vucanovich
Skeen	Tanner	Walker
Skelton	Tauzin	Walsh
Slaughter	Taylor (MS)	Waxman
Smith (IA)	Taylor (NC)	Weldon
Smith (MI)	Tejeda	Wheat
Smith (NJ)	Thomas (CA)	Whitten
Smith (OR)	Thomas (WY)	Williams
Smith (TX)	Thompson	Wilson
Snowe	Thornton	Wise
Solomon	Thurman	Wolf
Spence	Torkildsen	Woolsey
Spratt	Torres	Wyden
Stearns	Torricelli	Wynn
Stenholm	Towns	Young (AK)
Strickland	Traficant	Young (FL)
Studds	Tucker	Zeliff
Stump	Unsoeld	Zimmer

NAYS—36

Abercrombie	Foglietta	Payne (NJ)
Becerra	Gutierrez	Pelosi
Beilenson	Jefferson	Roybal-Allard
Brown (CA)	Johnson, E.B.	Sabo
Clay	Kopetski	Schroeder
Collins (IL)	McDermott	Stark
Collins (MI)	Miller (CA)	Synar
Coyne	Mineta	Velazquez
Dellums	Mink	Vento
Dingell	Nadler	Waters
Durbin	Oberstar	Watt
Eshoo	Obey	Yates

NOT VOTING—18

Berman	Edwards (CA)	Rangel
Bishop	Ford (TN)	Richardson
Brewster	Gallo	Ros-Lehtinen
Calvert	Gingrich	Slattery
Carr	Machtley	Stokes
Cox	Owens	Washington

□ 1503

Ms. PELOSI and Mr. BECERRA changed their vote from "yea" to "nay."

Messrs. HINCHEY, MINGE, FARR of California, and MATSUI changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SERRANO). Without objection, the Chair appoints the following conferees and expects to appoint additional conferees shortly:

From the Committee on Science, Space, and Technology for consideration of the House bill (except sections 211–14 and 504), and the Senate amendment (except title XI, sections 221, 303(d), 504, and 601–13), and modifications committed to conference: Messrs. BROWN of California, VALENTINE, ROEMER, MCHALE, BECERRA, WALKER, LEWIS of Florida, and ROHRABACHER.

From the Committee on Science, Space, and Technology for consideration of sections 211–14 and 504 of the House bill, and sections 221, 303(d), 504, and 601–13 of the Senate amendment, and modifications committed to conference: Messrs. BROWN of California, VALENTINE, and BOUCHER, Ms. ESHOO, and Messrs. BECERRA, WALKER, BOEHLERT, and BARTLETT of Maryland.

From the Committee on Science, Space, and Technology for consideration of title XI of the Senate amendment, and modifications committeed to conference: Messrs. BROWN of California, VALENTINE, ROEMER, MCHALE, BECERRA, KLEIN, BOUCHER, WALKER, LINDER, HOKE, and BAKER of California.

As additional conferees from the Committee on Banking, Finance and Urban Affairs for consideration of sections 331–37, 341–61, 503(a) (4) and (5), 503(b) (5) and (6) of the House bill, and sections 216, 306–07, the second 503(4), 1002, 1004, 1011, and title XI of the Senate amendment, and modifications committed to conference: Messrs. GONZALEZ, KANJORSKI, and RIDGE.

As additional conferees from the Committee on Education and Labor for consideration of sections 346 and 407 of the House bill, and title XI, section 211–12 insofar as said sections relate to work force training and labor, 410, 604, 607–13, 1201–02, 1302 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, WILLIAMS, and GOODLING.

As additional conferees from the Committee on Government Operations for consideration of title XI and section 1301 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, TOWNS, and CLINGER.

As additional conferees from the Committee on the Judiciary for consideration of that portion of section 205 adding section 304(g) to the Stevenson-Wydler Technology Innovation Act of 1980, and section 361 of the House bill, and title IX, sections 307, that portion of section 603 adding section 101(d) to the High-Performance Computing Act of 1991, 1005–09, 1011–13, and 1303 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SYNAR, and FISH.

As additional conferees from the Committee on Post Office and Civil Service for consideration of title VIII and section 1010 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Miss COLLINS of Michigan, and Mr. MYERS of Indiana.

As additional conferees from the Permanent Select Committee on Intelligence for consideration of title X and section 307 of the Senate amendment, and modifications committed to conference: Messrs. GLICKMAN, RICHARDSON, and COMBEST.

As additional conferees from the Committee on Rules for consideration of section 1301 of the Senate amendment, and modifications committee to conference: Messrs. MOAKLEY, DERRICK, and GOSS.

As additional conferees from the Committee on Small business for consideration of that portion of section 204 of the House bill which adds a new section 303(c)(1) to the Stevenson Wydler Technology Innovation Act of 1980, and for the portion of section 212 which adds a new section 24(c)(1) to the National Institute of Standards and Technology Act and section 306 of the Senate amendment, and modifications committed to conference: Mr. LAFALCE, SMITH of Iowa, and Mrs. MEYERS of Kansas.

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. HOAGLAND. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I hereby serve notice that on tomorrow, July 20, I will offer the following motion to instruct House conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. HOAGLAND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) be instructed to meet promptly on all issues committed to conference with the managers on the part of the Senate.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 468

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. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are

waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before its consideration. 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 adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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.

□ 1510

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

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

Mr. Speaker, House Resolution 468 is the rule providing for the consideration of H.R. 4299, the Intelligence Authorization Act for fiscal year 1995.

Mr. Speaker, this is an open rule providing 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

For the purpose of amendment, the rule makes in order the Intelligence Committee amendment in the nature of a substitute now printed in the bill as an original bill.

Under the rule, the bill shall be considered by title, with each title considered as read.

Clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, is waived against the committee substitute. The chairman of the Intelligence Committee requested this waiver for sections 601 (a) and (b) and 806(a), which give authority for the use of appropriated funds for purposes different than those for which they were appropriated and therefore may constitute a technical violation of the rule mentioned above.

In addition, the rule waives clause 7 of rule XVI, which prohibits nongermane amendments, against the committee substitute. The chairman of the committee requested this waiver of a point of order that might arise because the bill as introduced was narrow in focus and the amendment in the nature of a substitute is broader.

Mr. Speaker, the rule makes in order only those amendments printed in the CONGRESSIONAL RECORD prior to the consideration of the bill. The chairman of the Intelligence Committee based his request for this notification requirement on the need to recognize the sensitivity surrounding the components of the intelligence budget.

He testified that advance notification of amendments would give the committee a chance to help protect the security of sensitive information that could be affected by amendments modifying the authorization levels in the bill.

He asked also that the debate on such amendments be carefully structured to minimize the risk that classified information will be inadvertently disclosed, and testified that directing the debate away from classified matters can best be accomplished by an advance notification requirement.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4299, the bill for which this rule provides reconsideration, authorizes funds for all the intelligence and intelligence-related activities of the United States for the coming fiscal year. It also provides legislative authorities for the conduct of U.S. intelligence activities which are regularly found in an intelligence authorization bill.

The authorization levels in the bill are classified, but are available for review by Members. The amount authorized is 2.2 percent less than the President's budget request, but approximately 2.6 percent more than last year's appropriated level.

The bill contains several important provisions, some of which are in response to the Ames espionage case which caused so much concern to all of us who are interested in the successful operation of the CIA.

The bill also recognizes the necessity for the entire intelligence community to adjust to the post-cold war era. It is obvious that the intelligence agencies need to reexamine their overall roles and missions in that world and the committee has given the agencies guidance in this respect.

Mr. Speaker, the 1980's were a period of substantial growth in the budgets and personnel rolls of U.S. intelligence agencies. That growth was felt to be necessary to counter the national security threat posed by the Soviet Union.

With the collapse of the Soviet Union and the end of the cold war, the primary focus of intelligence activities and the principal justification for the intelligence resource levels of the 1980's was eliminated. The intelligence community has been struggling since that time to define its mission and to properly size itself for the future.

In the last three authorization bills, the Intelligence Committee has attempted to make the intelligence budget reflect the reality of a world significantly changed from a national security standpoint, while ensuring that the United States maintains its ability to provide timely and reliable intelligence to its policymakers and military commanders. That approach is continued in this year's bill.

The committee is bringing the intelligence budget down, but in a measured way which preserves essential capabilities and encourages investment in the collection and processing systems which will be needed in the future. Personnel rolls are being trimmed as well and, as a result of actions mandated by Congress 2 years ago, by the end of fiscal year 1997, employment levels will be at least 17.5 percent less than they were in fiscal year 1992.

Despite the demise of the Soviet Union, the world clearly remains an unpredictable and dangerous place. There is need for effective intelligence, especially in light of the world-wide reduction of U.S. military personnel. That need, however, does not have to be met by an intelligence community of the size and orientation of its cold war predecessor.

The committee's bill continues to provide encouragement for intelligence agencies to review their operations, discarding those which are no longer necessary, while retaining those which remain important. Intelligence support to the military commander is emphasized. Special attention is placed as well on providing sufficient resources to respond to intelligence challenges on issues such as terrorism and the proliferation of weapons of mass destruction.

Spending throughout the national security establishment has been reduced in recent years, and intelligence has been no exception. This was inevitable given the significant changes which have occurred in the world. It is the Intelligence Committee's judgment that neither the reductions made in past years, nor those contained in this year's bill, will hinder the ability of the intelligence agencies to respond to essential intelligence requirements.

Mr. Speaker, the Committee on Rules believes this is a good, a fair rule, and I urge my colleagues to approve it so that we may proceed with consideration of this important bill today.

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

Mr. Speaker, it is remarkable, I think, having listened closely to my colleague from California, how much in agreement we are on this subject. I think that is a very encouraging sign. I think many of the remarks that I am about to make are going to seem very similar to the remarks the gentleman from California has made, and that pleases me because I think we are facing a challenge here.

Obviously, I am pleased to be able to support an open rule. I have no objection to the reasonable requirement included in this rule that amendments offered on the intelligence authorization be preprinted in the RECORD. I do not feel that way about preprinting for

other bills, but intelligence is a little special because of its sensitivity and confidentiality and the need to not have surprises here on the floor. I think that is an entirely reasonable request and a legitimate one, given the importance of protecting classified information.

I very much doubt if any Member is going to mind the extra review of amendments to insure that national security is not compromised in the process of this bill. I think we all understand that the national security is very significant for us and, unfortunately, we have had incidents where it has been compromised in the past.

The rule also waives certain points of order against the committee substitute, supported by the chairman, Mr. GLICKMAN, and our ranking member, Mr. COMBEST.

Given the complexity of the subject in front of us, I have no objection to the technical waivers that have been made. I certainly commend the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from Texas [Mr. COMBEST] for their work and their interest in having as open a debate as possible without jeopardizing national security. And again, I think the comments by my colleague from California underscore that we have had a good discussion in the Committee on Rules and we have come forward with a good product today to deal with this matter.

I am, however, deeply troubled by the trend that the bill itself perpetuates. For the past several years, resources devoted to intelligence gathering have been cut repeatedly.

□ 1520

The authorization levels in this bill are 16 percent below what they were in 1992, and total intelligence spending has declined by 20 percent since 1990. Looking against the national performance review standards, I understand the cuts are about double what the target was, done on a percentage basis, and the actual dollar amount is a significantly greater cut than was actually necessary or called for.

So, some real sacrifice has been made here, and I am wondering if maybe we have not gone too far. Some people might believe that we no longer have use for intelligence because the Soviet Union is not there anymore as a monolith and because the sweeping changes that have transformed Europe are all good. But, as we know, that simply is not the case. We have in some ways more challenges for good intelligence and for good information for our decisionmakers than we have ever had before. The recent crises in North Korea, Iraq, Bosnia, Haiti, and Somalia probably all underscore the dangers of attempting to navigate the volatile and uncertain waters of global politics without the best possible compass and the most accurate and up-to-date charts. I do not think we should be fooled by those who say the storm is past and it is all smooth sailing ahead. I do not think anybody really believes that. We have seen what happens when decisionmakers operate without good information delivered in a timely and useful way.

In fact, Mr. Speaker, it was not that long ago that this Nation watched in some puzzlement and embarrassment as the U.S.S. *Harlan County*, loaded with American service people, retreated in haste from the docks of Haiti because a band of thugs were menacing them from the port. Where was the intelligence? Why did we not have better information available to our decisionmakers at the State Department and the Pentagon to make a better policy statement and figure that one out a little bit better?

And what about the potentially deadly game of hide and seek we are still playing with North Korea over the issue of nuclear weapons? Do we really have the necessary resources in place to develop good information about the capabilities and the motivation, the motivation of the North Koreans? Does anybody really understand Kim Jong-Il what he stands for, and where he is going?

What about Africa? Recently we read two articles in the newspaper, the first outlining how the CIA is planning to scale back its operations there by closing 15 stations as a way to absorb budget cuts. Five days later another news article quotes President Clinton decrying the "pretty low" level of understanding Americans have about Africa. So, here we have the left hand reducing our ability to get good human intelligence, good human information in Africa, while the right hand is seeking to improve our understanding of that region. It seems a little curious. No wonder people are confused.

There are some in this Chamber who see no practical use for intelligence at all. Perhaps they have watched too many old cloak and dagger movies; I do not know. Perhaps they do not understand world affairs. But despite the undercurrent of animosity for covert operations and classified information, Mr. Speaker, America should be reminded that we have for decades been the beneficiaries of constant, consistent, accurate information that has made good intelligence. Picture a hidden hand guiding decisionmakers through crucial policy options and helping to avoid potentially deadly and costly mistakes. Of course things do not always go smoothly, and we always read about the problems every time there is a high profile policy mistake or a security breach. Just about everybody hears about it, just as we have all heard about Aldrich Ames and should have heard about Aldrich Ames. There are those clamoring to excoriate our intelligence services as a result, but we must not give in to that temptation in my view.

Mr. Speaker, we hear about the mistakes and problems. We rarely hear about the averted crises and the success stories for obvious reasons. That is the nature of the intelligence business. Those of us who are charged with oversight responsibility must remember to make a fair judgment about how well the intelligence community is doing, realizing that we are never going to be able to have an even playing field to talk about the successes.

Of course, as one who worked in the intelligence community, I agree wholeheartedly that management reforms are needed. I will say that again. I do believe we need to get at this issue of reform, and I am glad for the resolve of the gentleman from Kansas [Mr. GLICKMAN] in ensuring these matters are addressed, which was supported by the ranking member, the gentleman from Texas [Mr. COMBEST]. In that process I hope we will also make some necessary changes in the classification and declassification process to ensure that the guise of, quote, national security, unquote, is not used in vain, while guaranteeing truly sensitive material is, in fact, not compromised. This is a very difficult balancing act, but it is crucial to ensuring accurate information and the protection of the human component of intelligence gathering. The people who risk their lives to provide this service do not want to risk their lives in vain, and we owe them protection of that information.

Finally, Mr. Speaker, I once again call on my colleagues in the House to take the important step of requiring a secrecy oath for Members of Congress. Members are granted extraordinary access to classified material, very sensitive material I would add, and mountains of it; I hope it is understood that we have a responsibility to protect that information. Repeated, if isolated, leaks of substance from classified briefings to the front pages of morning newspapers suggest, perhaps, that some Members still do not understand our important responsibility in this area. So I will, once again, join the gentleman from Illinois [Mr. HYDE], my friend, in offering an amendment to this bill to require that Members and staff seeking access to classified information sign a pledge that they will, not willfully disclose such material. I know that this will be seen as symbolic by some, but sometimes it is the symbolism that gets the point across, attracts people's attention, and ensures that they do the right thing.

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

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
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).
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. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah [Mr. HANSEN], a member of the Permanent Select Committee on Intelligence.

Mr. HANSEN. Mr. Speaker, I rise in support of this rule. I want to comment Chairman GLICKMAN and my colleague, Mr. COMBEST, for their leadership. We worked well in this committee this year. When disputes arose, they were

quickly settled with the result being a bipartisan bill that we can all support.

As a member of both the Intelligence and Armed Services Committees, I have closely followed a number of controversial crossover issues, the most significant being intelligence support for Department of Defense drug interdiction operations. I remain very concerned that there is no one in charge of supply reduction efforts. The Defense Department has unilaterally picked a fight with the Governments of Peru and Colombia by ceasing to pass radar tracking data to these Governments that would facilitate the force-down of narcotics trafficker aircraft. At the same time that the Defense Department was driving a wedge between Peru and Colombia and our Government, it was requesting more money for radar programs in Latin America. This mismanagement has a direct impact on Americans at home because cocaine destined for the United States that would otherwise have been interdicted is now freely moving from Peru to Colombia. I have received assurances that the administration has focused on this problem and hopes to have it resolved soon. They should have thought about this before they reversed a long held policy on force-downs without prior consultation with other affected Federal agencies.

The problem I have described with the drug war is symptomatic of a larger problem: Lack of policy direction that will permit the intelligence community to efficiently allocate scarce collection assets. This has been clear throughout the year as we looked to the administration for a clear statement of its global priorities, which can best be described as constantly in flux. Barring such a vision, we will be forced to continue to provide direction. This is both unfortunate and unnecessary. Eighteen months into the Clinton administration is far too long to wait for a clear sense of policy direction. Mr. Speaker, I hope they do better next year.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. COMBEST], the ranking member of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman from Florida [Mr. GOSS] yielding this time to me. And to the gentleman from California and the gentleman from Florida I simply want to say I appreciate very much the cooperation of the Committee on Rules in granting this rule that allows a full and open debate, allows any amendments that wish to come up under the preprinted rule. And I strongly support it and would urge passage of the rule.

Mr. GOSS. Mr. Speaker, I have no further requests for time and am prepared to yield back the balance of my time, if I can be assured by my colleague that he has no further requests.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time.

In closing, Mr. Speaker, this is an open rule. The only way it could otherwise be characterized is because of the preprinting requirement, but because of the problems associated, or potential problems associated, with national security interests, that is, we believe it a reasonable requirement, one that was agreed to by the minority on the Committee on Rules.

□ 1530

The Permanent Select Committee on Intelligence we believe has brought us a good bill which can be fully debated under this rule. I urge my colleagues to vote for this rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. SERRANO). Pursuant to House Resolution 468 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. 4299.

The Chair designates the gentlewoman from New York [Ms. SLAUGHTER] Chairman of the Committee of the Whole, and requests the gentlewoman from Hawaii [Mrs. MINK] to assume the chair temporarily.

□ 1531

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. 4299) to authorize appropriations for fiscal year 1995 for intelligence, and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mrs. MINK of Hawaii (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 30 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

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

Madam Chairman, at the outset I want to compliment the committee's ranking Republican member, LARRY COMBEST, for the leadership he provided in fashioning this legislation. We have not agreed on every issue, and I know he has reservations about the funding levels in the bill, but we worked together in a cooperative spirit to produce a measure which the committee could support.

The bill before the House authorizes the funds for fiscal year 1995 for all of the intelligence and intelligence-related activities of the U.S. Government. The intelligence budget is comprised chiefly of two parts, the National Foreign Intelligence Program [NFIP] and the Tactical Intelligence and Related Activities [TIARA] Program. The NFIP includes those activities involved in the provision of intelligence to national policymakers and includes programs administered by agencies like the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency.

Tactical intelligence programs reside solely within the Department of Defense and are primarily, although not exclusively, concerned with the provision of intelligence to military commanders. There is not always a clear distinction between national and tactical programs and the Intelligence Committee has jurisdiction over the budgets of both. In our review of the funding requests for intelligence activities of particular concern to the Armed Services Committee and I want to acknowledge the assistance provided to us by Chairman Dellums, the members of his committee, and the committee staff.

Since so much of the Intelligence Committee's work deals with classified information, it is not possible to discuss the contents of the bill publicly except in broad terms. I am aware that this situation is frustrating to many Members and when we reach the amendments phase of these proceedings, BOB TORRICELLI and I will offer an amendment which would bring a degree of openness to the consideration of the intelligence budget. Our amendment will require that, beginning with the submission of the budget for fiscal year 1996, the aggregate amount of money spent on, and requested for, intelligence will have to be disclosed.

Although their funding levels are not public, all of the programs and activities authorized by H.R. 4299 are, however, set forth in a classified schedule of authorizations which is incorporated into the bill by reference, and discussed in detail in a classified annex to the committee's report. These documents have been available for review by Members since June 10. I urge Members who have not yet done so to visit the committee's office, room H-405 in the Capitol, and familiarize themselves with these materials.

This is the third consecutive year in which the committee has reported an

authorization which is below both the President's request and the amount authorized the year before. The congressional intelligence committees, much more so than the agencies they oversee, have been the agents for change in the intelligence community. Responding to the end of the cold war, it was the committees that mandated a 17.5-percent reduction in personnel to be accomplished by fiscal year 1997, and cuts in spending which have amounted to approximately 7 percent in the aggregate over the last 3 years. We have taken these actions largely as a result of a conviction that with the changes in the world arising from the demise of the Soviet Union, some alteration in the size of the intelligence community, which after all had been created to respond to the national security threat posed by the Soviets, was required.

The committee has been frustrated, however, by the inability of either this administration or its predecessor to articulate a clear vision of what the intelligence community should be doing in the post-cold-war world. Without that vision, and a well-defined implementation plan, it is difficult for the committee to effectively assess resource needs. Budget reductions are a blunt instrument for producing change in either the direction or method of operation of any agency or department of Government. Budget cuts must be reacted to, but those reactions do not always produce the efficiencies which might have resulted if the savings had been the end result of change, and not its cause. Thus far, however, the intelligence community's response has been primarily to react to the budget initiatives of Congress rather than looking to the future, attempting to define its role in it and matching its budget needs to that future role.

That is not to say that the maintenance of an effective intelligence capability will not continue to be necessary or that its maintenance will not be expensive. The world will remain an unpredictable place and intelligence will continue to be the insurance policy which will hopefully enable our leaders to deal with crises and conflicts in ways which reduce the risk to American interests and American lives. I believe, however, that the premium on that insurance should be going down because, as dangerous as the world may be, it is quite simply not as dangerous as it was when we had an enemy of the dimensions of the Soviet Union.

The committee's actions to refocus intelligence spending and activities are of necessity ad hoc. They cannot be expected to substitute for strategic planning by the executive branch. We need a strategic plan for intelligence and it is my judgment that the individuals from outside of Government need to be involved in its formulation. The planning effort must be undertaken promptly and completed expeditiously. We cannot afford another budget cycle in which the committee trims the request because of a gut feeling that it is too high.

The committee needs to be able to judge the budget by how well it allocates resources to priority intelligence activities. The identification of priorities has not been done clearly and the resulting impression is that the intelligence community is trying to do most of what it did during the cold war, in the same way as it did in the cold war, and that is difficult because there are fewer resources. In the committee's judgment, there are intelligence priorities. They include countering the threats posed by the proliferation of weapons of mass destruction, international terrorists, and narcotics traffickers, and ensuring that our military commanders, no mater where they are deployed, have timely access to intelligence collected by national and tactical systems. These activities need to be emphasized and if that requires terminating some things which are no longer necessary because of changes in the world, that has to be done—and much more quickly than it has thus far. That is why a strategic plan is so important.

The fiscal year 1995 budget submission requested an increase in the NFIP, a cut in TIARA, and marginal growth when the two were combined. The committee's recommendation cancels almost all of the requested increase in the national programs, deepens the reduction in the tactical programs, resulting in an authorization below the request and below the amount appropriated in fiscal year 1994. I recognize that it will be argued by some that we did not cut enough and by others that we cut too much. We are proceeding cautiously, for the reasons I have already stated. In reducing spending and personnel, our goal has been twofold. First, we have tried to keep the pressure on the intelligence community to reorient itself, a process which takes time especially when it involves systems which are complex and expensive. Second, we have sought to avoid creating gaps in intelligence coverage by a too rapid reduction in resources. We are walking a fine line in a difficult area and while I do not believe that the committee's recommendations will cause any diminishing of essential capabilities, I am concerned that substantial additional reductions would have that result. I urge the House to reject amendments which would require such reductions.

In addition to the budget recommendations, the bill contains a number of legislative proposals which will be explained in detail by the chairman of our subcommittee on legislation, Mr. COLEMAN. Some of these proposals involve matters within the jurisdiction of other committees and I want to acknowledge the assistance we have received from those committees in moving this legislation forward. At this point in the RECORD, I would like to insert an exchange of letters between Chairman FORD of the Committee on Education and Labor and myself on one such proposal.

Among the legislative recommendations in H.R. 4299 are several which comprise the committee's initial responses to the Ames espionage case. While these recommendations should be of help in deterring espionage, the Ames case was not caused by deficiencies in the law. The committee has an inquiry underway to help determine why a CIA employee could conduct espionage for 9 years, from different CIA posts in the United States and abroad, under the noses of his supervisors and coworkers, without detection. I am concerned that the Ames case reflected the continuation of a problem that the committee publicly identified in 1986 and 1987—counterintelligence has not been a high enough priority of senior management at the CIA or elsewhere in the intelligence community. Until protecting our secrets becomes as important to management as acquiring the secrets of other countries, we will continue to court disaster. No amount of legislation will correct the problems which allowed Mr. Ames to operate successfully for so long. They will be remedied only by a heightened emphasis on counterintelligence by top management and closer coordination of counterintelligence activities between intelligence and law enforcement agencies.

Madam Chairman, I urge the House to endorse the committee's judgments as reflected in H.R. 4299. Those judgments reflect a balancing of interests but I believe the bill makes progress in encouraging the community to invest in its future rather than cling to its past.

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, July 12, 1994.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 12, 1994 concerning section 501 of H.R. 4299, the fiscal year 1995 intelligence authorization bill.

As noted in your letter, section 501 amends a number of statutes to enable the Secretary of Defense to manage the civilian employees of the Central Imagery Office in the same personnel system as exists for comparable employees of the Defense Intelligence Agency. One of these statutes, the Employee Polygraph Protection Act of 1988, is within the jurisdiction of the Committee on Education and Labor pursuant to Rule X of the Rules of the House of Representatives.

The Intelligence Committee appreciates your willingness not to seek the referral of H.R. 4299 to which your committee would have been entitled on the basis of its jurisdiction over section 501. Your decision has

facilitated the floor consideration of H.R. 4299.

Sincerely,

DAN GLICKMAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 12, 1994.

Chairman, Hon. DAN GLICKMAN,
Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This week the House of Representatives will consider H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995. Section 501 of the proposed legislation provides the Secretary of Defense with the statutory authority to manage the civilian employees of the Central Imagery Office in the same personnel system as the one which exists for comparable employees of the Defense Intelligence Agency. This section modifies a whole range of statutes to ensure that employees of the Central Imagery Office are subject to the same statutory provisions as employees of the Defense Intelligence Agency.

One provision of Section 501 amends the Employee Polygraph Protection Act of 1988 to include employees of the Central Imagery Office in the same stautory exemption as the Defense Intelligence Agency.

The Employee Polygraph Protection Act of 1988 is a statute within the Rule X jurisdiction of this Committee. The Committee does not oppose the amendment proposed in H.R. 4299 and sees no need to take action upon the bill. Our decision to forego action, however, should not be construed as a waiver of the Committee's Rule X jurisdiction. We would appreciate it if this letter and your response could be printed in the Congressional Record with the debate on H.R. 4299.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

□ 1540

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, as the ranking Republican member of the Intelligence Committee, let me first express my appreciation to my colleague from Kansas, Chairman GLICKMAN, for his hard work in leading our committee through some extremely difficult deliberations. The pressure to continue cutting when common sense dictates it should cease has made preparation of the authorization bill for intelligence more difficult in each of my 6 years on this committee.

H.R. 4299 is not the bill that I or my Republican colleagues would have written. I strongly urge anyone who is concerned with this country's security to read the minority views to the unclassified report, where we discuss at some length our philosophic and practical dissent from some key elements of the authorization report. Realistically, though, we stand united in supporting the bill as the best compromise we can reach at present. I say this in the full expectation that we will in conference, on a bipartisan basis, seek compromise positions which will lessen our concern that this bill endangers some critically important and fragile intelligence capabilities, such as in the area of human intelligence.

The committee is responsible for examining, evaluating, and funding intelligence capabilities and activities, the specifics of which are largely and necessarily unknown to the public. When Congress makes an unwise cut to public works or education, the taxpayer sees the bridge left half built and the school left unfurnished. But, when we cut intelligence the taxpayer sees nothing. If we decide to gamble with public safety by cutting money for law enforcement, the public sees the results and can draw the right conclusions. But, when we gamble with national security by cutting intelligence programs the taxpayer is unaware how we may be risking his and his family's well-being. We cannot disclose publicly the extent and nature of those risks, because that would tip off those in our unsettled and dangerous world who wish us harm about where our intelligence capabilities are thinnest. In practice this often means that we will not face full public accountability until our gambles result in an open disaster.

Frankly the short-term odds are with the Members of this House who press for such irresponsible continuing cuts. After all, those who opposed strong defenses in the years before World War II could claim to be demonstrably right year after year after year. In the gamble of national preparedness they rolled straight sevens and saved the taxpayers billions of dollars—right up until December 1941 and the debacle of Pearl Harbor. Some people refuse to learn from history, but what was true then is true now: Responsible leaders of this country must fight against the short-sighted tendency to think we can safely cut corners in intelligence and national security. Those savings will be lost inevitably many times over, and they will be paid back not only in dollars but in lives. With important national security interests at stake, we must be more cautious about these continuing cuts to intelligence. We cannot afford to search for some illusory right level of intelligence resources by making cuts we later find to our regret are too deep and then working backward to restore lost capabilities.

Madam Chairman, I am not now talking about history, though. Neither am I talking about some sort of hypothetical point of decision off in the future. I am talking about this year, this budget, and what we do about it today. For, in the area of intelligence, push has come to shove. In all but one of my 6 years on this committee we have turned out an authorization bill showing cuts to intelligence in real terms. We have probed, examined, and x rayed the intelligence budget from every angle. We have torn it down and rebuilt it. We have cut and pared and sliced away at fat. We are now cutting away muscle and sinew. Savings can now be measured only in risks taken.

There is no shortage of facts and figures I can cite to demonstrate the rather remarkable, indeed reckless, slope of decline on which we have put the intelligence community. Despite a consensus of informed opinion that intelligence cuts should be avoided or at least minimized in a period when we are cutting our defense capabilities, we are again this year cutting intelligence more than defense at large. It is downsizing at a rate twice that recommended by the President's National Performance Review for the Government. President Clinton made a campaign promise in 1992 to cut the Bush administration's proposed intelligence budget over a 5-year period by $7 billion. This was an incredibly ambitious—and many would say a foolhardy—goal. Yet, as Director Woolsey has stated publicly, this has been accomplished with 2 years to spare, and it appears the cuts over the 5 years will likely be more than $14 billion. This irrational urge to keep cutting intelligence has taken on a life of its own and it will, unless stopped, inevitably lead to disaster.

Madam Chairman, I have not talked today on the continuing need for intelligence. I did so last year at some length and, I imagine, several of our committee colleagues will discuss it some more. I will only observe that it takes an incredibly naive person to argue that the current world situation is such that our country does not have a pressing need to know the behind-the-scenes realities of: the capabilities and intentions of well-armed hostile states, terrorist organizations, weapons proliferators, and unfair trade competitors worldwide.

In 1944 Secretary of State Edward Stettinius, in his political innocence, convinced President Roosevelt to have Gen. William Donovan of the CIA's predecessor, the Office of Strategic Services, return to the Soviet Union a captured copy of a code book used by the Soviet intelligence services. He did, and the Soviets promptly changed their codes. A chance to follow Soviet intelligence activities in the United States and worldwide was thrown away. Fortunately, Donovan returned the code book only after making a copy—a copy which U.S. intelligence used a few years later, when political leadership was wiser to decrypt Soviet intercepts from before 1945. These messages allowed the United States to wrap up numerous Soviet agents who were still active in the United States. Those who now seek to limit intelligence capabilities are far more short-sighted, naive, and downright foolish than Secretary Stettinius. What

Stettinius did was only to limit the benefit of good intelligence work. Those who cut crucial intelligence resources now are, effectively speaking, keeping the code books of today's enemies from ever reaching our hands in the first place.

I urge the House to pass this authorization without further cuts and the even greater risks to our national security interests which further cuts would entail.

I feel I should also take this occasion to comment on the Ames espionage case and the reforms that are under consideration in its wake.

First of all, reform of intelligence and counter-intelligence should not be of the ready-fire-then-aim sort.

While the Intelligence Committees have been considering various options for change, the DCI has refrained from making quick fixes and opted—I think wisely—to wait until he began getting in the results of several external and internal investigations and task forces to propose his remedies. He has taken very careful aim because he wants to fix what is broken without destroying an extraordinarily important and, despite Ames, a highly successful element of the intelligence community—the CIA's clandestine Operations Directorate.

Last week the DCI gave us on the Intelligence Committee his initial readout of what sorts of changes he envisions. An unclassified version of that talk was given yesterday to the Center for Strategic and International Security. In it he announced "a comprehensive overhaul of a number of key structures, programs, and procedures." It was a speech which, in the words of the New York Times, was unprecedented: "no other sitting Director of Central Intelligence has offered a public critique quite as pointed as Mr. Woolsey's." And, as Mr. Woolsey told our committee, this is just the beginning.

I am very much encouraged by the direction the DCI is moving. He has not been misled by the distracting hue-and-cry of those claiming the main scandal is in the longevity of Ames' treachery. Parenthetically, I would note that the two potentially most damaging cold war spy cases, the Whitworth/Walker case in the Navy and the Conrad case in the Army—either one of which could have resulted in hundreds of thousands of U.S. dead if not outright U.S. military defeat in war—went on for 18 and over 12 years, respectively. While identifying factors which hamstrung the CIA and FBI efforts over 8 years to identify the spy responsible for the 1985–86 intelligence compromises, the DCI has rightly focused in on the system which allowed Rick Ames access to so many of the CIA crown jewels to begin with. This is a much more difficult problem and he is to be lauded for attacking it head-on.

Our committee, you can be sure, will be watching these developments closely. The DCI has promised he will consult with us at every step of the way. This is exactly as it should be. We are not content, however, to sit by and be consulted. We are ourselves delving into the details of Ames' espionage activities and all aspects of U.S. intelligence and counterintelligence relevant to it. It is in the interest of every member of our committee—indeed, of the American people—that we minimize the possibility of there being a repetition of Ames' treachery while maximizing the efficiency and effectiveness of the U.S. intelligence community.

□ 1550

Madam Chairman, I reserve the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield 9 minutes to the distinguished gentleman from Texas [Mr. COLEMAN], chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence.

Mr. COLEMAN. Madam Chairman, I rise in support of H.R. 4299, the Intelligence Authorization Act for fiscal year 1995. As chairman of the Legislation Subcommittee, I feel we have produced a good bill that makes responsible reductions in the intelligence community's budget request while maintaining essential capabilities. In the budget area, we have continued to put pressure on the community to develop innovative, cost-effective solutions to meeting the challenges of the future. More needs to be done, but progress is being made.

On the legislative side, H.R. 4299 contains a large number of substantive proposals, which I would like to summarize briefly:

Section 401 deletes certain archaic provisions of the Central Intelligence Agency Act of 1949 to ensure CIA's alcohol rehabilitation program is not seen as inconsistent with the Agency's statutory authorities.

Section 501 provides the Secretary of Defense the statutory authorities to manage civilian employees of the Central Imagery Office [CIO] in the same personnel system as exists for civilian employees of the Defense Intelligence Agency. Providing these authorities to the Secretary of Defense should ensure there is no separate administrative structure created for the smaller CIO.

Section 502 clarifies that the notice requirements of the Privacy Act of 1974 do not apply to Department of Defense [DOD] intelligence officers conducting, outside the United States, an initial assessment contact of a U.S. person as a possible source of foreign intelligence. Section 502 is intended to permit a DOD intelligence officer one opportunity for a face-to-face meeting with the potential source without having to inform the U.S. person of the officer's affiliation with the U.S. Government.

The committee was not convinced that the notice requirements of the Privacy Act were intended to apply to situations covered by the bill, but recognized that the Department of Defense had legitimate grounds for requesting an exemption, in light of the civil penalties that attach to violations. In addition, the committee was concerned about the safety overseas of U.S. intelligence officers and U.S. persons being assessed.

The committee intends that the Privacy Act exemption contained in the bill be construed in such a way as to minimize intrusion on the privacy of the potential U.S. person. The committee believes that no personal information solicited from an individual during the initial assessment contact should be retained in a U.S. Government system of records if the individual is not informed of the intelligence officer's governmental affiliation. Furthermore, the committee expects that under no circumstances should a potential U.S. person be requested or utilized in any fashion to undertake any intelligence activity by defense intelligence officers unless the potential U.S. person is made witting that he or she is acting on behalf of the U.S. Government regardless of the status of the initial assessment contact.

Section 601 of H.R. 4299 establishes independent statutory inspectors general [IG's] for the Defense Intelligence Agency and the National Security Agency. These IG's would be appointed by the directors of the respective agencies, and would not be subject to Senate confirmation. The bill spells out the authorities of the statutory DIA and NSA inspectors general, qualifications for the positions, and reporting requirements to the congressional intelligence committees.

The committee has been concerned about the independence and effectiveness of the offices of the inspector general at DIA and NSA for a number of years. A statutory inspector general at each agency should ensure that important intelligence programs operated by the NSA and DIA have a high degree of specialized, professional, inspector-general oversight. Section 601 will be the subject of an amendment from Mr. CONYERS at a later point in the debate. I support the adoption of this amendment: it should bring greater clarity to the interpretation of the provisions establishing the NSA and DIA IG's in the law.

Title VII of the bill includes two provisions intended to improve the management of classified information in the Federal Government. Section 701 requires larger intelligence agencies to

allocate at least 2 percent of their appropriations for security, countermeasures, and related activities to certain declassification activities, including reducing classified archives. Section 702 requires the President to issue an Executive order on classification and declassification, not later than 90 days after enactment, and includes a sense of Congress on what the Executive order should provide.

Title VIII of the bill contains several measures to improve U.S. counterespionage efforts. These measures should deter U.S. Government employees—including contractors, consultants, and legislative and judicial branch staff—from engaging in espionage, facilitate the detection of espionage, and provide additional authority to prosecute and redress espionage activities.

The bill requires individuals with access to classified information to give consent to disclosure of records held by financial institutions, credit bureaus, and commercial travel entities, to authorized investigative agencies, or employing agencies, during background investigations, while granted access to classified information, and for 3 years thereafter.

Section 801 sets forth the conditions under which an authorized investigative agency may request, obtain, and disseminate this information. While H.R. 4299 requires employees to waive a certain degree of privacy as a condition of access to classified information, the bill carefully places limitations on when an investigative agency may make a request for financial records and how the information contained in the record may be disseminated. This should be less burdensome to individuals than new reporting requirements, and less intrusive on their privacy.

Title VIII also authorizes rewards for information leading to arrests or convictions for espionage; establishes venue for trials involving espionage committed outside the United States; requires post-conviction forfeiture of espionage proceeds; provides for the denial of retired pay to certain individuals convicted overseas of espionage; and authorizes provide post-employment assistance to certain Defense Department civilian employees to maintain their stability and judgment and avoid unlawful disclosure of classified information.

□ 1600

Mr. Speaker, I would only say in closing that all of the matters that I have listed that we dealt with legislatively on this particular subcommittee and we have included in the bill are the result of the work of a lot of the members of this committee in the area of classification and declassification of items. Of course, our colleague, the gentleman from Colorado [Mr. SKAGGS], will perhaps speak on that issue more later.

I would say that were it not for the staff on both sides of the aisle of the committee, I do not believe we could have brought a bill to the floor that has garnered the support of Republicans as well as Democrats on this most important matter, not just for its budget matter but for its authorization and change in the legislative part of the bill.

Mr. COMBEST. Madam Chairman, I yield 7 minutes to the gentleman from Nebraska [Mr. BEREUTER], a most valuable member of the committee.

Mr. BEREUTER. Madam Chairman, we have had typically the last 5 years I have been a member of the committee sweetness and light at this stage, and I think I will depart from that, unfortunately. This is a time to draw a line in the sand, because I am not happy at all with this budget.

Madam Chairman, this Member would tell his colleagues he has severe reservations about the amount of cuts in the funding of the intelligence community recommended by this committee. Certainly I would strenuously oppose any further cuts from the floor or in conference.

Both Republican and Democratic administrations now have sought to avoid cutting the intelligence budget as much as the cuts in the overall DOD budget within which intelligence funds are obscured. The theory has been that intelligence is a force multiplier and also exceedingly important in an increasingly confusing and unstable world. The Defense Department itself consistently has subscribed to this theory, even though more lenient treatment of the intelligence function in budget-cutting efforts meant that DOD's core military programs had to take deeper cuts to stay within the Department's budget ceiling. However, for several years in a row now, Congress has chosen to take misguidedly higher percentage cuts in the intelligence request than in the overall Defense request.

The reasons for this tough budgetary treatment of the intelligence community budget are mostly political rather than substantive. This year our Democratic Party colleagues on the committee tell us that the committee must cut deeply because a majority of the Democratic caucus is critical of U.S. intelligence, and we might otherwise be unable to carry the bill without draconian cuts on the floor.

Madam Chairman, this member believe, and some other members of the committee believe, especially this year, that real damage is being done by the budget cuts the committee is recommending and that some of these cuts are very unwise. In making such cuts, we do not even have the consolation of contributing to deficit reduction, since the Armed Services and Appropriations Committees, rather than reducing the Defense budget accordingly, routinely divert intelligence savings to other Defense programs, notably those that are not funded in the Defense request but are valued by some members for parochial or political reasons.

Let us examine some of the problems.

First, there is now a real question whether we will be able to support an adequate satellite infrastructure. Second, it seems like only yesterday that Congress itself was leading a highly publicized bandwagon of support for human intelligence collection—"HUMINT for the 90's," it was grandly called. But we are nothing if not fickle, and in the twinkling of an eye, the mood shifted 180 degrees. CIA's Directorate of Operations now is facing severe cuts that mandate worldwide retrenchment comparable to the worst day of the Carter administration, when disastrously, Adm. Stansfield Turner was Director of Central Intelligence. Intelligence collection for whole regions of the world must be virtually written off.

Obviously, HUMINT cuts and the flagging support for satellite restructuring cripple another recent initiative to support military operations. The cry for intelligence support for military operations became as popular as HUMINT for the 90's, and gained steam after lessons learned in the 1991 Persian Gulf war, but that concern and effort now looks to be equally short-lived.

With this Member's interests being heavily focused on arms control and verification, I have watched in dismay as we have dismantled many of our technical systems for collecting intelligence on Russian weapons, on the theory that they are no longer a threat, or that they will always comply with treaty provisions, or that we will always retain access by other means.

So, Madam Chairman, I rise to tell Members of the House that in certain key areas these cuts have hurt, hurt grievously, and the damage cannot be reversed except at great expense and over long periods of time. That this pain has not even contributed to deficit reduction is insult added to the injury. That a Democratic Congress has called for such cuts even against the recommendations of a Democratic President seems especially unfathomable. That some outside the responsible committees have occasioned these defensive cuts by Democrat members of the committee by calling for percentage cuts, without knowledge of, or apparent concern about, the specific harm inflicted, and that the responsible committees have with good intentions and concern about floor cuts, succumbed to their cries of the anti-intelligence forces is very unfortunate; I believe it jeopardizes our national security.

Therefore, it is with reluctance that I support this bill but only at this stage of debate. Portions of it are unacceptable, but many of us vote for it in

order to avoid further cuts. The problem is that if those of us concerned about inadequate funding vote "no" and are joined by the shortsighted or ill-informed who are simply anti-intelligence, the results could be disastrous. I vote for the bill with the hope that the Senate and the conference will restore some of the absolutely necessary funding for the intelligence community. If that is not the case I will strongly urge my colleagues to vote "no" later on the conference report.

Mr. COMBEST. Madam Chairman, I yield 4 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I want to compliment him and the chairman of the committee for the hard work that has been done to bring this bill to the floor today. I am going to vote for this bill, but in all honesty I have to say, as my colleague, the gentleman from Nebraska [Mr. BEREUTER], has just said, this bill is not adequate, it does not meet the requirements of 1994, 1995, or 1996 for intelligence and national security interests.

We have to understand, intelligence is a vital part of our national security. I think of the words of General Schwarzkopf after the tremendously successful Desert Shield and Desert Storm. He made the point that he had about everything that a field commander could have to win that war and to win it decisively and to win it without a large loss of life. He also said that the intelligence that he had was better than any field commander had ever had before.

□ 1610

But he also said that he could have used more intelligence, more accurate intelligence and more and quicker intelligence.

We cannot separate intelligence from the national security interests of our Nation. But we have different kinds of intelligence. We have the overhead intelligence, the highly technical, highly classified overhead types of intelligence that can do amazing things. But they are limited to the extent that they cannot get into the brain, or the mind or the thought process of a hostile leader.

Obviously then, human intelligence is equally important. Human intelligence is essential to a comprehensive intelligence program. We have not done the job on human intelligence. Since Vietnam we have spent billions and billions of dollars on high-technology intelligence at the risk of losing our ability to conduct an effective human intelligence program. I am afraid the legislation presented today allows that direction to continue.

A major concern that I have is that the intelligence our policymakers are getting, and I think it is important to make the point that the intelligence community, those who collect the intelligence, are not the policymakers but provide the information and the assessment and the analysis upon which the policymakers would make their decisions and make their determinations and establish a direction.

It worries me when I believe that our top policymakers are not paying the attention to the intelligence information they are getting that they should. I do not think they are spending nearly enough time in considering, and I do not think that they are placing the importance that the members of this committee place on this intelligence information. I would venture to say that any member of this Permanent Select Committee on Intelligence probably spends more time every week reviewing intelligence information and intelligence matters than some of the highest policymakers in the executive branch of Government, and that is dangerous, that is dangerous. They need to pay more attention to what is happening in the real world.

Madam Chairman, we need some definite direction. We need an intelligence program that meets the Nation's security requirements and not the political whims of a budget cutter. I am all for cutting most budgets. I look at the votes I have cast in this Congress and Congresses before to cut budgets and I am prepared to cut a lot more budget items but, I am not prepared to cut the budget when it threatens the security of this Nation, because without our national security we have very little else to offer the people of this great Nation of ours.

Madam Chairman, I am going to vote for this bill. As I said earlier, I compliment the leaders of the committee and the leadership of the committee, but because of these budget restraints we are not doing the job that we need to be doing. The Berlin Wall may have come down, the Iron Curtain may have melted, but the former Soviet Union's nuclear missiles are still in existence. The KGB, while it has changed its name, it is no longer called the KGB, but it is still there, and they are still collecting, and as the Director of the CIA, Jim Woolsey said, when the big target of the KGB and the Soviet Union want away, there were a hundred new ones in its place.

Madam Chairman, I will vote for this bill today, but we need to make some real serious changes in the future.

In an era of downward spiraling budgetary outlays for intelligence, we must spend every dollar even more carefully so that the Nation receives the absolute maximum in benefits from every dollar spent. I have made clear to the administration, the foreign policymakers, and the Director of Central Intelligence, that we need a strategic plan that will lay out their spending priorities for the remainder of the decade.

We cannot afford to make mistakes now. The world continues to be unstable and changing. The death of Kim Il-song last week highlights the need for continued vigilance on the Korean Peninsula. The unfolding tragedy in Haiti where thousands of Haitians are fleeing their country requires constant surveilliance. Bosnia remains unstable, and our tentative steps at forming a long-term settlement there are not guaranteed to work. Of course Russia remains unstable and armed with thousands of nuclear weapons and it continues development programs on strategic defense weapons. Although we must carefully monitor these developments, I do not see strong planning initiatives on behalf of the intelligence community and the administration. As we approach conference and the next year's budget submission, I pray that the intelligence community will perform better than it did this year. In particular, I would like to see a better synergy between the foreign policy community and the intelligence community to ensure that they are in lock step as they face the challenges that America faces.

Mr. GLICKMAN. Madam Chairman, I am delighted to yield 5 minutes to the gentleman from Washington [Mr. DICKS], a vigorous advocate for national defense, both in the State of Washington and throughout the United States, and chairman of the subcommittee of the Permanent Select Committee on Intelligence.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Madam Chairman, first I want to compliment the chairman and the ranking member of our committee and the staff of the committee for an excellent job in oversight and review of this year's intelligence authorization bill and budget. Yes, I agree with my friend, the ranking member of the Subcommittee on Investigations and Oversight, that the members of the Intelligence Committee I think, the ones the Speaker has appointed after a lot of deliberation, are really spending a great deal of time in the committee listening to the witnesses, attending the meetings and giving the kind of oversight that I think was anticipated when this committee was created.

I will say to my colleagues on the Republican side, yes, we have made large cuts. But as someone who sits both on the Permanent Select Committee on Intelligence and on the Defense Subcommittee of the Committee on Appropriations, I would remind all of my colleagues that if they look at what we have done in procurement in defense, take the numbers in this year's budget and translate them back to 1985, we have taken procurement down from $135 billion to $43 billion. We have made draconian cuts in defense, so

large, in fact, that the President this year right in this Chamber said we were not going to cut defense any further.

So I would urge Members in the context of this kind of draw down in force structure and in the procurement of new systems that what we have done here in the intelligence arena is acceptable, and I in my heart of hearts believe that we have given the intelligence community the money and the resources necessary to do an excellent job in gathering intelligence.

The problem is not there. The problem is that we have too many agencies with too much redundancy, doing too much of the same thing.

I want to commend the chairman. He basically said here today that we need not only the Intelligence Committee to be working on this problem, but I truly believe we need a group of outside experts, very senior people to look at the entire operation of the intelligence community and to make recommendations to the President and to the Congress about how we can restructure and simplify the intelligence community.

The gentleman from Florida [Mr. GOSS] got up and said we are not going to have as many places with CIA offices in Africa. The only thing I would say to that is we still have a State Department, and frankly, a lot of what we gather today, in my mind, can be gathered through open sources, through the State Department, through the Commerce Department who are out in these parts of the world. They are out there and they can make a contribution here, because what we are trying to do is get the best information we can to decision makers. It does not always have to come through clandestine activities.

Madam Chairman, I would also say this Director, Mr. Woolsey, and this is to his credit, has called upon us to make investments in national technical collection means. This means some money up front. In this respect I do believe that the committee has stood behind him. We have said yes, we are going to give you the money now to make the investment in improving our national technical collection means. In my view, in the future, that will simplify the architecture and allow us to spend less money on intelligence gathering. So I think we should support him on that.

The Ames case is a national scandal and disaster, there is no other way to put it. I believe the Director was a little slow at first in recognizing that the Congress and the American people want him to clean house.

We have to have a better way of doing counterintelligence and the CIA and the FBI are both, in my mind, responsible.

I will give the Clinton administration a credit in this sense, that the National Security Counsel came into play and presented some very important reforms that have been adopted and put into place.

I would like to say this: Yes, we tried to help the directorate of operations. But one cannot have read the article in U.S. News and World Report without having some skepticism and concern about how well the directorate of operations has been doing its job. We may have given them a lot of money, but I must ask where has been the performance? I intend as chairman of the Investigations and Oversight Subcommittee to spend some time even in this remaining year looking at those problems, because it is clear that in Cuba, and Russia and other areas, in Iran we have some very serious problems.

Madam Chairman, I want to say to the House I think we have done a responsible job. I think we should vote for this bill. I think we have cut as deeply as we should. I think the chairman is right. If we cut further, we would be in some serious trouble, and if we will work with our colleagues in the conference to try and improve the bill when we get there.

□ 1620

Mr. COMBEST. Madam Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding.

I, too, want to extend my gratitude to the chairman of the full committee, the ranking member, the chairman of the Subcommittee on Legislation, the gentleman from Texas [Mr. COLEMAN], and particularly to the staff on both sides for their consistent assistance to us. As a matter of fact, the staff, if they do nothing else, in unscrambling the acronyms for me, I will be eternally grateful to them. I am going to create one called SAM, which is "Staff Assistance to Members," which I endorse right here and now. If I have to introduce legislation to that effect, I will do it. But anyway, SAM has been good to me.

The message for this particular hour has been amply delivered by the presentations made by our colleagues on both sides of the aisle.

Two gigantic truths emerge from everything that we say here and now. One is that there is a continuing absolute need for our country to engage in intelligence activities. If the only trouble spot in the world were North Korea, that in itself would justify our continuing state of alert in the intelligence community and in the Intelligence Committee in both Chambers for monitoring of that situation.

But when you add to that the hundreds of little and bigger situations across the civilized and uncivilized world, then we say to the American people, and I reiterate this every chance I get in my home district, that notwithstanding the end of the cold war, there is this state of alertness that is absolutely necessary to our national security and that, therefore, we must continue to support an intelligence component of our national being.

And the second truth, one that has been reiterated here, is the agony that we have suffered as members of the committee and as American citizens throughout the land on the disgraceful Ames case. I am one who firmly believes that we will have other cases in the future undoubtedly, other betrayals, other individuals who will for money or for other reasons betray our country, and in my mind the death penalty ought to be considered each and every time such an event occurs.

Notwithstanding my support of the death penalty, however, it appears that some of the antipathy toward that kind of penalty is also apparent even in cases when the entire Nation is put at risk. I must tell you that it is not just wartime espionage and treason that should be punishable by death. Any kind of total sacrifice of the American prestige and the American being on the part of anybody who works for the CIA, but the Ames case definitely proves that an act of treason such as that puts at risk fellow Americans, risk of their lives wherever they may be serving across the world, and not only Americans but other nationals of other nations who work with us, who share our ideals, who share our hopes for the world, and so the death penalty is an appropriate measure for treason and espionage, and to the last day that I serve in this Congress, I will attempt to do everything I can to reinstate that penalty for betrayal of our country.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I appreciate my colleague yielding. I appreciate the work of not just my colleague but my chairman as well in a very difficult year in the Intelligence Committee.

I am the new kid on the block in this committee, for I am just beginning my second year of service on the committee. Up until now, I have spent most of my time in the Congress on the Appropriations Committee, where I focused on the Housing and Independent Agencies Subcommittee for a few years, now, service on the Defense Subcommittee.

I must say that I have been distressed over the last several years with the rather rapid reduction in national defense spending that was described by my colleague, the gentleman from Washington [Mr. DICKS]. Hand in hand with that, it seemed to me, as we were going about reducing money spent for national defense, it would be very appropriate to have access to the kinds of information that one has made available to them in the intelligence work, so assignment to that committee has been most timely from my perspective.

As others have suggested, we spent hours and hours behind those walls, reading material and trying to get a handle on issues that are largely based upon information that is secret intelligence information, making certain our public-policy decisions reflect those very serious American as well as worldwide needs.

I must say that I am not lightly disconcerted with the pattern of reduced spending in this subject area of recent years. During the decade of the 1990's, it would appear that we could be very well moving toward, adjusted for inflation, by the year 2000 spending 60 percent less on intelligence matters than we spent at the beginning of the decade.

It was only 2 years ago that the former chairman, the gentleman from Oklahoma [Mr. McCURDY], came to the floor and urged us to cut no further a budget that then was 15 percent larger than we are curently spending in this subject area. And how can that be justified, this in view of the world we are living in, a world that is extremely dangerous? Indeed the East-West confrontation has largely been set aside, but to the rest of the world more complex and maybe even more dangerous.

How do you develop the intelligence resources you need to effectively tap that new and complex world?

Madam Chairman, it is very, very important the House recognize these needs, and I urge them to support this legislation.

Mr. GLICKMAN. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. COMBEST. I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentlemen from Colorado [Mr. SKAGGS] is recognized for 4 minutes.

Mr. SKAGGS. Madam. Chairman, I would like to commend Chairman GLICKMAN and ranking minority member COMBEST for their hard and good work in bringing H.R. 4299 to the floor. This is thoughtful legislation that strikes a decent balance between the need for our Nation to engage in necessary intelligence activities with the need for fiscal restrant. This bill also continues the efforts of the Intelligence Committee to bring about reform of overall intelligence activities in a way that saves the taxpayers money and strengthens our democracy.

One thing should be clear from today's bill: While the reform efforts of the Central Intelligence Agency and related offices have begun, they need to proceed with an even greater sense of urgency. The human intelligence program still needs a better strategic plan that defines essential roles and missions in a way that makes sense in the post-cold-war world. The counterintelligence program needs special reform in light of the Aldrich Ames case. Continuing personnel reductions mandated by last year's bill also pose challenges for the intelligence community. Director Woolsey, I know, is committed to necessary changes in these areas, and we all should encourage and support his leadership.

The funding level of the bill, which is less than requested, should be interpreted as an effort to deal with the budget environment we live in and as a message to the intelligence community to recoganize and reform itself as quickly as possible to meet today's new challenges.

In trying to develop sound priorities, it's always helpful to know what is of value to people. Unfortunately, it is difficult to assess the real value of the products produced by the intelligence community. In economic parlance, intelligence products are called free goods, meaning they come with no cost to consumers such as the State Department or the Department of Defense. Because they are free goods, there is no way to determine their value to consumers analogous to the price mechanism of the marketplace. As a result, Congress and the community don't have the best kind of information we need to decide how to allocate intelligence resources according to the priorities of these consumers. To solve this problem, I have worked with Chairman GLICKMAN to include report language requesting the Community Management Staff to develop proposals for pilot projects to test various means for measuring the value of and assigning cost to intelligence information. The committee report specifies that a pilot project should try to develop a market-type mechanism for guiding supply and demand, and so for valuing intelligence products. I believe this is the kind of innovative approach that will help us prioritize our intelligence efforts as intelligently as we can.

The reform of procedures for classifying information has consumed much of my time and attention since becoming a member of the Intelligence Committee. Language I drafted for the report on last year's intelligence authorization bill directed the intelligence community to collect information regarding the annual costs in dollars and personnel associated with the classification of information. Two months ago the Office of Management and Budget released a report documenting that the Government will spend roughly $2.28 billion on classifying information this year and will assign classification duties to 32,400 Federal workers throughout the Government. The report estimated that another $13.8 billion will be spent to reimburse Defense, State, and intelligence contractors for compliance with security procedures. It was interesting to note that some of the agencies which classify information are those Americans would least suspect, such as the Departments of Agriculture, Health and Human Services, and Education. Unfortunately, the OMB report did not include data from the intelligence agencies themselves because they have thus far failed to comply. An amendment I'll offer in a few minutes will deal with this failure.

In an effort to continue the declassification process, today's bill—in language proposed by the chairman and me—requires the intelligence agencies to develop a phased plan to implement declassification guidelines, begin the process of declassification of archived classified documents, and submit reports to Congress on the declassification process. The President is also required to develop a plan to narrow the definition of information subject to classification, to reduce the time period of classification, and to provide for the automatic declassification of information when a document's period of classification expires. These measures will continue the reform process in a balanced and reasonable manner.

I have two primary reasons for pursuing the reform of the classification process. My first reason is my strong philosophical belief that the American public and American democracy are best served by an open Government. It is clearly necessary to continue to classify certain types of information to protect our national security. But keeping information from Americans which poses no security risk is just as clearly contrary to democratic principles. For example, why should we continue to spend money to store classified material regarding troop movement during World War I? Why is the department of Education spending thousands of dollars to install secure telephone lines? We all recognize that a significant portion of what is classified is likely kept from the public more for political reasons, or to avoid embarrassment, or simply from inaction, rather than to serve any defined security need.

The Founding Fathers believed an educated and informed public would serve as the best protector of our form of government and the best guarantor against tyranny. We can't expect the public to carry out its responsibilities if we allow the classification process to keep outdated information secret or to make secret information that should properly be available to the public. Reform of the classification process will place more information in the public domain and thereby strengthen our democracy.

My second reason for pursuing classification reform involves saving money for taxpayers. The OMB report stated that we spend $16 billion annually on classifying material and then storing and maintaining it, even though much of it is outdated or shouldn't have been classified in the first place. The money

spent on maintaining the cloak of secrecy over outdated information or information which never had significant national security content, is simply wasted. Given the huge sum of money involved here, if we save only a fraction of the total we spend each year, we can narrow the budget deficit substantially.

In summary, H.R. 4299 is thoughtful legislation that authorizes funds for necessary intelligence activities and continues the reform of our intelligence apparatus in a way that saves money and strengthens our country. I ask all Members to give their full support to the bill.

□ 1630

Mr. COMBEST. Madam Chairman, I yield the balance of our time to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the Republican leader and thank the chairman.

Like my fellow Republican members on this committee, I also support the intelligence authorization bill.

I, however, share with many of my colleagues on the other side of the aisle and all of my Republican colleagues a great concern on the degree to which intelligence has been cut over the recent years. In fact, over the past 3 years, while the overall defense budget has been slashed precipitously, it is a mystery to me that the intelligence budget has declined to an even greater degree. I would think any administration, any Director of the Central Intelligence Agency, would want all the information they could possibly accrue for the benefit of our leaders in a most dangerous world.

Our current Secretary of Defense I think came up with the best metaphor I have heard to describe the situation in the world today. He said that we have slain the dragon—and by that he meant the massive evil force of communism, with tens of thousands of nuclear weapons pointed in our direction and we, likewise, we like to think in a defensive, deterrent mode, pointing them back at the other side.

That dragon has been slain, although the poison lies all over the landscape, that is, those nuclear missiles, even the tactical ones, thousands of those have not yet been perfectly disposed of. We now talk of crime syndicates in Russia getting their hands on missiles. But the dragon itself is down. On Christmas Day, of all days, the Communist hammer and sickle came down and we saw the white, powder blue, and red flag of the old Russia go up. But to continue Mr. Perry, our Secretary of Defense's metaphor, we now have a garden of a thousand poisonous snakes replacing that dragon. The snake is not equal to a dragon, but when there are a thousand of them, you have your hands full. Hence the need for even greater intelligence.

I believe I echo the belief of, I think, most of our colleagues in repeating that in these times of military downsizing intelligence capabilities are increasingly critical to the safety and effectiveness of our military and to the wise and effective use of those diminishing resources of the military.

With the demise of the Soviet Union, few would argue these following facts, I believe: That is, intelligent men and women would not argue that robust intelligence capabilities, strategic and tactical, are increasingly critical in this unpredictable, dynamically unpredictable world in which we live.

No longer does our planning focus chiefly on some large-scale engagement, Soviet tank divisions pouring through the gap, fighting it out in the plains of Europe; and to some this meant, "Well, let's all but bring our military down to nothing," and as the prior speaker said, some few voices in this House wonder why we need intelligence information at all.

Despite the funding reductions that have occurred since the demise of the Soviet Union, it has been said over and over on the House floor this afternoon that Iraq, Bosnia, Haiti, Somalia, possibly to a greater degree we need more intelligence over and throughout North Korea, where we have almost no human intelligence.

I might add here that even in great humanitarian crises, like Rwanda, intelligence is the fastest way to find out how to save human lives by, in Rwanda's case, the tens of thousands. The French have already apparently changed sides from the Hutu to the Tutsi, and this puts them in great danger. When I took the well some months ago to point out a simple historical fact that is actually mind-numbing, that more people died in Rwanda in a 1-month period, the month of early April through early May, than died in all the German concentration camps, the six death camps designed just for death.

In closing, Madam Chairman, I might point out that that figure is now double through a million deaths in Rwanda. We need all the intelligence we can get. Let us stop cutting our intelligence authorization.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of my time.

Let me just say, Madam Chairman, that we have very constructive members of the committee on both sides. There is general unanimity on the issue, although some difference as to the amount to be spent on intelligence. I would just point out that in the 1970's and 1980's we had very radical, sharp increases in intelligence spending to deal with the Soviet threat, particularly the nuclear threat.

While the numbers are not going up any longer, the numbers this year are essentially a freeze of last year, 2.1 percent below the President's request and 1.7 percent below last year's appropriation. So at a time when the Soviet threat is over, the numbers are not coming down in the same way that they went up in the face of the Soviet threat, because we acknowledge there remain very serious threats to this country, but they are different kinds of threats than we faced in the 1970's and 1980's.

Mr. SPENCE. Madam Chairman, I rise to join Mr. COMBEST and the rest of the Republican members of the House Intelligence Committee in expressing deep concern over the latest round of intelligence budget cuts contained in H.R. 4299. As detailed in the minority views contained in the bill report, both the administration and Congress continue to reduce the intelligence budget based on the misguided notion that the end of the cold war dictates drastic cutbacks in our national intelligence capabilities. This policy flies in the face of the reality that, from an intelligence perspective, today's multipolar world is infinitely more complex and challenging than the bipolar world of yesterday.

Further, as the technology of warfare continues to advance, today's battlefield has become increasingly dependent on timely, accurate and usable intelligence to guide precision weapon systems and make tactical judgments. This battlefield revolution dictates a need for national and tactical intelligence systems able to properly support our military forces of the future. I fear that the intelligence cuts embraced by this administration and made worse by this bill place this critical national security objective at serious risk.

Beyond these broad concerns, Mr. Chairman, I want to express strong opposition to the amendment filed by Mr. CONYERS dealing with the establishment of statutory inspector generals for the National Security Agency [NSA] and the Defense Intelligence Agency [DIA]. I similarly oppose the underlying provision already in section 601 of the bill.

When the Armed Services Committee received H.R. 4299 under sequential referral, we looked closely at this issue and agreed with the Intelligence Committee that valid and legitimate issues exist with the adequacy of IG oversight coverage for DIA and NSA. However, we disagree with the prescribed solution.

As component agencies of the Department of Defense, the DIA and NSA already have an IG—the DOD IG. The DOD inspector general is statutorily responsible for carrying out the IG function throughout the entirety of the Department, to include DIA and NSA. While many defense agencies, as well as the military services, have their own IG offices, the ultimate responsibility for this critical function remains with the DOD IG who has the necessary expertise, statutory independence, and investigative resources for the job.

Section 601 of the bill and the Conyers amendment would directly undermine this arrangement by balkanizing the IG function within DOD into separate fiefdoms. This year its DIA and NSA, next year its CIO and NRO or somebody else. Once you breach the organizational logic behind making the DOD IG universally responsible for department-wide oversight, there is no real rational basis for stopping with just these two agencies.

Mr. Chairman, I strongly oppose these provisions as they will inevitably lead to a decrease in the quality and effectiveness of IG oversight within the Department of Defense. Congress has a long historical interest in ensuring that adequate independent oversight of executive agencies is provided by IG's and I consider both of these provisions to be counterproductive.

At the end of my statement I have attached a copy of a letter the Committee on Armed Services recently received from the Department of Defense inspector general detailing the many other substantive objections to these provisions. I have also attached a copy of the letter that Chairman DELLUMS and I wrote to the Speaker discharging the Armed Services Committee from further consideration of H.R. 4299 and describing our mutual concerns with the impact of section 601.

I strongly oppose the Conyers amendment and I intend to work vigorously in the conference to modify this section of the bill to address the above-mentioned concerns.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, July 15, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my concern over proposed legislation (H.R. 4299, Intelligence Authorization Act for Fiscal Year 1995) that appears to begin a process of creating multiple statutory Inspectors General (IG) offices with congressional reporting responsibilities within the same Federal department or agency. Internal oversight type activities are diffused throughout the DoD where they serve as the "eyes and ears" of command. The proposal to create statutory Inspectors General in subordinate combat support agencies such as the Defense Intelligence Agency (DIA) and the National Security Agency (NSA) would tend to undermine the efficacy of this office. I also believe that creation of such statutory IGs with reporting requirements to Congress will reduce their effectiveness within their agency.

I am opposed to any legislative proposal that would change the status of the Inspectors General of the Defense Intelligence Agency and the National Security Agency. Those Agencies are integral parts of the Department of Defense (DOD) and need not be treated any differently than the Military Departments or the other Defense Agencies. Section 601 of H.R. 4299, Intelligence Authorization Act for Fiscal Year 1995, establishes independent statutory Inspectors General for the DIA and the NSA similar to the Inspector General for the Central Intelligence Agency. Additionally, Chairman Conyers has proposed an amendment to H.R. 4299 that would not only create statutory Inspectors General for the DIA and the NSA but would also prohibit this office from conducting any activity in any matter the Secretary of Defense deems the sole responsibility of the DIA or the NSA. The latter provision conflicts with the intent of Congress, as expressed in the Inspector General Act, as amended, that the Inspector General DoD Act, be the principal advisor to the Secretary of Defense on the prevention and detection of fraud, waste and abuse on *all* DoD programs, operations and components.

It is unnecessary to create a statutory Inspector General at the DIA or the NSA to ensure a reasonable level of oversight. We have nearly 50 auditors assigned to the intelligence area. Our inspectors, investigators and other specialists also routinely cover intelligence subjects. We provided Congress with comprehensive reports of organizational inspections of the NSA and the DIA in 1992 and 1991, respectively. Further, this office has never turned down a congressional request for an audit at the DIA or the NSA; indeed, we have received very few such requests over the past several years. We have also offered to provide a classified annex to our semiannual report to provide better insight into those agencies and activities within the DoD where the bulk of the work involves classified activities.

Our relationship with the DIA and the NSA Inspectors General is consistent with the other internal oversight offices of other Defense Agencies. The relationship includes ensuring that they follow prescribed standards and policies on auditing, audit follow-up, investigations, hotline management, etc. We also rely on them to be responsive and a source of support for the senior managers of their Agencies, just as the Military Department Inspectors General serve their Chiefs of Staff and the Auditors General serve the Service Secretaries. Like other Defense Agency Inspectors General or internal review offices, they do not need or have criminal investigations capability. We provide that support.

The creation of a statutory IG for the DIA and the NSA would dramatically change this relationship and have serious adverse repercussions on our operations, especially if Chairman Conyers' proposed amendment restricting our authority were adopted. In practice that would probably result in Directors of those Agencies seeking Secretary of Defense determinations that all functions conducted by their agencies-both programmatic and administrative-are their sole responsibility, effectively eliminating any DoD IG coverage. For example, we would be unable to conduct the comprehensive review of equal employment opportunity and discrimination we recently concluded at the NSA absent the consent of the Director of the NSA. More importantly, under the proposed amendment neither the IG, DOD, nor the new statutory Inspectors General in the DIA and the NSA would have sufficient access to look at intelligence matters on a DoD-wide basis.

We have reviewed the IG organizations of the DIA and the NSA in the past and continue to monitor them. Our relationship with the Inspectors General of the DIA and the NSA is effective and working well.

I seriously hope that you will reconsider this legislation in view of the precedent it would set. If I may be of further assistance, please contact me.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 24, 1994.

Hon. THOMAS S. FOLEY,
Speaker, the Capitol, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We write with respect to H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995, which was sequentially referred to the Committee on Armed Services until June 24, 1994.

The Committee on Armed Services will not mark-up and file a report on this legislation. We will refrain from action on the bill primarily because, although there are policies reflected in the bill with which we disagree, we believe those policies can be addressed adequately in conference. A separate markup and report on the bill frankly would unnecessarily complicate consideration of the measure in the House, and we no need to do that.

The one provision that does raise concern warranting mention here is section 601 of the reported bill. This section proposes to establish statutory charters for Inspector General positions within two Department of Defense agencies—the Defense Intelligence Agency (DIA) and the National Security Agency (NSA).

A careful reading of the Intelligence Committee's report accompanying H.R. 4299 shows that issues exist in this area that may require congressional action. However, we are not convinced that statutory charters are the most effective or appropriate solution to the identified problems. The Department of Defense already has an Inspector General with the statutory responsibility to perform this critical function across the entirety of the department. Further, section 601 appears to be patterned on legislation previously used to establish an inspector general office within the Central Intelligence Agency. Since DIA and NSA are agencies of an executive department, we believe they require significantly different treatment in statute than that afforded to independent agencies.

The Committee on Armed Services stands prepared to work with the Permanent Select Committee on Intelligence in properly addressing the issues by that committee's action on H.R. 4299. We look forward to reaching an appropriate solution to these issues during conference on the bill.

Sincerely,

RONALD V. DELLUMS,
Chairman.

FLOYD D. SPENCE,
Ranking Republican.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title is considered read.

No amendment to the substitute shall be in order except those amendments printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII prior to consideration of the bill.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 "Intelligence Authorization Act for Fiscal Year 1995".

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

Mr. COMBEST. Madam Chairman, reserving the right to object, if a Member is not here now, this would not preclude him from going back to title I?

The CHAIRMAN. The whole bill would be open for amendment.

Mr. COMBEST. I thank the Chair, and I withdraw my reservation of objection.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The National Reconnaissance Office.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Federal Bureau of Investigation.

(11) The Drug Enforcement Administration.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of $91,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1996.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized 209 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1995 the sum of $198,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZATION.

Section 4(a)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

(1) in subparagraph (A)—

(A) by striking ", not the result of vicious habits, intemperance, or misconduct on his part,";

(B) by striking "he shall deem" and inserting "the Director deems";

(C) by striking "section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)" and inserting "section 5731 of title 5, United States Code";

(D) by striking "his recovery" and inserting "the recovery of such officer or employee"; and

(E) by striking "his return to his post" and inserting "the return to the post of duty of such officer or employee";

(2) in subparagraph (B), by striking "his opinion" both places it appears and inserting "the opinion of the Director"; and

(3) in subparagraph (C), by striking ", not the result of vicious habits, intemperance, or misconduct on his part,".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL MANAGEMENT.

(a) GENERAL PROVISIONS.—Chapter 83 of title 10, United States Code, is amended as follows:

(1) By amending the heading of the chapter to read as follows:

"CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL".

(2) In section 1601—

(A) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (a);

(B) by inserting "or the Central Imagery Office" after "outside the Defense Intelligence Agency" and inserting ", the Central Imagery Office," after "to the Defense Intelligence Agency" in subsection (d); and

(C) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e).

(3) In section 1602, by inserting "and Central Imagery Office" after "Defense Intelligence Agency".

(4) In section 1604—

(A) by inserting "and the Central Imagery Office," after "Defense Intelligence Agency" in subsection (a)(1);

(B) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in both places it occurs in the second sentence of subsection (b);

(C) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (c);

(D) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (d);

(E) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e)(1); and

(F) in subsection (e)(3)—

(i) by amending the first sentence to read as follows: "The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency, the Director of the Central Imagery Office, or all three."; and

(ii) by striking "either" and inserting "any".

(b) CONFORMING CHANGE TO TITLE 10.—The items relating to chapter 83 in the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended to read as follows:

"83. Defense Intelligence Agency and Central Imagery Office Civilian Personnel ..... 1601".

(c) CHAPTER 23 OF TITLE 5.—Section 2302(a)(2)(C)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(d) CHAPTER 31 OF TITLE 5.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(e) CHAPTER 43 OF TITLE 5.—Section 4301(1)(B)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(f) CHAPTER 47 OF TITLE 5.—Section 4701(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(g) CHAPTER 51 OF TITLE 5.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting "; or"; and

(3) by adding at the end the following:

"(xi) the Central Imagery Office, Department of Defense.".

(h) CHAPTER 51 OF TITLE 5.—Section 5342(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (J);

(2) by inserting "or" after the semicolon at the end of subparagraph (K); and

(3) by adding at the end the following:

"(L) the Central Imagery Office, Department of Defense;".

(i) ADDITIONAL LEAVE TRANSFER PROGRAMS.—(1) Section 6339(a)(1) of title 5, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) the Central Imagery Office; and".

(2) Section 6339(a)(2) of such title is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and"; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "paragraph (1)(E)" and inserting "paragraph (1)(F)" both places it appears.

(j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by inserting "or" at the end of subparagraph (G); and

(3) by adding at the end the following:

"(H) the Central Imagery Office;".

(k) CHAPTER 73 OF TITLE 5.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subclause (XI); and

(2) by adding at the end the following:

"(XIII) the Central Imagery Office; or".

(l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(m) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(n) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY DEPARTMENT OF DEFENSE INTELLIGENCE PERSONNEL OUTSIDE OF THE UNITED STATES.

(a) GENERAL PROVISIONS.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States

"Notwithstanding section 552a(e)(3) of title 5 or any other provision of law, Department of Defense intelligence personnel shall not be required, outside the United States, to give notice of governmental affiliation to potential United States person sources during the initial assessment contact. For the purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of such chapter is amended by adding at the end thereof the following new item:

"426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States.".

TITLE VI—INSPECTORS GENERAL

SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.

(a) DIA.—(1) Chapter 21 of title 10, United States Code, is amended by inserting after section 426, as added by section 502 of this Act, the following new section:

"§427. Inspector General

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the Defense Intelligence Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the Director of the Defense Intelligence Agency. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(5) The Director shall report to the Inspector General of the Department of Defense any information, allegation, or complaint received from the Inspector General established under this section, relating to violations of Federal criminal law involving any officer or employee of the Defense Intelligence Agency, consistent with such guidelines as may be issued by the Inspector General of the Department of Defense. A copy of all such reports shall be furnished to the Inspector General established under this section.

"(6) The Inspector General may be removed from office only by the Director. The Director shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Defense Intelligence Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the responsibilities of the Inspector General, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period ending December 31 (of the preceding year) and June 30, respectively. Within thirty days of receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(B) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the Defense Intelligence Agency whose testimony is needed for the performance of the duties of the Inspector General. In addition, the Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Defense Intelligence Agency—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Defense Intelligence Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) RELATIONSHIP WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—Nothing in this section shall be construed to affect the authorities and responsibilities of the Inspector General of the Department of Defense.

"(g) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(h) TRANSFER.—There shall be transferred to the Office the office of the Defense Intelligence Agency referred to as the 'Office of Inspector General'. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section.".

(2) The table of sections of chapter 21 of title 10, United States Code, is amended by inserting after the item relating to section 426, as added by section 502 of this Act, the following:

"427. Inspector General.".

(b) NSA.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. INSPECTOR GENERAL.

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the National Security Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the National Security Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the Director of the National Security Agency. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(5) The Director shall report to the Inspector General of the Department of Defense any information, allegation, or complaint received from the Inspector General established under this section, relating to violations of Federal criminal law involving any officer or employee of the National Security Agency, consistent with such guidelines as may be issued by the Inspector General of the Department of Defense. A copy of all such reports shall be furnished to the Inspector General established under this section.

"(6) The Inspector General may be removed from office only by the Director. The Director shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the National Security Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the responsibilities of the Inspector General, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period ending December 31 (of the preceding year) and June 30, respectively. Within thirty days, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(B) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the National Security Agency whose testimony is needed for the performance of the duties of the Inspector General. In addition, the Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the National Security Agency—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the National Security Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) RELATIONSHIP WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—Nothing in this section shall be construed to affect the authorities and responsibilities of the Inspector General of the Department of Defense.

"(g) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(h) TRANSFER.—There shall be transferred to the Office the office of the National Security Agency referred to as the 'Office of Inspector General'. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section.".

(c) CIA.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(1)—

(A) by striking "foreign intelligence." and inserting "foreign intelligence and in a Federal office of Inspector General.";

(B) by striking "or" after "analysis,"; and

(C) by striking the period at the end thereof and inserting ", or auditing.";

(2) in subsection (c)(1), by striking "to conduct" and inserting "to plan, conduct";

(3) in subsection (d)(1)—

(A) by striking "June 30 and December 31" and inserting "January 31 and July 31";

(B) by striking "period." at the end of the first sentence and inserting "periods ending December 31 (of the preceding year) and June 30, respectively."; and

(C) by inserting "of receipt of such reports" after "thirty days";

(4) in subsection (d)(3)(C), by inserting "inspection, or audit," after "investigation,";

(5) in subsection (d)(4), by inserting "or findings and recommendations" after "report"; and

(6) in subsection (e)(6)—

(A) by striking "it is the sense of Congress that"; and

(B) by striking "should" and inserting "shall".

TITLE VII—CLASSIFICATION MANAGEMENT

SEC. 701. DECLASSIFICATION PLAN.

Each agency of the National Foreign Intelligence Program to which is appropriated more than $1,000,000 in the security, countermeasures, and related activities structural category for fiscal year 1995 shall allocate at least two percent of their total expenditure in this structural category for fiscal year 1995 to the classification management consolidated expenditure center, to be used for the following activities:

(1) Development of a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356. Each such agency shall provide the plan to Congress within 90 days after the beginning of fiscal year 1995 or 90 days after the publication of such replacement executive order, whichever is later. This plan shall include an accounting of the amount of archived material, levels of classification, types of storage media and locations, review methods to be employed, and estimated costs of the declassification activity itself; as well as an assessment by the agency of the appropriate types and amounts of information to be maintained in the future, how it will be stored, safeguarded, and reviewed, and the projected costs of these classification management activities for the succeeding five years.

(2) Commencement of the process of declassification and reduction of the amount of archived classified documents maintained by each agency.

(3) Submission of a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within 90 days after the end of fiscal year 1995 on the progress made in carrying out paragraph (2), with reference to the plan required by paragraph (1).

SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) PLAN.—Not later than 90 days after the date of enactment of this Act, the President shall develop a plan, and issue an executive order for its implementation, which provides for the classification and declassification of information. It is the sense of Congress that the plan should provide for the following:

(1) A test for the classification of information which balances the public's right to know

against identifiable harm to the national security which will result from public disclosure.

(2) A narrow definition of the categories of information subject to classification to avoid excessive classification.

(3) Classification periods of reasonably short duration, and a determination of the date when or event upon which declassification of such information shall occur, with a recognition that extension of such period may be required in certain circumstances.

(4) Automatic declassification at the expiration of the classification period.

(b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—The plan and executive order referred to in subsection (a) may not take effect until after 30 days after the date on which such plan and proposed regulation is submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate.

TITLE VIII—COUNTERINTELLIGENCE

SEC. 801. ACCESS TO CLASSIFIED INFORMATION.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"RULE OF APPLICATION

"SEC. 801. The President and Vice President, Members of the Congress (including any Resident Commissioner and Delegate to the House of Representatives), Justices of the Supreme Court, and Federal judges appointed by the President shall, by virtue of their elected or appointed positions, be entitled to access to classified information needed for the performance of their governmental functions without regard to the other provisions of this title.

"REGULATIONS

"SEC. 802. (a) The President shall, within 180 days after enactment of this title, direct the issuance of a regulation to implement this title.

"(b) The regulation issued pursuant to subsection (a) may not take effect until after 30 days after the date on which the regulation is submitted to the Congress.

"CONSENT FOR ACCESS TO FINANCIAL INFORMATION

"SEC. 803. Except as may be provided for in the regulation issued under section 802 of this title, after such regulation takes effect, no person shall be given access to classified information by any department, agency, or office of the executive branch unless such person has provided consent in accordance with this section. Such consent shall be provided to the investigative agency responsible for conducting the security investigation of such person, or in the case of a person who is an employee of the legislative branch or the judicial branch, to the employing office of such employee. Such consent shall be provided during the initial background investigation, for such times as access to such information is maintained, and for three years thereafter. Such consent shall permit access to—

"(1) financial records held by a financial agency or financial institution;

"(2) consumer reports held by a consumer credit reporting agency; and

"(3) records maintained by commercial entities within the United States pertaining to any travel by the person outside the United States.

"REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

"SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or consumer credit reporting agency such financial records and consumer reports as are necessary in order to conduct any authorized law enforcement investigation, foreign counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by a person outside the United States.

"(2) Requests may be made under this section where—

"(A) the records sought pertain to a person who is or was an employee required, as a condition of access to classified information, to provide consent, during a background investigation, for such time as access to the information is maintained, and for three years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

"(B) there are reasonable grounds to believe, based upon specific and articulable facts available to it, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or in the course of any background investigation or reinvestigation, an issue of otherwise unexplained affluence or excessive indebtedness arises.

"(3) Each such request shall—

"(A) be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

"(i) the person concerned is an employee within the meaning of paragraph (2)(A);

"(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

"(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

"(B) contain a copy of the agreement referred to in subparagraph (A)(iii);

"(C) identify specifically or by category the records or information to be reviewed; and

"(D) inform the recipient of the request of the prohibition described in subsection (b).

"(4) The authorized investigative agency shall promptly notify the person who is the subject of a request under this section relating to a background investigation or reinvestigation for records, reports, or other information.

"(b) Notwithstanding any other provision of law and except as provided in subsection (a)(4), no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

"(c)(1) Notwithstanding any other provision of law except section 6103 of the Internal Revenue Code of 1986, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

"(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

"(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or foreign counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency relating to security determinations, law enforcement, or counterintelligence.

"(f) Any agency that discloses records or information received pursuant to a request under this section in violation of subsection (e) shall be liable to the person to whom the records relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of records involved;

"(2) any actual damages sustained by the person as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as the court may allow; and

"(4) in the case of any successful action to enforce liability, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(g) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

"DEFINITIONS

"SEC. 805. For purposes of this title—

"(1) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal;

"(2) the term 'authorized investigative agency' means—

"(A) an agency authorized by law or regulation to conduct foreign counterintelligence investigations or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

"(B) in the case of the House of Representatives, an agency designated by the Speaker of the House;

"(C) in the case of the Senate, an agency designated by the President pro tempore of the Senate;

"(D) in the case of an agency of the legislative branch, an agency designated by the head of such agency; and

"(E) in the case of the judiciary, an agency designated by the Director of the Administrative Office of the United States Courts, under the direction of the Chief Justice of the United States;

"(3) the term 'classified information' means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

"(4) the term 'consumer credit reporting agency' has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a));

"(5) the term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or

an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

"(6) the term 'employee of the legislative branch' means an individual (other than a Member of, and a Resident Commissioner or Delegate to, the Congress) whose salary is paid by—

"(A) the Director of Non-legislative and Financial Services of the House of Representatives;

"(B) the Secretary of the Senate; or

"(C) an agency of the legislative branch;

"(7) the terms 'financial agency' and 'financial institution' have the meaning given such terms in section 5312 of title 31, United States Code; and

"(8) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

"EFFECTIVE DATE

"SEC. 806. This title shall take effect upon the issuance of a final regulation pursuant to section 802.".

(b) CONFORMING AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"Sec. 801. Rule of application.
"Sec. 802. Regulations.
"Sec. 803. Consent for access to financial information.
"Sec. 804. Requests by authorized investigative agencies.
"Sec. 805. Definitions.
"Sec. 806. Effective date.".

SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to"; and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States.".

(b) DEFINITIONS.—Section 3077 of such title is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) 'act of espionage' means an activity that is a violation of—

"(A) section 793, 794, or 798 of title 18, United States Code; or

"(B) section 4 of the Subversive Activities Control Act of 1950.".

(c) CLERICAL AMENDMENTS.—(1) The item relating to chapter 204 in the table of chapters for part II of such title is amended to read as follows:

"204. Rewards for information concerning terrorist acts and espionage ..... 3071".

(2) The heading for chapter 204 of such title is amended to read as follows:

"CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE".

SEC. 803. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§3239. Espionage and related offenses not committed in any district

"The trial for any offense involving a violation of—

"(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947; or

"(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950,

begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

"3239. Espionage and related offenses not committed in any district.".

SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) IN GENERAL.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)), shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(2) Section 794(d)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

"(e)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General of the United States certifies to the agency administering the annuity or retired pay concerned—

"(A) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(B) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(C) that such conviction occurred after the date of enactment of this subsection.

"(2) Any certification made pursuant to this subsection shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subparagraphs (A), (B), or (C) of paragraph (1), as certified by the Attorney

General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.".

SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN PERSONNEL WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE.

(a) CONSOLIDATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following:

"§1599. Post employment assistance regarding certain civilian intelligence personnel

"(a) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist a civilian employee who has been in a sensitive position in an intelligence agency or component of the Department of Defense and who is found to be ineligible for continued access to Sensitive Compartmented Information and employment with the intelligence agency or component, or whose employment with the intelligence agency or component has been terminated—

"(1) in finding and qualifying for subsequent employment;

"(2) in receiving treatment of medical or psychological disabilities; and

"(3) in providing necessary financial support during periods of unemployment.

"(b) Assistance may be provided under subsection (a) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(c) The Secretary may, to the extent and in the manner determined by the Secretary to appropriate, delegate the authority to provide assistance under this section.

"(d) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.

"(e) For the purposes of this section, the term 'intelligence agency or component' means the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence components of the military departments.".

(2) The table of sections of Chapter 81 of such title is amended by adding after the item relating to section 1598 the following new item:

"1599. Post employment assistance regarding certain civilian intelligence personnel.".

(b) REPEAL OF DUPLICATIVE AUTHORITY.—

(1) DEFENSE INTELLIGENCE AGENCY.—Paragraph (4) of Section 1604(e) of title 10, United States Code, is repealed.

(2) NATIONAL SECURITY AGENCY.—Section 17 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is repealed.

(c) SAVINGS PROVISION.—The repeals made by subsection (b) do not affect rights and duties that matured before the date of enactment of this section.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Madam Chairman, I offer an amendment, printed in the RECORD of July 12 at page H552. It is the open-budget amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of title I (page 4, after line 23), add the following:

SEC. 104. PUBLIC DISCLOSURE OF INTELLIGENCE BUDGET.

(a) AMOUNTS EXPENDED AND AMOUNTS REQUESTED.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end of title I the following new section:

"ANNUAL REPORT OF AMOUNTS EXPENDED AND AMOUNTS REQUESTED FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

"SEC. 109. At the time of submission of the budget of the United States Government for a fiscal year under section 1105(a) of title 31, United States Code, the Director of Central Intelligence shall submit to the Congress a separate, unclassified statement of the aggregate amount of expenditures for the fiscal year ending on September 30 of the previous calendar year, and the aggregate amount of funds requested to be appropriated for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities of the Government."

(2) The table of contents at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 108 the following new item:

"Sec. 109. Annual report of amounts expended and amounts requested for intelligence and intelligence-related activities.".

(b) CONGRESSIONAL AUTHORIZATION OF INTELLIGENCE ACTIVITIES.—Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) A bill or joint resolution, and any amendment thereto, which authorizes the appropriation of funds for a fiscal year for all intelligence and intelligence-related activities of the United States may set forth in an unclassified statement the aggregate amount of funds authorized to be appropriated in that bill or resolution for such fiscal year for intelligence and intelligence-related activities of the United States.".

(c) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect with respect to the budget submitted for fiscal year 1996.

(2) The amendment made by subsection (b) shall take effect with respect to bills, resolutions, and amendments, authorizing the appropriation of funds for all intelligence and intelligence-related activities of the United States for fiscal year 1996.

Mr. GLICKMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, 20 minutes to be controlled by the gentleman from Texas [Mr. COMBEST], and 20 minutes controlled by myself.

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

There was no objection.

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

□ 1640

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

Madam Chairman, this is the 17th authorization bill which the Intelligence Committee has brought to the House floor. Although those bills have had many differences, they have shared one common characteristic. The amounts they have authorized for intelligence and intelligence-related activities could not be discussed publicly. The intelligence budget, in almost all of its component figures and certainly in the aggregate, has been classified since the advent of the modern intelligence community immediately following World War II. It remains classified today.

Despite a constitutional requirement that there be a public accounting of the expenditure of public moneys, Congress has taken the position that, for the intelligence budget, national security concerns outweigh the taxpayer's right to know. During the cold war, this position was defensible, but we now live in a different world, and it is time for that position to be reexamined.

The amendment I am offering with the gentleman from New Jersey [Mr. TORRICELLI] would provide for the annual public disclosure of the aggregate amount spent on, and requested for, intelligence programs and activities. Only disclosure of the total amount would be required, not disclosure of the budget of any intelligence agency nor the amount spent on a particular intelligence operation.

Under existing standards, information may only be classified if its disclosure reasonably could be expected to cause damage to the national security. Earlier this year, the Intelligence Committee held 2 days of hearings on the classification of the intelligence budget. I was not persuaded that national security would be imperiled in any way by making the aggregate figure public. The Soviet Union, the only entity with an arguable capacity to profit from knowing the yearly sum of the amounts the United States spends on intelligence, no longer exists. It is difficult to imagine any potential enemy for whom possession of the aggregate U.S. intelligence budget figure would make any difference. Besides, that number is probably the worst kept secret in Washington right now.

The witnesses who argued at the hearings for continued classification did so either on the grounds that an aggregate figure would have no meaning

to the average American, or that disclosure of the aggregate figure would be just the first step down a "slippery slope" which would inevitably lead to the disclosure of programmatic details. Neither of these arguments provide a grounds for classification. The utility of the information is irrelevant, and questions about whether to extend disclosure beyond the aggregate figure would have to be decided on their own merits weighing the public's right to know against national security interests.

Unless a justification on national security grounds exists, keeping the intelligence budget total secret only serves to prevent the American taxpayer from knowing how much money is spent on intelligence, and that is why the National Taxpayers Union has endorsed this amendment. I do not accept the notion that, if the public knew how much it costs to maintain a robust intelligence capability that there would be no support for it. On the contrary, a strong case can be made publicly about the essential role played by intelligence in helping policymakers respond to threats such as weapons proliferation and terrorism. As the public's understanding of why the United States must continue to possess a preeminent ability to collect, analyze, and disseminate intelligence grows, so too will support for the necessary funding. Continuing to classify the aggregate budget figure in the absence of a justifiable reason to do so only deepens the suspicion that secrecy is necessary to protect a budget which cannot otherwise be defended.

Madam Chairman, let us strike a blow for open government today by adopting this amendment. I am convinced that no damage to the national security will result. I am convinced that the American people should know in the aggregate what we spend on intelligence in the same way they know in the aggregate what we spend on defense or on the Justice Department programs. That is their right to know as a taxpayer of this great Nation of ours. Classification should be reserved for that information which truly needs to be kept secret. The aggregate intelligence budget figure is not that kind of information.

Madam Chairman, I reserve the balance of my time.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, with great respect I disagree completely with the gentleman from Kansas [Mr. GLICKMAN], my friend. He said the cold war is over.

Madam Chairman, the bear is sleeping. The bear is not dead.

There are still, Madam Chairman, 45,000, give or take, nuclear missiles extant over there, and our former concerns about the cold war ought to be supplanted with the problem of nuclear proliferation and terrorism. We are told there will be some 20 countries with the capability by the end of this decade of delivering a nuclear missile. That ought to bother us. Our lack of information about North Korea, the Middle East, and Nagorno-Karabakh; the nature of the problems are more difficult now than if we just had the good old Soviet Union to worry about.

But the question is what good, what possible good, is served by making public a number that people continue to speculate about. There are six committees, subcommittees, of this Congress that have that information handed to them: The Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, in the House and in the Senate. Why do we need an intelligence committee? We need it to represent the rest of us, to get information that ought to remain secret. Why is the aggregate of the budget for the intelligence agency secret? Because any additions would have to be justified and explained.

Madam Chairman, any new appropriation will provoke the question, What do we need this for? More satellites? More covert resources? More people who can speak Farsi or Pushtoon? This is information that Congress receives through its appointed subcommittees, and any Member who really has a burning need to know what that aggregate figure is can go up and look at it. It is available in the classified annex.

What useful purpose is served by making it public? I will tell my colleagues what purpose is served: to let people speculate on what it is for, how much goes for this and this, how much goes to the DIA, how much goes to the CIA, how much for overseas.

It is wrong, Madam Chairman. It is mischievous, and it just is not necessary, and, recognizing my time is up, I just say that the gentleman said the utility of this information is irrelevant. I really do not think he means that because anything that is irrelevant, we ought not to waste our time on.

Mr. GLICKMAN. Madam Chairman, I yield 7 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, as the cold war entered its last decade, the CIA was estimating that the Soviet Union had an economy two-thirds the size of our own and closing fast. The decade before, they failed to notice the Egyptian preparation to invade Israel or the Soviet invasion of Afghanistan, only to be outdone by their failure to recognize that Iraq was invading Kuwait.

Historians may conclude that the United States won the cold war because of the strength of our culture, or our economy, or the courage of our soldiers, but the simple truth is that an American intelligence community that was not properly supervised, or restrained, or directed, failed in the intelligence war against communism.

It is now time to understand these lessons and prepare the CIA for a very different post-cold-war environment because, while the Defense Department and every component of the Pentagon is preparing for this new time, new budgets, new training, new assignments, the intelligence community is not, and that is not only a waste of resources, but it is dangerous in not preparing for new dangers in a new environment.

□ 1650

This country does indeed face new hostilities, narco-traffickers, terrorism, Third World conflicts, but with an intelligence community that is stuck in time, stuck in time like any other department of a government that was not properly and thoroughly under the scrutiny of the American people. Not an intelligence community, not 5 or 10 Members of Congress, but the American public, like every other branch of government. The simple truth is that change will never occur until this shroud of secrecy is lifted and accountability is established.

The truth is, the secrecy of the intelligence community, the hiding of their budgets, does not protect them against any foreign adversary. It protects them against the American people. It protects them against accountability for waste or fraud or mismanagement or poor leadership. These are the things that are happening.

I understand that there was once a rationale. In the cold war we made all kinds of compromises, with civil liberties, our best instincts, the things that were most important. We wiretapped, we supported dictators. We made all kinds of compromises. But at this point, those compromises are not possible, nor are they necessary.

The gentleman from Illinois argues that, indeed, the Soviets are a looming danger to return again. Russia has been invited into NATO. They are going to be doing joint exercises. They come to the Group of Seven nations with our President to plan our economic future.

But, still, we are not arguing the intelligence community should not do planning. We are not arguing that most of what they do should not be in secrecy. We are arguing that their gross budget number should be shared with the American people. That is all.

Is this the proposal of some wild group of fanatics? It has been endorsed by two former Directors of the CIA, passed twice in the sense-of-the-Senate resolution by the U.S. Senate, endorsed even by the President of the United States during his last campaign, and now by the chairman of the Permanent Select Committee on Intelligence.

No wild idea. The intelligence community itself, for almost 20 years, has had leadership that has discussed it or proposed it. These new adversaries, the Cubas, the Iraqs, the Libyas, what is it they would gain if we were to share this information with the American people? The argument with the Soviet Union was clear. If they knew our total spending, they could duplicate it. They could understand what we were doing and dissect it.

What is it that Libya would gain, or Iraq? If the public press is to be believed, the truth is the American intelligence community today spends more money—by the popular press—than the total military establishments of all but four nations on Earth. Indeed, the popular press claims that the U.S. intelligence community is not only more than the defense establishments, but more than the gross national product of every one of the states on the terrorist lists and all those that have been cited on this floor as potential adversaries.

My colleagues, for this system to work, for efficiency, and, indeed, for our national security, only one group can be trusted with the truth for accountability and performance. It is the American people. For 42 years we have made a gross exception to the U.S. Constitution which our Founding Fathers recognized would offer protection against abuses in Government. Article 1, section 9, clause 7, we were required to give a regular statement and account of expenditures to the people of the United States. We have overlooked that, for grave national security purposes in the cold war, as we did in the war before it. We can no longer justify this constitutional exception.

I urge my colleagues to cast this vote, so that every vote you cast after it can be informed. Because without it, the amendment that will follow for a 10-percent cut, the amendment that will follow for other cuts, the vote itself on this budget, in good faith, few Members but those on the Permanent Select Committee on Intelligence themselves should cast.

Otherwise, you should come to this floor and cast a vote for "present," because a 10-percent vote may be too much; it may be too little; it may be just right. The truth is, you do not know, and the American people do not know, unless we share this one number and let them know what is being done for their own security. Surely we owe them that much, to trust them with this simple information.

Mr. COMBEST. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Madam Chairman, not withstanding the eloquence of our previous speaker, I do not think he would want to mislead anyone into believing the President supports this amendment today. He did mention this as a candidate, when he was campaigning. But once candidate Clinton became President Clinton, he recognized that governing is a lot more different than campaigning. A statement from the Executive Office of the President dated July 19, sent to the Congress today, says: "The administration opposes any change to H.R. 4299 that would disclose or require the disclosure of the aggregate amount of funds authorized for intelligence activities."

I think it is very clear that the President opposes this amendment today.

Mr. COMBEST. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I am somewhat taken aback by the antipathy demonstrated by the gentleman from New Jersey for secrecy. The secrecy that has characterized the behind closed doors meetings on the health care reform has been epidemic. The secrecy on the crime bill, the meetings among the Democrats trying to work their problems out, I have yet to be called to a meeting, and I am a conferee on the crime bill. Why they should oppose secrecy in the intelligence aggregate I can't imagine.

Now, I served on the Permanent Select Committee on Intelligence for several years. I served under several chairmen. I can think of the gentleman from Ohio, the gentleman from California, the gentleman from Oklahoma, and the present gentleman from Kansas. Are they not doing their jobs?

As I heard the gentleman from New Jersey complain, proper oversight is not being accorded the intelligence agencies. Why, I thought that was the function and the purpose of the intelligence committees. The do their job, in the Senate and the House, not only the intelligence committees, but the Committee on Armed Services in the Senate and House, and the Committee on Appropriations in the Senate and the House, and you can get the total figure in the classified annex. There is really no pervasive secrecy, but there is no need for this to be made public.

So I just am not persuaded at all by the gentleman from New Jersey.

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

Madam Chairman, I have a statement I would include for the RECORD. I do not want the body to think that my not reading this statement is any indication of my concern or lack of concern about this amendment. It is not.

I would like to just point out a few things. This House had a vote last year about this time. I think maybe with two or three exceptions, every Member of the House that is a Member today was a Member at that time. A similar amendment was defeated by almost 100 votes.

I strongly oppose the gentleman's amendment. He knows it is done in good faith. It is just a difference in direction and feeling. The Director of the CIA, Mr. Woolsey, has repeatedly indicated this is a bad idea. As the gentleman from Florida pointed out, the administration's policy statement is in opposition to this amendment or the effect of this amendment.

□ 1700

Madam Chairman, do I think that it would be a disaster if this amendment passed? I mean honestly I could not say that it would be. The gentleman had indicated that this is probably the worst kept secret in town. Could be.

But any time that there is an article written and there is an assumed amount, whatever it may be, approximately X amount spent on intelligence, it is always a part of a story on some other subject. If, in fact, we do release publicly the amount that is expended on intelligence, that will become the story. And then at that point, the components of intelligence will become the other parts of the story, with endeavors to find out exactly what we are spending on the variety of component parts.

And will it lead to other disclosures about other portions of intelligence? I think it will. And I would predict that it would. I think this is one of those instances, Madam Chairman, that we should err on the side of caution. I can understand the interest in some Members in making this public for the public's standpoint, but the figure itself would do nothing to inform the public. It would only be that we would have to go into the intricate details of many highly classified programs to truly get at where the money is going.

I do not see, when I come to work every day, people lining the halls to visit their Members of Congress to suggest to them that we should make the intelligence budget public. I think people understand that there are things that have got to be kept secret, that there are things because of national security that are best not divulged as no other nation, democracy in the world that has an intelligence community does release their figure. And I think that, in prudence, that this amendment should be defeated, that we should continue on the path that we are and that if we are going to err, Madam Chairman, we err on the side of caution.

Madam Chairman: I strongly oppose the amendment to disclose the total budget for the U.S. intelligence community. Disclosure of the aggregate intelligence budget would be the first step down a road to disaster for our national security.

The CIA Director, James Woolsey, has repeatedly stated that this is a bad idea. President Clinton thinks so as well. In fact, nondisclosure has been the practice of every President since Truman. The President is right to oppose disclosure because it will endanger our national security.

It would hinder our ability to collect timely and accurate intelligence on the capabilities

and intentions of foreign powers. Publishing the annual intelligence budget totals would, over time, give potential adversaries growing insights into our intelligence capabilities and priorities, especially when that information is correlated with information they obtain from espionage and other means. This will help our adversaries' efforts to counter our capabilities. With the rapidly growing availability of ever more powerful computer technology, more countries will be capable of correlating and analytically exploiting this information. Moreover, some cooperating foreign governments which share important intelligence with us, on condition of secrecy, may very well become concerned about what confidential information Congress will decide must be disclosed next and reduce their cooperation with our Government. Both of these factors can harm our intelligence efforts.

I can understand those who in the spirit of openness believe that the American people need to know how much money is being spent on intelligence. However, a misinformed electorate is worse than an uninformed electorate. Providing the total intelligence budget alone is tantamount to misinforming the American people. Without knowledge of any of the principal components of the budget, that number is meaningless to the nonexpert. How will they make judgments as to whether we should increase or decrease this number? Or, for example, whether we should spend more on satellites or less on human intelligence? They will not be able to without more information. But, to provide more information provides more data helpful to those whose interests are hostile to those of the United States.

How much information is enough? Clearly, release of the aggregate budget is only the beginning. As I have already said, the number alone is meaningless to the American public without more data on what the key program elements are in the total figure. Once begun, there will be no end to pressure to disclose more and more information on the budget, intentionally and unintentionally, in a frustrated effort to explain how we arrived at the total and why it changed from one year to the next. Then, it will be why can't we disclose the total budget for each component agency in the intelligence community, or for substantive programs such as counterterrorism, nonproliferation, or support for military forces. I expect there would also soon be a move to disclose how many people work in the intelligence community. Once again, the total number of personnel working on intelligence would be meaningless to the average citizen without further breakdown. Again, we would walk a path with no end in sight except for, in my view, great harm to our Nation's first line of defense.

We still have an array of enemies lined up against us. Greater instabilities seem to be befalling the world. Russia has the potential of turning into a state posing an even greater threat to world stability than the Soviet Union. Will the Ukraine really honor its recent commitment to denuclearize? Will North Korea allow intrusive IAEA inspections? How are we going to verify its protests that it is not building a nuclear weapon? Can Kim Chong-il hold on to power, and what policies will he carry out? Intelligence will be critical to our efforts to verify their claims. As President Ronald Reagan said repeatedly, "trust but verify."

We can ill-afford to take chances with our national security, especially when there is no discernible offsetting benefit. Disclosure would not add a whit to the already high level of accountability which is the result of the most extensive and microscopic system of legislative oversight of intelligence budgets and activities in the world. If the intelligence budget is to be cut, so be it. But, this should be done by the Congress and the committees it has tasked with the primary oversight responsibility after full consideration of both the cost and value of what is to be cut. Disclosure is not a calculated risk. It is neither necessary nor useful. It is a reckless roll of the dice. Accordingly, I continue to vigorously oppose any initiative to disclose the aggregate total for the intelligence budget.

Madam Chairman, I reserve the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself 1 minute.

There are other countries that do release parts or all of their intelligence budget. But part of this has to do with the general philosophy of government. What is it that we keep secret? We keep secret those things that relate directly to national security. All else the public should know. That was the Founding Fathers' argument in this great country of ours. That is why they said, we shall have a statement of account of all expenditures, receipts and expenditures, because these are hard-earned tax dollars paid by people.

Yes, they may not be lining my offices to find out what we spent on intelligence, but they want to know how their government is spending their money generally. After all, they are hard-earned tax dollars. So to justify keeping something secret has to relate to national security.

The aggregate intelligence budget does not. Yes, it is true if we break it down, it might. We are not talking about doing that here. But we are saying, just as people need to know what we spend on defense and agriculture and the Federal judiciary, so should they know in the aggregate what we spend on intelligence functions.

Madam Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Madam Chairman, I think the gentleman from Texas has his finger on the issue, which is, on what side do we err.

He would have us err on the side of caution, but where is caution here? Caution, it seems to me, is fulfilling, as the gentleman from Kansas [Mr. GLICKMAN] has suggested, the fundamental premise of this democracy which is trusting the people of this country with information about their government, unless, unless a real and substantial burden of proof is satisfied that the information, if disclosed, would risk our national security or our clear national interest.

The gentleman, again, rhetorically asks, what difference would it make if this information is out there? I would offer in rebuttal that it is not appropriate for us to be so paternal toward the people of this country as to prejudge what information is to be found useful to them or not about their government.

They have a right to know unless we can demonstrate clearly that disclosure would harm our national security.

And this is not without some modest risk, but I think the risk is in the next interation, not this iteration. And the slippery slope argument that we have all heard about this, that if we disclose this number, what is next, there need not be a next. But this information, this overall aggregate number really is a significant piece of information by which the American public can judge the operations of their government, the priorities that this Congress has in its stewardship of their public tax dollars and of our public responsibility.

Absent a clear and overriding national security interest, which I do not think can be sustained here, we ought to be able to present this information to the people about how we are spending their money.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Madam Chairman, I rise in strong opposition to the amendment by the distinguished chairman of the Permanent Select Committee on Intelligence. While we all can read and understand the Soviet Union does not exist anymore and, therefore, some would say we no longer have a need to keep the intelligence budget figure aggregate figure secret, many of us on this committee, indeed anyone that reads very much knows there are pressures in the Russia federation, the Republic of Russia, to bring this empire back into existence and indeed much of the military capability of the Soviet Union still exists intact.

I wonder why it is necessary, after the history of our Nation of having a secret intelligence budget, why it becomes necessary in this unstable world that we have today, with hot spots throughout, to bring this intelligence budget figure public, after these many years of history of keeping its secret.

Once it is disclosed, I ask the distinguished chairman or anyone else, how do we get it secret again, when world events predictably can and probably will change that will cause us to see a need as we have done in the past to have that intelligence budget secret?

It is difficult to explain this number. What good does it do if we tell the American people what the aggregate bottom line number is without saying what it means? And then having to divide it between the civilian side of the intelligence over at the CIA and then trying to explain the military side of it. I would say to those that say it will open the slope to go down and ask

more questions and those who want to reveal this figure will indeed say to justify the figure, we have to reveal more.

I would urge my colleagues to oppose this amendment and keep the budget figure secret.

Mr. GLICKMAN. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, there is, at least at this point in the debate, things upon which we can agree.

It was suggested by the gentleman from Texas that, in fact, no one has seen people lining the Halls of the Congress demanding this information. That is the point. That is exactly the point.

Speaking hypothetically, if the American people knew, if the facts sustained it, that in fact we came to a conclusion that we could reduce military spending because the Nation was secure, but not intelligence spending, if they thought in their own minds the future of the country would be decided by education and job training, but the resources were going into intelligence, they would be lining these Halls. That is the point. The people are removed from the judgment.

At the end of the day, we have to ask ourselves why. It is not only bad policy. It is against the law. The Constitution requires it and for a reason. Can anyone rise on this floor and say that if Qadhafi or Saddam Hussein had this information the Nation would be imperiled? What would they do with it? They can read in newspapers what the estimates are. They could not possibly duplicate it.

The only protection this number's withholding is given is scrutiny of the agency itself. Spies are caught but the public cannot demand cuts because they do not know what the number is from.

□ 1710

There are inefficiencies. Members are not getting information. There are the wrong priorities, but it is not justified.

Madam Chairman, this is not because we care about national security less. It is because we care about it more. The intelligence community did not adequately serve this country at a moment of great peril. There are still dangers in the world, and if it is going to serve it in the future, we need public accountability. This is a responsible vote, supported by leadership for the last 20 years of the CIA, and now the leadership of this committee. Vote for the amendment.

Mr. COMBEST. Madam Chairman, I yield myself such time as I might consume in conclusion.

Madam Chairman, I would just say there is a dangerous slope that we are moving toward, and that is moving toward the beginning of a disclosure of very highly classified and sensitive programs. I would also mention that while it was mentioned earlier that there were, I believe, two former heads of the CIA who supported it, I might say every President since Truman has opposed it, including the current President, in both rounds, and the current DCI, for concerns of where it might lead us. I would urge my colleagues to oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] is recognized for 3½ minutes.

Mr. GLICKMAN. Madam Chairman, I thank my colleague, the gentleman from Texas. I know we disagree on this issue, but we agree on more issues than we disagree on, and we are very agreeable even on the disagreements.

Madam Chairman, I want to repeat to my colleagues, the National Taxpayers Union has endorsed this amendment, and I want to read from their letter to me and to the gentleman from New Jersey [Mr. TORRICELLI]:

> The time has come to carefully direct the light of accountability to a budget area long shrouded in darkness. There is no longer any valid reason why the total annual amounts spent on the intelligence budget should remain as secret as the individual projects within the same budget.
>
> Your amendment, in our view, reflects the proper balance between changing times and the continuing need for some secrecy. No actual or potential U.S. adversary could gain an advantage merely by knowing our Nation's overall expenditure on intelligence activities. Your amendment protects our national security because specific funding for individual intelligence missions would remain secret.

The National Taxpayers Union endorsement I think is a very important one for this bill, for this amendment, Madam Chairman.

I want to talk for a moment, Madam Chairman, about what two prior directors of the CIA have said about this amendment. Mr. Gates, during his nomination process to be head of the Central Intelligence Agency in September 1991, before the Senate Select Committee on Intelligence, said the following:

> My own view is that at a certain point, if the Agency is to play the role that I think it needs to play, we're going to have to take some chances. And so, from my personal perspective—and it's not ultimately my decision, I suppose, but the President's—I don't have any problem with releasing the top line number of the Intelligence Community budget. I think we have to think about some other areas as well. But, as I say, it's controversial.

Later on, on February 23, 1994, I asked Director Woolsey and former Director Gates:

> I want you to tell me what damage would be done to national security from the disclosure of just the aggregate intelligence figure * * *.

Here is Director Woolsey:

> Setting aside the issue * * * of the so-called "slippery slope" * * * then acknowledged changes in the total year to year would become far more likely to require precise justification in the public debate * * *. Formal acknowledgement of the level would put substantial pressure on executive branch officials and those who participate in the debate in the Congress to give reasons for those changes publicly. That is a big part of my problem.

My own belief is, I respond to that kind of thing with the question, "Isn't democracy troublesome? Isn't it difficult to have to justify changes, aggregate changes, in budgets?" Yes, it is inconvenient, and potentially it is a problem, but the question is does it violate our national security to disclose the aggregate budget figure. Director Woolsey, while he does not want to do it, does not say it violates national security.

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

Mr. GLICKMAN. I am glad to yield to the gentleman from New Jersey.

Mr. TORRICELLI. Madam Chairman, in addition to Director Woolsey, in fact, Stansfield Turner, a former Director, Mr. Gates, Bobby Inman, the people who have been the pillars of the American intelligence community, have all come to that judgment that it would be in our interest, not against our interest.

Mr. GLICKMAN. Madam Chairman, in all fairness, Director Woolsey does not say he is for it, but he does not give the reason that it is a national security problem.

Mr. TORRICELLI. If the gentleman will continue to yield, and the others have all come out for it.

Mr. GLICKMAN. Former Director Gates on February 23, 1994, again, 3 years later, says the following:

> It seems to me that there is nothing intrinsically sensitive about the aggregate figure of the budget for the American intelligence community. A general notion of what that figure is broadly about is already public * * *. Since most people have a fairly good idea of what the aggregate number is, I then puzzle over why there is the desire to make that number official and to confirm it * * *. I think it is a mistake officially to confirm it * * *.

Madam Chairman, I would, parenthetically, say he has changed his position slightly there.

Then he goes on: "Once confirmed officially, it makes it impossible not to begin to break" it down and to explain what it is about.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. GLICKMAN. Madam Chairman, I guess my point is that all this discussion is based on the idea that it is inconvenient. It is difficult to talk about this issue, because then we are going to have to explain it to the American people. Again, Madam Chairman, I say that is what democracy is about. I urge the adoption of my amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

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

RECORDED VOTE

Mr. COMBEST. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 24, as follows:

[Roll No. 332]

AYES—194

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barca
Barcia
Barrett (WI)
Becerra
Bellenson
Berman
Bilirakis
Bonior
Brooks
Brown (CA)
Brown (OH)
Cantwell
Carr
Clay
Clayton
Clement
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Dooley
Duncan
Durbin
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Green
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Inslee
Istook
Johnson (SD)
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
Lambert
Lancaster
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Whitten
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—221

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Billey
Blute
Boehlert
Boehner
Bonilla
Borski
Browder
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clinger
Coleman
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Romero-Barcelo (PR)
Roukema
Rowland
Santorum
Sarpalius
Schaefer
Schiff
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Torkildsen
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—24

Bishop
Blackwell
Boucher
Brewster
Bryant
Edwards (CA)
Faleomavaega (AS)
Ford (TN)
Frost
Gallo
Gingrich
Jacobs
Machtley
Martinez
Richardson
Ros-Lehtinen
Royce
Slattery
Smith (NJ)
Stokes
Underwood (GU)
Washington
Wilson
Wise

□ 1735

Mr. HOLDEN and Mr. MANZULLO changed their vote from "aye" to "no."

Mr. ROSE and Mr. HEFNER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

In section 601, amend subsections (a) and (b) to read as follows:

(a) DIA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to the Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the Defense Intelligence Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (a)(2) by inserting after "the United States International Trade Commission," the following: "the Defense Intelligence Agency,"; and

(B) by adding at the end the following:

"(i)(1) The Inspector General of the Defense Intelligence Agency shall be appointed by the Director of the Defense Intelligence Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the Defense Intelligence Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the Defense Intelligence Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the Defense Intelligence Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the Defense Intelligence Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the Defense Intelligence Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the Defense Intelligence Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the Defense Intelligence Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the Defense Intelligence Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the Defense Intelligence Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the Defense Intelligence Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(3) IMPLEMENTATION.—The Director of the Defense Intelligence Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the Defense Intelligence Agency;

(B) appoint the Inspector General of the Defense Intelligence Agency; and

(C) transfer to that Office the Office of the Defense Intelligence Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the Defense Intelligence Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the Defense Intelligence Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENT.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c) by striking "subsection (f)" and inserting "subsections (f) and (i)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—

(A) REPORTING REQUIREMENT.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

"§ 427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency

"(a) REPORTING REQUIREMENT.—The Director of the Defense Intelligence Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the Defense Intelligence Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(B) CLERICAL AMENDMENT.—The analysis at the beginning of subchapter I of chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency.".

(b) NSA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the National Security Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the National Security Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of that Act is amended—

(A) in subsection (a)(2), as amended by subsection (a)(2) of this section, by inserting after "the Defense Intelligence Agency," the following: "the National Security Agency,"; and

(B) by adding after subsection (i), as added by subsection (a)(2) of this section, the following:

"(j)(1) The Inspector General of the National Security Agency shall be appointed by the Director of the National Security Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the National Security Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the National Security Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the National Security Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the National Security Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the National Security Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the National Security Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the National Security Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the National Security Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the National Security Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the National Security Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(3) IMPLEMENTATION.—The Director of the National Security Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the National Security Agency;

(B) appoint the Inspector General of the National Security Agency; and

(C) transfer to that Office the Office of the National Security Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the National Security Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the National Security Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENTS.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c), as amended by subsection (a)(6) of this section, by striking "subsections (f) and (i)" and inserting "subsections (f), (i), and (j)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. (a) The Director of the National Security Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the National Security Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(8) RELATIONSHIP OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE TO THOSE OF DIA AND NSA.—Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(h)(1) The Inspector General of the Department of Defense shall not have any authority to conduct any activity with respect to any matter that the Secretary of Defense determines relates solely to the Defense Intelligence Agency or the National Security Agency.

"(2) Upon request of the Inspector General of the Defense Intelligence Agency or the National Security Agency, the Inspector General of the Department of Defense may provide to the Inspector General making the request such resources (including personnel) as are appropriate to enable that Inspector General to carry out activities authorized by this Act.".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, the amendment I am offering with Mr. CLINGER inserts substitute text for subsections (a) and (b) of section 601 of the reported bill. In summary, it amends the Inspectors General Act of 1978 by creating two new inspectors general for the Defense Intelligence Agency and the National Security Agency.

Let me first start by acknowledging the ranking Republican of the Government Operations Committee, BILL CLINGER, for his close assistance in crafting this amendment. I would also like to thank the chairman of the Intelligence Committee, Mr. GLICKMAN, and his ranking member, Mr. COMBEST, for their cooperation.

The Intelligence Committee has included in H.R. 4299 a provision creating independent IG's for both DIA and NSA. The need for these offices was established in closed hearings held by the Intelligence Committee. The Government Operations Committee was not involved in those hearings. The committee's interest is simply in protecting the integrity and independence of the inspectors general, and ensuring that each inspector general has the tools to perform the job.

Unfortunately, section 601 as reported by the Intelligence Committee creates several problems. First, the IG's are not part of the Inspectors General Act, and thus would not be accorded the authorities and responsibilities of the other IG's. Our amendment places these offices within the protections of the IG Act.

Second, the new IG's duplicate the existing responsibilities of the Defense

Department's inspector general. Essentially, the Defense Department IG would have the same duties as the newly created NSA and DIA IG's. We would thus have two IG's, perhaps competing with each other, responsible for each agency. Our amendment resolves this duplication by ensuring that the new IG's have sole responsibility for NSA and DIA. The existing Defense IG can assist in investigations, but does not have authority over investigations solely within those agencies.

I would also point out that the amendment requires detailed reporting by these IG's to the Intelligence Committees. Given the sensitive nature of these agencies, we believe that this is the most appropriate mechanism for oversight.

Our amendment is therefore primarily a technical one, and does not change the substance of what the Intelligence Committee has reported. The amendment will serve to clarify the responsibilities of the IG's, eliminate duplication, and provide the authorities and protections of the Inspector General Act.

I urge its adoption.

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

Mr. CONYERS. I am delighted to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, we have been advised informally that while the Committee on Armed Services has some concerns about the gentleman's language, that we have no objection to the amendment and we will accept it on our side. I just wanted to let the gentleman know that so he might feel perhaps delighted at my acceptance and not want to speak any longer.

□ 1740

Mr. CONYERS. I want to thank my colleague on Judiciary and the chairman of this important committee and floor manager for his cooperation. This is a perfecting amendment, and we are not going to take much time.

What we corrected are two essential problems. One, we place the I.G.'s within the Inspector General Act, and we eliminate the duplication and conflict between the new I.G.'s and the existing Defense Department I.G. by leaving any issues that cross agency lines to be dealt with by the Secretary of Defense as the arbiter. This brings us into conformance with the Inspector General Act, ensures continuing independence of the I.G.'s, and requires detailed reporting by the I.G.'s to the Intelligence Committee.

We think that that satisfies the concerns of the floor manager and many others that are on the appropriate committees that are concerned.

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

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

Mr. CLINGER. Mr. Chairman, I rise today in support of this amendment offered by the chairman of the Government Operations Committee, Mr. CONYERS.

Chairman CONYERS and I drafted this amendment, in consultation with our colleagues on the Intelligence Committee, to modify a provision in the Intelligence authorization bill which has the unintended consequence of creating overlap and potential jurisdictional conflict between the Department of Defense office of inspector general and the newly created offices of inspector general in the Defense Intelligence Agency and the National Security Agency.

As reported by the Intelligence Committee, the bill would allow the Defense inspector general to continue its activities within the Defense Intelligence Agency and the National Security Agency, despite the presence of independent inspectors general within these agencies. The amendment offered today states explicitly that only the Defense Intelligence Agency or National Security Agency inspectors general will have jurisdiction over audits or investigations that fall solely within their respective agencies. This is a necessary modification to the Intelligence authorization bill in order to clarify the responsibility of each inspector general. The Defense Department's inspector general will be authorized to provide assistance to these new offices upon request.

The Government Operations Committee has a long tradition of working to protect the integrity and effectiveness of the Federal inspectors general. Since the Inspector General Act's inception in 1978, we have remained committed to ensuring that these guardians against waste, fruad and abuse are equipped to do their jobs with minimum interference and maximum independence. This amendment is the latest illustration of that commitment, and will ensure that the Defense Intelligence Agency and the National Security Agency receive an appropriate level of oversight.

I have welcomed the opportunity to work with Mr. CONYERS and our colleagues on the Intelligence Committee in a bipartisan effort to ensure the Defense Department's inspector general and the new inspectors general created by this bill can work in cooperation with each other. I urge my colleagues to join me in support of this amendment.

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

Mr. CONYERS. I yield to the gentleman from Texas.

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

This amendment offered by the gentleman from Michigan and the gentleman from Pennsylvania is intended to incorporate the provisions of H.R. 4299 which establish a statutory office of inspector general at the Defense Intelligence Agency and the National Security Agency into the Inspector General Act of 1978. The amendment is also intended to go further than H.R. 4299 to clarify the responsibilities of the statutory IGs at the DIA and NSA with respect to the responsibilities of the Defense Department Inspector General. This amendment makes sense and it should be adopted.

The amendment has the same purpose as H.R. 4299: To create independent and effective inspector general offices at the DIA and NSA to properly conduct audits, inspections, and investigations of the programs and operations of these agencies, and to keep the directors of the respective agencies and the congressional intelligence oversight committees informed of significant problems and deficiencies. By incorporating the provisions of H.R. 4299 into the 1978 act, the new offices will benefit from the guidance of past precedent and case law when there is a question of interpreting the provisions of the act.

The Conyers-Clinger amendment has the same effect as H.R. 4299 with one exception. H.R. 4299 stated that nothing in its provisions was intended to affect the authorities or responsibilities of the inspector general of the Department of Defense. This language was criticized for creating redundancy and overlap. The Conyers-Clinger amendment thus makes clear that the DOD IG does not have authority to conduct any activity with respect to any matter the Secretary of Defense determines relates solely to the DIA or NSA. Where a departmentwide inspection of personnel policies is in question, the DOD IG would have authority to review DIA and NSA personnel policies, but an audit of a classified DIA or NSA program which the Secretary of Defense determines relates solely to the agency concerned should be conducted by the DIA or NSA IG, not the DOD IG.

The congressional intelligence oversight committees have been concerned for a number of years over the efficacy and effectiveness of the offices of the inspectors general at DIA and NSA. The committee believes the programs and operations of these agencies have not been priorities of the Department of Defense IG—understandably—since they are relatively small in cost and scope. Setting forth in the law the authorities, responsibilities, and reporting requirements of the DIA's and NSA's IG's should increase the professionalism of these offices and bring greater inspector general attention to the sensitive programs and operations undertaken by DIA and NSA.

I urge my colleagues to support the Conyers-Clinger amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 5, after line 23, insert the following new section:

SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent

practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this budget is classified. There is a lot of stuff going on. This is a stealth Buy American amendment. I do not want to know; you do not have to tell me. I would just like to see them buy, whenever possible, some American-made goods and products and keep the train coming down the track. It helps our workers.

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

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

Mr. GLICKMAN. Mr. Chairman, I would say that even though the budget has a stealthy flavor to it, I want you to know that the gentleman from Texas [Mr. COMBEST] and I are doing our best to make sure the intelligence community buys American products, and we are inspired by your push on this issue on this bill and others, and we intend to accept this amendment.

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

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

Mr. COMBEST. I could not have said it better myself. We certainly agree to the amendment.

Mr. TRAFICANT. Mr. Chairman, I urge approval of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS: Page 4, after line 23, insert the following:

SEC. 104. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred and Third Congress, there is authorized to be appropriated for fiscal year 1995 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1994.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I rise in support of the amendment which I am offering together with my friend from New York, Mr. OWENS, to cut the intelligence budget by 10 percent.

Mr. Chairman, the Sanders-Owens amendment is the same as the one which we offered last year, and which was supported by over 100 Members of this House. It provides for a cut of 10 percent from the level of this year—which was in turn essentially the same level as last year, and which has been publicly reported by such publications and organizations as the Washington Post, the New York Times, the Democratic Study Group, and others to be about $28 billion. After 2 years of delay, it puts us on track to fulfilling President Clinton's promise during the 1992 campaign to cut $7 billion from the intelligence budget over the 5-year period 1993–97.

We need to make this cut for reasons that people all over America—if not necessarily in Washington—recognize. We need it because we have a $200 billion deficit and a $4 billion debt. We need it because the cold war is over, the Soviet Union has disappeared, and for decades, as the New York Times noted, "spy agencies spent two-thirds of their budget dollars to track the Soviet threat." And we need it because, as the House Appropriations Committee pointed out in its report last September, the intelligence community received over a 100-percent increase in real dollars between 1982 and 1992.

In this situation, it is absurd to keep on funding the intelligence agencies at cold war levels, and to insist on maintaining their budgets at the same level year after year. When we are already spending $100 billion a year defending Europe and Asia and when we outspend all our potential enemy nations by over 10 to 1, are we really just as insecure as when the Soviet Union existed? While we are cutting back on all the rest of the Government—including social programs, farm supports, and environmental protection as well as defense—how can the intelligence agencies claim to be exempt?

Frankly, Mr. Chairman, I get a little sick and tired when every day I hear Members of Congress rant and rave about the budget deficit, and tell us how it is imperative that we make cuts in Social Security, Medicare, Medicaid, veterans' needs, funding for education—and then, having said all that, they proceed to vote no reductions for the intelligence budget. We have the highest rate of childhood poverty in the industrialized world, including 5 million children who go hungry each day—and we do not have the money to protect our kids. We have millions of senior citizens unable to afford their prescription drugs, and we don't have the money to protect our senior citizens. We have millions of working class young people unable to afford the cost of higher education—and we do not have the money to educate our young people. But somehow, just somehow, when the CIA, the NSA, the DIA, and the other intelligence agencies come asking, the money suddenly appears. It suddenly and magically appears. No problem with funding now.

Mr. Chairman, this debate is not really so much about the intelligence budget, as it is about our national priorities. The 10 percent cut proposed by this amendment—$2.8 billion—is equivalent to about one and a half spy satellites. One and a half spy satellites is what we can purchase for $2.8 billion. Now let me tell you, in the real world, what $2.8 billion could purchase. In a nation frightened of crime and overburdened with high property taxes, $2.8 billion distributed to our States would pay for 40,000 more police officers in community policing programs. In the real world, when young people clamor to get a higher education but cannot afford it, $2.8 billion would fund 200,000 more students in the President's National Service Program. At a time when millions of children enter school far behind their peers, $2.8 billion would fund Head Start participation for nearly 700,000 children. At a time when cities all over America struggle with the crisis of homelessness, $2.8 billion would provide HUD-assisted housing for nearly 3 million homeless families. In terms of our environmental needs, $2.8 billion would fund the entire hazardous waste cleanup program.

And let me repeat—for those whose primary concern is the Federal deficit—that $2.8 billion would reduce our annual budget deficit by 1½ percent.

That is what we are debating today, Mr. Chairman. We are debating whether we defend our national security by pretending that the cold war is still going on, or by recognizing our country's economic crisis. We are debating whether to continue spending billions putting spy satellites into orbit to spy on a Soviet Union which has disappeared—or whether to take care of our own country. That is the basic question, my colleagues, and I ask you to choose to truly defend our national security. Vote for the Sanders-Owens amendment, and restore some common sense to our budget priorities.

□ 1750

Mr. GLICKMAN. Mr. Chairman, I would like to get a time limit on the

remaining time in this debate. The gentleman from Vermont [Mr. SANDERS] has already spoken about 5 minutes. I would ask unanimous consent that all debate on this amendment and any amendment thereto be limited to 30 minutes, equally divided, 15 minutes to myself and 15 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. COMBEST. I have no objection, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Vermont [Mr. SANDERS] will be recognized for 15 minutes, and the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I yield myself 5 minutes.

Mr. Chairman, I thank the gentleman from Vermont [Mr. SANDERS] for offering this amendment. I think it is an important amendment to discuss, although I think the amendment is misguided and should be defeated.

In the first place, when you come down to this floor and you listen to the gentleman from Vermont [Mr. SANDERS], and then previously listened to people on the other side, you would then think that you were talking about two different bills. Folks on the Republican side of the aisle have been arguing that the intelligence budget has been cut radically in the last 10 years. Mr. SANDERS, of course, comes here and said it has not been cut enough.

Here are the facts: The committee bill is 3.8 percent below the fiscal 1994 authorized level, approximately 2 percent below the fiscal 1994 appropriated level and the fiscal 1995 request. That is not taking into account inflation. So we are seeing a reduction in the intelligence community budget. The numbers of people who are employed in the intelligence community is coming down approximately 20 percent. This is the third year in a row they recommended less than requested by the President or authorized the year before.

Significant additional reductions, however, will imperil modernization programs for satellites, signals, and imagery collection systems, which are needed to keep pace with technological advances and which will ultimately save money through consolidation of activities.

Let me tell you what this stuff does so that you will have some idea. What it does is it provides information for military commanders. So, if we have a military conflict in Korea or if we have a military conflict in Haiti or if we have a military conflict in the Middle East, there is modernization of our imagery, satellites and signals intelligence going on, which accounts for one of the reasons why the numbers are not going down faster. My point is that we could find ourselves in a military conflict in Haiti or Korea or the Middle East or perhaps in humanitarian efforts in central Africa, and you have to have that kind of imagery in order to protect American troops, American people and other people who are threatened. These improvements are definitely needed.

We have activities all over the world against terrorism, against proliferation of nuclear, biological, and chemical weapons. Some of that is human intelligence, some of that is signals intelligence, and some is satellite intelligence.

A cut of this magnitude would be extraordinarily serious dealing with those particular problems.

Just yesterday there was a bomb in Buenos Aires which dealt serious damage to the Jewish community in Argentina, which is likely to have been caused by international terrorist activities, which will require the United States and the Argentinians and people around the world to focus on as part of this international terrorist conspiracy to blow up and destroy American and freedom-loving interests around the world. This amendment would strike at the heart of the ability to try to find those particular culprits.

I am particularly worried about nuclear, chemical, and biological weapons. The Russians still have thousands of them, thousands of weapons, any one of which could kill 15 or 20 million people in this country. You have to have the technical, satellite, signals intelligence, and the human capability to find out where those things are.

Now, can I tell you that a 10-percent cut is going to destroy the ability of the intelligence community to do everything they do? I do not know if I can tell you that they would destroy it, but I can tell you this, that it puts us at a very great degree of risk. That is exactly what we do not need right now. We think we have cut this budget as far as we can.

I am just telling you right now that I do not want to have on my hands a terrorist activity in this country or around the world which could have been prevented by modernizing our satellite capability or a release or sale of nuclear or chemical or biological weaponry or missile systems which could find themselves in the hands of a Saddam Hussein or some other ruthless dictator.

So I think while I understand the purposes of the amendment, I think an amendment of this magnitude is ill-conceived, and I urge my colleagues to defeat it.

Mr. SANDERS. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. Chairman, this debate is an educational debate for the American people. Everybody talks about the deficit, and most people act as if the deficit was created by God. The deficit is not created by God; the deficit is made up of stupid decisions that have a Central Intelligence Agency at the same level it was during the height of the cold war. We are spending for intelligence as much as we were spending when the other superpower, the Soviet Union, existed. We always said that 50 percent—as I was saying, this is an educational debate for the American people. We will not change anybody's mind in this House. The military-industrial complex has given its orders. We know the votes will come down a certain way as a result of that. So we are talking to the American people about what makes up the deficit.

The deficit can be brought under control without cutting education programs, without cutting libraries, without cutting jobs training programs. All of these kinds of programs have been cut in the last year. We have cut $60 million out of the job training for teenagers, in order to move it over for displaced workers. We did not have to do that. We need more money to train displaced workers, we can get it out of the budget reserved for the intelligence community. The intelligence budget cannot be defended with any kind of logic or reason. Nobody is able to bring forth any logic which makes any sense. To talk about the dangers in the world of terrorism and other kinds of threats, nuclear threats from North Korea, they were always there along with the Soviet Union. Once the Soviet Union, the only superpower that has the capacity to deliver nuclear bombs from their soil to our soil, is eliminated, then we are in a different world. The Soviet Union's secret police, unlike our secret police, the CIA, the Soviet Union secret police have opened up their archives, a large portion of the archives. They demystified their intelligence community. We do not even want to disclose to the American people the total amount of money we spend on intelligence. We just voted that down.

The orders came down from the military-industrial complex, "Don't do it." So the puppets moved in line, and they lined up to vote. Logic cannot prevail in this kind of situation. We have the Congressional Budget Office. Last year, the Congressional Budget Office suggested, recommended a 20-percent cut. A 20-percent cut in the overall intelligence budget was recommended by the Congressional Budget Office.

□ 1800

Now, Mr. Chairman, those are the people we pay to monitor very closely the logic of what we are doing with our budget. We are only asking here for a 10-percent cut, a 10-percent cut of what the most conservative estimates put at

a $30 billion budget. We do not know officially, we cannot represent it, we cannot pretend we know officially, but the New York Times and certain other sources that really know what is happening in America, always they have consistently pegged the intelligence budget at $30 billion.

Of course we should go and ask Aldrich Ames. Aldrich Ames would have told us it might take a tip, we might have to pay Aldrich Ames something, but he can tell us, probably, what the overall budget is.

Aldrich Ames was, as my colleagues all know, a highly placed official at the very top of our country's intelligence operation who for 9 years was a spy for the Soviet Union, and, in order to shut him up and not let him tell the American people about what is going on inside of the old boys network of the CIA, they gave him life imprisonment instead of death. As my colleagues know, he committed wholesale treason. If anybody deserves the death penalty, it certainly ought to be Aldrich Ames. But Aldrich Ames walked away. A deal is being made with his wife because he knows too much. He could tell us that if the Soviet Union was paying him as a spy for them, if he was being paid $2 million, then what do we pay our spies, the ones we get from the Soviet Union? Our rate of pay is probably higher, so the CIA is probably paying Soviet spies, East German spies, all kinds of people they manufacture, they are probably paying them at a higher rate than $2 million for the work they do. Aldrich Ames got $2 million.

Aldrich Ames in his parting shot accused the CIA of being an old boys network that was obsolete, and that is what we are dealing with, my colleagues. We are dealing with an old boys network that is obsolete, and it is driving a $30 billion budget.

Thirty billion is not the total budget for the CIA, but they are the kingpin of the intelligence community. There is Army intelligence, satellites; there is a whole lot of stuff out there. But $30 billion, if we take 10 percent of that, $3 billion can fund a lot of repairs to school buildings that have lead poisoning problems, and they have asbestos problems, and $3 billion could build a lot of schools. Three billion dollars could relieve the pressure on a lot of school board budgets.

Three billion dollars could provide for a health care program that would end the kind of tuberculosis which has crept back into not just our homeless community, but there is a high school out in California where there is a large infection of tuberculosis in the high school.

Now we cannot provide the money to take care of basic health care problems and basic education problems. We tell the American people that there is a deficit, we must deal with the deficit. I agree there is a deficit. The deficit was created by irresponsible spending. Now we have an opportunity to cut the deficit, and we can cut the deficit without hurting the security of America at all.

The CIA does not have the capacity to do the job that needs to be done with respect to terrorism. They do not know enough Arabic. They do not have enough people to deal with the fundamentalist Islamic revolution. They cannot deal with that. The CIA cannot deal with the problem in Haiti. Nobody in the U.S. Government can tell us how many people are being massacred in Haiti, what the conditions are in Haiti. The CIA cannot tell us what is going on in a country which is less than 700 miles from Florida.

As my colleagues know, the CIA does not have any black agents. The CIA is not modernized. The diverse world it has to face; it has no agents to do that. It does not have any females. The females, the few of them that are there, recently brought a suit about what is going on there, so we got an obsolete operation. The head of the CIA yesterday admitted that it is a white male dominated old boys network. If the head of the CIA admits that, then my colleagues know we have got serious problems. We are spending on this white male dominated old boys network which is obsolete, we are spending at least $2 billion on that agency alone, and they have control of a $30 billion intelligence budget. The American people need to know, if we want to cut the deficit, we want to cut the deficit, at the same time provide for Federal money for libraries, we want to provide for Federal money to help take care of the problems our schools are facing, we want to take care of the health problems, and there are a lot of places where we are wasting money, and one of them is in the intelligence budget. Three billion dollars we gain by passing this 10-percent cut.

So I say to my colleagues, "Let's pass it and get a $3 billion to give to good programs."

Mr. GLICKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, while I greatly respect the sincerity of the distinguished gentleman from Vermont, I must say that I find his amendment to limit this year's authorization for intelligence to 90 percent of last year's level to be reckless in the extreme. In my statement in support of this bill I have already talked at some length about my extreme disquiet over our committee's turning out a bill which continues the trend of making deep cuts to intelligence. At that time I cited several facts which illustrate the depth of the commulative annual cuts we have seen to intelligence this decade.

I would like to repeat a few of them here and cite some new ones. First, the repeats:

Fact No. 1. In real terms the intelligence budget has been cut in all but 1 of the last 6 years.

Fact No. 2. The intelligence community is already being downsized at twice the rate recommended by the President's National Performance Review for the Government.

Fact No. 3. The $7 billion that President Clinton proposed to cut from intelligence by 1997 has already been achieved and will, at current rates, end up being more than double that by 1997.

Fact No. 4. The authorization bill this year authorizes in real terms almost 15 percent less than our authorization 2 years ago, and that was at a level which then-Intelligence-Committee-Chairman MCCURDY claimed could not be further reduced without the risk of "severe damage." That higher level was, he said, "the outer limit on which the intelligence community can expect to reduce spending."

And now a few more facts:

Fact No. 5. This bill already reflects in real terms a more-than-6-percent decline in intelligence spending from last year.

Fact No. 6. At the current rate of cuts, the intelligence budget in inflation-adjusted dollars will, by the end of this decade be less than 60 percent of what it was in 1989.

Fact No. 7. The budget for national programs for next year was—as submitted by the administration—already $1.3 billion less than what the administration projected just last year.

Mr. Chairman, the effect of the gentleman's amendment would be to gut intelligence and to cripple a key element of our national security and leave our Government whistling in the dark when dealing with the issues of regional stability, weapons proliferation, terrorism, global fair trade and competitiveness, and strategic and tactical military preparedness.

The intelligence community has already begun a process of closing down capabilities which we can ill afford to give up. Having, several years ago, already reduced its resources covering the former Soviet Union, the intelligence community is now in a process of eliminating coverage completely against many targets and even regions worldwide. Programs to modernize, upgrade, and save money in the out-years by revamping technical collection systems have been slowed down or shelved. On the analytic side the situation is as bad or worse. Military analysis has been left perilously thin; many arms control and weapons analysis offices have been cut back to fractions of their former size despite the growing problem with the proliferation of weapons of mass destruction and missile delivery systems; other analysis are overwhelmed with the demands for more and better analysis of the multiplicity of issues which the administration faces politically and economically around the globe.

The fact that this amendment sets an arbitrary figure for cuts as opposed to making specific proposals for savings is indicative of its poor rationale. The gentleman from Vermont has presented his amendment without reading the committee's classified report showing an itemized breakout of how intelligence funds are spent. Those Members who want to cut intelligence further need, at the least, to exercise their right, indeed their duty, to make such proposals only after viewing the committee's detailed mark and identifying specific program areas to be cut. At that point, the responsible Member will realize that in a budget as lean as the one in this bill, for every supposed saving there is in reality a very clear and high cost in terms of lost national security.

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as my colleagues know, I think it is interesting that every year the chairman of our committee gets up and asks Member to go up to room 405, which is where the Permanent Select Committee on Intelligence meets, and ask for a look at the budget. The budget is open to any Member of the Congress to go up and look at. One does not have to be a member of the Permanent Select Committee on Intelligence or a member of the leadership, but every year Members get on this floor and with good intentions ask for cuts of 10 percent, 5 percent, 2 percent, and as they never go up and look at the budget, they do not know what they are asking us to cut.

Now Members that have served on this committee for a number of years or some of us that are now in their second year on the committee have worked diligently in doing the budget. We understand where the money is being spent. We analyzed it. We had hearing after hearing to determine whether it is needed. But yet the Members ask for the cuts, and in reference to the gentleman from Vermont and the gentleman from New York, Mr. Chairman, I have talked with staff, and they have not gone up and looked at the budget. They should look at it, they should analyze it, they should go through it and see what it is all about. But to come off the top and say, "Let's just cut it, let's not look at it"; they do not know what it is for, where it is coming from, and I think it is very important to understand it. They should look at it because the world is a dangerous place. It is as dangerous as it was when the Soviet Union existed. We have more targets, we have more problems, more areas to focus on and more people to be retrained because many of our analysts were analyzing areas of the Soviet Union and trained in that area. Now we have Iran, we have North Korea, we have Iraq which we just had a war with, and I think it is so important we analyze it.

Mr. Chairman, I urge my colleagues, before they make these judgments, to go upstairs, go through the budget, look at what it is, and then make their decision whether it should be cut.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mr. OWENS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I want to tell the American people listening to this debate that once you look at that budget, you can no longer talk about it. You cannot disclose anything. We are forbidden from talking about the figures. So they ought to know for a fact that we do not look at it, because we do not want to be in a position of being criticized for discussing a budget we looked at. I urge full disclosure of the total amount, and we can talk to the public about the total amount.

Mrs. MINK of Hawaii. Mr. Chairman, reclaiming my time, I take the well today to support the amendment to cut 10 percent from the budget. I do so not because I do not respect the diligent work of the Permanent Select Committee on Intelligence in determining what our needs our, but just as an individual citizen in this great country. I understand that the circumstances in the world have changed. We do not have the same threats which generated this huge spending in the cold war situation.

Times are different. You cannot make a sensible argument by saying we have new threats, new enemies. These very same countries existed previously as threats to our security, and the intelligence community, I am sure, was embarking upon whatever strategies and investigations that those situations required in Iran and Korea and other places.

They have risen up into prominence and have become our priorities, but they are certainly not such that they overcome the spending cuts which are, I think, prompted by the changes of circumstances.

Now, if this country had resources which it could spend, I would say perhaps this debate would be a needless effort. But all of us understand the crisis of spending in this country and the enormous needs that our people experience and tell us are unmet, and we are helpless in providing them the resources to meet these needs.

I serve on the Committee on Education and Labor, and it pains me every year not to be able to fund the programs as the needs occur. We have always said that the American country needs to be able to compete globally in terms of education, in terms of our economy. Yet we are not providing funds for our young people to go on to the universities and colleges and be able to compete. We have limitations on the number of Pell grants and scholarships, and we are cutting back constantly on graduate education and resource assistance.

Now, is it possible that a country as great as ours cannot divert funds away from intelligence institutions like the CIA and recommit these moneys to the education of our young people?

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this budget and these issues are a matter of intense interest to me and my constituents. I have done my homework, though not on the committee, and have been briefed on this intelligence budget, and have paid a visit to that top floor of the Capitol. My conclusion is that the Sanders amendment is not in our national interest, and I strongly oppose it.

As I said last year, intelligence funding is intelligent funding. I believe that intelligence is a crucial investment, for much the same reason that I support aid to the former Soviet Republics. It is proactive. The money we spend for these programs helps us avoid spending greater sums later, because we can identify threats early on and organize our response.

Our intelligence capabilities were a major factor in the Persian Gulf war. They improved our battle management, increased our knowledge about Iraq's capabilities, and helped pave the way for the gulf war and the liberation of Kuwait.

My district has made a major contribution to the tactical intelligence systems that are funded jointly by the Permanent Select Committee on Intelligence and the Committee on Armed Services, and I think these systems are more vital than ever in these times of rapid international change.

Since 1990, more than 20,000 jobs have been eliminated at the 5 major prime contractors which develop intelligence collection systems. That represents a 75-percent reduction in the work force involved in intelligence programs. Most of that loss has occurred in southern California, and, because there were no alternative jobs, these people have left the industry and are not likely to return to work on critical national intelligence programs in the future.

Mr. Chairman, statistics like those I have just quoted are devastating to our industrial base, our intelligence industrial base, and our national security. I strongly urge a "no" vote on the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, it is difficult to debate a budget and urge or defend a cut in the budget when the

budget is secret and we cannot say how much we are spending or how much the proponents or opponents of amendment propose to spend, although rumor has it, rumor from the New York Times and everywhere else, it is somewhere in the neighborhood of $30 billion. Maybe that is true.

But what one can say, however, is that in the last few years, the world has undergone an immense change. The cold war has ended. The great adversary, the evil empire, which itself spent many, many billions of dollars every year on armaments, on intelligence, on counterintelligence, which we had to spend many billions of dollars on for intelligence and counterintelligence and counter-counterintelligence, is no more. Why is it that our budgets do not recognize the world sea change, the sea change in the condition of the world?

It is true, of course, there are many things that our intelligence must do. We must know what is going on. Much of what we must know about what is going on really consists of people studying periodicals and literature in libraries to find out what is going on in cultural change and in religious change and political change around the world. Some of it is still handled through satellites and such.

But the fact is, that with the Soviet Union gone, with the cold war over, if we cannot reduce our intelligence budget by 10 or 20 percent, then we are wasting a heck of a lot of money. It is particularly true in view of the fact that the intelligence community missed the greatest political event of the last quarter-century, the collapse of the Soviet Union. So one wonders how efficiently they were spending that money in the first place.

In summary, Mr. Chairman, we ought to be able to reduce our expenditure and spend it more usefully on housing and education and things vital to national security here at home.

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

Mr. CUNNINGHAM. Mr. Chairman, it befuddles most of us. We talk about a strong crime bill, and the Black Caucus fights against strong crime measures. And the liberal from New York fought against registering child molesters and woman stalkers. But yet he is up here, "Let's cut intelligence; let's cut defense."

We cut the defense of this country down to the bone marrow. During Desert Storm the intelligence agencies in defense, and I saw a lot of Members sitting around here sleeking around, wondering what the terrorist activity was. In foreign countries, the word is well, the Soviet Union is gone. It is only Russia right now. Why are they building four *Typhoon*-class submarines and investing in nuclear subs and subs that cut cables? Yes, our intelligence agency knows that.

So why, if the Soviet Union is gone, are they doing that? I never fought against the Soviet Union. I fought in Vietnam and I fought in Israel. I never fought against the Soviet Union. But we are looking at Somalia, we are looking at Haiti. God knows Haiti. And we do not need intelligence for that? And we are cutting ourselves to the quick.

□ 1820

And some of the rhetoric, "We want a strong crime bill, but by the way, let's cut all of our intelligence."

I look at what kind of message are we sending when we talk about priorities in cutting. The Constitution of the United States provides for defense. We have an education budget. I serve on that committee as well. But the social welfare program has failed. It has failed. When we are trying to cut everything that we have for our own defense in this country, including our intelligence agencies, if anybody ought to be mad at the FBI and CIA, it was me.

During the Desert Storm they gave our freshman class a lecture telling about the terrorist activity. I went to my district and they left it cut off.

We need them and we need them desparately. We have the other funds for education and those kinds of things.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Let me put this debate into some perspective. As I understand it, the gentleman from New Jersey [Mr. TORRICELLI] earlier indicated that our intelligence budget, our intelligence budget is more than the entire defense budgets for all of our potential enemies combined. What we are talking about is funding the intelligence agencies at roughly the level as when the Warsaw Pact and the Soviet Union were in existence.

Earlier the gentleman from Nevada asked if some of us on this side had gone into the special room and looked at the intelligence budget. The gentleman from New York [Mr. OWENS] gave the answer that we had not, the reason that we had not. But there is a more important reason.

I have not gone into that room, but in my State, I have talked to parents whose children are hungry. I have talked to elderly people who cannot afford prescription drugs. I have talked to senior citizens who are getting by on Social Security. As mayor of the largest city in the State of Vermont, I have seen homelessness. I have seen the social misery that is going on all over this country.

This debate is primarily not about the intelligence budget. If we give them $28 billion, they will take it; if we give them $100 billion, they will take it. What this debate is about is national priorities. It is the hypocrisy of Members coming up here every day talking about the deficit, talking about cutting Social Security, Medicaid, education, but not wanting to cut in any significant way the intelligence budget.

What this debate is about is national security. It is whether we will tolerate having 5 million children hungry, having the highest rate of poverty among children in the industrialized world.

Do Members want to know what national security is? It is feeding hungry children. It is educating the young. It is providing jobs for the unemployed. It is not spending more money on intelligence than the entire defense budgets of all our enemies combined. That is called overkill.

It is no secret to the Members of this body that Congress is not held in high esteem by the American people. This debate indicates why. We cannot talk about being serious about deficit reduction, we cannot talk about sensible national priorities and vote to keep the intelligence budget at the same level as it was at the height of the cold war.

Mr. Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield myself the balance of my time.

I urge my colleagues to vote "no." I must say, I find it somewhat disingenuous for Members to come here and talk about the budget in such detail without actually going upstairs and reviewing that budget. I agree with my colleague from Nevada, that budget, many billions of dollars, is available for access by all Members of Congress. And while I understand the argument, those who do not want to go up there might be somehow inhibited by what they see, it still defies my imagination that Members would come here to cut that budget without going upstairs and actually seeing what is debated and what is part of the intelligence budget.

The fact of the matter is, this country is still threatened. We are threatened by Korean troops from the north. We are threatened by Iraqis and Iranians. We are threatened by perhaps American troops who may find themselves in harm's way in Haiti. We are threatened by nuclear-tipped missiles being sold around the world. We are threatened by chemical and biological warfare. We are threatened by Third World countries in the arms game and we are threatened by terrorists at home and abroad.

Intelligence is a pretty good insurance policy to protect against that threat. We hope we never have to pay the piper on that insurance, if we do not pay the premium. That is what we are doing right now. We are paying the premium on that insurance policy. It is good sense for this country. I urge my colleagues to vote down the Sanders amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the

amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 315, not voting 18, as follows:

[Roll No. 333]

AYES—106

Andrews (ME)
Barca
Becerra
Bonior
Brown (CA)
Brown (OH)
Cantwell
Clay
Clayton
Clyburn
Coble
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
Dellums
Derrick
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
English
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gutierrez
Hall (TX)
Hamburg
Hilliard
Hinchey
Inslee
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Klink
Kreidler
Lambert
Lewis (GA)
Lipinski
Maloney
Markey
McDermott
McKinney
Meehan
Mfume
Miller (CA)
Minge
Mink
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (MN)
Petri
Poshard
Rahall
Rangel
Roemer
Rohrabacher
Roth
Rush
Sanders
Schroeder
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Strickland
Stupak
Synar
Thompson
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Waters
Watt
Wheat
Whitten
Williams
Woolsey
Wyden
Yates

NOES—315

Abercrombie
Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Lucas
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bishop
Blackwell
Brewster
Faleomavaega (AS)
Ford (TN)
Gallo
Gingrich
Green
Machtley
Richardson
Ros-Lehtinen
Roukema
Slattery
Smith (MI)
Smith (NJ)
Underwood (GU)
Washington
Wilson

□ 1843

Ms. SCHENK and Ms. SHEPHERD changed their vote from "aye" to "no."

Mr. HALL of Texas and Mr. VALENTINE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to let Members know the schedule for the evening.

We will have two amendments that we will consider. Then the Committee will rise and finish this bill tomorrow.

We will have one suspension vote, as I understand it.

AMENDMENT OFFERED BY MR. SKAGGS

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

The Clerk read as follows:

Amendment offered 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.

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, very briefly, this amendment merely directs the Director of Central Intelligence to comply with the reporting requirement that was included in the report to last year's authorization bill, a requirement that has not yet been complied with, dealing with the costs and the personnel involved in maintaining classified information within the intelligence community.

All of the other agencies of the executive branch of government have complied with this requirement in the report that was filed by OMB back in the spring. This is an effort to further get the attention of the intelligence community that they, too, need to provide this information as previously requested by Congress.

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

Mr. SKAGGS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I fully support the amendment. We were prepared to accept it with the understanding that we will reconsider the need for it in conference based on the progress made at that point in meeting the schedule promised last night by Mr. WOOLSEY.

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

Mr. SKAGGS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we are happy to accept the amendment with the conditions the chairman laid out.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: At the end of the bill insert a new 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 employees.

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.

MODIFICATION OF AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, pursuant to an agreement with the gentleman from Kansas [Mr. GLICKMAN], I ask unanimous consent that my amendment be modified, and I offer a substitute amendment to be considered in lieu of the amendment printed in the RECORD.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. GILMAN: At the end of the bill insert a new 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. 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. 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.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the amendment be modified?

There was no objection.

Mr. GILMAN. Mr. Chairman, I offer this amendment in response to a policy change by the administration that has jeopardized the ability of our Nation to win the war on drugs. On May 1 of this year, as a result of a legal review undertaken within the Department of Defense, the administration suspended a variety of counternarcotics assistance programs with the Governments of Colombia and Peru.

Most importantly, the administration stopped providing intelligence information to those governments for use by them in tracking and intercepting airplanes suspected of transporting narcotics toward our shores.

This policy change was adopted without any prior consultation with the Congress, or indeed, as I understand it, without any prior consultation with the Governments of Colombia and Peru.

By all accounts, the results of this policy change have been disasterous. The suspension of United States assistance has given the narcotraffickers virtual free reign over the skies of Colombia and Peru, and has resulted in a significant upsurge in the volume of cocaine headed for the United States.

This is an appalling situation, and it has to stop.

My amendment is intended to express the concern of the Congress over this situation, and to open the way for the administration to solve the problem.

The amendment clarifies that it is the policy of the United States to provide intelligence assistance to foreign governments like Colombia and Peru for use by them in interdicting aerial drug trafficking. Such assistance is provided not in order to facilitate the intentional damage or destruction of aircraft by such governments in violation of international law, but rather to assist the interdiction of aircraft by such governments by means that do not involve the damage or destruction of aircraft in violation of international law.

This does not mean that it is contrary to U.S. policy for foreign governments to use U.S. intelligence information to damage or destroy aircraft in all circumstances. To the contrary, there are circumstances in which international law permits governments to damage or destroy aircraft. For example, it is clear that governments may act in self-defense against airplanes that are endangering the lives of others. Similarly, in time of war, or if a country has declared a national emergency in accordance with article 89 of the Chicago Convention on International Civil Aviation, the usual rules do not apply.

The clarification of U.S. policy set forth in my amendment should help the administration reach a different conclusion on the legality of continued provision by the United States of intelligence information to foreign governments for purposes of aerial drug interdiction than the administration reached the last time it looked at this question.

In its review earlier this year, the administration apparently assumed that Colombia and Peru are likely to use United States-provided intelligence information to shoot down aircraft in violation of international law. It is not clear to me, however, that Colombia and Peru are likely to use this information in a manner inconsistent with their obligations under international law.

If Colombia and Peru are not likely to act in violation of international law, then an additional legal concern identified by the administration—that officials of Colombia and Peru may be violating criminal provisions of the Aircraft Sabotage Act, particularly title 18, United States Code, section 32(b)(2)—appears to have been exaggerated.

Section 32(b)(2) makes it a U.S. crime for persons to damage or destroy certain aircraft even if there is no nexus between the underlying act and the United States—that is, no involvement of U.S. citizens and no other connection to U.S. territory. Ordinarily the United States would be without jurisdiction to criminalize acts with no relationship to the United States, but section 32(b)(2) relies on the international legal principle of universal jurisdiction as a basis for applying U.S. criminal law.

Universal jurisdiction exists only with respect to certain heinous violations of international law, such as

genocide and piracy. The damage or destruction of civil aircraft in flight in violation of international law is a recognized basis of universal jurisdiction, and it is upon this basis that the criminal proscriptions of section 32(b)(2) rest.

It is obvious, however, that universal jurisdiction does not exist with respect to actions that do not violate international law. It should not be hard, therefore, for the administration to interpret section 32(b)(2) as applying only to acts over which the United States has jurisdiction in accordance with international law.

It follows that if Colombia and Peru are not violating international law, their officials cannot be violating section 32(b)(2).

An additional legal concern identified by the administration is that U.S. officials providing intelligence assistance to Colombia and Peru may be violating title 18, United States Code, section 2(a) by aiding and abetting violations by officials of those Governments of section 32(b)(2). Of course, this concern is misplaced if, in fact, Colombian and Peruvian officials are not violating section 32(b)(2).

Even if Colombian and Peruvian officials were deemed to be violating section 32(b)(2), however, there can be no aiding and abetting liability on the part of United States officials unless those officials act with the specific intent to facilitate unlawful activity. The statement of U.S. policy contained in section 901 of my amendment makes clear that it is not the intent of the United States to facilitate unlawful activity. To the contrary, section 901 states that the United States does not condone the intentional damage or destruction of aircraft in violation of international law.

In any event, the Attorney General's prosecutorial discretion can be used to ensure that U.S. officials are not prosecuted for carrying out the policy of the President.

I am aware, Mr. Chairman, that the administration has proposed legislation to resolve the intelligence sharing problem that arose as a result of the administration's legal review. That proposal would have us amend section 32(b)(2) to create an exemption for the intentional damage or destruction of aircraft in certain circumstances.

I am not unalterably opposed to such an approach. I believe, however, that we must proceed cautiously in amending U.S. criminal law in this regard, not least because many other countries have criminal laws similar to section 32(b)(2), and we would not want to suggest to those countries that they may exercise their universal jurisdiction to prosecute U.S. officials for actions that we thought were prohibited by section 32(b)(2) in the first instance.

I will remain willing to discuss possible refinements of my amendment with the administration as the legislative process unfolds. In the meantime, Mr. Chairman, I urge the adoption of my amendment.

□ 1850

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

Mr. GILMAN. I am pleased to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I commend the gentleman's amendment. I could not have supported it as originally drafted, but he has modified it to make sure there is a strong policy statement and that there is a sense of the Congress that we are helpful to the Andean nations in supporting their aerial antidrug interdiction efforts. Therefore, I support the amendment.

Mr. GILMAN. I thank the gentleman for his support.

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

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we certainly accept the amendment and I support the gentleman's amendment.

Mr. Chairman, this amendment provides a clear statement of congressional intent on counterdrug air interdiction. It helps the administration move forward on resolving the current impasse between Colombia and Peru and the United States.

No radar tracking data has been given to the Colombians or Peruvians since 1 May. Consequently, there has been an increase in drug trafficking flights from Peru to Colombia with a corresponding increase in the amount of cocaine being processed for onward shipment to the United States.

We need to resume cooperative counterdrug programs with Colombia and Peru. The cut off in radar tracking information has aggravated tensions and impacted negatively on all counterdrug programs. This amendment will help repair damage due to the cut off by showing that we are moving to correct the law.

Mr. GILMAN. I thank the gentleman for his support.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendment, as modified, was agreed to.

Mr. GLICKMAN. 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. MONTGOMERY) having assumed the chair, Mr. HASTINGS, Chairman pro tempore 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. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, during roll call vote 333, I was unavoidably detained and not able to register my vote. Had I been present, I would have voted "nay."

HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 8, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 8, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 40, not voting 22, as follows:

[Roll No. 334]

YEAS—372

Abercrombie	Collins (MI)	Gallegly
Ackerman	Condit	Gejdenson
Andrews (NJ)	Cooper	Gekas
Andrews (TX)	Coppersmith	Gephardt
Applegate	Costello	Geren
Bacchus (FL)	Cox	Gibbons
Baesler	Coyne	Gilchrest
Baker (CA)	Cramer	Gillmor
Baker (LA)	Cunningham	Gilman
Barca	Danner	Glickman
Barcia	Darden	Gonzalez
Barlow	de la Garza	Goodlatte
Barrett (NE)	Deal	Goodling
Barrett (WI)	DeFazio	Gordon
Becerra	DeLauro	Grams
Beilenson	Dellums	Grandy
Bentley	Derrick	Green
Bereuter	Deutsch	Greenwood
Berman	Diaz-Balart	Gunderson
Bevill	Dickey	Gutierrez
Bilbray	Dicks	Hall (OH)
Bilirakis	Dingell	Hall (TX)
Bliley	Dixon	Hamburg
Blute	Dooley	Hamilton
Boehlert	Dornan	Hansen
Boehner	Dreier	Harman
Bonilla	Dunn	Hastert
Bonior	Durbin	Hastings
Borski	Edwards (CA)	Hayes
Boucher	Edwards (TX)	Hefner
Brewster	Ehlers	Herger
Brooks	Emerson	Hilliard
Browder	Engel	Hinchey
Brown (CA)	English	Hoagland
Brown (FL)	Eshoo	Hobson
Brown (OH)	Evans	Hochbrueckner
Bryant	Everett	Hoekstra
Bunning	Ewing	Hoke
Buyer	Farr	Holden
Byrne	Fawell	Horn
Calvert	Fazio	Houghton
Camp	Fields (LA)	Hoyer
Canady	Filner	Huffington
Cantwell	Fingerhut	Hughes
Cardin	Fish	Hutchinson
Carr	Flake	Hutto
Castle	Foglietta	Hyde
Chapman	Ford (MI)	Inslee
Clayton	Fowler	Jacobs
Clement	Frank (MA)	Jefferson
Clinger	Franks (CT)	Johnson (CT)
Clyburn	Franks (NJ)	Johnson (GA)
Coleman	Frost	Johnson (SD)
Collins (IL)	Furse	Johnson, E.B.

Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—40

Allard
Archer
Armey
Bachus (AL)
Ballenger
Bartlett
Barton
Burton
Callahan
Coble
Collins (GA)
Combest
Crane
Crapo
DeLay
Doolittle
Duncan
Fields (TX)
Goss
Hancock
Hefley
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Livingston
Manzullo
Miller (FL)
Paxon
Penny
Rohrabacher
Royce
Schaefer
Sensenbrenner
Shuster
Stearns
Stump
Taylor (NC)
Walker

NOT VOTING—22

Andrews (ME)
Bateman
Bishop
Blackwell
Clay
Conyers
Ford (TN)
Gallo
Gingrich
Machtley
Murphy
Murtha
Richardson
Ros-Lehtinen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Studds
Vucanovich
Washington
Wilson

□ 1910

Messrs. HINCHEY, EVERETT, and GRAMS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WOODROW WILSON PLAZA

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources and the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 832) to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. DUNCAN. Mr. Speaker, reserving the right to object, and I shall not object, I just want to state that we have reviewed this bill and have no objection to its enactment; in fact, we support this bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the plaza to be constructed on the Federal Triangle property in Washington, DC as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100–113) shall be known and designated as the "Woodrow Wilson Plaza".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 832 the Senate bill just passed.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

CASTRO'S CONTINUING ACTS OF MURDER

The SPEAKER pro tempore Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I join all people of conscience, regardless of race, ethnicity, color, creed, or ideology in condemning the outrageous acts of brutality committed off the coast of Cuba by the government of Cuban dictator Fidel Castro.

Last Wednesday, Cuban Government tugboats chased and deliberately killed up to 40 Cuban citizens fleeing the horror of Castro's Cuba. They were hosed down by Castro's thugs, Mr. Speaker. Hosed down with high pressure gauges. They were hosed down so hard that they flew off the boat, undersea, and drowned. Women and children were among those killed. The fierce thrust from pressure hoses yanked children ages 10 and under from their mother's arms into the sea to die. Even a 4-month-old baby was among them. Men and women slammed into the boat's walls by the gushing firehoses. Eventually, after being rammed by Cuban Government tugboats, the boat capsized amidst a whirlpool, throwing those aboard off.

One woman, Ms. Maria Victoria Garcia Suarez, survived to tell about it. While back in Cuba, having gone through this event, in an incredible display of courage, she defied the Casto regime and told foreign reporters in detail how she lost her husband, her 10 year-old son, her brother, three uncles, and two other brothers. A whole family wiped out. She and her son used a floating cadaver to remain afloat, but her son could not hold on, she lost his grip, and he drowned.

The cynicism and utter cruelty of this act is highlighted by the method that the Cuban Government chose for this death chase. Rather than stopping those who fled at the coast, Castro's thugs allowed them to go 7 miles offshore where no one could see their acts of murder. Forty-five minutes from the coast. Then they went for the kill.

The more details we learn about, the more barbaric we discover this act is.

Now, one would think that the people of conscience who work in the U.S. Government would respond with outrage to this heinous act. One would think that the editorial boards of our national media, such as the Washington Post or the New York Times would respond with horror and put it in print with the same conviction that they ask

for a lifting of the U.S. trade embargo on Castro. One would think that the international community would respond with indignation. One would think that those countries such as Mexico, Spain, and Canada, who are so eager to make a quick, cheap buck in Castro's Cuba would express their indignation by withdrawing their blood money. One would think so, Mr. Speaker.

But sadly, tragically their response, in a word, is silence. Deafening silence.

I ask: What will it take? What will it take for the U.S. Government to act as forcefully with the Castro dictatorship as it has with the other regimes in this hemisphere or abroad? What will it take for the international community to remove the rose-colored glasses through which it views Castro's dictatorship?

What will it take to get the lost lives of 40 men, women, and children, including a 4-month-old baby—which is a small sample of the atrocities that occur daily in Cuba—to merit even the tiniest footnote in our national press?

□ 1920

Tonight I call on the Clinton administration to demand an investigation by the Organization of American States into this incident. I call upon the United Nations to condemn these cold-blooded acts of murder. I call upon our Ambassador to the United Nations to lead that effort.

Mr. Speaker, where are the communities of civilized nations, and where are our colleagues who speak so eloquently of human rights in different parts of the world when it comes to the question of the violation of those basic rights for the people of Cuba?

Enough is enough, Mr. Speaker. Enough is enough. The time to break the silence is now. Join us. Join us in breaking the silence. Join us in striking a blow on behalf of human rights, not only for the people of Cuba, but throughout the world.

THE NEED TO DEAL WITH ILLEGAL ALIEN PRISONERS—SEND THEM HOME TO SERVE THEIR SENTENCES

The SPEAKER pro tempore (Mr. DEUTSCH). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, last week, on behalf of myself and nine colleagues from both sides of the aisle, I introduced H.R. 4765, the Illegal Alien Prisoner Transfer and Border Enforcement Act of 1994. When enacted, the President is urged to begin within 90 days the renegotiation of the existing bilateral Prisoner Transfer Treaties with Mexico and other countries which have sizable numbers of illegal criminal aliens in our prisons.

Currently, the U.S. taxpayer is paying the toll twice: First, for the crimes illegal aliens commit here; and second, for the cost of housing illegal alien inmates in our already overcrowded federal and state prisons. The annual incarceration cost to the United States to house illegal alien prisoners is approximately $1.2 billion.

The Federal Bureau of Prisons reports that approximately 24 percent of its 91,000 prisoners are not U.S. citizens. The annual cost per inmate is $20,803. According to the Federal Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California alone is $375 million annually.

Alien prisoners come from some 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of that population is of Mexican origin.

The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually. The States of California, Arizona, Texas, Florida, and New York have been particularly hard hit.

Almost two decades ago, in 1976, the United States established a Prisoner Transfer Treaty with Mexico. Most agree that this treaty is not working, and the facts support this. For example, under this arrangement Mexican citizens in the United States, who are arrested and convicted of a crime, may choose whether they will do their prison time in the United States or in Mexico. For the few who do return to Mexico, there is no assurance that they will serve the balance of their full term. It is time for a change of course.

H.R. 4765 provides the dual benefit of relieving our overcrowded prisons while simultaneously offering a multifaceted approach to improve border management. Domestic prison overcrowding would be relieved by having illegal alien criminals deported to their country of origin to serve out the balance of their sentence. Under this measure, countries which comply with the renegotiated treaty would be able to enroll at no cost their border management personnel in appropriate Federal and cooperative State training and educational programs. The incentive is increased competency for these foreign officers to control illegal immigration, drug interdiction, and other cross-border criminal activities such as to prevent the illegal transit of people and goods. Their success on the job would be of tremendous benefit to both countries. We should work with our neighbor, Mexico, which has been very cooperative in drug interdiction efforts, to ensure that its criminal population serves their prison time at home.

It is time for Congress and the President to take joint responsibility for the impact on the States caused by the relentless flow of illegal immigration. The U.S. taxpayer should no longer be saddled with the full cost of supporting those who have not only crossed our borders illegally, but have committed crimes while they are here. Our bill seeks to alleviate one part of that burden.

Mr. Speaker, illegal immigration is a heavy cost to our Nation. Illegal immigrant criminal activity provides an even heavier cost. These are not simply regional problems. This is a national problem. We need your help.

Those joining me in this effort are: Mr. BEILENSON, Mr. CANADY, Mr. CONDIT, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. KYL, Mr. THOMAS of California, Mrs. THURMAN, and Ms. WOOLSEY.

Mr. Speaker, I ask that the text of H.R. 4765 be printed at this point in the RECORD:

H.R. 4765

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 'Illegal Alien Prisoner Transfer and Border Enforcement Act of 1994'.

SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons and costs borne by American taxpayers by providing for the transfer of aliens unlawfully in the United States who have been convicted of committing crimes in the United States to their native countries to be incarcerated for the duration of their sentences.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The cost of incarcerating an alien unlawfully in the United States in a Federal or State prison averages $20,803 per year.

(2) There are approximately 58,000 aliens convicted of crimes incarcerated in United States prisons, including 41,000 aliens in State prisons and 17,000 aliens in Federal prisons.

(3) Many of these aliens convicted of crimes are also unlawfully in the United States, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of such criminal aliens is approximately $1,200,000,000, including—

(A) for State governments, $760,000,000; and

(B) for the Federal Government, $440,000,000.

SEC. 4. PRISONER TRANSFER TREATIES.

Not later than 90 days after the date of enactment of this Act, the President should begin to negotiate and renegotiate bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

SEC. 5. CERTIFICATION.

The President shall certify whether each prisoner transfer treaty is effective in returning aliens unlawfully in the United

States who are incarcerated in the United States to their country of citizenship.

SEC. 6. TRAINING OF PERSONNEL FROM FOREIGN COUNTRIES.

Subject to a certification under section 5, the President shall direct the appropriate Federal programs providing training and education in border management to enroll for training certain foreign border management personnel. The President shall authorize the enrollment of foreign border management personnel to such Federal programs and cooperative State programs as will enhance the following United States law enforcement goals:

(1) Drug interdiction and other cross-border criminal activity.

(2) Preventing illegal transit of people and goods.

□ 1930

GRAVE CONCERN ABOUT EXPECTED COMMITMENT OF UNITED STATES TROOPS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise again this evening as a member of the Committee on Armed Services to express by grave concern about the expected action of the President of this country to commit our troops to military action in Haiti within the next several weeks.

Last Thursday, I documented a memo, a confidential memo, from Dante Caputo, the U.N. special envoy to Haiti, that basically said that our intentions were not what they appear to be on the surface, but rather were being motivated for political purposes.

In fact, during a meeting between Mr. Caputo and Secretary General Boutros-Ghali, Mr. Caputo is quoted as saying:

> The Americans will not be able to wait much longer than August at the latest to invade. They the Americans, want to do something. They are going to try to intervene militarily.

Then the memo itself, released by Dante Caputo, this confidential memo in fact states that the reasoning behind the invasion by this country of Haiti,

> Is to demonstrate the President's decision-making capability and firmness of leadership in international political matters.

This is an internal memo circulated within the U.N. to the Secretary General.

Now, why would our President have to take this kind of action to demonstrate his firmness? I refer my colleagues to an article that was written and printed in the Daily Local News of Westchester on June 27, written by B.J. Cutler of Scripps Howard, their Scripps Howard foreign affairs columnist. He cites some of the editorial comments by the foreign media relative to our President's foreign policy leadership.

"Most foreign leaders are too polite to contradict him publicly," B.J. Cutler went onto say, "but the overseas media are scathing." Example: "On foreign policy he is simply embarrassing," said Britain's The Economist. "Some of his flailing is understandable, but much of it is the result of lack of attention, time, and care, and, not least, lack of spine."

France's L'Express went on to say,

> Clinton, since his election, shows himself a real disaster in foreign policy matters.

B.J. Cutler went on to cite in his article four specific quotes by candidate and President Clinton on Haiti, as well as Somalia, China, and Bosnia, where in his own words the President has flip-flopped dramatically, which has caused these foreign leaders and the foreign media to respond accordingly.

Let me just cite the quotes on Haiti. November 12, 1992, Candidate Clinton:

> I think that sending refugees back to Haiti was an error. And so I will modify the process. I can tell you I am going to change that policy.

On January 14, 1993, President-elect Clinton then said,

> The practice of returning those who flee Haiti by boat will continue after I become President.

Then on October 13th, 1993, President Clinton said,

> I have no intention of asking our young people in uniform to go in there to do anything other than implement a peace agreement.

Then on May 3 of this year, the same President said,

> I think that we cannot afford to discount the prospect of a military option in Haiti.

Now we see why the foreign media and foreign leaders do not respect this President on foreign policy, because as they say, he has none. He flip-flops all over the place, puts his finger up in the air, and whatever way the wind blows, he makes a decision.

Now, we have seen an article in the Washington Post on July 12 of this year written by Lally Weymouth that in fact the President has already made an exchange with the Russians for their vote in the U.N. Security Council in support of the Haiti operation, that Russia will get in return sphere of influence peacekeeping abilities in the satellite countries around Russia.

Mr. Speaker, we cannot allow our troops, our men and women, to be used as political pawns. There is no justifiable reason to commit our troops to a military operation in Haiti. As one member of the Committee on Armed Services who also sits on the Committee on Merchant Marine and Fisheries that overseas our Coast Guard that is being heavily taxed at this very moment in terms of the Haiti operation, I will use every ounce of energy in my body to oppose any use of force in Haiti that will jeopardize the lives of American troops.

Mr. Speaker, I would hope that our colleagues would understand the very tense situation that we are in right now and the direction this President is taking us, much like we saw in Somalia, where the generals were denied the backup support for those troops who were ultimately unable to be rescued in the streets of Mogadishu.

This President has got to learn one very important fact: This Congress will not allow him to use our military forces for his own political expedient actions.

MURDER OF INNOCENTS IN CUBA GOES UNNOTICED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I rise to join my colleague from New Jersey [Mr. MENENDEZ], in condemning in the strongest possible terms the brutality committed just last week by the Cuban dictatorship against more than 70 unarmed refugees in a tugboat who were seeking to escape the oppression of Communist Cuba.

As today's Miami Herald I think very eloquently states in an editorial, it asks,

> Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their deaths by Fidel Castro's government? The prudent silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification. Would this complicitous silence greet the murder of innocent men, women and children fleeing other places?

My colleague just spoke about the very likely invasion of Haiti, which is certainly being contemplated, and may very well take place in the next few weeks. Well, Cuba is even closer to the United States than Haiti. There is even a greater national interest in what occurs 90 miles away than what occurs in a more distant island. The closest island in the Caribbean to the United States is Cuba, and for 35 years, a brutal dictatorship has oppressed a people, and the world stands in silence.

The reality of the matter is that even with this incident, where more than 40 unarmed refugees were assassinated by a dictatorship just a few days ago, I ask the American people watching on C-SPAN, how many of you have seen or have heard this news in the media? Have you seen in the networks coverage of this brutal assassination by a government 90 miles away from our shores, upon unarmed refugees? Have you heard that on CBS, NBC, ABC, and CNN? Have you heard that? Have you seen that in the network news? I have not. I hope I am wrong, but no one has informed me there has been coverage of that news.

Like the gentleman from New Jersey [Mr. MENENDEZ] stated, what will it take before the suffering of the Cuban people is heard in the international community?

□ 1940

What will it take before the newspapers and the media in this country and in the international community pay attention to the suffering that is occurring 90 miles, not in Somalia, not in Bosnia, not even in Haiti, 90 miles from our shores? How long will it take? What has to happen, Mr. Speaker, what has to happen for the Cuban people to be heard?

What has to happen before the international community demands elections and freedom for those people, like it demands elections and freedom and the restoration of democracy, for example, in Haiti and like it demanded elections and freedom from apartheid in South Africa? What has to happen?

But we are not talking about 10,000 miles away. We are not talking about 5,000 miles away. We are not talking about 500 miles away. We are talking about 90 miles away from our shores.

Just a few days ago, when I first heard about this story, I issued a press release, because since, in the last 6 weeks, two boats have arrived on the shores of south Florida, after having been shot at by Castro's Navy, and yet they managed to arrive anyway here on the shores of freedom. It did not take too much to assume that when this tugboat sank that there was a very high possibility of, if not probability, that it had been purposefully sunk by Castro's thugs.

So in a press release issued on that same day of the incident, I stated, "Up until this time, a number of news reports regarding this incident have been extremely worrisome. Since they have continuously referred"—and I have them here, Reuters and AP and AFP and a number of others, "since they have continuously referred to the 'rescue' of refugees by Castro's armed forces after a boat capsized. By not making even the slightest reference to the possibility," this was Wednesday, "that this incident is similar to others where Castro's armed forces shot upon vessels filled with unarmed refugees, these news reports reflect an extraordinary lack of seriousness, objectivity and sensitivity."

Well, confirmation came. Because even though the men that survived are now in prison, the women and children that survived—very few children survived, by the way, Mr. Speaker, but they are under House surveillance. And as the gentleman from New Jersey [Mr. MENENDEZ] stated, a number of them, I have had the opportunity to listen to three personal reports from survivors, women, and they have told the story and they have explained about how the murder took place and the purposeful sinking. Yet I have not seen to this day either in the networks or in the wires a story with that specific story told with regard to the actual occurrence of the assassination.

So something is happening. For some reason, there is a practice that is not reflective of a free press, but rather a press with an agenda. My time may have run out, but this subject must be discussed further.

□ 1950

TIME FOR CONGRESS TO ACT ON HEALTH CARE FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. DEUTSCH). Under a previous order of the House, the gentleman from Kentucky [Mr. BARLOW] is recognized for 5 minutes.

Mr. BARLOW. Mr. Speaker, as we enter this most important debate—the providing of affordable medical care for our people—let us reflect upon the necessity for action by the Congress. I pray that we do not hang ourselves up in divisive rhetoric. I pray that we do not hang ourselves up in rigid frameworks of political alignment for voting. I pray that as we cast our votes on the floor of this House that we come together in unity for the welfare of our people. Let us keep our eye on the main.

It is the steadily rising costs of medical care that are compelling us in Congress, the representative body of our people, to act. And it is these costs as they are sorted out through today's medical payment framework that, increasingly, delivers and distributed costs in painfully unfair contortions that are compelling us to act.

Let us consider rising costs first. For a young working family today with a medical insurance premium of $300 a month, at a 10-percent increase in the costs per year, that $300 premium becomes a $500 per month premium in the year 2001. For a senior citizen on a fixed limited income, a $100 cost for prescription medicines goes up to almost $200 per month by the year 2001 at a yearly 10-percent increase.

For the demonstration of a medical payment framework that shifts costs unfairly consider this example—a healthy young person without insurance is in a car accident. With serious injuries and unconscious, the victim is taken to the nearest hospital as quickly as the ambulance can travel. Surgery and rehabilitation to restore this young person to good health will cost many, many tens of thousands of dollars. Remember, this person is without insurance. But the medical charges must be paid in some manner. The hospital must continue to function. The staff must get their pay. The lights must go on at night. Therefore, inevitably, these costs will be shifted and payment of this person's bills will be made by insurance plans, private patients, and government medical accounts that do business with the hospital.

Today, we are accomplishing miracles in modern medicine. Who would have thought just a few decades back that we would develop such miracles as open heart surgery, hip replacements, cancer treatments, and rehabilitative methodologies that put people back in their communities, in their working lives, happily enjoying their families and loved ones, looking forward to productive worlds for years to come.

But as we know, many of these miraculous cures come at high prices. Consider then the quiet desperation of many of our seniors on limited, fixed incomes—social security and perhaps slim pensions—as they look ahead at these expensive treatments. Reflect upon this statistic—one in five working Americans, working full time earns under $13,091 each year, the poverty line—a 50-percent increase in the numbers of working Americans in this below poverty category since 1979. How are they to pay for their families' medical needs if they become serious?

I pay my deep respects and gratitude to our business people who down through the years have labored hard in sacrifice to provide medical insurance and care for their employees. I urge them on in their efforts at self insurance, alliances, and group coverage to negotiate lower costs for their employees.

And yet, here is why I believe we must have "Universal Coverage." Because anyone not covered by affordable medical care is inevitably going to be made to pay higher charges by their medical service units to enable those units to recover fees they had to give up in negotiations with group alliances. Similarly, the small business with its insurance plan is not able to negotiate as favorably with insurers and providers as can the large employers with thousands of employees. Thus, individuals not covered by affordable medical care will pay the most: Small business with coverage will pay somewhat lower tiers of costs—while large businesses with their negotiating power will pay the least. And inevitably the government will come in for a billing of all the unpaid costs in some manner. So the tax burden on taxpayers increases.

What I believe we are talking about with the term "Universal Coverage" is not just the receiving of medical treatment when needed—that is generally available now, especially for catastrophes, for crisis medicine. If you break a leg, the emergency room is going to fix your leg regardless of your ability to pay. What I believe we are visualizing with "Universal Coverage" is providing everyone with, generally, the same cost schedule and then providing the means for each of us to pay ahead to meet those costs when they eventually, inevitably raise.

This financial crisis in our medical care accounts has been building steadily for some years. Since we did not get here quickly, we will not resolve ourselves along more responsible financial

courses quickly. But the financial crisis must be dealt with. I do believe that if we do not act we will be hung up for heavy criticism by our people. For now, we have studied enough. For our people, we must move ahead.

AFTER 20 YEARS, TIME FOR UNIFICATION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, tomorrow will end the 20th year of illegal Turkish occupation of Cyprus; the 20th year of this island nation's division by force of arms. For 200,000 displaced Greek Cypriots, it marks the 20th year as refugees in their own country; and for the families and friends of 1,614 Greek Cypriots and 5 American citizens, it ends yet another year of searching for abducted loved ones still unaccounted for. We hope that it may be the last; 20 years is enough.

The status quo cannot stand. The Green Line of Cyprus's division is a bloody stain on the face of a Europe working toward unification. It signifies not only a nation divided, but families torn apart and friends separated from friends. The responsibility for this tragedy falls squarely on the Turkish invaders. As United Nations General Secretary Boutros Boutros-Ghali concluded, it is the Turks' "lack of political will" that has stalled all settlement talks.

The United Nations has proposed a series of confidence building measures as steps toward demilitarization and peace on the island. The Greek Cypriots have accepted the measures, despite problems with particular provisions, but the Turkish side has stubbornly refused to make any concessions. Rather than establishing their interests as part of the legitimate government of a bicommunal Federal Republic, the Turkish Cypriots have claimed irrationally that the region Turkey occupies by force is a sovereign state.

As Cyprus, President Glafcos Clerides has said, "Cyprus has every potential to be a model of success and a source of hope." But reconciliation must begin with a full accounting for the 1,614 missing Cypriots and the 5 missing Americans. In our continuing endeavor to resolve ethnic conflicts, we cannot tolerate the invasion by armed force and program of ethnic cleansing that Turkey has employed. Instead, we commend the Greek Cypriots for their tireless quest toward a free and equitable reunification. We join the Cypriot people in rejection of Turkey's invasion and we condemn the illegal occupation. Turkey must be made to recognize that aggression will not be rewarded. Its occupation will not be recognized.

As a champion of democratic freedoms worldwide, the American people have always supported the Cypriots' cause. The end of the cold war has pushed human rights to the forefront of the international conscience. We must ensure that the new world order is one of justice and peace. Twenty years is long enough.

Mr. Speaker, let us hope that next year, the fathers and the sisters and the brothers and all the families who have suffered for far too long can put an end to this injustice, and we can work together for peace and fairness and human rights in this part of the world.

Mr. Speaker, 20 years is long enough. Too many have died or been lost while the people of Cyprus have been under the yoke of foreign invaders. We in the Congress have a responsibility to act. We must demand the end of the illegal occupation and the restoration of full sovereignty to Cyprus. On this 20th anniversary, I pledge that I will do all in my power to end the agony and to return to Cyprus the freedom it deserves.

□ 2000

WHITEWATER AND DEATH OF VINCE FOSTER

The SPEAKER pro tempore (Mr. DEUTSCH). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, over the past few weeks, I have been talking about the Whitewater affair, the death of Assistant White House Counsel Vince Foster, the strange circumstances surrounding his death, and other things connected to White House activities, or some of the people at the White House. As a result, I have been criticized by some members of the majority because they thought I was a little bit insensitive, particularly regarding the family of Vince Foster whose untimely death happened last July. They say, "Why can't you leave that family alone?"

I am not insensitive to their concerns. A family that has lost a loved one under these kinds of tragic circumstances certainly should expect some kind of sympathy from the people who are in the Congress of the United States.

Nevertheless, there are strange circumstances concerning his death that need to be explored. The investigation into Whitewater, the Arkansas Development Financial Authority, and Vince Foster's death, and the people who went into Vince Foster's office right after he died needs to be looked into by the Congress of the United States. Yet Special Prosecutor Mr. Fiske, in my opinion, has deliberately tried to limit the scope of the investigation so that Congress cannot get the answers that we should. As a matter of fact, Federal Judge Charles Richey, who has the Leach document suit pending before him, is very concerned about Mr. Fiske's activities as well. Richey denounced Whitewater Independent Counsel Robert Fiske for his efforts to limit the scope of the Whitewater hearings that will be held by the Banking Committee later this month, saying Fiske was infringing on constitutionally guaranteed congressional rights and obligations.

The judge said, "I don't believe the independent counsel has the power to tell the Congress what they have the power to look into and when." I agree with that. But the fact of the matter is Mr. Fiske, in my opinion, is obfuscating the issues and keeping the Congress from getting to the bottom of many of these questions.

U.S. News & World Report said this week in their magazine:

> Based on strong forensic evidence, Fiske's report concludes that Foster did indeed take his own life in the spot where he lay at Marcy Park.

I want to talk about that tonight. I want to talk about a lot of things concerning Whitewater and the Fiske investigation. I do care about the feelings of the Foster family. That is why I want to find out really how he died and why.

This weekend when I went home to my district, I took the opportunity to do some investigative calling on my own. I called a ballistics expert in California who deals with this type of homicide or suicide. He said that a .38-caliber bullet like that which was fired into Mr. Foster's mouth would have traveled a maximum of 1,200 to 1,600 feet after it exited his skull. That is about 500-yards maximum.

The investigation, which took place 9 months after Mr. Foster's death, never found that bullet. You say, "That is like finding a needle in a haystack." That is not so. With the expert people that they had out there, they had 16 FBI agents going all over the place with all kinds of modern technological equipment, they should have found that bullet. But it was not there. They found all kinds of other bullets, even Civil War bullets that were buried under the soil. But the fact of the matter is they did not find the one that killed Vince Foster. If you go 500-yards back and you take a pie shape out this way, you are looking at an area that is no more than 100- to 150-, 200-yards wide and 500-yards deep. They should have found that bullet.

Foster's body was not x rayed because the county coroner in Virginia who investigated this said the x ray machine was broken. Why didn't they find another x ray machine? They should have, to find out if there were fragments in the skull that would have given more information regarding how far the bullet may have traveled if it

was exiting his skull at that particular location.

The Fiske report contains voluminous material on the background and qualifications of the forensic experts who examined the physical evidence of Vince Foster's death. No doubt these people are well qualified and hard-working. But they had limited physical evidence because their work started 9 months after Vince Foster was dead. They did not see the body. All they saw was paper evidence, other people's work. They had no x rays. They were looking at secondhand evidence.

No fingerprints were found on the gun in Vince Foster's hand. The man allegedly committed suicide at Fort Marcy Park, but there were no fingerprints on the gun. Fiske's report says the hot summer day may have melted the fingerprints off the gun. Come on, now. Give me a break.

In addition to that, there were no fingerprints on Vince Foster's suicide note. They looked in his briefcase on two separate occasions looking for evidence concerning his suicide, and they did not find anything. The third time they looked, then they found 27 pieces of paper, 27, a suicide note, but there were no fingerprints on them.

If Mr. Foster was such a close friend of President Clinton, why did President Clinton wait 9 months before beginning an FBI investigation? He had the Park Police out there looking into this. Clearly the FBI has much more experience with this type of investigation than does the National Park Service. Clinton should have had the FBI begin the investigation immediately. But they did not do it. They waited almost a year.

The Fiske report says blonde hair, carpet fibers and wool fibers were found on Foster's body and clothing. Whose hair was on his body? It was not his. Foster's diary, which they took out, which Clinton's people when they went into Foster's office later that day, when they took that diary out of there, that diary could have told us a lot about who possibly was with Foster and whose hair that might have been on his body.

The other body went to great lengths to obtain a diary of one of its Members in a sexual harassment case. This one is a death. Yet we have not heard one word from the special counsel about the diary. Did Fiske read Vince Foster's diary? Why hasn't he said anything about it in his report? Because it could give us evidence and maybe even tell us whose blonde hair was on his body and where Fiske was between 1 and 5 that afternoon.

Robert Novak, columnist Robert Novak is the only one that I know of that has been able to get Robert Fiske to respond to any questions.

He asked Special Counsel Fiske why they found no skull fragments in the park. Fiske responded, "Because the search wasn't conducted for 9 months."

That is a terribly sloppy way to conduct an investigation. If someone is killed in a given location or commits suicide, the forensic expert should be out there that afternoon or the next day, especially if it is someone as highly visible as the Assistant Counsel to the President of the United States. Any kind of mysterious death or murder that takes place like this, they are out there right away, yet they waited 9 months before they went out there with the FBI and the forensic experts.

Mr. Novak asked Fiske why he did not try to identify the hair. Fiske's response was almost insulting to the intelligence. He said:

> While we have not concluded where this blonde hair came from, there is no evidence to suggest that it provides any evidence of circumstances connected to this death.

Let us just go back and look at all of the questions about the Foster suicide, or alleged suicide.

There was no bullet found in the park. There were no skull fragments found in the park. There were no fingerprints on the gun. There were no fingerprints on Vince Foster's suicide note. The hairs and carpet fibers on Foster's clothes were never explained in the report. The gun was in the wrong hand. He was left-handed, the gun was in his right hand. The head was straight up. His head was straight up when he was found by the gentleman in the white van who stopped in the park. But if you look at the report, they will say that Vince Foster had blood on his cheek and blood on his shirt and it was evident that his head laid against his shoulder. Who straightened his head up?

In the report they say that one of the people who came there to investigate it must have moved his head. But they forgot that the man who found him said his head was straight up when he found him.

So who moved the body? Where did the carpet fibers come from? Whose hair was it on his body? Why were there no fingerprints on the gun?

There is all kinds of questions that are not answered in this report. Yet we are supposed to accept it at face value.

Finally, the gentleman who found the body said he walked up to within 3 feet of the body, and he looked right down into the glazed eyes of Vince Foster, and he said the head was straight up, and he looked in both hands, and there was no gun in either hand.

And he said that not once, not twice, but three times in a conversation with Mr. Liddy over a kitchen table. Mr. Liddy asked him, he said, "Hey, did you see the picture that showed the gun in his hand?" The man looked surprised and said, "There was no gun in either hand. I looked at it very closely." He was asked twice more by Mr. Liddy, was there a gun in either hand. He said no. He was absolutely sure of it. Yet in the report they said that the hand had the gun in it, the thumb was in the trigger guard and the hand was down underneath the leg, in the foliage.

□ 2010

After they asked this gentleman several times he said, "Well, perhaps we could have been wrong." But he insisted time and again that the head was straight up and the hands were at his side so there are all kinds of questions about the death of Vince Foster. And they need to be answered, and the only way we are going to get a complete answer to all of these questions is to have a congressional investigation and Mr. Fiske, in my opinion, is trying to stop Congress from having an investigation by prolonging this thing and holding evidence away from us.

In addition to that, we have some other questions that must be answered. A number of them. At 6 p.m. on July 20, 1993, 1 year ago, Vince Foster was found dead in Marcy Park. Shortly after 9 p.m., the chief of staff at the White House, Mack McLarty was told about Foster's death. McLarty ordered Vince Foster's office closed and sealed. However, the office remained opened and unlocked overnight and was not sealed until 11 a.m. the next day.

At that time they posted a guard on the door but what happened between the time Vince was killed or committed suicide and they put a guard on that office?

Despite the order from McLarty, less than 3 hours after the body was found, White House officials went into Vince Foster's office and removed records of business deals between President Clinton and his wife and the Whitewater Development Corp. from Mr. Foster's office without telling the FBI or Federal authorities who were investigating the death. They went in there for 2 hours and took files out and the people who went, whether White House counsel Bernie Nussbaum, the President's special assistant Patsy Thomasson and Mrs. Clinton's chief of staff Margaret Williams. Now, Bernie Nussbaum said they were only in there 10 minutes but the Park Police said they were in there for over 2 hours taking files out of that office.

During this first search Whitewater files and President Clinton's tax returns were removed and turned over to David Kendall, President Clinton's attorney. White House officials did not confirm that this search of Foster's office on July 20, took place until December. They did not even tell anybody they had been in there taking those files out for almost 6 months when they had to because it came out.

Two days later on July 22, 1993, Mr. Nussbaum and White House officials went into Vince Foster's office for a second time. By now the office was locked and under guard. They collected more documents. Some were sent to

President Clinton's attorney and others were sent to Vince Foster's attorney, Mr. James Hamilton. During the second search Mr. Nussbaum, using executive privilege, told the FBI to stay out of the room and the Park Police to stay out of the room. Dee Dee Myers, the White House press secretary said:

Bernie,—

That is Mr. Nussbaum—

went through and sort of described the contents of each of the files and what was in the drawers while representatives of the Justice Department, the Secret Service, the F.B.I. and other members of the counsel's office were present.

According to other sources, the FBI agents and the Park Police were ordered to sit on chairs in the hallway while the White House staff went through documents that Mr. Nussbaum gave the FBI agents and Park Police no indication of what he was doing or what he was taking. One FBI agent was reprimanded when he stood up to look in the room. "This is Executive privilege, you stay out there and sit down."

Park Police later discovered that Whitewater records had been removed from Vince Foster's office during the second search, after they visited James Hamilton, Foster's lawyer a week after the death to review a personal diary that was also taken during one of the searches and that personal diary I think could very well tell us whose blonde hair was on Vince Foster's body and where he might have been between 1 and 4 that afternoon and whether or not he actually died at Fort Marcy Park because the body was moved, in my opinion. They never found the bullet. No fingerprints on the gun, carpet fibers all over the body. And the body obviously had been moved at least at the location they found it and it may have been moved from someplace else but the diary may have given more evidence but nothing has been done about that.

The attorney, Mr. Hamilton, allowed Park Police to briefly inspect Vince Foster's diary and other documents. However he did not allow them to make any copies citing privacy concerns and he refused a request for access to the diary and documents by the Justice Department. He would not let them look at it.

Did Robert Fiske review Vince Foster's diary, the special prosecutor? His report says not one thing about it. If it does not, why did he not look at it? He is the guy that is supposed to investigate all of this stuff. It might identify to whom the blonde hair on the body belonged. This is important evidence and it has never been checked.

On July 27, 1993, White House officials reviewed that. On July 26 they found a note supposedly written by Vince Foster in the bottom of his briefcase which was in his office and that note as I said before like the gun, had no fingerprints on it but it was not out of the sun so they could not have melted off of that note. They said they missed the note in their first two searches. They had looked through that briefcase twice and they missed 27 pieces of torn up paper. The note was unsigned, undated and torn into 27 pieces and it bore no fingerprints.

Here is a few questions I would like Mr. Fiske to answer. First, when did White House chief of staff Mack McLarty give the order to seal Vince Foster's office and how was the White House staff informed of McLarty's order?

Second, why was the office not sealed until 11 a.m. the next morning? Was it because they wanted to get in there, Bernie Nussbaum and Patsy Thomasson and others to get in there and get files out that they wanted? How did they first learn about Vince Foster's death, the people that did go in the office and the people at the White House? Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office or did one of them make the decision to do that on their own, and if so, who?

Fifth, if someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office what were they looking for? Why would Hillary Clinton's chief of staff be involved in the search of Vince Foster's office? Why would the First Lady's chief of staff be going in there looking around the files?

Seventh, why did they remove the Whitewater files, and whatever happened to them?

Eighth, were other documents taken? Were documents destroyed? How can we ever know for sure at this point?

Ninth, where were the documents when they entered the office? Were they locked in safes, or in locked files? And if so, how were they opened?

Tenth, should they not have left everything alone for the police and FBI to investigate? Would you think so in a case like this? One of the leading people in the U.S. President's administration, would you not think they would want the FBI and police to do a thorough analysis of everything? But no, they were in there like that, getting everything out that they could.

Eleventh, instead of keeping the FBI from doing its job, should not the White House staff have given law enforcement their full cooperation after their friend and colleague was found dead?

Twelfth, if Vince Foster was President Clinton's friend, and he was, why did not the President immediately order the FBI to take charge of the entire investigation instead of allowing the Park Police to take charge? They did not have the kind of experience to conduct this kind of investigation and if you read the report you will find out why. They laid his clothes on contaminated paper so a lot of evidence was damaged. The pictures they took were overexposed so they did not get proper pictures. The Park Police does a great job in many respects but they were not qualified to do this and I think those around this case know it. And they should have had the FBI and the experts in there right away. The Park Police has little experience in investigating suspicious deaths.

Did anyone else besides the three I mentioned go into Vince Foster's office that night, and if they did what did they take out?

Thirteenth, did the White House officials purposely mislead the Park Police about the existence of Whitewater documents in Vince Foster's office? They did not let anybody know about that first trip into his office for almost 6 months.

Fourteenth, how did the White House staff miss a note torn into 27 pieces in the bottom of Vince Foster's briefcase during their first 2 searches of his office?

Fifteenth, why were there no fingerprints on the note? Why were there no fingerprints on the gun? Why was the gun in the wrong hand?

Sixteenth, what documents were given to Vince Foster's attorney, James Hamilton, and what was given to the Clinton's attorney, David Kendall? Were any of these documents destroyed?

Seventeenth, who were all of the White House officials involved in the second search of Vince Foster's office and what did they take out of there?

□ 2020

Eighteenth, did the White House staff have a legal right to prohibit the FBI and Park Police from searching Foster's office as part of an investigation into Foster's death? They used Executive privilege to keep the Park Police and FBI out of there. Nussbaum said that to them according to the information we have, told them to stay out in the hall. Did he have authority to do that in this kind of a case?

Nineteenth, has the Banking Committee requested the phone logs of Bernie Nussbaum, Patsy Thomasson, and Margaret Williams for the period immediately following the Foster death until the actual search of his office? If not, why have they not checked those logs to find out who they talked to? We should know who these three officials talked to before they went into and removed these documents from Vince Foster's office.

There are a million questions that need to be answered, and when I see that they are accepting at face value this report, it really makes me ill. It makes me very ill. And yet that is exactly what happened, and when I see U.S. News & World Report saying the forensic evidence was so overwhelming that he had to commit suicide at Fort

Marcy Park, it sickens me, because the forensic evidence, if you really take a look at it, does not prove that at all. It leaves all kinds of gaping holes and questions in the investigation. You just have to look at the thing. Read it. I do not know how many news people I have talked to who say, "Oh, my gosh, that was a very comprehensive report." And when I say, "Did you read this, did you read this, did you read this," they do not know what I am talking about.

I had one news reporter from a major network contact me and ask me questions about it when they had the document in front of them. I think that is very, very unfortunate.

Now, let us look at the Rose Law Firm down in Arkansas. Jeremy Hedges, a part-time courier at the Rose Law Firm, told a grand jury that he was told to shred documents from the files of Vince Foster after special prosecutor Robert Fiske had announced he would look into Foster's death. Fiske was appointed January 20, 1994, and yet down at the Rose Law Firm they are saying, "We want you to shred these documents," even though an investigation was already commissioned and ready to start. Even before a subpoena is issued, the law prohibits people from intentionally impending an investigation by destroying evidence they know investigators want.

So the people at the Rose Law Firm who asked this Jeremy Hedges, this part-time courier, to start shredding documents may have been guilty of violating the law and impeding an investigation into this death.

In February after Fiske served subpoenas on the law firm's employees, Hedges and the other couriers employed by the firm were called to a meeting with Ron Clark and Jerry Jones, two of the firm's partners, after Fiske had served subpoenas on the law firm.

These couriers were asked to meet with Ron Clark and Jerry Jones, two of the partners in the firm. Jones challenged Mr. Hedges, that is, this part-time courier, he challenged his recollection that he had shredded documents belonging to Foster and cautioned him against relating assumptions to investigators. He started trying to tell him what to say.

"I said," Hedges recounted, "I shredded some documents of Vincent Foster's 3 weeks ago." Jones replied, "How do you know they were Foster's? Don't assume something you don't know." Hedges said he was certain they came from Foster's files. Jones then said, "Don't assume they had anything to do with Whitewater." Sounds like they were trying to cover up something, does it not? We have not heard anything from Mr. Fiske about this yet.

The box Hedges was told to shred, and all of its file folders, were marked "VWF," and that is the firms's shorthand for Vince Foster, and he was shredding these documents. None of the documents he saw related to Whitewater development, Hedges said. How does he know? He was shredding these documents fast as he could going through there.

However, another Rose employee told the Washington Times documents showing Clinton's involvement in the Whitewater project had also been destroyed and had been ordered to be destroyed. The shredding reportedly occurred February 3, 1994.

During the 1992 Presidential campaign, three current or former Rose employees said the couriers from the Rose law firm were summoned to the Arkansas Governor's mansion by Hillary Clinton who personally handed over records to be shredded at the firm's downtown office. The shredding began after the New Your Times reported on March 8, 1992, the involvement of Bill Clinton, Governor Bill Clinton, and his wife in the Whitewater development. They were sending documents from the Governor's office over to the Rose Law Firm to be shredded. This is documented. Couriers made at least six other runs during the campaign. They were given sealed, unmarked envelopes with instructions that they were to be shredded at the firm. The shredding continued through the November 3 general election.

Records belonging to Webster Hubbell, Vince Foster, and William H. Kennedy III also were shredded. A current employee said, "A conservative estimate would be that more than a dozen boxes of documents were ultimately destroyed." What was in those boxes, do you think?

James McDougal and his wife Susan, now divorced, have said they personally delivered all the Whitewater records to the Governor's mansion in December of 1987 at Hillary Clinton's request. She wanted all of those documents over at the Governor's mansion. Then in 1992 they are sending them over to the Rose Law Firm to be shredded.

Is that obstruction of justice? I do not know. We ought to look into that.

So here are a few questions. First, why would the Clintons order the records from the Governor's mansion be shredded during the 1992 Presidential election? why would they do that?

Second, could it be just a coincidence that the shredding began just after a March New York Times article detailing Bill and Hillary Clinton's involvement in Whitewater? It started right after that.

Third, why would officials at the Rose Law Firm order a courier to shred documents bearing Vince Foster's initial after Robert Fiske announced he would investigate Foster's death? I mean, after his death, Fiske said he was going to investigate it, and they start shredding documents with his initials on it at the firm. Would not Vince Foster's former colleagues at the firm want to cooperate in every way with an investigation of their good friend's death? So why were they shredding these documents?

Who gave the initial order the Rose Law Firm documents belonging to Vince Foster, Webster Hubbell, and William Kennedy be destroyed during the 1992 Presidential election? Who gave the initial order that Vince Foster's records be destroyed this year after Fiske was appointed special prosecutor? Who told them to destroy those records at the Rose Law Firm? Or was it somebody from the Rose Law Firm?

Who gave the order that Bernie Nussbaum and Patsy Thomasson search Vince Foster's office and remove files right after Vince Foster's death?

These are questions that must be answered. I do not believe Mr. Fiske is going to give us these answers or get these answers. There is a growing suspicion that Mr. Fiske does not want all of this investigation put out into the public. I hope that is wrong, but there is a growing concern about that among people in this body, and I am one of them. I am very concerned about that.

As a matter of fact, I have written a letter, along with nine of my colleagues, to the three-judge Federal panel urging them, if Mr. Fiske is suggested to be the independent counsel, that they pick somebody else, because we really need to get all of the information before the American people so the American people will know what really happened. And in order to do that, we need to have complete and thorough congressional hearings, and every time we try to do that we are stopped saying, "Oh, my gosh, you are going to impede the investigation by Mr. Fiske." And yet when we look at what Mr. Fiske has come up with in the Vince Foster death, we find holes big enough to drive a truck through.

Yet, when you look at the media like U.S. News & World Report, they say the forensic evidence is so conclusive obviously he did commit suicide at Fort Marcy Park. I do not think so.

I think anybody who is discerning and looked at these facts and questioned this report will come to the same conclusion that I have, and that is that we do not have the answers. We do not know why there were no fingerprints on the gun. We do not know why his head was straight up when it was obvious his head was on the side. We want to know who moved the body. Whose hair was on his body? Why were there no fingerprints on the gun? Why were there not fingerprints on the notes? Why did they shred those documents? Why did they go into his office and take those files out within hours after he died, all relating to income tax returns and Whitewater and Lord only knows what else? Why did they, after the Fiske investigation started, start

shredding documents with Vince Foster's initials on them at the Rose Law Firm?

These are things the American people need to know.

To the media, I would say, "Start asking these questions." These questions should not be left unanswered, and this body should be investigating it, and we will continue to do our best, but we are up against a stone wall right now with the special counsel.

We need these answers, America.

□ 2030

THE TWENTIETH ANNIVERSARY OF TURKISH OCCUPATION OF CYPRUS

The SPEAKER pro tempore (Mr. DEUTSCH). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the minority leader.

Mr. BILIRAKIS. Mr. Speaker, I guess in a sense I can say, "Here we go again." I think it is a tragedy, an outrage that we feel we must do this again. Of course, I refer to the illegal invasion, the illegal Turkish occupation that took place on the island republic of Cyprus on July 20, 1974. Tomorrow is the 20th anniversary of that outrage.

Mr. Speaker, I began to hold these special orders when I first came to the Congress in 1982, to commemorate, to recognize really, I guess remember is the best word, this sad day in the history of Cyprus. In 1982 we were commemorating the 8th year of the illegal occupation. Now, more than a decade later, Cyprus is facing, as I have already said, its 20th year of illegal occupation.

Altogether, 2 decades of unanswered questions, 2 decades of division, 2 decades of human rights violations, and certainly 2 decades of cultural destruction.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], the ranking member on the Committee on Foreign Affairs.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to thank and commend the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order marking the 20th anniversary of the Turkish invasion of Cyprus.

Mr. Speaker, just today, the House Foreign Affairs Committee, adopted a resolution, calling on the President to help bring about an accounting of the 1600 Greek Cypriots missing and prisoners as a result of the Turkish invasion.

Twenty years after Turkey's brutal invasion of Cyprus, its troops, more than 30,000, still remain enforcing the tragic division of that island. The latest negotiations with the Turkish Cypriot side on the package of confidence-building measures [CBM's] proposed by the United Nations has led to even further concessions favoring the Turks.

Meanwhile the Government of Cyprus, which had previously indicated its willingness to accept the CBM package as contained in the March 21 U.N. proposal, has found that its good faith has not resolved the Cyprus situation but only produced the need to make further concessions. The Cypriot Government and people have good reason to ask themselves if the CBM proposal has only provided Denktash and his Turkish Cypriot associates with another means to obstruct and delay negotiations on the real issue—namely ending the 20-year division of the island of Cyprus.

Mr. Speaker, it is time for us to face the fact that the Turkish community in Cyprus does not have the political will to take even modest initial steps toward a rapprochement with their Greek neighbors. Although recognition of this fact is unpleasant, particularly in light of expectations that were recently raised by optimistic statements from the United Nations, it must nevertheless be faced. The question is where do we go from here?

The retirement at the end of May, of United States Representative for Cyprus, Ambassador Robert Lamb, has produced another vacuum in America's Cyprus policy. I urge President Clinton to appoint without delay another outstanding individual to continue the engagement of the United States in efforts to bring about a solution for Cyprus. Crucial negotiations on a Security Council resolution on Cyprus are now underway and we need to have someone with the necessary experience and diplomatic skill to assist the United Nations in continuing its process to find a peaceful solution for Cyprus.

Mr. Speaker, we all realize that the key to such a solution lies in the Turkish withdrawal from occupied Cyprus. I have urged and will continue to urge the administration to do more to focus the Turkish Government on the necessity of withdrawing from Cyprus without further delay. Regrettably, recent elections in Turkey have left Prime Minister Ciller in a weaker position and thus less able to rein-in recalcitrant elements among Turkey's political and military establishment. But the fortunes of the people of Cyprus must not be held hostage to internal Turkish political problems.

Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. We hope and pray that both sides of the problem will reach within themselves to find the resolve to settle this persistent problem.

The Greek Cypriots have demonstrated flexibility and the spirit of compromise in recent rounds of U.N.-sponsored talks. The international community and the United Nations should recognize this as we reevaluate our tactics in the light of the most recent failure to move beyond the current situation.

Twenty years is a long time. There are now young people coming of age in Cyprus who know nothing other than the experience of living in a divided society. For this next generation what can guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement, and the people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

Let us hope and pray that we will soon see a unified and peaceful Cyprus.

Mr. BILIRAKIS. I thank the gentleman for his statement. I almost had tears in my eyes, I say to the gentleman, when I heard his statement.

Mr. Speaker, the gentleman from New York is a hard-working Member of the House of Representatives and certainly is one of the most caring. He rolls up his sleeves and puts his energy behind his caring. I appreciate it very much. On behalf of those wonderful people who have been taken advantage of and who have lost so very much, certainly a large part of their country, and also the young people, the people who have suffered, the families who have suffered, I thank the gentleman for all of that.

Where do we go from here? Well, it is really up to this Congress; that is where we go from here. Hopefully, this will be the last time that the gentleman and I will have to do this in this type of fashion. Hopefully, next year we can get up and express gratitude about some of the good things that will have taken place. But certainly it is only going to be done if this Congress is willing to do it. There is a lot of rhetoric, but not the action that really needs to take place.

Mr. Speaker, the gentleman may know that there is a group of people in Washington, with younger people who have been conducting a fast, consuming only water since July 15, in order to protest the continued occupation of their island of Cyprus.

□ 2040

Their names are George Koutsoftas from Famagusta, an area that has been occupied. He is a relative of one of the 1,614 Greek Cypriots missing in Cyprus. There is Chris Nicolaou, also from Famagusta; Argyris Papadopoulos from Kalavasos, and a young gentleman, Onisiforos Iordanou, from Lymassol. These young people, along with many others, are conducting a fast on their own and have asked some of us to join them in a symbolic fashion sometime tomorrow, and hopefully we can do that. In addition, up in the

gallery is the father and two sisters of one of the five missing Americans. As my remarks will share with my colleagues in a few minutes and as we have all talked about and many of us know about, there are five Americans, five Cypriot Americans who are American citizens, who were abducted by the Turkish forces back during that invasion, and one of them was Andrew Kassapis from Detroit, MI, who had his American passport in hand when he was abducted 20 years ago, 20 years ago tomorrow, and his family just does not know what has ever happened to him. They do not know whether to hold a memorial for him or what the situation is, but his father, Costas Kassapis, and his daughters, his sisters, the young man's sisters, Faye and Irene, are also in the gallery, and we welcome them here. I just wish we could welcome them under better circumstances.

Mr. Speaker, I say to the gentleman from New York, "BEN, thank you for all you do and try to do," and, Mr. Speaker, I would at this time read a letter from the Famagusta municipality, and underneath the title of the letterhead are words: Displaced since the Turkish occupation of 1974. It is dated July 18, 1994, to His Excellency, the President of the United States Congress, and that is the way it is worded, Mr. Speaker.

"Your Excellency," it goes on to say,

Never in the history of mankind has such a crime against humanity in flagrant violation of international law been committed against a small and defenceless country, with such horrendous consequences as the aggressive military occupation by Turkey of 37% of Cyprus Republic, the criminal forcible expulsion of 200,000 Greek Cypriots from their ancestral homes and properties and their prevention by the Turkish occupation army to exercise their basic human rights of return, the ethnic cleansing applied by Turkey by the implantation of 80,000 Anatolian settlers from Turkey who were given our homes and properties and the systematic destruction of our cultural heritage in the occupied parts of our island.

Mr. Speaker, I might add I have relatives, first cousins and their families, who are displaced from Famagusta and lost everything they owned, and this letter goes on to say in another paragraph:

And this continues to be done and sustained by the inaction of the Security Council to enforce its resolutions and of all those Governments and States of the world who, throughout the years, have been telling us that they were struggling for a better and more just world, for the establishment of freedoms and human rights for all.

Then, Mr. Speaker, in his next paragraph he goes on to say:

For the last twenty years we have been going to see our occupied town of Famagusta from the barbed wires and every time we ask ourselves and we ask you to tell us where are the fundamental freedoms and basic human rights for us when the twenty years a foreign army of aggression prevents us to exercise even the most sacred right to visit our town of Famagusta with a Greek history and civilization of 36 centuries and Kindle a candle on the grave of our fathers and mothers? Are there two kinds of freedoms and human rights one for the strong and another for the weak and defenceless people?

The next paragraph:

Instead of taking effective international action against the foreign aggressor—Turkey—calling her to end its military occupation of Cyprus and give an end to the continuing massive grand violations of the human rights of the people of Cyprus, you force us to accept the so-called "realities" of foreign aggression, thus establishing an international precedent that a strong country can invade a weaker country and colonize it as was done in the blackest days of history of mankind.

And the mayor's last paragraph:

I ungently appeal to you on behalf of the Municipal Council of Famagusta, on behalf of the 60,000 forcibly displaced people of Famagusta, give us back our whole beloved town and all our occupied towns and villages so that we can all return to our homes and properties in peace and justice without foreign conquerors, foreign armies and foreign settlers who have nothing to do with our history and civilization.

Twenty years is too long a period to suffer. Enough.

Yours, with great respect,
(ANDREAS CH. POUYOUROS)
Mayor of Famagusta, Cyprus.

Mr. Speaker, going on to my special order, so now, more than a decade later, Cyprus is facing its 20th year of illegal occupation; all together, as I have said earlier, I think two decades of unanswered questions of division of human rights violations and cultural destruction. I would call upon the gentleman from Ohio [Mr. HOKE] at this time if he would like to join in this special order.

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] very much, and I am both delighted and honored to be a part of this special order tonight.

Mr. Speaker, I happen to have the privilege of representing on the west side of Cleveland and all of Cuyahoga County's west side in Ohio a large number of Greek and Cypriot Americans who have brought to my attention as their Representative of Congress the extraordinary struggle that has been going on in Cyprus for the past 20 years and the extraordinary difficulty that not only the 1,619 people whose whereabouts are still unknown 20 years later in 1994, but also those 5 United States citizens who are unknown, and I have also had the opportunity to meet Costas Kassapis who is a United States citizen from Michigan. I have met with him personally and been personally, deeply, and profoundly affected and hurt by the experience that he and his wife, their family, have gone through with the very tragic circumstances of his 17-year-old son, Andrew, being taken away from him by Turkish troops with his own American passport in his hands 20 years ago this year in Cyprus. Mr. Kassapis is still looking for his son. That has never been resolved. And yet for reasons that to my thinking and that of feeling people is incomprehensible both the Turkish Cypriots, as well as the Turkish Government itself in Ankara, has been completely unwilling to cooperate with the United Nations, or representatives of the United States, or representatives of either the Greek Cypriot Government or Greece in trying to help resolve the pain and suffering of this family. In circumstances that are completely alien to any Western notions of human rights and the way that people ought to treat each other, Mr. Speaker, I am rising tonight in support of this special order.

□ 2050

It is truly an issue which is of tremendous importance to Greek-Americans all over this country, and it is an issue that I was reminded about again this weekend at one of those wonderful ethnic festivals that take place on Cleveland's west side, this one at the Greek Orthodox Church in West Lake, OH. People are deeply and profoundly concerned about this.

I have been a member of the Congressional Human Rights Caucus as well as the congressional committee which has been organized to investigate this and to try to keep the pressure on the Turkish Government.

It seems to me that our own involvement in foreign aid to Turkey ought to be premised upon a very vigorous and forthright and genuine and sincere effort on the part of the Turkish Government to cooperate and aid in giving information about these missing people.

Finally, I would like to say it is tremendously disappointing that President Denktash of the Turkish-Cypriot Government has completely waffled on his commitments to go forward with any kind of detente that would bring long-lasting peace without the necessity of either U.N. Peacekeeping Forces or certainly without the necessity of having essentially a police state with 35,000 Turkish soldiers on that tiny little island, which is only occupied 20 percent by Turkish Cypriots, 80 percent by Greek Cypriots. It certainly gives the lie to any sincerity on the part of the Turkish factions when on the threshold of real peacekeeping and peace forming motivations and initiatives, then at that point, Mr. Denktash would back off and say, "Oh, no, there are other considerations, and we must go further, and we are not going to pursue this at this time."

It seems to me that certainly gives the lie to the sincerity of any effort to make real peacekeeping efforts.

So I applaud and salute the gentleman from Florida in his efforts. I am really very delighted and honored to be a part of this. I certainly will, for my part, continue to do what I can in the United States Congress to keep pressure on Turkey to bring about some peace.

Mr. BILIRAKIS. I thank the gentleman from the Cleveland area of Ohio. Having seen him in action in this short period of time in this Congress, the gentleman being a freshman, I honestly feel that he believes he will do what he says. He will do his part.

And, MARTIN, you have mentioned foreign aid to Turkey. I oftentimes wonder how that foreign aid, American tax dollars, was actually used as a part of the invasion and is now being used in order to bring settlers over to continue to occupy that land. I just appreciate your interest there, and certainly welcome it. Hopefully, we can all continue to express our outrage and the outrage of the American people.

You talked about the people at the Greek Orthodox Church in that area of Ohio. Honestly, I guess we have not done a good enough job. If the American people were aware of what is taking place here, and of the missing and the five Americans that are missing there, and our Government doesn't seem to pay any attention at all to, they would be more outraged and possibly more involved in terms of contacting us and demanding that we do something about it.

Mr. HOKE. The gentleman is completely correct. What really begins to be very disturbing about the foreign aid situation is that one starts to take a very cynical and jaundiced view of the motivations behind these kinds of aid programs. The fact is that perhaps—perhaps—at one point there was justification for the kind of aid program that we have going to Turkey. I am thinking specifically with respect to the cold war era when we certainly needed to send a strong signal that America's strength was not going to be undermined by Russian bases in that part of the world.

Well, that has ended. That is over. And why we need to pander or create this situation of foreign aid and go in that direction, when clearly the strategic importance of Turkey is not what it was, is beyond me.

I do not know why we should overlook the clear human rights violations that are going on, that are not in our interests at all. They are not in the interests of the United States.

Mr. BILIRAKIS. Those questions are asked of you and asked of me and asked of many Members of this Congress. Unfortunately, they are not getting us outraged enough to sit down and once and for all do something about it. Thank you, MARTIN. I appreciate your contribution.

Mr. Speaker, in July 1974, Turkish forces occupied what is the northern part of Cyprus. As a result of this illegal military invasion, 1,619 people have never been seen again. Mr. Speaker, I would stress that among those 1,619 individuals are five U.S. citizens.

Also, 200,000 men, women, and children were forcibly expelled from occupied Cyprus. They are now refugees—a people without a home. These refugees have been living in a 20-year darkness.

Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government on Earth. Turkey continues to station more than 30,000 troops there and to maintain some 65,000 settlers on Cyprus. Frequent incidents and disputes scar the populace.

Cyprus currently has 37 percent of its land under the occupation of an invading force, and Turkey continues to change the demography of Cyprus by transplanting Turkish settlers there. In the near future, the settlers and the occupying troops will outnumber the indigenous Turkish Cypriot population—and with each passing day the tension on the island grows.

In the past few years, there have been talks held under the auspices of the United Nations—as proposed by the U.N. Secretary General. However, these talks are now at a complete standstill because of the unwillingness of Mr. Denktash, the leader of the Turkish-Cypriots, to negotiate with the Greek-Cypriots.

It is surely in Turkey's best interest to resolve this problem expeditiously. In fact, Turkey's intransigence is one more stumbling block keeping her from becoming an accepted part of the European Community. While Turkey has other problems to solve in this regard, the European Community has made it clear that membership in contingent upon resolution of the Cyprus problem.

Mr. Speaker, the Greek-Cypriots have made efforts to find a just and lasting solution to this 20-year problem. In December 1993, the Cyprus Government submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of the island-nation. In exchange for the withdrawal of Turkish troops, Cyprus would disband it's national guard; transfer the national guard's military equipment to the U.N. peacekeeping force; fund an enlarging of that U.N. force; and use the money saved from defense spending for development projects that would benefit both communities.

Furthermore, demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. However, once again, the Turkish side rejected Cyprus' efforts toward ending the tragic and unacceptable status quo.

It is evident, Mr. Speaker, that a solution to the 20-year problem on Cyprus will not be found until the Turkish side agrees to come to the table and negotiate.

Recently, Secretary General Boutros Boutros-Ghali, submitted his report to the Security Council on the status of the U.N. efforts for the implementation of a package of confidence-building measures, intended as the first step to facilitate the political process and secure a Cyprus settlement.

The Secretary General concluded in his report that "for the present, the Security Council finds itself with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side."

The Secretary General went on further to say that the confidence-building measures represent "A set of eminently reasonable and fair proposals that would bring tangible benefits" to the Turkish Cypriot community.

Mr. Speaker, as I have already noted, the Greek-Cypriots have proven time and time again that they are more than willing to negotiate with the Turkish side, however, Turkey and Mr. Denktash—who represents the aggressor in this matter—is unwilling to do so.

In the July 14 issue of Roll Call, Turkey and Mr. Denktash once again showed us their unwillingness to negotiate on the Cyprus problem with their advertisement titled, "remember who invaded Cyprus 20 years ago." This advertisement is a clever tool used to mask the truth on who the real aggressor is in this illegal occupation.

Turkey, in its Roll Call ad, attempts to convince the reader that Greece and Greek-Cypriots are the real culprits. However, Turkey makes no mention that for the past 20 years there have been more than 30,000 Turkish troops in Cyprus and more than 65,000 Turkish settlers.

The advertisement also fails to point out the cultural destruction that has been taking place on the island of Cyprus due to the illegal Turkish occupation. Cyprus has seen a rape of its culture; a pillaging of its antiquities.

Churches have been plundered and ransacked. Beautiful frescos have been stripped off the walls of these religious institutions. Other churches have been converted into Mosques and still more have been turned into Cinemas and recreational centers. What Cypriots have witnessed over the past two decades in the intentional destruction of their cultural heritage. The Roll Call advertisement, however, makes no mention of that fact.

Mr. Speaker, let's stop playing diplomatic games with Turkey. Let us for once stop Turkey from waltzing away from the truth—as they are again attempting to do with this ridiculous advertisement in Roll Call.

This year, one House committee refused to dance with Turkey. The House Appropriations Subcommittee on Foreign Operations included in the fiscal year 1995 foreign aid appropriations bill a withholding of 25 percent of security assistance to Turkey until the Secretary of State submits to Congress a report addressing, among other things,

the allegations of abuses against civilians by the Turkish Armed Forces and the situation in Cyprus.

Turkey's answer? I have read reports that the current Prime Minister of Turkey has threatened that she will not accept any United States assistance in foreign aid until this language that the appropriations committee has included in it's bill is taken out of the bill.

Mr. Speaker, In times of fiscal restraint, where citizens of the United States are calling for less foreign aid spending, I think that we should take the Prime Minister of Turkey at her word.

Maybe now, Turkey will realize that the United States wants a just and peaceful solution to the Cyprus problem.

Finally, in closing, Mr. Speaker, I feel that we in the Congress have a responsibility to use our influence to see that Cyprus is made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do our utmost in this cause.

Mr. PORTER. Mr. Speaker, I come to the floor today as I have many times before to commemorate the sad anniversary of the tragic separation of Cyprus by Turkish troops. Tomorrow marks the 20th year of the separation.

On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and heavy fighting took place between them and the Cypriot National Guard. Turkish troops pressed on to the capital city of Nicosia, where they engaged in heavy street fighting with Cypriot National Guardsmen and Cypriot irregulars. Through the battles, the Turkish air force bombed and strafed Greek-Cypriot positions and attacked Nicosia airport. By the time a cease fire had been arranged on August 16, Turkish forces had taken the northern third of the country.

Throughout the battles and subsequent occupation, tales of atrocities, abductions, rapes and executions were heard. It was only as those thought to be abducted or taken prisoner of war begun to filter back to their homes after the cease fire that it became apparent that hundreds were not accounted for and missing.

In May 1992, the Congressional Human Rights Caucus held a hearing on this issue of the missing. We heard wrenching testimony of violations and subsequent coverups by the Turks. The coverup continues.

Twenty years later, 1,619 are missing. Twenty-six of these were below the age of 16 when they were taken, 112 are women, and five are American citizens, including Andreas Kassapis, whose father, Kostas, lives outside Detroit today. There are no doubts that the Turkish army abducted the five missing Americans, including Andreas, or that the Turkish Government is responsible for accounting for them.

Unfortunately, today Turkish troops on the island of Cyprus maintain the code of silence about their fates.

This morning, the Foreign Affairs Committee marked up a bill introduced by Representative ELIOT ENGEL and myself calling on the President to work with the United Nations to resolve the issue of the missing. I am hopeful that this legislation will lead to a breakthrough on this issue, and I ask the State Department to renew their efforts.

I am also heartened by language included in the House version of the Foreign Operations bill that conditions 25 percent of Turkey's military assistance on the State Department releasing a report regarding Turkey's actions regarding Cyprus and the treatment of its Kurds. I believe 100 percent of Turkey's assistance should be conditioned on these issues. Turkey is quite clearly the key to resolution of the Cyprus problem. They have 35,000 troops on the island, subsidize the economy of the north, and have sent tens of thousands of Turks to live in the north of Cyprus over the last two decades. When Ankara talks, north leader Rauf Denktash listens.

Unfortunately, Turkey refuses to be helpful and yet another round of U.N.-sponsored talks has recently failed because Mr. Denktash refused to accept a package of very limited U.N.-authored confidence-building measures. Turkey's intransigence is proven by Turkish Prime Minister Tansu Ciller's announcement that Turkey is inclined to reject any United States assistance that has human rights or other conditions placed on it. Turkey is setting conditions under which they will be willing to accept our money. It is quite clear that Turkey does not share our commitment to international norms of behavior. With tight foreign assistance budgets, we simply do not have funds for nations who do not share our values.

I believe one important proposal that deserves consideration is the suggestion by Cypriot President Clerides that Cyprus be demilitarized. He has offered to completely disband the Cypriot army if Turkish forces withdraw from the island. U.N. peacekeepers, fully funded by the money saved from the Cypriot demilitarization, would continue to monitor the situation. Since neither party would be armed, the risk of confrontation would be low.

To me, President Clerides' proposal is an important and timely confidence building measure that should be pursued immediately by the Turkish Government, the leadership in the north, and the United Nations.

Mr. Speaker, the division of Cyprus simply has gone on too long. My wife, Kathryn, and I first traveled to Cyprus in 1981 and have returned a number times. It is an incredibly beautiful island with wonderful, warm people and a rich history that is evidenced by a wealth of important archaeological sites and a beautiful legacy of art and architecture.

Unfortunately, as you walk down the winding streets of Nicosia or drive through the Cypriot countryside, you are constantly reminded of the thousands of Turkish troops that loom just beyond the horizon, beyond the U.N.-peacekeeping troops, beyond the Green Line that slices Cyprus in two.

I urge the representatives of the two communities on Cyprus to come together for the sake of their people and the future of their country and reach a compromise. A generation has grown up on Cyprus not knowing peace and unity. I am concerned that the bond of shared experience between the two communities forged as a consequence of their living together for centuries will dissolve if they are not reunified soon.

Mr. ENGEL. Mr. Speaker, tomorrow marks the 20th anniversary of Turkey's military invasion of Cyprus. On this date of sadness, we must ask ourselves: How much longer will this illegal occupation continue?

In the invasion, Turkey captured almost 40 percent of Cyprus, representing 70 percent of the economic wealth of the country. More than 200,000 Cypriots were forcibly driven from their homes, widely dispersing the population. In an effort to stamp out the prevailing Hellenic and Christian culture, Turkey subsequently sent more than 85,000 Turkish colonists to occupied areas, changing the demography of the region.

In the aftermath of the assault, more than 2,000 people were arrested or disappeared as Turkish military forces consolidated their hold on Cyprus. Among them were five American citizens. Although 20 years have passed, we still have no knowledge of the fate of Christos Libertos, Kyriacos Leontiou, Socrates Kapsouris, Jack Sofocleus, or Andrew Kassapis.

Today, the family of Andrew Kassapis still looks for their son. Andrew, now 37 years of age, was taken captive by members of the armed forces of Turkey—a major recipient of United States aid—while holding his United States passport.

The time has come to shed light on this tragic aspect of the Cyprus conflict. Last year, I and Representative JOHN PORTER, introduced legislation to obtain for the suffering families the answers for which they have longed. By directing the President to investigate the whereabouts of the missing Americans and approximately 2,000 others, it is my hope that this sad part of Cyprus' history can be brought to a close.

I am pleased to announce that earlier today, the Foreign Affairs Committee marked up this legislation and reported it favorably to the full House

for consideration. With almost 190 cosponsors, including more than half of the Foreign Affairs Committee, I believe that the Congress will overwhelmingly pass this bill and send it to the President for his signature. It is my hope that on the 20th anniversary of the invasion, Congress can take this small, but important step toward ending the pain endured by families of the missing.

Mr. Speaker, 20 years is long enough. Too many have died or been lost while the people of Cyprus have been under the yoke of foreign invaders. We in the Congress have a responsibility to act. We must demand the end of the illegal occupation and the restoration of full sovereignty to Cyprus. On this 20th anniversary, I pledge that I will do all in my power to end the agony and to return to Cyprus the freedom it deserves.

Ms. SNOWE. Mr. Speaker, today we mark 20 years of illegal Turkish occupation in northern Cyprus.

Turkey's brutal invasion 20 years ago drove more than 200,000 Cypriots from their homes and reduced them to the status of refugees in their own land. More than 2,000 people are still missing, including five American citizens. The Turkish army seized 40 percent of the land of Cyprus, representing 70 percent of the island's economic wealth. Barbed wire stretches across the country like an ugly scar, and armed check points dot the Green Line.

This is not an anniversary that anyone should look forward to marking. I was first elected to Congress in 1978, 4 years after the Turkish invasion. That was also the year that President Carter succeeded in getting the United States arms embargo on Turkey lifted on the promise of an imminent breakthrough on ending the tragic division of the island. But the Turks never had any intention of fulfilling that promise.

Every year that I have been in Congress I have noted a cynical, fraudulent pattern of behavior by the Turkish Government and by the leader of the self-proclaimed Turkish Republic of northern Cyprus. Each year, there are hints of movement and glimmering hopes of ending the Turkish occupation and reuniting Cyprus. The most recent opportunity was the U.N.-sponsored talks over confidence building measures that predictably collapsed just weeks ago because of continued Turkish intransigence.

Prior to the confidence building measures effort, the history of failed negotiations due to Turkish intransigence include: the 1977 Makarios-Denktash Meeting; the 1979 Kyprianou-Dentktash Communique; the 1984 Proximity Talks; the 1985–86 U.N. Draft Framework Exercise; the 1988 Talks, First Round; the 1988–89 Talks, Second Round; the 1989 Talks, Third Round; the 1990 February-to-March Meetings; and the 1990-to-1992 Secretary General Good Offices Mission.

Each year, the hopes of the Cypriot people are dashed on two bedrock facts. These are, one, the basic preference of Mr. Denktash, the leader of the Turkish-Cypriot community, for the status quo. By now, it should be clear that he prefers a divided island, even though his illegal rump country is not recognized by the international community and is, in reality, controlled by Turkey. The second bedrock fact is that the 40,000 Turkish occupation troops in northern Cyprus are there only to enforce the illegal status quo.

I realize that after 20 years there are some who might wish to put this issue aside, and say that perhaps nothing can be done. But I challenge anyone who might be tempted to accept the status quo whether out of frustration or weakness. Accepting the status quo would not only be morally wrong, but it simply is not an option.

In the 20 years since the Turks cruelly invaded their weak neighboring country, the world has changed dramatically. In that time: the Berlin Wall has fallen and Germany has reunited; the nations of Eastern Europe have won their freedom from occupation by a neighboring superpower; the Soviet Union has disintegrated; South Africa has peacefully changed into a multiracial democracy; Iraq invaded and occupied its weak neighbor, Kuwait, but was then forcibly expelled by the United States and the international community; and finally Israel has taken a historic risk for peace with its Arab neighbors and the PLO claims to have renounced violence.

The status quo on Cyprus has always been unacceptable. But the dramatic changes in the world now call for putting words into deeds. For so many years, the apologists for Turkey have argued that our hands were tied because of the need to support Turkey as a bulwark against the expansion of the Soviet Union into the eastern Mediterranean. But that argument and the Soviet threat have both evaporated.

The United States and the United Nations must unequivocally declare that the time is over for endless bad faith negotiations and intransigence on the part of the Turkish side. The time has arrived for concrete steps.

Turkey must also be made to realize that it shares much of the blame for the repeated failures at the negotiating table. The government in Ankara must be held accountable for its influence over Mr. Denktash and the Turkish Cypriots. Their continued intransigence has not just been sanctioned but encouraged by Turkey. The United States must pressure the Turkish Government to make it understand that it is in their best interests to negotiate a peaceful end to its illegal occupation of northern Cyprus.

Three months ago, President Clerides of Cyprus made an astounding proposal that would transform the political environment. He proposed that both the government of Cyprus and the Turkish occupation forces disband their military forces. He called on the creation of a new U.N. peacekeeping operations that would take over the military assets of each side. He further offered to pay the costs of the U.N. operation from the resulting budget savings. This would shatter the stalemate and finally establish an environment in which the country can be peacefully reunited.

It would be preferable for this proposal to be implemented by agreement between the parties. But we must also keep in mind the facts that the Turks like occupying their weaker neighbor and Mr. Denktash likes pretending to rule a pretend nation. If the United Nations Security Council is willing to show resolve in the Middle East and in Haiti, it is time for us to also lead the Council to take action in the eastern Mediterranean.

We have recognized that the world has changed, we must do what is necessary to ensure that the Turkish occupiers of northern Cyprus recognize it as well.

Mr. BONIOR. Mr. Speaker, I join my colleagues to commemorate a sad and frustrating anniversary. Twenty years ago, Turkish troops invaded and occupied the island of Cyprus. Today, Cyprus remains divided with 35,000 Turkish troops occupying over one-third of the land. A barbed wire fence, known as the Green Line, cuts across the island separating thousands of Greek Cypriots from the towns and communities that their families lived in for generations.

Thousands of people were killed as a result of the invasion. Another 1,619 remain missing—including 5 Americans. One of the missing, Andrew Kassapis of Michigan, was taken captive even though he had an American passport. His father, Costas, has been struggling all these years to find out the fate of his son. The family and friends of those missing deserve to know the truth about their loved ones.

Over the past few years, we have witnessed tremendous changes around the world, the fall of the Berlin Wall, reconciliation in the Middle East, and the end of apartheid. Yet, somehow peace has eluded this beautiful island. Peace and unity can be achieved in Cyprus if there is enough political will to do so.

Over the past 2 years, the United Nations has formulated a series of confidence- building measures to benefit both sides in Cyprus. However, U.N. Secretary Boutros-Ghali has asserted that the lack of agreement was due essentially to a lack of political will on the Turkish Cypriot side. It is time for the Turkish Cypriots to take these first steps toward peace and reconciliation.

As a major recipient of United States foreign assistance, Turkey should be held accountable for the continued occupation of Cyprus and its human rights record. The Turkish Government must know that the division of Cyprus will continue to be an obstacle to better relations with the United States. It is my deep hope that soon we will be able to add Cyprus to a list of places where peace and freedom have triumphed.

Mr. MARTINEZ. Mr. Speaker, I would first like to commend Representative BILBRAY for organizing this special order on Cyprus. The gentleman from Florida has been a tireless champion for the peaceful resolution of the Cypriot problem.

Mr. Speaker, I solemnly join my colleagues tonight in observing the 20th anniversary of Turkey's invasion and occupation of northern Cyprus. On July 20, 1974, Turkey invaded Cyprus and has occupied one-third of the country every since. Turkey still maintains nearly 30,000 troops on this Mediterranean island today.

It's been 20 years since five Americans and 1,619 Greek Cypriots disappeared in the wake of Turkey's invasion of Cyprus. It's been 20 years since Mr. Costas Kassapis and his wife last saw their 17-year-old son Andrew, who was taken into custody before their eyes, with American passport in hand, by Turkish soldiers. It's been 20 years of unbearable anguish for American and Greek-Cypriot families

whose cries of help for their missing relatives have only been greeted by a wall of silence from Turkish officials.

Next week, Members of the House will have the opportunity to take a stand on this important matter. Representative ENGEL'S legislation, H.R. 2826, which addresses this issue, is expected to be considered on the House floor next week. This measure deserves the resounding and unequivocal support of the House. H.R. 2826 directs the President to investigate and report to the Congress on the whereabouts of U.S. citizens and others who have been missing from Cyprus since 1974. Turkey must be held accountable for these missing people.

In an effort to encourage gradual steps toward reconciliation between Greek and Turkish Cypriots, the U.N. has proposed placing part of the uninhabited, Turkish-occupied town of Varosha under U.N. control. The United Nations has also proposed reopening the abandoned Nicosia International Airport which would be made available to both communal groups. The United Nations mediating approach is a serious effort to break the political stalemate which has, thus far, proven intractable.

I would like to see the United States use its considerable influence toward promoting a peaceful settlement of the Cyprus problem. For far too long the people of this island nation have harvested the bitter fruit of communal strife and ethnic suspicion. After 20 years of partition and acrimony, it is high time for all Cypriots, ethnic Greeks and ethnic Turks alike, to begin the process of reconciliation. The United States can and must play a more active role in helping the Cypriot people broach the political and territorial divide that has torn this island apart.

Mr. ZIMMER. Mr. Speaker, I want to thank my colleagues for arranging this special order on the Cyprus problem, and I join them in calling for a peaceful and decisive end to the illegal occupation of nearly 40 percent of Cyprus by Turkey.

That occupation has been going on for 20 years, since Turkey invaded Cyprus in July 1974. And for 20 years, Turkey has ignored or rejected virtually all calls to end that occupation and to resolve the problems it has created.

One result of that indifference was underscored in a hearing before the House Foreign Affairs Committee today during discussion of a probe into the whereabouts of five Americans caught up in the Cyprus invasion and still missing.

There were also 1,614 Greek Cypriots who were abducted by Turkish troops in that 1974 invasion and who remain missing. And nearly 200,000 Greek Cypriots were turned into refugees as a result of what many view as an act of ethnic cleansing by Turkey.

Today, some 35,000 Turkish troops continue to occupy a significant portion of Cyprus, as do more than 80,000 former residents of Turkey who were resettled in Cyprus on land Turkey occupied after the invasion. Their presence has altered the cultural and political character of Cyprus.

Mr. Speaker, in 1978 Congress agreed to lift the partial arms embargo it had imposed on Turkey for treaty violations. It did so, however, on the condition that Turkey would work toward a genuine resolution of the Cyprus problem.

But Turkey has not done so. Instead, it not only ignored that condition but flaunted its disregard for it by declaring in 1983 the independence of its occupied land on Cyprus, dubbing it the "Turkish Republic of Northern Cyprus."

Mr. Speaker, it is time to hold Turkey accountable for its 1978 promise and to put an end to the Cyprus problem.

I am supporting legislation offered by my honorable colleagues Mr. ANDREWS and Mr. PORTER—H.R. 3475—that would ban all United States foreign aid to Turkey until the Turkish Government complies with a number of conditions, among them withdrawing its military and colonial presence from Cyprus, accounting for missing Americans and Greek Cypriots, and adhering to international human rights standards.

I would urge the entire Congress to join this effort, so that Turkey will realize the consequence of 20 years of illegal occupation and disregard for territorial integrity.

Mrs. MORELLA. Mr. Speaker, I want to thank my friend from Florida, Mr. BILIRAKIS, for calling today's special order, and for his continuing dedication and leadership on the issue of Cyprus.

Tomorrow marks the 20th anniversary of the Turkish invasion of Cyprus. Since that day, the occupation has been accompanied by tragic violations of human rights. Thousands of Cypriots were made refugees in their own homeland, while hundreds of people, among them five United States citizens, remain missing and unaccounted for.

Since the invasion began, the occupying force has refused to cooperate with Cypriots in their efforts to restore peace to their country. Furthermore, the Turks have repeatedly rejected U.N. proposals to resolve the Cyprus problem, including demilitarization and confidence-building measures.

The infringement on the Cypriots' basic human rights is a senseless tragedy that could be alleviated if both sides would demonstrate a willingness to cooperate and reach a compromise on the issue. On this 20th anniversary of the invasion, it is appropriate that Congress consider what more can be done to help bring the Cyprus problem to a speedier, peaceful resolution. In doing so, we can bring an end to the human rights violations there and also contribute to the peace process in the eastern Mediterranean region.

Mr. HUGHES. Mr. Speaker, I rise today to express my deep concerns about the situation in Cyprus. This week marks the 20th year since Cyprus was divided and partitioned by an illegal Turkish occupation force which continues to occupy over one-third of the country.

Mr. Speaker, this occupation can not be accepted by the international community and it must not be accepted by the U.S. Congress.

Turkey has illegally occupied more than one-third of Cyprus for 20 years. During that same time the United States has provided over $6 billion in aid to Turkey. It is time to make the message clear to Turkey that the United States will not sanction such a gross violation of international law.

I am a sponsor of H.R. 3475 which would withhold all aid to Turkey as long as the illegal occupation of Cyprus continues. Mr. Speaker, I urge my colleagues to support this measure and H.R. 2826 which calls upon the administration to seek an investigation into the disappearance of the 5 United States citizens and more than 1,600 Greek Cypriots who remain unaccounted for since the 1974 invasion. The Government of Turkey which has been the beneficiary of such substantial aid from the United States must provide its full cooperation.

It is time to end the partition of Cyprus, time to unite this country and its people under one government that respects and protects the rights of all its citizens.

Mr. KENNEDY. Mr. Speaker, I want to thank Mr. BILIRAKIS for organizing this special order and for his determination to focus the attention of the Congress and the American people on the tragic occupation of northern Cyprus.

Tomorrow morning, Greek Cypriots will awaken to the wail of air raid sirens and the tolling of church bells as they mark the 20th anniversary of the Turkish military invasion that divided the island.

Twenty years later, 30,000 Turkish troops control nearly 40 percent of the island. The Greek and Turkish communities have been almost entirely segregated. Tens of thousands of settlers from Turkey have been brought to the north. More than 1,000 people, including 5 United States citizens, remain unaccounted for since the time of the Turkish invasion.

Mr. Speaker, after two decades of suffering, it is long past time for us to say "Enough." The Turkish occupation government is not recognized as legitimate anywhere but in Ankara. Since 1974, U.N. resolutions have been consistent in condemning the division of Cyprus and urging withdrawal of all foreign forces.

Over the past year, the United Nations has intensified diplomatic efforts to end the crisis—pressing for implementation of confidence-building measures that might lay the basis for negotiations on a permanent settlement. This intensified diplomacy has the active support of the Clinton administration and should have the strong support of Congress as well.

Ultimately, if this suffering is to be brought to an end, the United States must bring firm and consistent pressure on the Government of Turkey to end the occupation. Turkey continues to receive hundreds of millions of dollars in United States economic and military assistance and loans. Because they have served as an important United States ally, many are hesitant to raise the difficult issue of Cyprus. I continue to believe that this reticence is a terrible mistake.

Like Mr. PORTER who spoke earlier this evening, I want to draw particular attention to the proposal that President Clerides made at the end of 1993 for the demilitarization of Cyprus. Cyprus—in exchange for the withdrawal of Turkish troops—would disband its National Guard and transfer their equipment to the U.N. Peacekeeping Force. Funds saved from defense spending would be used to support the U.N. force and to carry out development projects benefitting both Greek and Turkish communities.

This is the type of forward-looking and courageous proposal that will be needed to bridge the bitter divisions in Cyprus and create a framework for peace that offers security and respect for both communities. This proposal merits the strong support of the United States.

Mr. Speaker, I welcome this opportunity to say again to the people of Cyprus that we stand with them in their 20-year struggle against occupation and injustice. I hope and pray that a year from now we'll be talking about how to walk with them into a new era of liberty and reconciliation.

Mr. PALLONE. Mr. Speaker, once again, as we do every year at this time, we are here to commemorate a very sad historic occasion. It has been 20 years since Turkish troops first invaded the northern part of the Mediterranean island nation of Cyprus, leaving a trail of death, destruction and hundreds of thousands of refugees. In the two decades since this shocking breach of international law, Turkey has maintained and solidified its occupation of more than one-third of the territory of Cyprus with an estimated 35,000 troops. Turkey has continued this illegal occupation in complete defiance of the international community, spurning U.N. resolutions and the entreaties of NATO countries, both here and in Europe, seeking a Turkish withdrawal.

Indeed, far from bowing to the international pressure, Turkey has gone in the other direction, having declared in 1983 the so-called "Turkish Republic of Northern Cyprus," recognized by no other country but Turkey. Recently, Turkey has increased the size of its occupation forces by adding 8,000 additional troops and new tanks and armored vehicles. A May 30, 1994, report by U.N. Secretary General Boutros Boutros-Ghali has termed Cyprus one of the world's most highly militarized areas in terms of the ratio between the numbers of troops and the civilian population.

Perhaps the saddest aspect of this military occupation has been the growing mistrust and hostility between the Greek and Turkish communities on the island, who had lived in harmony for so many years as fellow Cypriots but who now are separated into what are in effect warring camps. We commemorate this human tragedy with the pins attached to a piece of barbed wire that many supporters of a free and peaceful Cyprus will wear at events tomorrow commemorating this tragic anniversary.

In addition to the barbed wire pins, many people tomorrow will be wearing yellow ribbons to express their solidarity and sympathy for the 1,614 Greek Cypriots who have been missing in Cyprus since the invasion. Among the missing are five United States citizens whose "disappearances" in Turkish-held areas have never been accounted for and whose fate and whereabouts are still unknown. These people were arrested by Turkish forces. Some were transported to Turkey and kept as prisoners in Turkish jails. Since 1974, Turkey—contrary to international law and human rights conventions—refuses to provide any information about their fate. The Turkish Government, notwithstanding the recent change in leadership, has not changed the policy of denying that there are any Greek Cypriots being held and still professes no knowledge about the whereabouts of the missing.

Mr. Speaker, there is a great deal of evidence that casts doubt on the truthfulness of the Turkish denials. The International Red Cross and Amnesty International have compiled lists of the "missing" persons compiled during visits to Turkish detention centers. In fact, some of the evidence about "missing" persons being in Turkish custody comes from the Turkish news media.

Mr. Speaker, we can be proud that this Congress has supported foreign assistance to Cyprus to encourage an alleviation of tensions. Every year, we allocate $15 million in aid to Cyprus for projects aimed at improving health, education, and the environment—for the benefit of both Cypriot communities.

The legitimate government of Cyprus has also done a great deal to promote reconciliation between the two communities. President Clerides has proposed to the United Nations a program for the demilitarization of the island, to be monitored by a U.N. Peacekeeping Force. So far, his bold and courageous proposal has not been met by any constructive response from the Turkish side.

I will continue, along with many of my colleagues here today, to insist that, in exchange for the aid and military cooperation that we provide to Turkey, the Turkish Government move from a stance of recalcitrance and belligerence to a spirit of cooperation and confidence building with regard to Cyprus. It is my hope that we will not have to go on commemorating this anniversary year after year. It is my hope that Cyprus will be returned to the Cypriot people, and that this beautiful and historic land will once again be a place of peace.

Mrs. BENTLEY. Mr. Speaker, on the eve of the 20th anniversary of the Turkish invasion of Cyprus, I want to pay a special compliment to my good friend from Florida [Mr. BILIRAKIS] for arranging this important special order. I also want to thank him for his tireless efforts to forge a peaceful solution for Cyprus—which remains tragically divided after nearly two decades.

Tonight, I want to draw specific attention to the approximately 1,600 individuals who remain unaccounted for 20 years after the Turkish onslaught. Five American citizens who were on Cyprus at the time of the bloody fighting in 1974, are listed among the missing. As long as Cyprus remains divided, with Turkey illegally occupying almost 40 percent of its territory, this Congress must not forget its responsibility to demand answers about the whereabouts of these missing Americans. I urge my colleagues to supporting legislation marked up in the House Foreign Affairs Committee today that would establish a Presidential Commission to review the issue.

Mr. MENENDEZ. Mr. Speaker, I want to thank the gentleman from Florida [Mr. BILIRAKIS], for putting together this special order on Cyprus.

We gather today to commemorate the unhappy anniversary and tragic circumstance of 20 years of division of the island of Cyprus. It may seem incredible, but for 20 years now the Republic of Cyprus has been artificially divided following an invasion by Turkish troops on July 20, 1974.

A full 37 percent of the island remains under occupation by Turkish troops, which in defiance of United Nations resolutions, now number 35,000. This makes Cyprus one of the most militarized areas in the world.

The international community has yet to recognize the so-called Turkish Republic of Northern Cyprus, which was established in 1983. As if to underscore this illegitimacy, the European Union just under 2 weeks ago imposed a ban on exports from Turkish-occupied Cyprus.

The world must know that in the small Mediterranean island of Cyprus there are people filled with hope and expectation that ultimately their divided homeland will one day be united.

As an American of Cuban descent, I understand very well when Cypriots say that 20 years is enough. Tomorrow that 20-year mark of division and occupation will be here will have crept upon us. In Cuba, it has been 35-five years. Like the people of the island nation of Cyprus, the people of the island nation of Cuba were robbed of their independence and of their sovereignty. The people of both nations suffer the pain of division and the painful indifference of the international community to their plight of injustice and indignity.

As I have studied this issue, it has become clear to me that the Turkish Cypriots continue to lack the political will to reach a conclusion that would result in a free and united Cyprus that is safe for all Cypriots—Greek or Turkish. At this point, unfortunately, negotiations have reached an impasse.

In 1991, then-U.N. Secretary General Javier Perez de Cuellar, stated that progress in solving the conflict in Cyprus was imminent if [quote] "all concerned * * * would seize the moment."

The Turkish Cypriots have yet to seize that moment. We are still waiting on the Turkish Cypriot leader, Mr. Rauf Denktash, to show a willingness to compromise. Until now he has been a reluctant negotiator. Very recently his increased demands have caused negotiations to stall.

On the other hand, the Greek Cypriots have already abided by U.N. documents. In my view, neither the U.N. nor the U.S. Government should ask the Greek Cypriots to make extra concessions that will only serve to weaken their position and hurt the peace process.

Mr. Perez de Cuellar's successor as U.N. Secretary General, Boutros-Boutros Ghali, in November 1992, diplomatically cited Mr. Denktash's unwillingness to compromise. He said, [quote]: "Certain Turkish positions were fundamentally at variance with the U.N. set of ideas." Even President Bush called then-Turkish Prime Minister Demirel to complain about Mr. Denktash. Since then, Secretary-General Boutros-Ghali has complained about Mr. Denktash's failure to adhere to agreements in this matter.

As I have stated, the confidence-building process is stalled. A U.N. document had clearly established that the two measures that were to be taken in this process were the opening of the Nicosia International Airport and the placement of Varosha under U.N. control.

Agreement was near. But at the 11th hour the Turkish Cypriots changed their position, and now we are once again faced with more delays. It is revealing that this latest delay is over a road—the road between the U.N. buffer zone and the Turkish-controlled area of Varosha. The Turkish Cypriots would want to control that road with either their own police or with Turkish troops. That is not what I would call U.N. control. It is these positions and these delays which are the biggest obstacles on the road to peace and a united Cyprus.

The shorter term prospects for a solution are clearly at a standstill. For the longer term,

the basic elements for a solution to this problem should be established. While the devil is always in the details, two simple principles should stand out.

First, while paying respect to both communities, it must be recognized, as it is throughout the world, that Cyprus is one nation and should remain one.

Second, any solution must include the withdrawal of all Turkish troops from the nation of Cyprus. I do not think that is just an end worth pursuing, but a condition worth requiring. Until the last boot of the last Turkish soldier leaves Cyprus, there won't be peace and there won't be justice in Cyprus.

Finally, we must account for the 1,614 Greek Cypriots and the five American citizens missing since the Turkish invasion of Cyprus in 1974. We cannot forget them. We cannot forget their families. This is why I have joined as a cosponsor to H.R. 2826, a bill which asks the President to investigate the whereabouts of United States citizens and others who have been missing from Cyprus since 1974. Today, I was happy to join the full House Foreign Affairs Committee in passing this bill, thereby making it possible that the measure will be voted on here on the House floor.

Mr. Speaker, a few months ago, I received a letter from the Kassapis family of Livonia, MI. The letter was signed by Costas Kassapis, the father of Andy Kassapis, one of the five Americans who disappeared in Cyprus in 1974. The Kassapis family has lived in anguish since August 20, 1974, when their son, Andy, was dragged away by Turkish troops right in front of his parents, in the village of Ashia. The last they heard of Andy was in a message from the Red Cross stating that Andy was in Amasia prison in Turkey. As Mr. Kassapis says in his letter, "Since then, nothing."

I want to read a quote from that letter. Mr. Kassapis states, and I quote: "I know that you understand the constant suffering that my wife, daughters, and I have experienced since that day, nearly 20 years ago, when our wonderful son, Andrew, was taken from our arms." I know that he appreciates our support for his cause, but I also know that no piece of paper can substitute for Andy.

Imagine your son or daughter being snatched before your eyes—and then, no more, never to be heard or seen—for over 20 years. Would you stand still?

Tomorrow will mark the 20th year of the division and occupation of Cyprus. Cypriots were born in Cyprus and have never returned have been denied that opportunity for too long. Twenty years is enough. Now is the time for them to be able to return in peace. Now is the time for a united Cyprus. I hope that never again will I have to cosponsor a bill to find disappeared Americans or Cypriots.

If we are to stand up for human rights—we must do so whether it is friend or foe. Is this resolution timely? Yes, it's very timely. Twenty years—two decades—is long enough.

Thank you very much.

Mr. OLVER. Mr. Speaker, I rise today to join with my colleagues to deplore the division of Cyprus, and to send a message to the people of Cyprus that we remember them and we continue to seek a peaceful and equitable reunification of the island.

It is tragic that Cyprus remains divided and there is no agreement on even the most basic confidence building measures which have been proposed to ease tensions between the two communities.

I believe the proposal by President Clerides for a demilitarization of the island makes a great deal of sense. Eliminating the troops on Cyprus, and devoting the funds saved toward an expanded U.N. Peacekeeping Force and bicommunal development projects is a farsighted and practical proposal which should greatly benefit all of the residents of Cyprus.

Mr. Speaker, the international community must continue to work to find a just and lasting solution to the problems of Cyprus, and I look forward to working with my colleagues to further that goal.

Mr. BARCA of Wisconsin. Mr. Speaker, I want to begin by commending my colleague from Florida, MIKE BILIRAKIS, for organizing this special order to commemorate the 20th year of occupation and division of the Republic of Cyprus.

Mr. Speaker, as the administration increases its calls to return the democratically elected government to Haiti we must not forget our commitment to such endeavors in other regions of the world. In July 1974 the Government of Turkey invaded the sovereign island of Cyprus. As a result over 30 percent of the country was occupied and 200,000 Greek Cypriots were forcibly expelled from their homes and remain refugees. More than 1,500 Greek Cypriots and 5 American citizens are still missing and unaccounted for.

Since this occupation the government in Ankara has done little to answer our questions about these missing citizens or to resolve the military stalemate that exists today. In fact the Turkish Government disregarded international law by establishing the Turkish Republic of Northern Cyprus and guaranteeing its independence and territorial integrity. They have also transplanted more than 80,000 settlers from Turkey to strengthen their hold on this territory.

In December 1993, the Government of Cyprus attempted to resolve the problem by submitting a proposal to the United Nations calling for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, the Government of Cyprus would disband its National Guard and transfer its military equipment to a U.N. Peacekeeping Force. The Turkish response was to reject this proposal outright.

We must continue to support efforts to end this unlawful occupation and to discover the whereabouts of our missing citizens. A lasting peace can be achieved on the island of Cyprus and this body has an obligation to support such efforts by a strong message to Ankara that these issues must be resolved.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in this important special order marking the 20th anniversary of Turkey's invasion of Cyprus. At the outset, I want to thank my colleague Mr. BILIRAKIS for organizing this important special order to commemorate this anniversary.

The division of Cyprus has the distinction of being one of the most intractable in the world today. Since Turkey first invaded Cyprus in 1974, 1,619 people, including 8 Americans last seen alive in the occupied areas of Cyprus, have never been accounted for. We must not let the passage of years weaken our resolve to pressure the Turkish Government to provide answers to the families of the missing. We cannot forget their suffering continues

Mr. Speaker, last year, when marking this solemn anniversary, many of us felt hopeful that this conflict would soon be resolved peacefully through the auspices of the United Nations. Today, while I applaud the efforts of the United Nations to resolve the issue of the continuing division of Cyprus, I am very frustrated by Turkish leader Rauf Denktash's stubborn resistance to meaningful negotiations. It's not just Greek Cypriots and their supporters who think Denktash has been unreasonable.

In December 1993, in an effort to facilitate a peaceful resolution of the problem, President Clerides submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of Cyprus. In exchange for the withdrawl of Turkish troops, Cyprus would disband its National Guard; transfer the National Guard's military equipment to the U.N. Peacekeeping Force; and the money saved from defense spending for development projects that would benefit both communities. Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. Once again the Turkish side rejected Cyprus' efforts toward ending the tragic unacceptable status quo.

The United States Government has always supported a just and lasting solution to the Cyprus problem. It is important for the Congress to continue to firmly support the people of Cyprus by pressing Turkey to remove its illegal occupation force and to work constructively for a resolution of the problem in accordance with the relevant U.N. resolutions and agreements between the two sides. A just and lasting solution to the problem will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, as well as constitute a significant step toward peace in the unstable eastern Mediterranean region.

Mr. Speaker, I want to take this opportunity to commend the Secretary General for his tireless efforts to resolve this issue. I also want to recognize the Greek Cypriot people for their valliant commitment to resolving this conflict, despite the seeming bad faith shown by the Turkish side. It is my hope that this will be the last year Members must join to discuss the longstanding problems of the people of Cyprus, that next year we may join to celebrate the end to this conflict. Until that happens, the Turkish Government must know we in the United States will continue to mark this anniversary and speak out for rights of the missing.

Mr. FILNER. Mr. Speaker and my colleagues, it has been 20 years since 35,000 Turkish troops invaded the island nation of Cyprus. Twenty years later, justice is still nonexistent for the victims of that invasion.

Despite persistent international pleas for a peaceful settlement—and despite condemnation from the administration, the Congress, and the international community—the situation in Cyprus has not improved since the invasion 20 years ago.

There are 5 U.S. citizens listed among the names of over 1,600 people who are still

missing as a result of the 1974 invasion. The Greek community in San Diego and throughout the world have waited long enough for information about the whereabouts of their families and friends.

The Cyprus Government has made serious concessions in its efforts to create a genuine federation that guarantees the rights of all citizens on that island. Unfortunately, we have not seen equal cooperation from the Turkish Government.

The time has come for a resolution to this 20-year-old crisis. The time has come for the Government of Turkey to finally respect the sovereignty and independence of the Republic of Cyprus.

Mr. CARDIN. Mr. Speaker, I rise today to join my colleague, Representative MICHAEL BILIRAKIS, in remembering the 20th anniversary of the Turkish invasion of Cyprus. I wanted to join my colleague in this special order to express my hope that a peaceful solution can be found to end this sad and difficult situation.

The eastern Mediterranean island of Cyprus had been divided since the Turks invaded Cyprus in 1974. United Nations Peacekeeping Forces currently patrol a line separating about 170,000 Turkish Cypriots in the north and 650,000 Greek Cypriots in the south.

The status quo is unacceptable. The United Nations has continually attempted to facilitate talks between the two sides. Unfortunately, Turkish Cypriot Leader Rauf Denktash rejected the latest confidence-building measures. U.N. Secretary General Boutros Boutros-Ghali attributed the failure to lack of political will on the Turkish Cypriot side. Cyprus President Glafcos Clerides still desires an international conference to discuss demilitarization and displacement.

The international community also recognizes the necessity for action. On June 16, 1994, the United States Senate's Appropriations Committee approved legislation providing economic aid to Cyprus due to the Turkish immobility in negotiations. On July 5, 1994, the Court of Justice of the European Communities ruled that import products from the occupied area were banned and that all products imported by the European Community member-states must have Cyprus Government certificates of export.

Most recently, during its annual meeting, held this year in Vienna, the Conference on Security and Cooperation in Europe [CSCE] discussed Turkey's occupation of Cyprus. Referring to the illegal presence of Turkish troops on Cypriot soil, the CSCE passed a resolution calling for the speedy withdrawal of any country's troops and military equipment stationed illegally on, or occupying territory of, another CSCE country. The world community must continue to press for a peaceful resolution to this international problem.

The people of Cyprus, both Turkish and Greek, deserve to be free from the hostilities which have plagued their island for the last two decades. The time has long passed for the Turkish occupation forces to be withdrawn. Greek and Turkish Cypriots should be permitted to return to their homes and to determine for themselves the future direction of Cyprus.

Mr. DEUTSCH. Mr. Speaker, today marks the 20th year of the Turkish invasion and subsequent occupation of Cyprus. Under the pretext of serving as a protector of Cyprus' independence, Turkey invaded Cyprus on July 20, 1974. Sadly, the ensuing occupation has brought 20 years of hardship to the island's inhabitants.

The forced division of the island has generated feelings of mistrust and hostility amongst the two Cypriot communities, has undermined the independence and sovereignty of the government, and has severely hindered Cyprus' economy.

As a result of the invasion, 200,000 Greek Cypriots were forcibly expelled from their homes in the occupied area. These refugees fled to the unoccupied part of Cyprus where the Government of Cyprus was forced to absorb them into a system which was already economically bankrupt. Although Cyprus has undergone a substantial economic recovery since the invasion, the economy remains stifled by the division of the island. The Government of Cyprus has been forced into taking costly defensive measures and Greek Cypriots are unable to access many of the country's natural resources in the occupied areas. These resources account for about 70 percent of the general stocks of food, agricultural and industrial products.

The most significant impact of the invasion and occupation has been its effect on the people of Cyprus. The 200,000 Greek Cypriots expelled from their homes remain unable to return, and the families of the 1,619 missing persons still do not know the whereabouts of their abducted relatives.

In addition, the Turkish Cypriot community has also suffered. The economy in the occupied area is entirely dependent on Turkey, and those in the area suffer from a low standard of living. In fact, a quarter of the 120,000 Turkish Cypriots have emigrated because of the woeful conditions in the occupied region.

The case of Titina Loizidou, a Cypriot citizen, demonstrates the anguish that the Turkish invasion and occupation have wrought. In the wake of the Turkish invasion, Titina was uprooted from her home in the town of Kyrenia, now occupied by Turkish troops. She has not been allowed to return since. In March 1989, Turkish police arrested her along with other protesters when they marched across the buffer zone in Nicosia seeking to return to their property. She is presently seeking to bring suit against Turkey in the European Court of Human Rights because there has been a persistent violation of her rights to freedom, private life, home and assets, as laid down under the European Convention on Human Rights.

I believe that the United States has a moral obligation and duty to facilitate an end to the suffering of all Cypriots. I urge the Turks to redouble their efforts to reach an agreement that will end the Turkish occupation of Cyprus.

Mr. FAZIO. Mr. Speaker, tomorrow the Republic of Cyprus will mark the 20th year of its occupation and division. And this evening, I once again join my colleagues in a special order in recognition of this solemn anniversary.

Thirty-four years ago, the island of Cyprus gained its independence from Great Britain. However, for 20 years, the northern part of the island has been in the grip of foreign occupation—Turkish troops occupy 40 percent of this tiny nation.

When Turkish troops invaded Cyprus, 200,000 Greek Cypriots were driven from their homes, deprived of their possession, and reduced to refugee status in their own land. Since the invasion, the island has been marked with violence and bloodshed.

Over the years, the demographic and cultural character of Cyprus has been drastically affected by this occupation. Cyprus has come dangerously close to losing what little cultural, social, and historical identity it struggles to hold on to.

When the island was originally divided in 1974, Turkish troops also seized and removed over 1,600 men, women, and children. Five of these "Cyprus disappeared" were American citizens, and three were relatives of American citizens. To this day, their families have no idea whether or not they remain in danger. They do not know if they are sick or well, dead or alive.

The Turkish Government has yet to adequately account for any of those who disappeared at that time. Although it maintains that all of them are dead, it has produced no solid evidence of their status. In the meantime, however, families continue to suffer, as they draw their own conclusions about what has happened to their loved ones.

Mr. Speaker, I commend my colleague, Mr. BILIRAKIS of Florida, for again taking the lead on this issue and calling this special order, once more providing Congress with a vehicle for reaffirming our commitment—to a negotiated peace on Cyprus, to the reunification of this Mediterranean nation, to the end of the human rights abuses that are plaguing its people, and to the missing on Cyprus and their families.

Mr. SCHUMER. Mr. Speaker, I join my colleagues today in commemorating the 20th anniversary of the Turkish invasion of Cyprus. Twenty years ago today Turkish troops attacked the northern shore of Cyprus and fought on to the capital city of Nicosia. When the invasion ended, 4,000 Greek Cypriot troops were dead, 200,000 Greek Cypriots were made refugees in their own homeland, and 1,619 people were missing, including 5 Americans. The invasion was in direct violation of international law and was strongly condemned by the United Nations and the international community.

Despite 20 years of efforts to reunite Cyprus, the country remains divided. Two-hundred thousand Greek Cypriots are still unable to return to their homes and the fate of the 1,619 missing remains a mystery. The status quo on Cyprus is enforced by the presence of 35,000 Turkish troops. Despite U.N. efforts to persuade Turkey to withdraw its troops and respect the independence, sovereignty, and territorial integrity of the island, the situation on Cyprus remains stagnant.

The Government of Cyprus is committed to a negotiated settlement and is prepared to go to great lengths to protect the rights of the minority Turkish Cypriot population once the island is reunified. For example, in 1992, the Government of Cyprus accepted a U.N. proposed map of the island which would have allocated 28.2 percent of the island to the Turkish Cypriots, despite the fact that they constitute only 18 percent of the total population.

The area allotted to the Turkish side also included 50 percent of the coast of Cyprus, obviously an important asset on a Mediterranean island.

More recently, the Greek Cypriot Government agreed to the March 21, 1994 U.N. proposed set of confidence-building measures [CBM's], intended as a first step to facilitate the political process toward an overall Cyprus settlement. President Glafcos Clerides accepted the CBM's even though they were politically unpopular with the Greek Cypriot community. Mr. Rauf Denktash, the leader of the Turkish Cypriot community and head of the self-proclaimed Turkish Republic of Northern Cyprus—which is not recognized by any other country except for Turkey—rejected the proposal despite the fact that the U.N. Secretary General has described the CBM's as "a set of eminently reasonable and fair proposals that would bring substantial and tangible benefits to [the Turkish Cypriot] community without in any way compromising its security or its basic political positions."

The main impediment to a resolution of the Cyprus problem is that Turkey lacks the political will to settle the Cyprus dispute. Still, we must make every effort to overcome the lack of Turkish political will and strive to reach an agreement based on the relevant U.N. resolutions. A positive first step in this direction would be the demilitarization of the island. Demilitarization must be considered because as long as a Turkish Occupation Force exists in Cyprus, tensions are high and it will be increasingly difficult to find a viable solution. Thus, the communities will live as enemies. In December, 1993, President Clerides had submitted an innovative proposal for the demilitarization of Cyprus that if implemented, would ease the feelings of mistrust between the parties and facilitate an overall agreement to the problem.

I commend President Clerides for his bold initiative and hope that all of the people in Cyprus will soon be able to move freely about their country in peace. Twenty years of division and occupation without democracy, basic human rights, social justices, or rule of law is too long and can no longer be tolerated.

Mr. BORSKI. Mr. Speaker, I rise to join my colleagues in commemorating the 20th anniversary of the occupation and division of Cyprus. At a time when the world is undergoing dramatic change and many longstanding international conflicts are being resolved, it is with deep regret that we report that very little progress has been achieved in Cyprus.

On July 20, 1974, Turkey launched its invasion of Cyprus. Since the invasion, 37 percent of Cyprus remains under military occupation of 35,000 Turkish troops, and Nicosia, the capital of Cyprus, remains a divided city.

Despite repeated and persistent calls by the international community, Turkish troops remain in Cyprus. The United Nations has repeatedly condemned the military occupation of Cyprus and has called on the immediate withdrawal of Turkish troops. The U.N. Security Council has also repeatedly reaffirmed the right of the forcibly displaced Greek Cypriots to return to their homes and called for an account of the fate of the 1,619 missing persons in Cyprus. Despite numerous efforts by the United Nations to bring about a peaceful settlement, negotiations remain at a stalemate.

Congress has always supported a just and lasting solution to the Cyprus conflict, and it must continue to press all parties to work constructively for a resolution in accordance with U.N. resolutions and agreements between the two sides. A positive step in this direction would be the demilitarization of the island—an initiative that has been proposed by President Clerides of Cyprus. This proposal, combined with renewed negotiations, would benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey and would be a significant step toward peace in the volatile eastern Mediterranean region.

Mr. Speaker, I hope our efforts here tonight will serve as a catalyst for renewed peace talks. Cypriots, both Greek and Turkish, deserve to be free of the hostilities that have plagued their land for 20 years. They must know that the United States Congress is with them in their struggle for the reunification of Cyprus. They must also know that, despite the tremendous progress in places like the Middle East and South Africa, the conflict in Cyprus has not been forgotten.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of today's Special Order marking the 20th Anniversary of Turkey's invasion of Cyprus. This is an important opportunity for Members of Congress to reaffirm their commitment to fostering peace in this troubled region.

Twenty years after the Turkish invasion of Cyprus, this island remains tragically divided and under occupation. Thousands of Turkish troops continue to occupy a large portion of the island and thousands of Cypriots have been separated from their homes and property. Despite the changes that have dramatically transformed the European map during the past few years, Cyprus remains not only divided, but in a state of potentially dangerous conflict.

As peace talks in the Middle East continue to surge forward, the time is ripe for some type of resolution of the Cyprus problem as well. A peaceful resolution of this crisis would improve prospects for peace in the Mediterranean and for the entire European Community.

Mr. Speaker, the United States must make a concerted effort to bring the Cyprus issue to the forefront of foreign policy concerns, encourage and participate in a conference between all legitimate parties, and most importantly, bring peace and democracy to the people of Cyprus.

Mr. DELLUMS. Mr. Speaker, July 20, 1994 marks the 20th year that the Republic of Cyprus has been divided and occupied. A direct consequence of that invasion and occupation is that the whereabouts of almost 2,000 people are still unknown.

We understand that these individuals were arrested by Turkish military personnel during the invasion and subsequent occupation, and there is evidence that these individuals are being detained by the government of Turkey.

This anniversary presents us with the opportunity to persist in working with the United Nations negotiating team, to support their continuing efforts to bring Mr. Glafcos Clerides, President of the Republic of Cyprus, and Mr. Rauf Denktash, Turkish Cypriot leader, closer to agreement.

I am honored to join with my colleagues in calling upon the President to renew support of United Nations efforts to resolve the issues of territorial control in Cyprus and to gain the release of the 1,619 innocent people who are still being held.

Mr. LEVY. Mr. Speaker, it is appropriate that we commemorate July 20, 1994 as the 20th anniversary of the invasion and division of the island-nation of Cyprus.

Today, Greek-Cypriots remember the events of the summer of 1974 when Cyprus was invaded and forcibly divided by the Armed Forces of Turkey. This Turkish zone of occupation declared its unilateral independence in 1983, an act deemed illegal by the United Nations and subsequently condemned and denounced by the United States.

Since the time of the invasion, Turkey has been less than forthcoming about the whereabouts of more than 1,614 Greek-Cypriots who are still missing. No less significant is the fact that five United States citizens are among those still missing, some 20 years after the occupation of Cyprus by Turkish troops.

The Government of Cyprus has made numerous attempts to reach agreement on a just and lasting solution to the Cyprus problem. Working in accordance with the United Nations' guidelines and relevant U.N. resolutions, the Government of Cyprus has attempted to engage Turkey and the Turkish community of Cyprus to reach a settlement. The Turkish side has repeatedly rejected Cyprus' efforts to end the tragic and unacceptable status quo, including the recent demilitarization proposal put forth by the President of Cyprus. This is unfortunate as this proposal should be the basis for a just and lasting solution.

Mr. Speaker, it is fitting that today we remember the events of 20 years ago. That we remember those innocents who lost their lives. That we remember those American citizens and Greek-Cypriots who are missing to this day; and it is only fitting that we continue to work toward a lasting solution.

The people of Cyprus have suffered long enough.

Mr. SANTORUM. Mr. Speaker, it is regrettable that while freedom and democracy are spreading throughout the world, the island of Cyprus remains divided and under military occupation. It is lamentable that despite the dismantling of the Berlin Wall and despite the end of apartheid in South Africa, Cypriots are unable to cross over the green line that divides the island. Twenty years after the invasion, 200,000 Greek Cypriots refugees are still unable to return to their homes and the 1,619 missing persons, including five Americans, taken by Turkish troops during the invasion are still unaccounted for.

However, there is reason to be hopeful that this tragic situation will soon be remedied. In December 1993 Cyprus President Glafcos Clerides submitted to the United Nations a thoughtful proposal for the demilitarization of Cyprus. If implemented, demilitarization will help alleviate the tension between the communities.

I commend the Cyprus Government for the generous steps it offers to take in exchange for the withdrawal of Turkish troops, such as the disbanding of the Cypriot National Guard, the transfer of the national guard's equipment to the U.N. Peace Keeping Force, and the use of money saved from defense expenditures for development of both communities.

I am hopeful that this tragic conflict will soon end and that the two communities will be reunited in peace. I urge the international community to make the demilitarization of Cyprus a top priority.

Mr. ANDREWS of New Jersey. Mr. Speaker, tomorrow will mark the 20th anniversary of Turkey's invasion of the peaceful, self-governing island of Cyprus. In the two decades since this horrible deed, Turkey has pursued a relentless policy of demographic reorganization of Cyprus. It has taken over 37 percent of the island, moving 200,000 Greek Cypiots from their homes and installing 80,000 illegal colonists and 35,000 heavily armed troops. Mr. Speaker, I join my colleagues today in sending the message to Turkey and the other nations of the world that America will never relent in correcting injustices like this one. I encourage my colleagues to cosponsor H.R. 3475, legislation I have introduced that would deny American aid to Turkey as long as that nation exercises tyranny over its neighbor. As long as it takes for Turkey to withdraw from a land that is not theirs, Congress and the world will denounce their illegal occupation and the notion that strength of arms alone can deny a people their legitimate right to self-determination.

Mr. VISCLOSKY. Mr. Speaker, I join my colleagues in this special order today to call attention to the 20th anniversary of the illegal Turkish invasion and occupation of the Republic of Cyprus. I would also like to acknowledge the efforts of Rev. Evagoras C. Constantinides, Rev. Peter Georgacakes, and Rev. Constantine Aliferakis. These three men have worked tirelessly to promote public awareness of the Cyprus problem in northwest Indian and keep me advised of developments in the situation.

In July 1974 the Turkish invasion of Cyprus resulted in the illegal occupation of 37 percent of the country by an estimated 35,000 Turkish troops. Nearly 200,000 Greek Cypriots, who were forcibly expelled from their homes in a blatant instance of ethnic cleansing, remain refugees. Furthermore, 1,614 Greek Cypriots and 5 American citizens are still missing and unaccounted for.

I have joined more than 180 of my colleagues in the House of Representatives in sponsoring legislation that would require the President to conduct a thorough investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974. It is my strong belief that it is time to bring this tragic chapter of Cyprus' history to a close.

Since the time of the invasion, the United Nations has adopted several resolutions condemning the situation in Cyprus as unacceptable. In these resolutions, the U.N. has called for the withdrawal of foreign forces from Cyprus, the return of refugees, verification of the fate of the missing, and respect for the human rights of all Cypriots.

However, pleas from the international community for Turkey to resolve the Cyprus problem have fallen upon deaf ears. In fact, Turkey has obstructed the progress of peaceful resolution by actively maintaining a military presence on Cyprus and working to change the demographics of the island by transporting more than 80,000 Turkish colonist-settlers to the occupied area. To date, Turkey maintains the unsubstantiated claim that the area of Cyprus under Turkish control is an independent state. No other country in the world recognizes the so-called Turkish Republic of Northern Cyprus.

On the other hand, the government of Cyprus has been extremely cooperative in efforts to end the two-decade-old division of this island. In 1993, the Cyprus Government submitted to the United Nations. a proposal calling for the demilitarization of Cyprus. In addition, the government of Cyprus endorsed U.N. Secretary General Boutros Boutros-Ghali's efforts to implement a package of confidence building measures intended to be a first step to facilitate the political process toward an overall Cyprus settlement.

President Clinton and the United States Congress have shown their strong support for ending the tragic Cyprus conflict. The international community, including the government of Cyprus, concur with this conviction. It is time for the division to end—time for the people of Cyprus to live a peaceful existence—time for the families of the missing to have their questions answered. In short, it is time for the Turkish Government to cease their illegal occupation of Cyprus.

In closing, I would like to commend my colleague, MICHAEL BILIRAKIS for his leadership on this issue and for convening this special order today. It is my sincere hope that on the 21st anniversary of the Turkish occupation of Cyprus, we will gather together to celebrate a peaceful resolution, rather than lament another year of oppression.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman and commend him for organizing this special order, and for all his work on the problems in Cyprus over the years. In the past few years we have witnessed great advances for peace and justice throughout the world. The end of the cold war, the triumph of democracy in South Africa, and the movement toward peace in the Middle East have been beacons of hope for us all.

In the light of these advances, the situation in Cyprus is all the more tragic for that island remains divided by the shackles of occupation and oppression. Tomorrow we commemorate the 1974 Turkish invasion and occupation of 37 percent of Cyprus. That invasion and the continued presence of 35,000 Turkish troops represents a gross violation of human rights and international law.

Nearly 200,000 Greek Cypriots were expelled from their homes in a blatant example of ethnic cleansing. They have not been allowed to return to their homes. Their property has been confiscated and the Turkish Government has transferred 80,000 of its own citizens to the occupied areas in a blatant effort at colonialization.

The brutality of these crimes is made worse by the fact that they have been underwritten by this country—Turkey has received billions of United States foreign assistance over the years. During the invasion, 1,614 Greek Cypriots and 5 Americans were seized by Turkish troops. They remain unaccounted for to this day.

The Turkish Government has been deaf to U.N. resolutions, resolutions of this Congress, and the pleas of family members separated from loved ones for 20 years. They continue to refuse to account for the fate of the missing.

Included among the missing are the friends and relatives of many of my constituents from Astoria, NY. For 20 years they have been waiting, hoping, and praying. Their pain deserves to be relieved. Turkey must account for the missing.

My colleagues ELIOT ENGEL and JOHN PORTER have introduced a resolution calling for a Presidential investigation into the missing has galvanized this Congress into cosponsoring their resolution—which has the support of 43 Senators and 184 Representatives. This bill was reported out of the Foreign Affairs Committee just today and is expected to come to the floor next week. At the very least, human decency demands that this measure is passed by the 103d Congress.

Though the issue of the missing is the most blatant example of Turkish intransigence, there are of course other issues which must be addressed. Our NATO ally, Turkey, continues to defy the will of the international community by ignoring the numerous U.N. resolutions on the Cyprus problem which call for the withdrawal of Turkish forces from Cyprus and grant the most basic rights to Greek Cypriots, including the return of refugees to their homes.

Turkish troops continue to sustain the illegal occupation of Cyprus. Turkey also continues to encourage the stonewalling tactics of the Turkish Cypriot leader Denktash in U.N. negotiations over the fate of the island. The latest disappointment is the failure of the U.N.-sponsored talks on confidence building measures, intended as the first step toward an overall political settlement. The Turkish Cypriot side has rejected these proposals, which were fully accepted by the Greek Cypriot President Clerides at great policitcal risk many months ago. I commend President Clerides for that courageous act.

Secretary General Boutros Ghali proposed several very reasonable confidence building measures concerning the town of Varosha and the Nicosia International Airport. The intransigence of the Turkish side in there refusal to accept these proposals is a matter of great concern to all of us.

The Secretary General has concluded, and I quote: "For the present, the Security Council finds itself with an already familiar scenario: the absence of agreement due essential to a lack of political will on the Turkish Cypriot side." That is unusually blunt language for a diplomat and represents the degree of frustration felt by the international community. I would suggest that the time has come to compel the Turkish side to see reason.

That is why I introduced House Concurrent Resolution 186 last November. My legislation recognizes the positive role that Turkey could play in the talks, if it were so inclined. Unfortunately, to date there seems to be no such inclination. My resolution also recognizes that economic sanctions, under chapter VII of the U.N. Charter, may be the best means of influencing the Turkish Cypriots.

The Turkish side has also rejected President Clerides proposal for a total demilitarization of the island, which would ease tensions between the communities and allow the money saved on defense to be used for economic development. The removal of Turkish

troops from Cyprus would greatly enhance the prospects for peace on the island.

Mr. Speaker, I was privileged to be able to visit Cyprus last summer and to witness firsthand the continuing tragedy of the 1974 Turkish invasion. You don't have to be a native Cypriot to feel outrage and pain that parts of Cyprus have been occupied for 20 years. You don't have to be a native Cypriot to feel kinship with the fathers and mothers and sisters and brothers of those missing and unaccounted for for 20 years.

We must not let the world forget this tragedy. We must not turn our backs on the people of Cyprus. We must press the Turkish Cypriot leadership, and their supporters in Ankara, to release or account for the 1,619 missing persons. They must restore the churches that have been converted to mosques. They must withdraw the occupying troops from Cyprus and put an end to their policy of ethnic cleansing through explusion and colonization.

We in the United States must stand ready to assist the Greek Cypriots in their 20-year struggle for lasting peace and justice on Cyprus.

Mr. ZELIFF. Mr. Speaker, I rise to mark the 20th anniversary of the invasion, occupation, and subsequent division of Cyprus. I also offer a prayer that we may finally resolve what has become known as the Cyprus problem, that the latest round of United Nations peace talks succeed where previous ones have failed, and that we do not have to repeat this ritual next year.

The facts surrounding this situation are familiar, but nonetheless grim. On July 20, 1974, Turkey invaded Cyprus, defeated Greek Cypriot forces and occupied the northern third of the island. More than 200,000 Greek Cypriots fled to the south; 1,600 Greek Cypriots and 5 Americans are still unaccounted for. Businesses were lost, land and property were confiscated, friends and family were separated.

The ensuing 20 years have only deepened the mistrust and hatred across the green line—the infamous border between the Republic of Cyprus and the self-declared Turkish Republic of Northern Cyprus. Thirty-five thousand Turkish troops still occupy the northern one-third of the island. Eighty thousand Turkish settlers have taken up residence on Cyprus, some on lands previously inhabited by Greek Cypriots.

The United States has always supported a just and permanent solution to the Cyprus problem, and we must continue these efforts. We should demand answers to unanswered questions, and accountability from those who have committed crimes with impunity.

Toward this end, I have cosponsored H.R. 2826, which directs the President to: First, investigate and report to the Congress on the whereabouts of United States citizens and others who have been missing from Cyprus since 1974; and second, do everything possible to return such persons—including the remains of those no longer alive—to their families.

The latest bid at peace, and perhaps the one with the greatest chance of success, has been a U.N.-backed package of confidence-building measures [CBM's]. These measures include reopening both the resort town of Varosha and Nicosia Airport under international control.

The strength of these measure is that they recognize the enormous difficulties facing any peace plan. The CBM's seek to maximize the positive economic impact to both Turkish and Greek Cypriots while limiting the actual contact—and therefore the chances of potentially violent conflict—between the two communities.

The CBM's would only be the first step, but a very important first step, in ending the current stalemate. I am pleased that the Republic of Cyprus has accepted the CBM's, but dismayed that the Turkish Cypriots have resisted. The international community should continue to urge the Turkish Cypriots to accept the CBM's and resume a meaningful peace process.

Twenty years of occupation, and of struggle, should come to an end. The people of Cyprus—Greek and Turk—proved at one time that they could put aside ethnic differences and live peacefully under one government. Let us keep focused and not give up hope that this may one day occur again.

Mr. TORRICELLI. Mr. Speaker, the 1974 division of Cyprus was a tragedy that continues to plague the harmony of the island. The United States has always maintained strong and close ties with Cyprus and it is clearly in the United States interest for there to be a fair settlement between the Greek and Turkish Cypriots.

But a fair solution, while attainable, is undermined by the Turkish Government's insistence on recognition for a separate Turkish Cypriot State. No other Government aside from Ankara recognizes this State. Ankara's obstinateness is a disservice not only to the international community, Cyprus and all the nations of the region, but to Turkey itself. The Turkish military occupation of Cyprus is condemned by the international community and prevents a peaceful solution to the conflict.

A solution to this problem must be found, and the United Nations is making every effort to find one. Congress must also make every effort to support the United Nations in its attempts to reach a settlement between the two parties.

It is disappointing that recent U.N. negotiations on Cyprus have failed. It is imperative that the Greek and Turkish Cypriots cooperate with the Secretary General in his attempt to provide an outline for a settlement of the dispute.

I have sponsored legislation calling on a peaceful U.N. sponsored solution to the Cyprus dispute. I am also a cosponsor of legislation to provide an investigation of people missing since the 1974 Turkish invasion of Cyprus. I will continue my commitment to legislation and other measures designed to bring a peaceful solution to the situation on Cyprus.

Until the Ankara Government recognizes the need for a compromise acceptable to all parties and negotiates under the guise of the United Nations, this conflict will continue to be an unnecessary and unwanted burden on the region and the world.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my continued concern over Turkey's occupation of Cyprus. Twenty years ago on July 20, Turkey invaded Cyprus. As a result of the invasion, 1,614 Greek Cypriots and 5 American citizens, all abducted by Turkish troops during the invasion, still remain missing and unaccounted for. But unfortunately, the tragedy does not end here. Today, approximately 35,000 Turkish troops still occupy 37 percent of Cyprus. Additionally, 200,000 Greek Cypriots have become refugees after being expelled from their homes.

Turkey's continued presence in Cyprus is unacceptable. The division of Cyprus has resulted in violent confrontations along the so-called green-line for the last two decades. The United Nations, with U.S. support, has been promoting an intercommunal negotiating process aimed at creating a new federal republic on the island. Such a federal republic would be a biocommunal, bizonal, nonaligned, and independent state.

The United States Government has monitored developments in Cyprus most closely. Our Foreign Affairs Committee annually authorizes $15 million dollars to Cyprus with the intent of promoting biocommunal projects, and to provide scholarship money to Cypriot students. Our executive branch has also played an important role in the guest toward a peaceful resolution to the Cyprus problem.

Yet, Mr. Speaker, Turkey's occupation of Cyprus persists. It is a blatant violation of international law and signifies a complete disregard for the human rights of the people of the Republic of Cyprus. Since July 1974, the United Nations has adopted numerous resolutions calling for the withdrawal of Turkish forces from Cyprus, the return of the refugees, and an account of the missing. But Turkey has ignored these calls from the international community. The executive and legislative branches of our Government must join together to send a clear and unrelenting message to Ankara: "Leave Cyprus now."

Mr. PICKETT. Mr. Speaker, I am very pleased to join my friend and distinguished colleague from Florida [Mr. BILIRAKIS] in participating in this special order to commemorate the 20th anniversary of the Turkish invasion of Cyprus.

Since the 1974 invasion of northern Cyprus, nearly 180,000 Creek Cypriots, forced from their homes, have been unable to return, and 1,600 citizens are still missing or unaccounted for. Despite attempts by the United Nations to condemn Turkey's violation of human rights and call for the withdrawal of all foreign forces, Turkey continues its occupation force in the once independent Republic of Cyprus.

The Government of Cyprus has attempted to reach agreements with Turkey to no avail. Most recently in 1993, in accordance with U.N. peacekeeping initiatives, Cyprus proposed the demilitarization of Cyprus in exchange for the disbanding of its National Guard. Money saved from defense was to be split to benefit both northern and southern Cyprus. However, once again Turkey rejected Cyprus' peace efforts opting instead to continue opposing any means of reconciliation.

In an effort to facilitate peace in Cyprus, the U.N. Security Council is once again preparing new proposals for both sides of this conflict to consider. It is my hope that an agreement can be reached before a dilemma results that is beyond peacemakers' control.

So on this 20th anniversary of the Turkish invasion of Cyprus, it is my hope that the Turkish and Greek Cypriots will join together in a movement toward peaceful relations.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this, my special order.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Ms. ROS-LEHTINEN (at the request of Mr. MICHEL) for today and Wednesday, July 20, on account of her daughter's illness.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today and the balance of the week, 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. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on July 20 and 21.

Mr. HORN, for 5 minutes, today and July 22.

Mr. WELDON, for 5 minutes, today.

Mr. DIAZ-BALART for 5 minutes, today.

(The following Member (at the request of Mr. ABERCROMBIE) to revise and extend his remarks and include extraneous material:)

Mr. MENENDEZ, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARLOW, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CUNNINGHAM, on House Congressional Resolution 261.

Mr. ENGEL, during the special order of Mr. BILIRAKIS on July 19, 1994.

Mr. PORTER, during the special order of Mr. BILIRAKIS on July 19, 1994.

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous matter:)

Mrs. ROS-LEHTINEN.
Mr. PETRI.
Mr. TALENT.
Mr. BEREUTER.
Mr. STUMP.
Mr. SOLOMON.
Mr. THOMAS of Wyoming.
Mr. FIELDS of Texas in two instances.
Mr. CRANE.
Mr. KING in two instances.
Mrs. BENTLEY.
Mr. MANZULLO.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. FRANK of Massachusetts.
Mr. MANN.
Mr. MILLER of California.
Mr. FROST.
Mr. POSHARD in two instances.
Mr. MINETA.
Mr. GORDON.
Mr. CARR of Michigan in two instances.
Mrs. MALONEY.
Mr. HAMILTON.
Mr. FAZIO.
Mr. KLEIN.
Mr. HOYER.
Mr. ANDREWS of New Jersey.
Mr. VISCLOSKY.
Mr. KLECZKA.
Mr. BROOKS.
Mr. JACOBS.
Mr. STARK.
Mr. ANDREWS of Texas in two instances.
Mr. VALENTINE.
Mr. DOOLEY.
Mr. STUDDS.
Mr. RAHALL.
Mr. HOCHBRUECKNER.
Mr. BLACKWELL.
Ms. LAMBERT.
Mr. SERRANO.
Mr. BROWDER.
Mr. PETERSON of Florida.

(The following Member (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. TAUZIN.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. BILIRAKIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday July 20, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3539. A letter from the Director, Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1994–1999, pursuant to 31 U.S.C. 1106; to the Committee on Appropriations.

3540. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Examination of D.C. Housing Finance Agency's Expenditures for FY 1989 through FY 1992," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3541. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the District of Columbia Circuit, transmitting one opinion of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on the District of Columbia.

3542. A letter from the Assistant Secretary (Office of Policy), Department of Energy, transmitting the Department's report entitled, "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency," pursuant to Public Law 102–486, section 131(c) (106 Stat. 2837); to the Committee on Energy and Commerce.

3543. A letter from the Administrator, Federal Railroad Administration, transmitting the administration's report entitled, "Railroad Communications and Train Control"; to the Committee on Energy and Commerce.

3544. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 610(a) of the Foreign Assistance Act, as amended (the "Act"), to authorize that $3,812 million of funds made available for section 23 of the Arms Export Control Act for fiscal year 1994 be transferred to, and consolidated with, funds made available for Peacekeeping Operations [PKO] under section 551 of the act, and exercise his authority under section 614(a)(1) of the act to authorize the furnishing of $4,312 million in fiscal year 1994 PKO funds to provide assistance for sanctions enforcement against Serbia and Montenegro without regard to provisions of law within the scope of that section, including section 660 of the act, pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas in Colombia, however, because some political violence remains in Bogatá, the Post (Hardship) Differential was increased by a modest amount, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

3546. A letter from the Vice President, Farm Credit Bank of Springfield, transmitting the annual report of the group retirement plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3547. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled, "Collision Avoidance Systems" for fiscal year 1993, pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); to the Committee on Public Works and Transportation.

3548. A letter from the Secretary, Department of Energy, transmitting the 17th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science, Space, and Technology.

3549. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "Coast Guard Omnibus Act of 1994"; jointly, to the Committees on Merchant Marine and Fisheries, Armed Services, and Education and Labor.

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. CONYERS: Committee on Government Operations. Improving the Management of the Farmers Home Administration Single-Family Housing Portfolio Through Centralized Servicing and Mortgage Escrowing (Rept. 103-609). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Information Resources Management in a Reconfigured U.S. Department of Agriculture (Rept. 103-610). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. S. 473, An act to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes; with an amendment (Rept. 103-611, 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. BOUCHER (for himself, Mr. UPTON, and Mr. BONIOR):

H.R. 4779. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABO:

H.R. 4780. A bill to amend the Congressional Budget Act of 1974 to make section 313 (relating to extraneous matter in reconciliation legislation and popularly known as the Byrd rule) applicable to the Senate only; to the Committee on Rules.

By Mr. BROOKS (for himself and Mr. FISH):

H.R. 4781. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis, and for other purposes; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself and Mr. DORNAN):

H.R. 4782. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursed; to the Committee on Ways and Means.

By Mr. MARTINEZ:

H.R. 4783. A bill to establish the National Indian Research Institute; jointly, to the Committees on Natural Resources and Education and Labor.

By Mr. McCURDY:

H.R. 4784. A bill to modify the Mountain Park project in Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mrs. MINK of Hawaii:

H.R. 4785. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act) to require that contract work covered by the act which requires licensing be performed by a person who is so licensed; to the Committee on Education and Labor.

By Mr. PETRI:

H.R. 4786. A bill to convert into a requirement the option of States to deny aid to families with dependent children to unmarried minors not living at home or under adult supervision, and narrow the exceptions to the requirement, and to deem to a minor parent all income of the minor's parents who are living in the same home as the minor parent; to the Committee on Ways and Means.

By Mr. TORRES:

H.R. 4787. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Natural Resources.

By Mr. STUMP (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. RIDGE, Mr. SPENCE, Mr. HUTCHINSON, Mr. EVERETT, Mr. BUYER, Mr. QUINN, Mr. BACHUS of Alabama, Mr. LINDER, Mr. KING, and Mr. STEARNS):

H.R. 4788. A bill to amend title 38, United States Code, to reform and simplify criteria for eligibility for health care provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WAXMAN (for himself, Mr. UPTON, and Mr. RICHARDSON):

H.R. 4789. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT:

H.R. 4790. A bill to designate the U.S. courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. GRAMS (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. SOLOMON, Mr. STENHOLM, Mr. HASTERT, Mr. DEAL, Mr. STEARNS, Mr. TALENT, Mr. DREIER, Mr. SAXTON, Mr. KNOLLENBERG, Mr. INHOFE, Mr. ZIMMER, Mr. CALVERT, Mr. STUMP, Mr. TORKILDSEN, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BAKER of California, Mr. HORN, Mr. KING, Mr. LEWIS of Florida, Mrs. FOWLER, Mr. HANCOCK, Mr. LINDER, Mr. BARCIA of Michigan, and Mr. SMITH of Oregon):

H.R. 4791. A bill to establish Federal standards for the resolution of health care malpractice claims, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. LIVINGSTON, Mr. LEVY, Mr. SENSENBRENNER, Mr. McHUGH, Mr. CANADY, and Mr. PACKARD):

H.R. 4792. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4793. A bill to amend part A of title IV of the Social Security Act to offer States the option of replacing the Job Opportunities and Basic Skills Training [JOBS] program with a program that would assist all recipients of aid to families with dependent children in achieving self-sufficiency, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, and Agriculture.

By Mr. POMBO:

H.R. 4794. A bill to provide for expediting an investigation by the International Trade Commission by providing for the monitoring of the importation of tomatoes and peppers under certain circumstances; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4795. A bill to direct the President to establish national program to provide for coordination between Federal, State and local agencies, voluntary organizations, and private enterprise in order to encourage the public to eat a healthy diet; jointly, to the Committees on Agriculture, Energy and Commerce, and Education and Labor.

By Mr. BORSKI (for himself, Mr. BLACKWELL, Mr. CLINGER, Mr. COYNE, Mr. FOGLIETTA, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. HOLDEN, Mr. KANJORSKI, Mr. KLINK, Ms. MARGOLIES-MEZVINSKY, Mr. McDADE, Mr. McHALE, Mr. MURPHY, Mr. MURTHA, Mr. RIDGE, Mr. SHUSTER, Mr. WELDON, Mr. ABERCROMBIE, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BARRETT of Wisconsin, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BREWSTER, Mr. BROOKS, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. BRYNE, Mr. CALLAHAN, Mr. CALVERT, Ms. CANTWELL, Mr. CARR, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Ms. COLLINS of Michigan, Mr. CONYERS, Mr. COX, Mr. CRAMER, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DINGELL, Mr. DIXON, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. ENGEL, Ms. ENGLISH of Arizona, Mr. EVANS, Mr. EWING, Mr. FAZIO, Mr. FALEOMAVAEGA, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FISH, Mr. FLAKE, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLO, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GRAMS, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUGHES, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KINGSTON, Mr. KING, Mr. KLECZKA, Mr. KLEIN, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LAROCCO, Mr. LANCASTER, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LOWEY, Mrs. MALONEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCINNIS, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Ms. PELOSI, Mr. PORTER, Mr. POSHARD, Mr. QUILLEN, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. RAVENEL, Mr. REED, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SAWYER, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCOTT, Mr. SERRANO, Mr. SHARP, Mr. SISISKY, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SPRATT, Mr. SPENCE, Mr. STEARNS, Mr. STUPAK, Mr. TAUZIN, Mr. TEJEDA, Mr. THOMPSON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mr. WALSH, Mr. WASHINGTON, Mr. WATT, Mr. WAXMAN, Mr. WOLF, Mr. WYNN, Mr. YATES, Mr. YOUNG of Florida, Mr. YOUNG of Alaska):

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress that the Federal Government should develop a comprehensive program regarding natural disasters, require individuals and businesses in disaster prone areas to purchase insurance for natural disasters, and create a Federal reinsurance program to minimize the associated risks to insurance companies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS of Texas:

H. Con. Res. 268. Concurrent resolution to express the sense of the Congress that the United States should refrain from signing the seabed mining agreement relating to the Law of the Sea Treaty; to the Committee on Foreign Affairs.

By Mr. GOSS (for himself, Mr. GOODLATTE, Ms. DUNN, Mr. DOOLITTLE, Mr. LINDER, Mr. HORN, Mr. GRAMS, Mr. SAM JOHNSON, Mr. BACHUS of Alabama, Mr. THOMAS of Wyoming, Mr. KNOLLENBERG, Mr. SMITH of Texas, Mr. KYL, Mr. BAKER of California, Mr. HUTCHINSON, Mr. CANADY, Mr. BOEHNER, Mr. TALENT, Mr. WALKER, Mr. STEARNS, Mr. MILLER of Florida, Mr. MCCOLLUM, Mr. EWING, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. STUMP, Mr. ROTH, Mr. HERGER, Mr. LEWIS of Florida, Mr. WELDON, Mr. SCHAEFER, Mr. GRANDY, Mr. LIVINGSTON, Mr. GILMAN, and Mr. SHAW):

H. Con. Res. 269. Concurrent resolution concerning consideration of U.S. military action against Haiti; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to memorializing the President and the Congress to call for an expeditious review and final decision by U.S. Army Corps of Engineers and the EPA on dredging in New Jersey; to the Committee on Public Works and Transportation.

449. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Federal Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

450. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Internal Revenue Code to extend certain tax benefits to parents in order to strengthen family qualities; to the Committee on Ways and Means.

451. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Internal Revenue Code to modify the personal exemption to dependent children; to the Committee on Ways and Means.

452. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to national health reform; jointly, to the Committee on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKEY:

H.R. 4796. A bill for the relief of the estate of Wallace B. Sawyer, Jr.; to the Committee on the Judiciary.

By Mr. LANCASTER:

H.R. 4797. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for a hopper barge; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 4798. 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 *Spirit of the Pacific Northwest*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. HINCHEY.

H.R. 40: Mr. RANGEL and Mr. THOMPSON.

H.R. 345: Ms. MARGOLIES-MEZVINSKY.

H.R. 392: Ms. MARGOLIES-MEZVINSKY.

H.R. 402: Mr. DIAZ-BALART and Mr. LEVY.

H.R. 417: Mr. ROYCE.

H.R. 520: Mr. KLINK.

H.R. 636: Mr. MACHTLEY.

H.R. 642: Mrs. VUCANOVICH and Mr. DORNAN.

H.R. 749: Mr. KLINK.

H.R. 911: Mr. DEUTSCH.

H.R. 1043: Mr. KINGSTON.

H.R. 1080: Mr. COLLINS of Georgia.

H.R. 1164: Mr. MCHALE.

H.R. 1171: Mr. DEUTSCH.

H.R. 1293: Mr. ROTH.

H.R. 1482: Ms. MARGOLIES-MEZVINSKY.

H.R. 1500: Mr. BILBRAY and Mr. NEAL of North Carolina.

H.R. 1572: Mr. PAYNE of New Jersey.

H.R. 1737: Mr. HILLIARD.

H.R. 1852: Ms. MARGOLIES-MEZVINSKY.

H.R. 1853: Ms. MARGOLIES-MEZVINSKY.

H.R. 1857: Ms. MARGOLIES-MEZVINSKY.

H.R. 1859: Ms. MARGOLIES-MEZVINSKY.

H.R. 1877: Mr. OLVER.

H.R. 1968: Mr. DEUTSCH.

H.R. 2036: Ms. MARGOLIES-MEZVINSKY.

H.R. 2119: Mr. BROWN of California and Mr. LANTOS.

H.R. 2145: Mr. MARTINEZ, Mr. OBERSTAR, Mr. EMERSON, Mr. SWETT, Mr. RICHARDSON, and Mr. LAFALCE.

H.R. 2147: Mr. MILLER of California.

H.R. 2227: Mr. DEUTSCH.

H.R. 2286: Mr. ROYCE and Mr. NEAL of North Carolina.

H.R. 2292: Mr. BARLOW and Mrs. BYRNE.

H.R. 2586: Mr. GILMAN.

H.R. 2623: Mr. DOOLITTLE.

H.R. 2708: Mr. DARDEN and Mr. GINGRICH.

H.R. 2826: Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. ZIMMER, Mr. ROMERO-BARCELO, Ms. ROS-LEHTINEN, and Mr. GUTIERREZ.

H.R. 2873: Mr. DEAL.

H.R. 2985: Mr. SCHAEFER and Mr. LANTOS.

H.R. 3023: Mr. SLATTERY, Mr. WHITTEN, Mr. REGULA, Mr. Lucas, Mr. MCDERMOTT, Mr. MCINNIS, and Mr. MATSUI.

H.R. 3024: Mr. YOUNG of Alaska.

H.R. 3270: Mr. WYNN, Mr. DIXON, Mr. EDWARDS of Texas, Mr. FOGLIETTA, Mr. SISISKY, and Mr. WASHINGTON.

H.R. 3367: Mr. ENGEL.

H.R. 3392: Mr. INSLEE and Mr. LUCAS.

H.R. 3472: Mr. BARRETT of Nebraska.

H.R. 3492: Mr. BROWDER, Mr. FILNER, Mr. DELAY, Mrs. THURMAN, Mr. DICKEY, Mr. DICKS, Mr. DOOLEY, Mr. WYDEN, Mr. SCHUMER, Mr. HOYER, Mr. KILDEE, Mr. KREIDLER, Mr. LAROCCO, Mr. MENENDEZ, Mr. ROSE, Mr. SABO, Mr. SAWYER, Mr. MOAKLEY, Mr. NEAL of North Carolina, Mr. CRANE, and Mrs. MINK of Hawaii.

H.R. 3513: Ms. MARGOLIES-MEZVINSKY.

H.R. 3546: Mr. GRANDY.

H.R. 3645: Mr. MACHTLEY and Mr. ROTH.

H.R. 3668: Mr. SERRANO, Mr. FOGLIETTA, Mr. ENGEL, Mr. FROST.

H.R. 3694: Mr. WILLIAMS, Mr. MINETA, and Mr. LEWIS of Florida.

H.R. 3722: Mr. CANADY and Mr. EHLERS.

H.R. 3725: Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. LIVINGSTON, Mr. MILLER OF FLORIDA, AND MR. BLUTE.

H.R. 3762: Mr. CALVERT.

H.R. 3772: Ms. MARGOLIES-MEZVINSKY.

H.R. 3795: Mr. LEWIS of Florida and Mr. CRANE.

H.R. 3814: Mr. ROYCE.

H.R. 3951: Mr. STUMP, Mr. KLUG, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KYL, Mr. DICKEY, and Mr. TALENT.

H.R. 3971: Mr. HUTCHINSON, Mr. MCCOLLUM, and Mr. CALVERT.

H.R. 3990: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLEIN, Ms. SCHENK, Mrs. THURMAN, and Mr. TRAFICANT.

H.R. 4036: Ms. LOWEY and Mr. ZIMMER.

H.R. 4050: Mr. WISE, Mr. CLYBURN, and Mr. CONYERS.

H.R. 4051: Mr. ABERCROMBIE, Mr. KOPETSKI, Mr. ACKERMAN, and Mr. BROWN of Ohio.

H.R. 4053: Mr. BROWN of California and Mr. LANTOS.

H.R. 4054: Mr. BROWN of California and Mr. LANTOS.

H.R. 4057: Mrs. BYRNE and Mr. COOPER.

H.R. 4074: Mr. CRAMER, Mr. BROWDER, Mr. BALLENGER, Mr. BORSKI, Mr. DARDEN, Mr. ENGEL, and Mr. CRANE.

H.R. 4091: Mr. SHAYS and Mr. BARRETT of Wisconsin.

H.R. 4095: Mr. GREENWOOD.

H.R. 4129: Mr. JEFFERSON, Mr. DELLUMS, Mr. HAMBURG, Mr. FIELDS of Louisiana, and Mr. SCOTT.

H.R. 4133: Mr. PETERSON of Florida.

H.R. 4161: Ms. MOLINARI.

H.R. 4233: Mr. JOHNSTON of Florida.

H.R. 4271: Ms. MCKINNEY.

H.R. 4318: Mr. MINETA and Mr. FARR of California.

H.R. 4393: Mr. MARTINEZ.

H.R. 4399: Mr. LEWIS of Georgia.

H.R. 4411: Mr. OBEY and Mr. HILLIARD.

H.R. 4413: Mr. CLEMENT, Mr. COOPER, Mr. HILLIARD, and Mr. FROST.

H.R. 4497: Mr. GRANDY, Mr. KIM, Mr. PICKLE, Mr. PETRI, Mr. PENNY, Mr. HOLDEN, Mr. WALSH, Mr. KLUG, Mr. MCINNIS, Mr. HORN, Mr. MANZULLO, Mr. LIGHTFOOT, Mr. OBERSTAR, Mr. MICHEL, Mr. ORTON, Mr. HOCHBRUECKNER, Mr. INGLIS of South Carolina, Mr. CALVERT, Mr. HUGHES, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. BARCA of Wisconsin, Mr. COYNE, Mr. SISISKY, Mr. JACOBS, Mr. MINGE, and Mr. NEAL of Massachusetts.

H.R. 4507: Mr. GREENWOOD.

H.R. 4514: Mr. RAHALL, Mr. COLEMAN, Mr. TORRICELLI, and Mr. PAYNE of New Jersey.

H.R. 4517: Mr. HOLDEN.

H.R. 4527: Mr. STEARNS, Mr. GOODLING, Mr. INGLIS of South Carolina, Mr. COLEMAN, and Mr. CHAPMAN.

H.R. 4570: Mr. VALENTINE and Mr. CLYBURN.

H.R. 4702: Mr. SHUSTER, Mr. GEKAS, Mr. RIDGE, Mr. GUNDERSON, Mr. LIPINSKI, Mr. LIVINGSTON, and Mr. ROMERO-BARCELÓ.

H.R. 4737: Ms. WOOLSEY, Mr. YATES, and Mr. MILLER of California.

H.J. Res. 45: Mr. HAYES.

H.J. Res. 90: Mrs. KENNELLY, Mr. GALLEGLY, Mr. TAYLOR of Mississippi, Ms. CANTWELL, Mr. PASTOR, Mr. GEKAS, and Ms. MARGOLIES-MEZVINSKY.

H.J. Res. 256: Mr. YOUNG of Alaska.

H.J. Res. 332: Mr. HASTERT, Mr. PARKER, Mr. MILLER of Florida, Mr. LEVY, Mr. TOWNS, Mr. ACKERMAN, Mr. HEFNER, Mr. ROYCE, Mr. HAMBURG, Mr. KILDEE, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. BORSKI, Mr. KLINK, Mr. MICHEL, Mr. SMITH of Texas, Mr. HYDE, Mr. FAZIO, Mr. SHUSTER, Mr. NEAL of North Carolina, Mr. COOPER, Mr. VOLKMER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. EMERSON, Mr. BROWN of California, Mr. GREENWOOD, Mr. DEFAZIO, Mr. FLAKE, Mr. APPLEGATE, Mr. INHOFE, Ms. SLAUGHTER, Mr. SISISKY, Mr. COLEMAN, Mr. ENGEL, and Mr. UPTON.

H.J. Res. 338: Mr. KLECZKA, Mr. DICKEY, Mr. WASHINGTON, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. CALLAHAN, Mr. GLICKMAN, Mr. ROBERTS, and Mr. YOUNG of Florida.

H.J. Res. 343: Mr. BARRETT of Wisconsin.

H.J. Res. 347: Mr. DEUTSCH, Mr. EDWARDS of California, Mr. SCHIFF, Mr. LIVINGSTON, Mr. YOUNG of Florida, and Mr. SHAW.

H.J. Res. 358: Mr. SPRATT and Mr. SPENCE.

H.J. Res. 362: Mr. EMERSON.

H.J. Res. 374: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLEIN, Mr. LAFALCE, Mr. THOMPSON, of Mississippi, Mr. PETERSON of Florida, Mr. BARCIA of Michigan, Mr. APPLEGATE, Mr. SHUSTER, Mr. VISCLOSKY, Mrs. MEEK of Florida, Ms. ENGLISH of Arizona, Mr. BARRETT of Wisconsin, Mrs. BYRNE, Mr. SAWYER, Mr. FORD of Michigan, Mr. KILDEE, Mr. KLECZKA, Mr. TANNER, Ms. LOWEY, Mr. HOLDEN, Mr. KLINK, Mr. BROWN of Ohio, Mr. MCCLOSKEY, Mr. COSTELLO, Mr. SANGMEISTER, Mr. SKELTON, Mr. PETE GEREN of Texas, Mr. PAYNE of Virginia, Mr. CLYBURN, Mr. FARR, of California, Mr. FAZIO, Mr. KINGSTON, Mr. DEAL, Mr. CONDIT, Mr. SISISKY, Mr. COLEMAN, Mr. STUDDS, Mr. TAYLOR of Mississippi, Mr. BILBRAY, Mr. QUINN, Mr. CASTLE, Mr. PORTMAN, Mr. BORSKI, Mr. HINCHEY, Mr. GILMAN, Ms. FURSE, Mrs. UNSOELD, Mr. KENNEDY, Mr. BARCA of Wisconsin, Mr. LEWIS of Georgia, Mr. HAMBURG, Mr. PASTOR, Mr. MFUME, Mr. WATT, Mr. BECERRA, Mr. POSHARD, Ms. ROYBAL-ALLARD, and Ms. LAMBERT.

H.J. Res. 381: Mr. MANN, Mr. LEVY, Ms. SLAUGHTER, Mr. FROST, Mr. HUGHES, Mr. MCDERMOTT, Mr. ZIMMER, and Mrs. MEEK of Florida.

H.J. Res. 388: Mr. GILMAN, Mr. MARTINEZ, Mr. MCCLOSKEY, and Mr. BEREUTER.

H. Con. Res. 3: Mr. PAXON.

H. Con. Res. 127: Mr. SAWYER.

H. Con. Res. 148: Mrs. COLLINS of Illinois and Mr. PORTMAN.

H. Con. Res. 166: Mr. SCHIFF, Mr. ZIMMER, Ms. Lowey, and Mr. BERMAN.

H. Con. Res. 181: Mr. BILBRAY, Mr. RAHALL, Mr. FROST, Mr. GLICKMAN, Mr. LIPINSKI, Mr. BATEMAN, Mr. GREENWOOD, Mr. PRICE of North Carolina, Mr. CALVERT, Mr. BEILENSON, Ms. BROWN of Florida, and Mr. PALLONE.

H. Con. Res. 243: Mr. BACCHUS of Florida and Mr. SYNAR.

H. Con. Res. 247: Mr. BROWN of California, Mr. DINGELL, Mr. CARDIN, Mr. WYNN, Mrs. MALONEY, Mr. FRANKS of New Jersey, Ms. NORTON, Mr. MANTON, and Mr. LANTOS.

H. Con. Res. 254: Mr. LIPINSKI, Mr. SANGMEISTER, and Ms. LOWEY.

H. Con. Res. 256: Mr. GUNDERSON, Mr. PETRI, and Mr. EHLERS.

H. Con. Res. 261: Mr. CUNNINGHAM.

H. Con. Res. 264: Mr. BALLENGER, Mr. MCCOLLUM, Mrs. ROUKEMA, and Mr. SOLOMON.

H. Res. 247: Mr. HOKE and Mr. BILIRAKIS.

H. Res. 432: Ms. MARGOLIES-MEZVINSKY, Mr. FRANK of Massachusetts, Mr. DELLUMS, and Mr. MORAN.

H. Res. 453: Mr. HALL of Ohio, Mr. DELLUMS, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. HILLIARD, Mr. THOMPSON, Mr. CLAY, Mr. MCCLOSKEY, Mr. REYNOLDS, Mr. RIDGE, Mr. FOGLIETTA, Mr. CLYBURN, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. ENGEL, Mr. PAYNE of New Jersey, Mr. GEJDENSON, Mr. MINGE, Mr. SCHIFF, Mr. WYNN, Mr. WOLF, Mr. BERMAN, Mr. SHAYS, Mr. WASHINGTON, Mr. DEUTSCH, Mr. EVANS, Mr. WILSON, Ms. SLAUGHTER, Mr. ANDREWS of Maine, Mr. BROWN of California, and Ms. FURSE.

H. Res. 472: Mr. LIVINGSTON, Mr. ALLARD, Mr. SOLOMON, Mr. BLUTE, Mr. SCHAEFER, Mr. BOEHNER, Mr. KNOLLENBERG, Mr. HOEKSTRA, Mr. EMERSON, Mr. DORNAN, Mrs. JOHNSON of Connecticut, Mr. LAZIO, and Mr. PENNY.

H. Res 476: Mr. MCCLOSKEY, Mr. GILMAN, Mr. SOLOMON, Mrs. LLOYD, Mr. SMITH of New Jersey, Mr. CRAMER, and Mr. HUGHES.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. ABERCROMBIE:

—At the end of the bill, add the following new title (and conform the table of contents accordingly):

TITLE —TRANSPORTATION OF NUCLEAR MATERIALS

SEC. . TRANSSHIPMENT OF HIGH-LEVEL RADIOACTIVE WASTE [HLRW] THROUGH UNITED STATES PORTS.

(a) DENIAL OF PORT PRIVILEGES.—Notwithstanding any other provision of law, no vessel in transit from a foreign nation to a foreign nation which is transporting HLRW shall be permitted entry, even under emergency circumstances, to any place in the United States and to the navigable waters of the United States, unless the container for such HLRW is certified as safe by the U.S. Nuclear Regulatory Commission in accordance with subsection (b).

(b) RESPONSIBILITIES OF THE NUCLEAR REGULATORY COMMISSION.—

(1) DETERMINATION OF SAFETY.—The Nuclear Regulatory Commission shall determine whether the container referred to in subsection (a) is safe for use in transporting of HLRW by vessel and transmit to Congress a certification for the purpose of such subsection in the case of each type of container determined to be safe.

(2) TESTING.—In order to make a determination with respect to a container under paragraph (1), the Nuclear Regulatory Commission shall test such container, to the fullest extent possible, under conditions approximating a maximum credible accident involving collision, fire and sinking, based upon actual worst case maritime accident experience.

(3) LIMITATION.—The Nuclear Regulatory Commission may not certify under this section that a container is safe for use in the transportation of HLRW by vessel if the container ruptured or released any of its contents during tests conducted in accordance with paragraph (2).

(4) EVALUATION.—The Nuclear Regulatory Commission shall evaluate the container certification required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) and all other applicable law.

(c) CONTENTS OF CERTIFICATION.—A certification referred to in subsection (a) with respect to a container shall include—

(1) the determination of the Nuclear Regulatory Commission as to the safety of such container;

(2) a statement that the requirements of subsection (b)(2) were satisfied in the testing of such container; and

(3) a statement that the container did not rupture or release any of its contents into the environment during testing.

(d) DESIGN OF TESTING PROCEDURES.—In designing the tests required by subsection (b), the Nuclear Regulatory Commission shall—

(1) convene an independent scientific panel of marine safety experts, a majority of whom shall be representatives of the Coast Guard and National Transportation Safety Board, to assist in (A) the definition of a maximum credible accident involving HLRW transport based upon a survey of maritime accidents and an assessment of the most severe conditions under which such accidents have occurred and (B) the design of appropriate test procedures to replicate such conditions;

(2) provide for public notice of the proposed definition and test procedures;

(3) provide a reasonable opportunity for public comment on such definition and procedures; and

(4) consider such comments, if any, before making its final determination with respect to such definition and procedures.

(e) TESTING RESULTS: REPORTS AND PUBLIC DISCLOSURE.—The Nuclear Regulatory Commission shall transmit to Congress a report on the results of each test conducted under this section and shall make such results available to the public.

(f) INAPPLICABILITY TO MEDICAL DEVICES.—Subsections (a) through (c) shall not apply with respect to HLRW in any form contained in a medical device designed for individual human application.

(g) INAPPLICABILITY TO MILITARY USES.—subsections (a) through (c) shall not apply to HLRW in the form of nuclear weapons or to other shipments of HLRW determined by the Department of Energy to be directly connected with the United States national security or defense programs.

(h) PAYMENT OF COSTS.—All costs incurred by the Nuclear Regulatory Commission associated with the testing program required by this section, and administrative costs related thereto, shall be reimbursed to the Nuclear Regulatory Commission by any foreign country receiving HLRW shipped through the United States in containers specified by the Commission.

(i) DEFINITION.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

(j) DEFINITION.—For the purposes of this Act, "high-level radioactive waste" means "high-level radioactive waste" as defined in Section 2(12) of the Nuclear Waste Policy Act of 1982 (P.L. 97–425).

EXTENSIONS OF REMARKS

USING TAX REFORM TO CURE THE AILING HEALTH CARE SYSTEM

HON. MICHAEL A. ANDREWS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. ANDREWS of Texas. Mr. Speaker, we are on the brink of the most important legislative reform of the century. At the request of the President, Congress is close to passing a comprehensive health care reform package. This reform package has a number of complex and important goals. The two central goals of the package are to, first, extend to all Americans the right to obtain health care. And next, to take on the ever-increasing problem facing health care: sky-rocketing cost. The trick is to do both without destroying the highest quality medical care in the world.

To achieve these goals, Congress is faced with some tough choices. After attempting to formulate a national health care plan under nearly 10 different Presidents, we have come to the end of a long journey, only to be faced with yet a final divide in our path. While both of these paths seem to lead to the same outcome, they travel vastly different directions.

Our two choices consist of the following: We can continue down the road of free competition that espouses the entrepreneurial American spirit, or we can reverse our history and institute a centralized, regulated system that builds in inefficiency and developmental stagnation. In every instance, in every country that has attempted to implement a centrally planned economy, the final outcome has been disaster. On the other hand, by depending on the free market system, our country has grown into the most powerful Nation in the world. Our innovation and technological development have continued to lead the world for decades, in every market segment.

This is especially true of the health care industry. Our entrepreneurial spirit has led to the development of lifesaving drugs, procedures, and medical devices. In my home district of Houston, our medical center is one of the best in the world. The Texas Heart Institute is the world leader in heart surgery, and in the development of artificial heart research. In fact, a recent article in U.S. News and World Report ranked M.D. Anderson Hospital as one of the Nation's top hospitals. These advances would not be possible under a Government-run, centrally planned system. I, for one, am not willing to threaten our current research and development programs and simply administer the current technology levels to our citizens. Why change the portion of our system that works?

While the current health care system encourages technology and new innovative procedures, it also discourages thrifty application. The central cause of this inefficiency in the present system is the process we use to purchase our health care. For those that can afford to purchase health insurance, they usually do so through their employers. Many employers pay about 80 percent of the cost, while the employee pays the remaining 20 percent. A large number of employers cover the entire cost of their employees health insurance. Since the cost to the employee is slight, and since employees are sheltered from the true difference in cost among plans, they are encouraged to obtain as much coverage as possible. If employers and employees are willing to purchase the most expensive health plans, providers respond by raising their prices and offering cadillac health plans. Under this system, no one is fully aware of the cost of the plan. Employees are shielded, employers are shielded, and plans are free to increase prices. Thus, the cost of health care is much higher than it should be, since there are no rewards for providers to lower their prices.

To create the proper incentive for employees and employers, the pricing of health plans should be adjusted to allow individuals to pocket the difference if they purchase low-cost plans, which would subsequently encourage providers to lower cost in order to keep their market share. Consumers who chose to pay more for health care coverage would expect better service for the added cost. Thus, consumers would have the incentive to join a health plan that effectively manages their costs, while those plans that were not efficient and performed poorly in providing services would lose customers and go out of business.

One proposal by Senator BRADLEY corrects the incentive structure in the purchasing of health plans. Senator BRADLEY's plan imposes an excise tax on high-cost health insurance premiums. By applying this tax only to the high-cost plans, this proposal helps to achieve a balance in the incentive structure for purchasing health care. The current Internal Revenue Code rewards wealthy people who have higher marginal tax rates and more expensive benefits. By adopting an equalizing measure such as Senator BRADLEY's, we can reduce the cost of subsidizing the wealthy and save the Treasury billions each year. This savings could be used to help finance subsidies for poor people to help achieve the other goal of our health reform package: universal coverage.

Therefore, by restructuring the pricing of health plans to encourage consumers to purchase more efficient plans, we can effectively reduce the costs of health care, while at the same time provide a subsidy for those who are unable to afford health care. This proposal is not a new suggestion; in fact, it has been under consideration for some time.

The 1980 National Health Care Reform Act proposed by Representatives GEPHARDT and Stockman included a similar provision as a central component. Other proponents have included Senator CHAFEE, and Representatives COOPER and GRANDY. We all recognize the perverse incentive structure embedded in the present Tax Code on our health care system, but we have failed to remedy the problem in previous reform efforts. For example, the current bill reported by the Committee on Ways and Means has provisions that call for employer defined contributions of 80 percent of three categories of different plans, thus subsidizing the high-cost category plan more than the low-cost categories. Under this arrangement, employees are rewarded with a larger employer contributions for choosing the more expensive plan. We must stop such inefficient decisionmaking.

I encourage all Members to make the tough choices that will enable us to reform the health care system by providing universal coverage and correcting the incentive structure in the health care system. Let's keep the principles of market competition as a central component of our economy and our health care system.

[From the Washington Post, July 13, 1994]

HEALTH CARE TAX REFORM

One of the stronger provisions in the health care bill the Senate Finance Committee approved earlier this month was an amendment by Sen. Bill Bradley. The excise tax on high-cost health insurance premiums is a blend of tax reform and health care cost containment—an effort to use the one to achieve the other.

It would limit or counter a basic tax break that favors the better-off and would use the money instead to help buy health insurance for the poor. That's a good exchange, and the measure would also have the virtue of discouraging people from buying more care than they need by raising its price. The proposal could be more sharply designed, as Mr. Bradley himself would concede, but it points in the right direction. Health care reform can only succeed if accompanied by cost containment. If Congress decides to rely on competitive forces instead of government controls to hold down costs, this will make the competition keener. Who's not for that?

Current tax law heavily subsidizes employer-paid health insurance. Employees don't have to count the employer-paid premiums as taxable income, even though the premiums are as much a part of their compensation as their pay. Organized labor particularly loves the exclusion, which it helped build at the bargaining table into the third-largest federal health care program, after Medicare and Medicaid. That's one of the reasons there's little enthusiasm for attacking it; it's the tax version of an entitlement. But it costs the Treasury more than $50 billion in lost income tax a year, and at least in its present form it's bad tax policy. As a matter of equity, all forms of income ought to be equally taxed—as labor itself has often been first to argue.

The case for narrowing the exclusion is all the stronger because, on average, the greater savings go to the better-off. They tend to have more generous insurance—more dollars per household excluded from tax—and each dollar of exclusion is worth more to them because they face higher tax rates. The exclusion produces inequities within income classes as well. Two households with similar incomes will pay different taxes because one

receives part of its income in the form of health insurance premiums that are exempt from tax and the other does not.

The exclusion affects health care costs by making them even more surreal. The employee is doubly cushioned against them because the government joins the employer in paying them. Why bother to economize in a case like that?

Critics of the exclusion have urged that it be capped. At tax time, any employer-paid premiums over a certain amount would have to be counted as income. Taxpayers would be reminded of the cost of their care and given an annual incentive to control it. For political reasons, Sen. Bradley chose not to attack the exclusion directly and raise the tax of individuals. Rather, he would go at it obliquely and impose the tax on insurance companies. That would muffle the effect a little. But over time it would still likely make the buyers of high-priced care more cost-conscious.

Current federal policy blurs the cost of health insurance. The higher the cost, the greater the blur. Mr. Bradley would take a modest first step toward turning that around. Why not?

IN HONOR OF DR. JAMES TURNER OF MARSHALL, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. POSHARD. Mr. Speaker, I rise today to recognize Dr. James Turner, a distinguished physician from my district. Dr. Turner has served the people of the 19th District as a family practitioner at Cork Medical Center in Marshall, IL since finishing his residency 5 years ago. I believe Dr. Turner's commitment to providing quality health care to a rural community sets an example to those involved in reforming our Nation's health care system.

Recently I held a number of town meetings in my district to discuss health care reform and the possible effects it may have on providing medical services to a majority of my constituents who live in rural communities. These very enlightening and informative meetings reinforced that any health care package Congress passes must protect and provide health care services to those Americans who live and work in rural settings.

I would like to honor Dr. Turner's fine work and commitment to providing the people of my district with quality health care services by including in the CONGRESSIONAL RECORD an article published about Dr. Turner and his work as a rural physician. As Congress continues to examine ways in which to reform our current health care system, Dr. Turner is an example of what is right with the existing system. The dedication and compassion he gives to his profession is truly an inspiration to all of us.

A DAY IN THE LIFE OF A FAMILY PRACTICE PHYSICIAN

Before James Turner, D.O., has an opportunity to sit at his desk and before his "office hours" officially begin, his nurse approaches him. "Doctor, are you available to see a patient?"

The patient has a piece of metal in his eye. Dr. Turner extracts it. Before he finishes with the early bird, another patient is waiting.

The day has begun at Cork Medical Center in Marshall, Illinois, for Dr. Turner, a family practitioner.

"Eighty percent of medical school students start out as primary care physicians," says Dr. Turner during a brief break, "but as medical students are exposed to high technology, interest dwindles in primary care.

"After all," Dr. Turner says, "We're not very glamorous. We practice basic meat and potatoes medicine." Evidenced by his next patient, a 3-year-old, who is ill. He discusses a recent fall the child had and related similar stories to the girl's mother about his sons.

In another room, nicknamed the "Antique Room" for its motif, he interviews a young pregnant woman. The interview begins: "This is your baby, I'm just here to help." After the unhurried conversation, he's off to another patient.

Each time Dr. Turner exits one of his three exam rooms where he treats 40 patients daily, the phone in the hallway is ringing. Dr. Turner answers, and talks with one of the approximately 100 patients, Union Hospital personnel or physicians he will field calls from during the day. He talks about illnesses, and spends time referring callers and patients to Union Hospital and other areas at Cork Medical Center.

Cork Medical Center is a multi-physician practice at 410 North Second Street in Marshall, a rural community in Clark County with a population of approximately 3,300. Physicians at the center are family practitioners George T. Mitchell, M.D., Steven Macke, M.D., and David Davis, M.D. Richard T. Kirsten is the center's optometrist. Other services are provided at the center include physical and speech therapy, x-ray lab services and prenatal education.

"I was originally interested in emergency medicine," he said. "As I progressed through medical school, I realized I enjoyed people and their families. Emergency medicine didn't provide an avenue for that. Now, I get a chance to watch the family grow and I can work with them on a more personal basis. Sometimes it's emotionally difficult, but it's very fulfilling. You develop a certain bond with the family."

DO RURAL PHYSICIANS HAVE A LIFE?

A major question for many physicians entering primary care, especially in a rural setting, is "Will I have a life?" A good consideration, especially since Dr. Turner is enormously busy. But for a family practitioner, it's just an average day. "We take care of everybody," says Dr. Turner. "It definitely keeps me busy."

When he's not at the office, he sometimes gives annual physicals to large groups of children—sometimes in school—or is out making house calls. "Yes, we still make house calls," he says. "Sometimes it's necessary because the people cannot get out. They must be cared for."

He also emphasizes, "A birth can come at any time, which can turn anybody's schedule topsy turvy." He had at least 20 expectant mothers due in August and September.

"You can have a life, but you have to be organized," Dr. Turner says. He exercises regularly, coaches Little League and spends as much time as possible with his family. "You have to draw the line with work," he says. This evening, his "line" is 4:30 p.m. so he can make it to a Little League game.

"It's easy to take on everyone else's family and forget your own. You have to push, but you can get all of it in." He demonstrates this by calling the Pacers basketball team ticket office in Indianapolis. "One of my boys wants to see Indiana play Charlotte," he says, cupping his hand over the mouthpiece. He finds out the Pacers aren't as organized as he is; he can't buy tickets yet for any of the Pacers' home games.

During the day, he periodically checks his desk, looks over charts, completes dictation, makes notes and signs forms. "The paperwork can literally choke you. But it has to be done." He gets up quickly, and is off again to see more patients.

And after the day at the office is done, if necessary, he goes back to Union Hospital to look in on any patients he's keeping an especially close eye on. "Family practitioners are the patients' anchor. When they go to the hospital, they know us. We speak in common language to them about their condition. We stay with them through their entire hospital experience." In an average evening, he will go home to receive about five phone calls from patients and the hospital.

Among the din of the ever-ringing phone, the worried mothers and the sick children, there is Dr. Turner, and other family practitioners like him, moving from exam room to exam room. He treats his patients, unhurriedly, whether it's physicals en masse at a public school or a house call to a patient who cannot get to his office.

"It's a very demanding occupation," says Dr. Turner. "But I love helping people. Being a family physician is something you have to love to do well."

TRIBUTE TO MICHAEL HANDLEY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. CARR of Michigan. Mr. Speaker, I rise today to pay tribute to Michael Handley, a man who's record of hard work and dedication to his family, the state of Michigan, and the Communications Workers of America is an inspiration to us all.

Michael began his union career in the early 1950's working in Knoxville, TN. Since then he has served as president of Local 3805, president of the Knoxville Area Central Labor Council, assistant vice president for CWA District 3, Michigan director of the CWA, and vice president of CWA District 4.

Michael has given to our State through hours of community service. He has served on the Michigan State AFL–CIO Executive Board, the Greater Detroit Area Hospital Board, the Detroit United Fund, and the Michigan Air Pollution Control Board.

In addition to all the work Michael has done for his union and the State of Michigan, Michael is a devoted husband and father of three sons. Those of us who are familiar with the contributions he has made in his 40 years of service will be sorry to see him retire. His leadership will be missed.

Mr. Speaker, it is entirely fitting that the U.S. House of Representatives honor outstanding individuals like Michael Handley. Please join me in wishing him and his family continued success and a happy retirement.

INDIANA'S ROLE IN PARTNERSHIP FOR PEACE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. HAMILTON. Mr. Speaker, last year President Clinton unveiled the Partnership for Peace Program [PFP] to build security ties between NATO and the new democracies of Central and Eastern Europe.

An integral component of the Partnership for Peace Program is the National Guard State Partnership Program. The State Partnership Program links selected U.S. National Guard units with the Defense Ministries of PFP participating countries in an effort to provide military support to civil authorities in response to civil emergencies.

The National Guard State Partnership Program also serves to cement people-to-people relationships between the citizen soldiers of the United States and the military establishments of the emerging democracies of Central and Eastern Europe. In so doing, the State Partnership Program exposes PFP participants to grass roots America. This experience further strengthens the cause of democracy building among members of the former Warsaw Pact.

To date, fourteen countries in Central and Eastern Europe have entered the National Guard State Partnership Program. One of the most successful programs to date is the Indiana-Slovakia State Partnership.

In this regard, I would like to bring to my colleague's attention 3 brief documents: a short description of the National Guard State Partnership Program; a summary of the Indiana-Slovakia State Partnership program; and a list of partnership states.

SUBJECT: SUPPORTING EMERGING DEMOCRACIES—THE ROLE OF THE NATIONAL GUARD AND RESERVES

1. As part of the U.S. military outreach to the nations of Central and Eastern Europe, and with Interagency Working Group approval, National Guardsmen, Army Reservists and other Reserve Component personnel are serving throughout the region to advise and assist nations in their transition to citizen-based, military organizations. The effort emphasizes the proper role of the military in a democracy, military subordination to civilian control and military support to civil authorities. The U.S. Reserve Components are seen as compelling role models for a capable yet cost-effective military structure.

2. Through resident Liaison Teams and short-term Traveling Contact Teams, the program provides non-lethal assistance and advice focused on building democratic military institutions with peacetime utility in support of civilian authorities. Training in warfighting skills is specifically prohibited. Assistance in such areas as disaster response, civil emergencies and humanitarian assistance is stressed.

3. As proven during the Gulf War, "when you bring the Guard and Reserve, you bring America." The Reserve Components consist of more than a million Americans serving in over 4,000 locations across the United States. It is part of the fabric of hometown USA. Involving National Guard and Reserve personnel, their families, communities and civilian institutions in bolstering democratic institutions in emerging democracies is one way of providing quality expertise at a reasonable cost while directly involving the American people in the effort.

4. Under the "National Guard State Partnership Program," formal "State Partnerships" are now being developed between the National Guards of selected States and the Ministries of Defense in many of these nations. The purpose is to encourage long term institutional and people-to-people linkages and to cement sustained relationships that can extend well beyond military matters. Through such innovations, the National Guard in each State, supported by Army Reserve, Air Force Reserve and other U.S. Reserve Component personnel, can be the key link in providing a "Bridge to America" to encourage consensus support of this vital national security program. Such activities "Add Value to America and America's Role in the World" by providing a role model of a community-based national defense force while helping everyday Americans contribute directly to building free and democratic societies.

INDIANA-SLOVAKIA STATE PARTNERSHIP

The "National Guard State Partnership Program" currently hosts state partnerships with fourteen (14) countries throughout central and eastern Europe. The purpose of these partnerships is to help the militaries of these countries transition to democratic institutions, working under civilian authority. Of these, the Indiana-Slovakia partnership is a rising star. Following the approval for the Interagency Working Group (IWG), and the approval of the U.S. Ambassador, the National Guard of Indiana initiated its first contact with Slovakia. The first event was the arrival of a traveling contact team (TCT) in Bratislava, a group designed to present the "Partnership Program" to the Slovak government, formalize the relationship, and initiate this critical step to democracy. As recently as mid-May, an Indiana National Guard Colonel was assigned to lead a Military Liaison Team, a planning cell, working with the Slovak Ministry of Defense, to determine the civil-military needs insuring their transition to a democratic society. The recent developments associated with this particular partnership mark the beginning of what has proven to be a rapidly developing process of cooperation between the state and its partner nations. Developments and events planned for the coming months will involve the civilian and military leaders of Slovakia and build an enduring relationship with grass roots America, the citizens and citizen-soldiers of Indiana.

PARTNERSHIP STATES

Alabama—Romania.

Arizona—Kazakhstan.

California—Ukraine.

Colorado—Slovenia.

Illinois—Poland.

Indiana—Slovakia.

Maryland—Estonia.

Michigan—Latvia.

Ohio—Hungary.

Pennsylvania—Lithuania.

South Carolina—Albania.

Tennessee—Bulgaria.

Texas—Czech Republic.

Utah—Belarus.

SOCIAL SECURITY, THE BUDGET PROCESS AND ENTITLEMENT RECONCILIATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. SOLOMON. Mr. Speaker, later this week the House will take up H.R. 4604, the so-called Budget Control Act of 1994. That bill requires the President to establish entitlement spending targets for fiscal years 1994–97, and requires Presidential recommendations and congressional action on special reconciliation legislation to either address any breach of those targets or to raise the targets.

The question has been raised as to whether the act applies to Social Security, notwithstanding the current off-budget treatment of the Social Security trust fund receipts and outlays and prohibition on including any changes in Social Security through reconciliation legislation.

It is our position, as expressed in the minority views on the bill (H. Rept. 103–602, pt. 1, pp. 13–14), that this does indeed put Social Security back on budget for purposes of calculating overall entitlement targets for each year and for addressing any target overruns through special direct spending reconciliation legislation. The only direct spending exempted from the targets under the bill are net interest and deposit insurance.

While there may be some legitimate differences in statutory interpretation as to whether Social Security should be included in the mix of direct spending targets and legislation, the fact is that the President has already included Social Security under the targets on three separate occasions—in his initial targets on September 3, 1993, in his adjusted targets in his January, 1995 budget, and in his midsession economic review issued this month.

This has all been done pursuant to the President's Executive Order 12857 issued on August 4, 1993, which contains language identical to that of H.R. 4604.

Under section 2 of the Executive order:

The initial direct spending targets for each of fiscal years 1994–1997 shall include shall equal total outlays for all direct spending except net interest and deposit insurance as determined by the Director of the Office of Management and Budget.

Under section 3 of the Executive order:

As part of each budget submitted under section 1105(a) of title 31, United States Code, the Director shall provide an annual review of direct spending and receipts.

Under section 6 of the Executive order of the Director of OMB shall adjust the direct spending targets prior to the submission of the President's budget for each of fiscal years 1995 to 1997. If the projected outlays exceed the targets, section 4 of the Executive order requires that the Director of OMB "shall include in the budget a special direct spending message" which includes certain information on direct spending together with the President's recommendations for addressing the target overruns.

Mr. Speaker, the inclusion of Social Security in the President's 1995 budget as part of the

new direct spending targets it would seem to be at odds with section 13301 of the Budget Enforcement Act of 1990 which provides for the "off-budget status of OASDI Trust Funds." That section specifically prohibits the inclusion of the Social Security trust fund receipts and outlays in the President's budget or in the congressional budget for purposes of calculating new budget authority, outlays, receipts or deficits or surpluses. However, it can be argued that this is not at odds with the President's Executive order and H.R. 4604 since Social Security is only being counted for purposes of direct spending targets and not for overall budgetary aggregates.

A larger question is whether H.R. 4604, and its special direct spending reconciliation process run afoul of section 310(g) of the Budget Act which prohibits the consideration of reconciliation directives or legislation which affect Social Security receipts or outlays.

Section 310(g) was enacted as part of the 1985 Balanced Budget and Emergency Deficit Control Act. Section 7 of H.R. 4604 says that reductions in outlays or increases in receipts resulting from direct spending reconciliation legislation "shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act." The section 310(g) point of order is thus one such enforcement provision and therefore it can be argued that it does not apply to direct spending reconciliation legislation.

The bottom line, Mr. Speaker, is that Social Security has been thrown back into the budgetary mix by the President's Executive order and by H.R. 4604. It is at least back on budget for reconciliation purpose if not for purposes of calculating aggregate outlays, receipts, and deficits.

We, therefore, urge defeat of H.R. 4604 because it violates the special off-budget status given to the Social Security system. By subjecting it to reconciliation we are compromising and possibly threatening the integrity and soundness of the Social Security system given by existing statutory provisions. Social Security, which is currently in surplus, should not be used to bail out other entitlement programs which may be in trouble.

At the point in the RECORD, Mr. Speaker, I include a memorandum appeared by the Rules Committee minority staff, elaborating on our interpretation that Social Security could be used for direct spending reconciliation purposes under H.R. 4604. The memorandum follows:

[Memorandum]

Re inclusion of Social Security in direct spending messages under H.R. 4604.
To: Rules Committee Republicans.
From: Rules Committee minority staff.

Introduction: The Rules Committee majority was unable to refute our interpretation of H.R. 4604 that it in effect brings Social Security back on-budget for special direct spending reconciliation purposes. However, a case may be made that it does not based on section 5(f) of the bill. The purpose of this memo is to elaborate on the interpretation that Social Security would indeed be fair game for reconciliation under the bill.

Current budget act prohibition on Social Security reconciliation: Section 310(g) of the Budget Act ("Limitation on Changes to the Social Security Act"), which was enacted as part of the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) provides that it is not in order in the House or the Senate to consider any reconciliation bill or resolution, amendment thereto, or conference report thereon, "that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act."

Applicable provisions of H.R. 4604: Section 2(a) of the bill ("Establishment of Direct Spending Targets") requires that the initial direct spending targets for fiscal years 1994–97 "shall equal total outlays for all direct spending except net interest and deposit insurance. * * *"

Section 4(b) of the bill ("Special Direct Spending Message by President") authorizes the President to make legislative changes "to reduce outlays, increase revenues, or both" in order to recoup or eliminate entitlement overages in whole or in part.

Section 4(c) ("Proposed Special Direct Spending Resolution") requires that President to submit a "special direct spending resolution" to implement his legislative recommendations through reconciliation directives to the appropriate House and Senate committees.

Section 4(e) ("Procedure if House Budget Committee Fails to Report Required Resolution") provides for the automatic discharge and privileged consideration of the President's direct spending reconciliation resolution if the Budget Committee fails to include direct spending reconciliation instructions in its budget resolution.

Section 5(f) of H.R. 4604 ("Application of Congressional Budget Act) provides that, "To the extent that they are relevant and not inconsistent with this Act, the provisions of Title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives and the Senate to special direct spending resolutions, resolutions increasing targets under subsection (c), and reconciliation legislation reported pursuant to directives contained in those resolutions."

Section 7 of the bill ("Relationship to Balanced Budget and Emergency Deficit Control Act") provides that: "Reductions in outlays or increases in receipts resulting from legislation reported pursuant to section 5 ["Required Response by Congress"] shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985."

Discussion: While it might be argued that section 5(f) of H.R. 4604 ensures that the prohibition on Social Security reconciliation in section 310(g) of the Budget Act remains in force and effect, this overlooks the caveat in section 5(f)—"to the extent they are relevant and not inconsistent with this Act" the provisions of Title III of the Budget Act apply to special direct spending resolutions and reconciliation legislation and directives.

The fact is that the provisions of the Act are inconsistent with the section 310(g) prohibition for several reasons:

Social Security is not exempted and must be included by OMB in calculating total direct spending targets.

The President may include any recommended legislative changes in messages to address overages and may include directives to implement those changes in his special direct spending reconciliation directives to committees.

The President is not and cannot be bound by budget rules that apply to the Congress.

The President's reconciliation resolution is automatically discharged and privileged for consideration if the Budget Committee does not include direct spending reconciliation instructions in its budget resolution.

Moreover, it can be argued that the section 310(g) Social Security reconciliation prohibition does not apply to direct spending reconciliation directives or legislation reported pursuant to the Budget Committee's resolution because section 7 of H.R. 4604 provides that reductions in outlays and increases in receipts reported pursuant to section 5 of the bill ("Required Response by Congress") "shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985." As has been pointed out, section 310(g) is an enforcement provision enacted under the 1985 GRH Act. It would therefore follow that the point of order under section 310(g) would not apply to a direct spending reconciliation bill that changes the Social Security Act by reducing its receipts or increasing its revenues.

Conclusion: Whether it was intended or not, H.R. 4604 includes Social Security in the direct spending targets as well as in the mechanisms to address any breach of those targets through special direct spending reconciliation making changes in laws to reduce outlays or increase revenues.

TRIBUTE TO DR. EDMOND COSTANTINI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Dr. Edmond Costantini, a friend and constituent. Ed recently retired from his position as a professor of political science at the University of California at Davis. Ed has spent many years focusing his talents and energies towards the enhancement of educational opportunities for his students at UC Davis. I am honored to be allowed to speak in his behalf and enter into the Record a brief and incomplete list of his many accomplishments.

Ed was Phi Beta Kappa at the New York University where he received his BA in 1954. He earned an MA from the University of Connecticut in 1956, and his Ph.D. from the University of California at Berkeley in 1964.

Ed was a member of the faculty of the political science department at UCD for over 30 years. During that time he served as chairman of the department from 1971–1977, and as vice-chair or acting chair from 1969–1971, 1978–1982, and 1993–1994. He served as assistant dean of the College of Letters and Science from 1967–1968 and served on many committees within the college including chair of faculty from 1981–1982. In addition, he has been an active member of the faculty senate and has served on numerous chancellor's committees.

Ed has given testimony before many governmental committees including state legislative committee on elections and reapportionment, assembly committee on natural resources and conservation and the U.S. Senate Subcommittee on Air and Water Pollution. He is the author of a vast array of publications and has lectured at many U.S. and European universities, symposia and conferences.

Ed has been active in the Democratic Party since 1958. He is a three time delegate or delegate-designate to the Democratic National Convention and a 12-year member of the executive committee of the California Democratic Party. He testified before the Hunt Commission for Presidential Nominations. In 1960, he served as assistant campaign manager of John F. Kennedy's northern California campaign.

His teaching and research interest have included American politics, California politics, public opinion, mass media and politics, political behavior, political parties, and political leadership. He has been extremely effective in bringing into the classroom real world practices based upon his work with political parties and campaigns. Many students fondly recall his humorous teaching style and the real world focus of his lectures which made him a popular professor.

In addition to his long history of hard work and dedication to UC Davis, Ed served as staff secretary for education to Governor Edmond Brown, Sr., in 1966, as a visiting scholar at the University of Essex, England from 1975–1976 and as a faculty fellow at the UC Washington Center in 1992.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Dr. Edmond Costantini and I personally extend my sincere appreciation for all he has done for the university and for enlightening us with his insights and studies in the field of politics.

TRIBUTE TO ROD ADAMS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. VALENTINE. Mr. Speaker, the congressional district I represent, and indeed the entire State of North Carolina, recently suffered an irreplaceable loss.

Rod Adams, of Durham, NC, died on May 4. I knew Rod for many years and was proud to count him among my best friends.

Although Rod never ran for public office, he epitomized the highest ideals of public service.

Rod sat on the Raleigh-Durham Airport Authority for more than a decade, helping to guide the airport through a period of growth and development. He was also a member of the North Carolina Employment Training Board, the board of trustees of North Carolina State University, and the board of governors of the University of North Carolina system. He was serving his second term on the UNC Board of Governors when he died.

Earlier this spring, Rod's achievements were recognized in letters from President Clinton and Secretary of Education Riley. I ask that these letters be printed in the RECORD.

In his letter, the President highlighted Rod's "generosity and service" that "have improved the lives of your fellow Americans."

Generosity and service were, in fact, the hallmarks of Rod's life. Just as he devoted himself to the successful concrete business that he built, Rod devoted himself to serving his community. He was always there, and his leadership always made a difference.

Rod Adams will be missed by many North Carolinians. My thoughts, and the thoughts of countless others, continue to be with his wife, Doris, and his family.

Rod Adams can never be replaced. But we can all learn from his deeds. That will be his greatest legacy.

THE WHITE HOUSE,
Washington, DC, April 19, 1994.

Mr. ROD ADAMS,
Durham, NC.

DEAR MR. ADAMS: I am delighted to join with your family and friends in honoring you for your many years of service to the state of North Carolina.

Our country's greatest strength is the community spirit of its people. Throughout our history, Americans have been eager to serve the common good—from the days of the Civilian Conservation Corps through the era of Peace Corps volunteers to today's Summer of Service workers. Our nation has now ushered in a season of American Renewal. We want to take more responsibility for ourselves, our families, and our communities in order to ensure a brighter tomorrow.

You can take pride in your contribution to this legacy. Your generosity and service have improved the lives of your fellow Americans.

With best wishes,
Sincerely,

BILL CLINTON.

DEPARTMENT OF EDUCATION,
Washington, DC, March 1994.

MR. ROD ADAMS: It is my honor and pleasure to send greetings to you for the many outstanding contributions you have given to the people in your community, and indeed to your state and our nation. I am particularly grateful for your work on behalf of education.

As President Clinton put it, education is "an answer to how all Americans can make their lives better and how we can all make the economy stronger." Giving our students the best education in the world is a moral imperative and an economic necessity if our nation is going to continue to prosper. Your work with North Carolina State University and now your work on the University of North Carolina Board of Governors, no doubt, contribute greatly in ensuring a quality education for our young people that will enable them to pursue any career they wish and to take on any challenge they choose.

I am grateful for this opportunity to thank you for your many contributions to excellence in education. Your continued commitment is an inspiration to all.

RICHARD W. RILEY,
Secretary.

INTRODUCTION OF ELIGIBILITY REFORM PROPOSAL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. STUMP. Mr. Speaker, I rise today, with the support of all Republican members on the House Committee on Veterans' Affairs to introduce the Veterans' Health Care Eligibility Reform Act of 1994. The purpose of this legislation is to revise and reform the current system of eligibility for health care services provided by the Department of Veterans Affairs.

It is well known that the VA's current eligibility criteria is fragmented and difficult to understand. The rules for access to VA medical services have evolved piecemeal and do not authorize a full continuum of services for many of VA's patients. A veteran may receive inpatient hospital care only to be barred from access to outpatient care because of differing eligibility rules. I am submitting a chart which demonstrates exactly how complex and confusing such criteria are and the simplification provided by the legislation which I am introducing today.

Today's eligibility criteria at the VA has been imposed to help the Department contend with its perennially inadequate budget. The VA portion of Federal outlays for health care has shrunk continually since 1969 when it comprised 12.6 percent. In 1992 it fell to 6 percent. There is no indication that this trend will change. However, one thing is certain, allowing VA to continue on its current course will lead to its demise.

The House Committee on Veterans' Affairs, on which I serve as ranking minority member, has recognized the importance of eligibility reform. In fact, the committee held the first of a series of hearings on this crucial issue on May 20, 1992.

The hearing reinforced our belief that maintaining the status quo will result in continued erosion of the VA health care system. In order to identify solutions, though, we need to concern ourselves not only with the current situation, but also with the future needs of our Nation's veterans. It is clear that the VA needs a realistic, achievable strategic plan, which includes eligibility reform, to meet the health care needs of a rapidly aging veteran population.

Prior to introduction of the President's Health Security Act, the Committee on Veterans' Affairs, the VA, and the Veterans Service Organizations [VSOS] were working together to formulate eligibility reform legislation for veterans. All efforts toward eligibility reform came to a halt with the advent of the new administration.

However, there is a bipartisan consensus that veterans once eligible should have access to a full continuum of health services, including long-term care and certain specialized services such as spinal cord injury and blind rehabilitation. This legislation preserves the services that VA does best and allows VA the flexibility it needs to design a strong future health delivery system.

Mr. Speaker, the fate of the President's Health Security Act is unknown. The administration has hung all hopes of VA health reform on passage of H.R. 3600. My legislation provides a vehicle for VA health care reform to move forward regardless of what happens to national health reform. If the Health Security Act fails to be enacted and it is my intention to oppose it for many reasons including its impact of the VA, Congress should not let VA health care reform die with it. Veterans have waited long enough for reform. Every week that goes by leads to further cannibalization of the system and erosion of veterans health care services. My legislation was not drafted in conjunction with any particular national health care reform bill. It could become part of an alternative plan. We cannot and should not

hold VA hostage to the Clinton national health reform bill.

The Veterans' Health Care Eligibility Reform Act of 1994 envisions an eligibility reform proposal for VA to maintain a viable and independent health care system for veterans which:

Simplifies the criteria used to determine eligibility for VA health care services.

Promotes the delivery of a continuum of care by removing statutory barriers that currently constrain patient access to the system or patient referral to the most appropriate treatment setting.

Promotes a shift from acute inpatient care and nursing home care to outpatient and noninstitutional care.

Promotes wellness through comprehensive prevention and screening programs.

Preserves VA's long history of leadership in the areas of long-term care, spinal cord injury, blind rehabilitation, and prosthetics by providing a full continuum of care.

Changes the practice of medicine within the Veterans Health Administration to employ managed care.

Continues VA as an independent health care system for veterans.

Continues VA as backup to DOD in times of national emergency and preserves VA's research mission.

In addition, the measure would mandate that the secretary establish a separate insurance program for veterans who do not meet the criteria for free VA care and for spouses and children of all eligible veterans. This insurance program known as the VA Group Health Plan would provide protection to individuals who have preexisting conditions and to whom insurance costs might be prohibitive if attempting to purchase private health insurance.

We have no official cost estimate for this measure. Informal estimates have placed the cost anywhere from cost-neutral to a high of $3 billion the first year. One thing however is certain, allowing VA to collect from Medicare the cost of care rendered to non-service-connected veterans who are already entitled under Medicare is a measure which is long over due. Because VA is barred from collecting Medicare reimbursement, it has in effect been subsidizing Medicare for decades. Informal estimates put the first year savings to VA from Medicare reimbursements at $7 billion and the figure climbs from there. It is unreasonable for VA, in these times of severe fiscal constraint, to subsidize Medicare, an entitlement account from VA's discretionary medical care funds.

Mr. Speaker, this legislation is my attempt to identify workable solutions to ensure the future viability of our Nation's veterans health care delivery system. I urge my colleagues to cosponsor the bill.

IN YOUR HEART, YOU KNOW HE'S RIGHT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, for some reason, it has become accepted in this country that to be genuinely conservative is somehow to believe in discriminating against people based on their sexual orientation. No one has done more to exemplify honest conservatism in recent times in America than Barry Goldwater. And no one speaks out more eloquently these days than he does against discrimination based on people's being gay or lesbian.

Mr. Speaker, to those now active in politics who have drawn inspiration from Barry Goldwater in the past, and who may in fact have gotten involved in politics in part because of his example, I believe that Barry Goldwater's 1964 slogan is appropriate: In Your Heart, You Know He's Right.

JOB PROTECTION FOR GAYS

(By Barry Goldwater)

Last year, many who opposed lifting the ban on gays in the military gave lip service to the American ideal that employment opportunities should be based on skill and performance. It's just that the military is different, they said. In civilian life, they'd never condone discrimination.

Well, now's their chance to put up or shut up.

A bipartisan coalition in Congress has proposed legislation to protect gays against job discrimination. Congress is waking up to a reality already recognized by a host of Fortune 500 companies, including AT&T, Marriott and General Motors. These businesses have adopted policies prohibiting discrimination based on sexual orientation because they realize that their employees are their most important asset.

America is now engaged in a battle to reduce the deficit and to compete in a global economy. Job discrimination excludes qualified individuals, lowers work-force productivity and eventually hurts us all. Topping the new world order means attracting the best and creating a workplace environment where everyone can excel. Anything less makes us a second-rate nation. It's not just bad—it's bad business.

But job discrimination against gays and lesbians is real, and it happens every day. Cracker Barrel, a national restaurant chain, adopted a policy of blatant discrimination against employees suspected of being gay. Would anyone tolerate policies prohibiting the hiring of African Americans, Hispanics or women?

Today, in corporate suites and factory warehouses, qualified people live in fear of losing their livelihood for reasons that have nothing to do with ability. In urban and rural communities, hatred and fear force good people from productive employment to the public dole—wasting their talents and the taxpayers' money.

Gays and lesbians are a part of every American family. They should not be shortchanged in their efforts to better their lives and serve their communities. As President Clinton likes to say, "If you work hard and play by the rules, you'll be rewarded"—and not with a pink slip just for being gay.

It's time America realized that there was no gay exemption in the right to "life, liberty, and the pursuit of happiness" in the Declaration of Independence. Job discrimination against gays—or anybody else—is contrary to each of these founding principles.

Some will try to paint this as a liberal or religious issue. I am a conservative Republican, but I believe in democracy and the separation of church and state. The conservative movement is founded on the simple tenet that people have the right to live life as they please, as long as they don't hurt anyone else in the process. No one has ever shown me how being gay or lesbian harms anyone else. Even the 1992 Republican platform affirms the principle that "bigotry has no place in our society."

I am proud that the Republican Party has always stood for individual rights and liberties. The positive role of limited government has always been the defense of these fundamental principles. Our party has led the way in the fight for freedom and a free-market economy, a society where competition and the Constitution matter—and sexual orientation shouldn't.

Now some in our ranks want to extinguish this torch. The radical right has nearly ruined our party. Its members do not care enough about the Constitution, and they are the ones making all the noise. The party faithful must not let it happen. Anybody who cares about real moral values understands that this isn't about granting special rights—its about protecting basic rights.

It is for this reason that more than 100 mayors and governors, Republicans and Democrats, have signed laws and issued orders protecting gays and lesbians. In fact, nearly half the states have provided some form of protection to gays in employment. But of course many others have not, including my own state of Arizona.

It's not going to be easy getting Congress to provide job protection for gays. I know that firsthand. The right wing will rant and rave that the sky is falling. They've said that before—and we're still here. Constitutional conservatives know that doing the right thing takes guts and foresight, but that's why we're elected, to make tough decisions that stand the test of time.

My former colleagues have a chance to stand with civil rights leaders, the business community and the 74 percent of Americans who polls show favor protecting gays and lesbians from job discrimination. With their vote they can help strengthen the American work ethic and support the principles of the Constitution.

FLORENCE DOMROIS NAMED POLISH WOMAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. KLECZKA. Mr. Speaker, I rise today to acknowledge and congratulate Florence E. Domrois on being named 1994 Woman of the Year by the Ladies Auxiliary of the Polish National alliance—Milwaukee Society.

In addition to being an active member of many community organizations such as St. Joseph's Women's Club, St. Francis Hospital Auxiliary, and the Ladies Auxiliary of the Knights of Columbus, Florence also volunteers at the diabetes center and at St. Helen's parish. She is a living example of the adage which says, "Be good to yourself, be excellent to others, do everything with love".

Florence Domrois sets an example of which we call can be proud and which is of great benefit to the community in which she lives. I wish her continued success, health, and happiness.

OBTRUSIVE GOVERNMENT TAXATION OF SMALL BUSINESSES

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. TALENT. Mr. Speaker, I rise to express my concerns about the excessive taxation of small businesses. I would like to share the real-life story, which is not atypical, of a constituent of mine and one-time small business owner, Ms. Trish Young.

Having experienced the challenge of securing a comparable, permanent position after being laid-off, Ms. Young created her placement firm, Silver Anniversary Temporaries, to help those find work over the age of 40. Trish Young did not have to get involved in the employment industry but she made it her business to make sure other Americans would not suffer like she did while trying to rebuild a career. While Ms. Young endeavored to solve the problem of unemployment, obtrusive Government taxation was driving her own small business into bankruptcy. The Government robbed this entrepreneur of her survival by taxing 52.9 percent of her gross income. Because of the heavy tax burden from payroll, unemployment tax with a 30-percent surcharge, and a hefty 23-percent increase in workers compensation, Trish Young was forced to close her employment agency.

Mr. Speaker, there is something wrong in a nation where 7 out of 10 small businesses today are not making a profit. Instead of improving the survival rate of small businesses, this administration is driving them further into debt through last year's tax bill and this year's health care reform proposal. It is time to relieve small businesses from the distress of exorbitant taxes. We must make this effort as an attempt to dissolve unemployment in America before we have more tax-takers than taxpayers.

TENNESSEE NISSAN WORKERS ARE JUDGED CONTINENT'S BEST

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. GORDON. Mr. Speaker, it wasn't the first time, and it won't be the last time that the workers making cars and trucks at the Smyrna, TN, Nissan plant are recognized as some of the best in the world.

The latest Harbour and Associates Survey of North American automobile manufacturers found that Nissan's production lines in Smyrna rank first and second in efficiency. Put another way, Nissan Smyrna requires fewer hours to build trucks and cars than any other plant in the United States, Canada, or Mexico. Its pickup truck line ranks first in trucks, producing one vehicle for every 2.32 worker.

The Smyrna car line, which makes Sentras and Altimas, is the continent's most productive carmaker, requiring only 2.32 workers per vehicle. The plant, the largest under one roof in the United States, also makes the body parts for the Nissan Quest/Mercury Villager minivan.

Nissan managers credit the participative management techniques—fitting the job to the worker—for the stellar performance. Workers on the Nissan lines have a major voice in how the cars are made. This allows problems to be worked out quickly and solved together, with equipment modified or designed to work as well as possible.

In addition to having the most productive plant in North America, Nissans made in Tennessee consistently rank among the highest in quality ratings. As a result, sales are up to record levels. American consumers are giving a rousing vote of confidence to Tennessee's workers. In a market that is more competitive than ever, Nissan Smyrna is up to the challenge.

The 6,000 workers at the Smyrna, TN, assembly plant and the thousands of others who supply parts and services deserve our high praise for doing a great job. They are the most productive auto workers in the most productive country of the world.

HONORING ADVOCATES FOR VICTIMS' CARY DE LEON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to extend a well-deserving recognition to Cary De Leon and the exceptional work she does with women who suffer domestic violence. Once again, Ms. De Leon was recognized by the Democratic Women's Club of Florida as the 1994 Lady of Excellence. Ms. De Leon has dedicated the last 10 years of her life to the promotion and awareness of issues pertaining to the betterment of women.

As a volunteer with the Commission of the Status of Women and then as temporary director of the very same commission, Ms. De Leon gained valuable insight into the deep-rooted social problems well hidden in the Hispanic community. She was called to action by the staggering number of women who remain in the vicious cycle of physical and mental abuse who are unaware of the available resources.

As the coordinator of Advocates for Victims, Ms. De Leon is in charge of eight women's support groups in Dade County. She left her high-paying public relations job 5 years ago and committed herself to educating the public of the crisis surrounding domestic violence.

Ms. De Leon also worked on a number of issues with the State attorney's office, where she challenged the judicial protection the State offered women in crisis. A year and a half ago, with the aid of several women's groups, the State attorney's office was able to open a court to deal specifically with domestic issues.

Ms. De Leon's work is not self-serving nor does she stand to gain from it. Although underpaid, she is willing to forego this matter so that other women, including her daughter, will not have to endure some of the hardships women must suffer in today's society.

In honor of the hard work and dedication on behalf of all abused women, I pay tribute to Cary De Leon.

TRIBUTE TO SANDRA MEADOWS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Duncanville Coach Sandra Meadows who died of cancer on May 27. Sandra Meadows, who coached girls basketball at the Duncanville Independent School District for 25 years, dominated Texas basketball in recent years. During her tenure as head coach, the Duncanville Panthrettes won four State titles and 743 games in her coaching career.

In April 1993, Coach Meadows stepped down from her coaching position at Duncanville High School. Before her 1989 season, Coach Meadows underwent a double mastectomy and had chemotherapy treatments that lasted until the first day of practice. However, Coach Meadows coached her team virtually without interruption following the surgery.

Residents of Duncanville, TX and people across the Nation lost a professional, dedicated friend, and most of all, a beloved coach with the death of Sandra Meadows. And her strongest foundation for success as a coach and an educator came from her love of children.

I commend the Duncanville ISD in renaming the gymnasium where many of Coach Meadows best moments were spent, to the Sandra Meadows Gymnasium in memory of her dedication to the children and community of Duncanville, TX.

AN AGENCY BEYOND REDEMPTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the July 16, 1994, Washington Post, concerning the continuing corruption and scandal surrounding the District of Columbia's Department of Public and Assisted Housing.

Both daily newspapers in the city have condemned this mismanagement, corruption and betrayal of the District's citizens by this agency. As the Post editorial makes clear, the existing joint effort between HUD and Mayor Kelly has done little to end the mismanagement at this agency. There is no excuse for tax dollars being spent to send DPAH staff to a conference in Puerto Rico when citizens of the District are living in substandard housing or worse, on the streets. This is further shameful proof that neither HUD nor the District can solve DPAH's problems. This Member again urges Judge Steffan Graae to place the District's public housing authority in receivership as recommended by James Stockard, the special master appointed by the court. Action must be taken now before further abuses occur.

[From the Washington Post, July 16, 1994]

AN AGENCY BEYOND REDEMPTION

We were coming around to the view that placing the city's fouled-up housing department under control of a court-appointed receiver was a bad idea. But after learning that the D.C. Department of Public and Assisted Housing—an agency faced with cost overruns, thousands of tenants living in disgusting conditions and a mile-long public housing waiting list—recently sent four staff members and four tenants on an all-expense-paid junket to Puerto Rico, we think the receivership advocates may be on to something after all.

Finding the right word to describe this latest escapade isn't easy. Witless, absurd, imprudent, irresponsible and stupid come to mind. By what rationale or sequence of thoughts could leaders of the officially designated worst public housing system in the nation decide to send a city delegation on a four-night trip to a 17-acre beachfront resort while the District is running out of money and public housing tenants must make do with backed-up toilets, crumbling ceilings and roaches galore? But then, come to think of it, why expect DPAH to give its tenants any thought? This is the same department that spawned the bribes-for-rent-vouchers scandal and that, with conditions deteriorating in the projects, spent $1.3 million on renovations and furniture for DPAH's headquarters, including $100,000 to spiff up several executive office suites. This latest escapade suggests that DPAH, as now constituted, is beyond redemption.

It makes matter worse that the U.S. Department of Housing and Urban Development, which scored DPAH at the bottom of its list of the nation's bad housing systems, reportedly gave the junket idea to DPAH. Puerto Rico's housing department, which shares space with the District on the HUD list, hardly seems the best choice of role models. As for the tour's usefulness, one junketeer said only parts of a workshop she attended were translated from Spanish to English. So she did the next best thing: She spent the afternoon on the beach.

It was only a few weeks ago that HUD and Mayor Kelly assumed significant direct control over the chronically troubled DPAH to stave off a takeover by the court. If housing conferences represent the kind of ideas HUD is bringing to the table, D.C. Superior Court Judge Steffen Graae should gear up for action. A DPAH official said the agency intends to dispatch a delegation to another conference in Dallas next month.

HONORING R. CLARKE BENNETT ON THE OCCASION OF HIS RETIREMENT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MINETA. Mr. Speaker, there are many people in Federal agencies whose specific contributions to our society are unknown to the vast majority of the public. They do their jobs year in and year out, working behind the scenes, largely unrecognized for their efforts on the public's behalf.

That is why I rise today, Mr. Speaker, to pay tribute to one such Federal employee who retired on June 3, 1994, from the Federal Highway Administration after 27 years of remarkable public service in the area of highway safety.

Clarke Bennett joined FHWA in 1967 as a Safety Standards Engineer for the National Highway Safety Bureau. In 1970, he was promoted to Deputy Chief of the Street and Highway Geometrics Division of FHWA's Office of Highway Safety and later became Chief of that office's Technical Development and Standards Division. After that office was reorganized in 1977, he became Chief of the Program Evaluation Division. In October 1982, he was promoted to Chief of the Traffic Control Systems Division, Office of Traffic Operations. From 1984 until his retirement, Mr. Bennett held the position of Director, Office of Highway Safety at FHWA.

Mr. Bennett leaves a legacy of highway safety accomplishments that has earned him the respect and praise of his peers and those who have worked with him over the years. Certainly, the American public owes Mr. Bennett a debt of gratitude, for his efforts have resulted in many of the safety features that are incorporated into our Nation's highway system today.

Examples abound of Mr. Bennett's contributions to highway safety. I will name just a few.

Under Mr. Bennett's leadership, the National Highway Safety Review, which was responsible for the Older Driver Initiative, established minimum standards for reflectivity of highways signs, break-away supports, forgiving guard rails, and roadside clear zones.

He was instrumental in having work zone safety data separated from other fatality data in the Fatal Accident Reporting System. This led to an awareness of the growing number of work zone fatalities and resulted in an emphasis on work zone training and traffic control plans to reduce those fatalities.

His involvement in pedestrian safety led to regulatory approval for strong yellow-green signs for pedestrians and bikers. Motorists' enhanced reaction to the new signs has encouraged many States to conduct their own field studies.

He was also involved with the development of the skid trailer, which permits highway professionals to measure the skid resistance of pavements. This has resulted in improved, long-term skid-resistant pavement materials.

One of Mr. Bennett's major contributions was his work in developing highway standards for the Federal section 402 state and community highway safety grant program. He was a leading participant in providing states with guidance on developing computer programs and other mechanisms that enabled them to identify high accident locations and to make necessary improvements. These efforts included a training program to help States evaluate the effectiveness of their safety projects.

Prior to joining FHWA, Mr. Clarke served 10 years with the Bureau of Traffic Engineering of the DC Department of Highways.

Mr. Speaker, we can point with pride to Federal professionals like Clarke Bennett for exemplifying the real spirit of public service.

I ask my colleagues to join me in saying, thank you, Clarke, for your many contributions and commitment to highway safety and for your dedication to the public which you served so well.

IN HONOR OF CARL AND PATRICIA HORN'S RETIREMENT FROM EDUCATION

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. POSHARD. Mr. Speaker, today I rise to pay tribute to Carl and Patricia Horn of Royalton, IL as they both retire from 30 years of teaching in the State of Illinois.

Carl Horn richly contributed to the lives of many during his 30 years as an educator. Carl began his career as a band chorus director in Norris City, IL in 1964. In 1968, Carl became the music director at Zeigler-Royalton High School where he taught until his retirement this year. From 1988 to 1993 Carl served as assistant principal of Zeigler-Royalton Junior and Senior High School. Carl Horn also served as girls high school basketball and softball coach while teaching at Zeigler-Royalton.

Patricia Horn began her 30 year teaching career as an elementary school teacher in 1962 at Waukegan Grade School. After teaching at a number of schools, Patricia began teaching at Zeigler-Royalton Junior High School in 1968 where she taught until 1994. Besides teaching, Patrica Horn served as sponsor to many student groups and organizations including the school newspaper, student council, and junior and senior high school cheerleading squads.

In addition to teaching and involvement in a number of extracurricular activities, Carl and Patricia successfully raised four children. Despite their very involved schedules, their children tell me they never missed a sporting event, band concert, or play in which they could show support for their children.

As an educator I commend Carl and Patricia for the dedication and hard work they have shown throughout their careers. By giving of themselves, Carl and Patricia have touched the lives of thousands of children over the years and by doing so, they have enriched and strengthened the community in which we all live.

COMMEMORATING THE 25TH ANNIVERSARY OF THE SMALL BUSINESS ASSOCIATION OF MICHIGAN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. CARR of Michigan. Mr. Speaker, this year marks the 25th anniversary of the Small Business Association of Michigan [SBAM]. This fine organization provides assistance and guidance to small businesses across the State of Michigan—businesses which are the engine of job creation in today's ever-evolving economy.

SBAM was founded 25 years ago by Dick Sanford, with the purpose of serving the small businesses of southwestern Michigan. The organization quickly grew, adding members from

across the State, to a membership today of over 7,200. In addition to coordinating legislative action at the State and national levels, SBAM provides a number of valuable services to its members, including: a small business lending program; educational programs; unemployment insurance consulting; a check recovery program; payroll services; and informative publications like the "Small Business Barometer" and the "Journal of Small Business".

SBAM should also be praised for the successes of its leadership. SBAM president Gary Woodbury was one of eleven commissioners appointed by President Clinton to oversee the 1995 White House Conference on Small Business.

I ask you to join me today in honoring the Small Business Association of Michigan, as its members gather for their annual meeting on Mackinaw Island this week, for its contributions to the strength and vitality of Michigan's small businesses.

H.R. 4598, COASTAL BARRIER RESOURCES SYSTEM

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. PETERSON of Florida. Mr. Speaker, I would like to express my support for H.R. 4598 which makes corrections to the Coastal Barrier Resources System to remove properties that were mistakenly designated as undeveloped coastal barriers that passed the House of Representatives under suspensions on July 12, 1994. In addition, I am pleased that Chairman STUDDS has recognized that border changes to unit boundaries should be considered next year when the Department of the Interior submits its recommendations to include Pacific Coast land in the Coastal Barrier Resources System. I am committed to work again next year to remove the St. George Island property from the System and I look forward to working with Chairman STUDDS toward correcting this inequity which was never intended under the Coastal Barriers Resources Act.

The property is part of St. George Plantation, a 1,200 acre residential and commercial development on St. George Island in Franklin County, FL. The plantation, which encompasses the entire island, has been in continued phased development since 1977. In 1990, land adjacent to this property with essentially the same or less development was excluded from the Coastal Barriers Resources System. Approximately 70 acres of residential and commercial property on the west end of St. George Plantation was mistakenly included in FL–90 of the System.

At that time, the owners of the property had made substantial improvements to the property. They had obtained many local development orders and had constructed roads, water and electric utilities to service the property. A single-family home had been constructed on a 2-acre parcel of land. All the lots had been platted and a substantial number sold by the time the land was included in the System. Therefore, I believe this property will be a good candidate for next year's consideration.

PREMIUMS RAPIDLY RISING "OUT OF SIGHT"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. STARK. Mr. Speaker, for those who have insurance, it is relatively easy to denounce efforts at health reform. However, for the 40 million people without health coverage, a change in the health system is a necessity.

The health care system is also unjust to millions of people who will soon not be able to afford costly insurance premiums. These are people who have worked their entire lives, only to find that as they grow older they can no longer keep up with rapidly rising insurance costs. They are faced with the terrible choice of either drastically changing their quality of life in order to pay for health insurance, or forgoing coverage and hoping they don't have any accidents or illnesses.

Following is a letter from Mr. Sterling Williams of Jackson, MS. Mr. Williams' health premiums have increased so much in the last few years that he is in great danger of losing all his insurance coverage. His unfortunate situation illustrates the drastic need for health reform.

DEAR REPRESENTATIVE: As I write this letter to you, I am keenly aware of your efforts and others to get a workable universal health care bill through Congress and into law. I feel that my circumstance with respect to obtaining health insurance might be persuasive in helping the opposers and undecided to get behind your plan or one of the plans being considered so that people like myself will not continue to be misused and abused by the present insurance establishment. I am presently a small property owner who is semi-retired and partially disabled with a moderate case of "spinal stenosis." Additionally, I have had glaucoma in my right eye for over 25 years but it is managed with eye drops. My health care problems began about 30 years ago when I joined an insurance plan made up a religious group incorporated in the State of California which went bankrupt shortly after I was informed that I needed a minor eye surgical procedure to relieve the pressure in my right eye. The bankruptcy left me to pay the eye surgeon and hospital bill in spite of my having faithfully paid my premiums for many years.

After that incident, I purchased another health plan but the policy came back with an "exclusion for glaucoma forever." I canceled this plan and purchased an Allstate health plan which was subsequently sold to Mutual of Omaha. Although Allstate's agent told me that the "rider" attached to my policy regarding the "glaucoma exclusion would be removed if I had no problems after one year," I waited for two years and asked that the "rider" be removed. I was then told that the glaucoma rider was permanent. I, thereafter, protested to Allstate who was at the time in the process of selling their health care plan that I was in to Mutual of Omaha Insurance Company. Allstate suggested that I contact Mutual of Omaha's customer relations manager and explain my situation to him along with a letter he suggested I get from the Allstate agent who wrote my coverage stating that he had used the word "would" rather than "could" when I purchased the Allstate Insurance and was told that the glaucoma exclusion would be removed after one year barring any major complications. Additionally, my eye doctor wrote a letter in my behalf saying that my glaucoma was "well managed" and that I am proof that "not all blacks who get glaucoma will go blind." I was later told that there is such a saying in the field because of the prevalence of "people of color," "blacks" to lose their eyesight, if they get glaucoma due to poor management or care of it. That was my doctor's way of expelling this myth. Mutual of Ohama then removed the "rider" against glaucoma. However, it appears that Mutual of Omaha was determined to "win the war" by raising my premiums "out of sight," after "losing the battle" to exclude treatment for glaucoma at the start.

The following is an example of what I mean. My policy anniversary is in July each year. In June of 1992, the premium for my wife and me was $397.65 monthly. In July 1992, our premium was raised to $671.88 monthly. In July 1993, our premium was increased to $744.81 monthly. In July 1994, our premiums are increased to $1,035.72 monthly. This last increase makes my insurance higher than the average income for the State of Mississippi. These increases, I believe, were designed to force me out of this insurance.

The increases given by me as outlined above is, in my opinion, discriminatory and an abuse of power. It seems to me that any health care system that can operate the above mentioned fashion is in serious need of regulating. My wife nor I have had any outstanding sicknesses. I jog 3½ miles every Monday, Wednesday and Friday in 30 minutes. I won seven amateur middlweight boxing championships before deciding to pursue the Christian ministry as one of Jehovah's Witnesses in 1956. This decision derailed my boxing career. I am now 61 years old and a grandfather trying to remain faithful to Jehovah God, our Creator, as well as keep some health insurance.

I am writing to you, as well as selected members of Congress and to the AARP with the hope that my experience might be helpful to those entrusted with the responsibility to act wisely and decisively in behalf of us, their constituents, and quickly enact the President's much needed health care plan or another being debated currently in Congress.

I am very truly,

STERLING E. WILLIAMS, Sr.

LARA HADRYS: VOICE OF DEMOCRACY WINNER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mrs. BENTLEY. Mr. Speaker, I rise today the salute Lara Hadrys of Joppa, MD, upon her selection by the Veterans of Foreign Wars to receive 12th national honors in the national Voice of Democracy broadcast scriptwriting contest.

Mr. Speaker, I am submitting Ms. Hadry's speech for the RECORD.

MY COMMITMENT TO AMERICA

"LINCOLN HAS BEEN SHOT!" my grandfather told me. He was enlightening me with the tale of his mother's remembrance of the day Abraham Lincoln was assassinated. Great-grandmother was only twelve years old that day, and had already lost her father two years before at one of the bloodiest battles of the Civil War, Gettysburg.

Before I made a commitment to my future in America, I wanted to seek knowledge by looking into the past to see the roots of my patriotism. Grandpa, my oldest living relative and the eldest person of my acquaintance, was to be the source of my knowledge.

I approached Grandpa gingerly with my questions. My uncertainty was unfounded because this spirited, 94 year-old-man was eager to share my family's history. His face brightened with thoughts of his youth. What a discovery to speak to an elder American with memories that I could only experience by this one-on-one communication. Just as the ancient chiefs of native populations told and retold their families' history, the patriarch of my family began telling me of those who came before me and had defended the voice of democracy by committing themselves to America.

My grandfather was born in 1899, right after the Spanish American War, making him the age to be ready to fight in World War I. But, fate has twisted his youth with an accident in a woodshop class, that caused him to lose a portion of his first two fingers. His disappointment that his enlistment was denied for this reason, did not stop him from raising his first-born son to also have a commitment to America. His son was 24 years old the day he gave up his life to an enemy bullet deep inside Germany in the Spring of 1945 so very near the end of World War II. Although my grandfather was saddened and distraught by the loss of his only son, he was blessed with a second son born later that year in June of 1945. Never did my grandfather waver in his commitment to America, raising his second son to believe in preserving the strength of our country's liberties. The second son, my father, exemplified this commitment in August of 1963 by willingly joining the United States Marine Corps. The celebration of his 21st birthday in Viet Nam made him cognizant of the abundant freedom of Americans, and the necessity of continued commitment to maintain the strength of our democracy. It became clearer to me why, we as Americans, commemorate national holidays. On December 7th each year when my family raises the original 48 star flag that flew over Pearl Harbor in remembrance of my grandmother's brother, who perished abroad the U.S.S. Curtis, it is a personally moving experience for me.

Consequently, the respect for my country grew, when I began to fathom the commitments to America that has been made by my ancestors.

It made me realize, if my grandfather had tallied a lifetime of happenings from war and peace to depression and prosperity, what had countless millions of other Americans encountered? By questioning neighbors, relatives, friends of family, and the congregation at my place of worship, their stories brought to life for me things like war bonds, rationing, Chu Lai, supportive mothers, fathers, husbands, wives, and children, the horrendous Bataan Death March, and other actions taken by Americans at home and in far away places. I could see that many lifetimes of commitment to America could be absorbed, and by utilizing this learning, my loyality and dedication could be turned into a working commitment to America. How lucky the youth of today are in having an ever-growing group of senior citizens from which to collect their ideas. Most of these older people will never have their experiences printed on the pages of history, but their contribution to America, no matter what their rank or position, has had a profound influence in the making of our country what it is today.

Only for the asking had all this amazing information been presented to me in the living form of my grandfather, whose memories spanned 130 years.

Seeking knowledge to preserve freedom is my commitment to America and it will be fueled, not only by the gift of my heritage bestowed upon me by my near-centenarian grandfather, but also by actively encouraging other young people to make a commitment to America by searching for knowledge, just by talking to the many experienced older Americans, who are so willing to share their voices of democracy.

ANTITRUST ENFORCEMENT GOALS HAVE NOT KEPT PACE WITH THE MARKETPLACE

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BROOKS. Mr. Speaker, today I am introducing, together with Congressman FISH, a bill that would solve what has been a major obstacle to vigorous antitrust enforcement in the international arena—the inability of our Justice Department to receive and share information with foreign agencies. Great praise needs to be given today to Attorney General Janet Reno and her vigilant antitrust chief Anne Bingaman for making this legislation a department priority.

American business has long had a profound respect for these laws—if not a profound love. Unfortunately, foreign competitors do not share this respect. In too many instances foreign companies have targeted our economy with anticompetitive conduct. As our economy is more fully integrated in the global economy, we become ever more vulnerable to these destructive tactics.

Yet, our antitrust enforcement tools have not kept pace with the international marketplace. Worse, in the eighties there seemed at times to be a lack of resolve by our Government to take foreign competitive threats seriously—perhaps reaching its lowest point in 1986 when the Justice Department—at the beck and call of the State Department—advocated, before the Supreme Court, that foreign predatory conduct here could be excused if a foreign government merely asserted that it had directed the conduct to take place.

Fortunately, in the nineties, the Justice Department is again demonstrating a stronger resolve for U.S. interests and they are asking Congress for additional tools to do the job right. As one of those tools, the bill I am introducing today would enable the Department of Justice to enter into reciprocal discovery arrangements with foreign antitrust enforcers who share our views of a free marketplace. This will make it much more difficult for foreign predators to find a safe haven here.

More work needs to be done in the foreign antitrust area, and I plan to target this area in the remainder of this Congress and into the next. I intend to pursue a range of other initiatives, including a close look at the operation of the foreign compulsion doctrine. I am hopeful that the Congress will be able to move this bill quickly to give to U.S. business the full and fair opportunity it has earned to compete in the global marketplace. As this bill moves through the committee process, we will make any further refinements necessary to assure that a proper balance is struck between preserving important individual and proprietary rights and providing additional antitrust enforcement authorities.

GET RUSSIAN TROOPS OUT OF ESTONIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. HOYER. Mr. Speaker, ever since regaining its independence, Estonia has been negotiating with Moscow about the withdrawal of Russian troops. These forces now number about 2,500, and their departure from Estonia by August 31, 1994 was widely anticipated. But President Boris Yeltsin demonstratively proclaimed at the recent G–7 meeting in Naples that Russian troops would not leave Estonia by that date.

President Yeltsin's statement is very troubling. He justified his decision by charging that Russians are victims of persecution and human rights violations in Estonia. But his explanation is disturbing for two reasons: First, it is the position of the United States and the CSCE that troop withdrawals are not linked to any other issue under negotiation or discussion between Estonia and Russia. The July 1992 resolution of the CSCE's Helsinki Summit calls for the "early, orderly and complete withdrawal" of foreign—that is, Russian—troops from the Baltic States. Russian signed that resolution, which says nothing about conditionality or linkage with any other issues.

Second, despite numerous claims by President Yeltsin and other Russian officials, neither the CSCE nor other international organizations have uncovered human rights violations in Estonia. Staff members of the Helsinki Commission, which I cochair, have taken part in these fact-finding missions and have confirmed these conclusions. Russians and other noncitizens are becoming naturalized in accordance with Estonia's law on citizenship, and the CSCE and the European Community are closely monitoring the issuance of residency permits to noncitizens. They are learning Estonian and are taking advantage of Estonia's remarkable free market reforms to make money, there has been no violence, and Western public opinion shows a surprising level of satisfaction among them. Given these circumstances, allegations of human rights violations—not to speak of the more hysterical, tendentious, and unconscionable accusations emanating from Moscow of "genocide" and "ethnic cleansing"—are simply not credible.

Even on the issue of Russian military retirees, the ostensible bone of contention between the two sides, Estonia has been flexible and forthcoming—especially since Russia has been demobilizing its troops into the Estonian population. So it is hard not to conclude that Russia is pursuing ends other than human rights, like hanging on to Paldiski, a nuclear submarine training base.

Mr. Speaker, Russian troops should get out of Estonia, no ifs, ands, or buts. I regret that President Yeltsin, after his very public statement, is now boxed into a position from which it will be hard to extricate himself. The stance his government has taken does a disservice to Russia, affronts the sovereignty of its tiny neighbor and flaunts defiance of the CSCE and its principles.

TRIBUTE TO CYRUS ELDER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. JACOBS. Mr. Speaker, the distinguished young athlete, Cyrus Elder, has a direct congressional connection. His mother, De Elder, is one of my coworkers in the 10th district office.

We are enormously proud of Cyrus Elder, not only because of his unyielding athletic discipline, but also because he is also an excellent student.

[From the Maryland Independent, July 8, 1994]

ELDER GAINS TRACK CROWN; PLACES FIFTH IN LONG JUMP

(Bears take home national medals from competition)

Charles County's Cyrus Elder won the 200-meter dash at the USA Track and Field Youth National Championships in Knoxville, Tenn., to become the national champion in the event.

Elder will now lead his team of 22 Bears to the Region III East Coast Championship this week at Mount St. Mary's College in Emmitsburg.

The top three places in the meet qualifies for the National Junior Olympics in Gainesville, Fla., later this month.

Elder led a team of five St. Charles Bears to the USA Track & Field Youth National Championships, held June 28 through July 2, that brought home six medals.

In addition to winning the national championship in the 200-meter dash, Elder was fifth in the long jump.

Michael Bachman led fellow racewalkers Brian Stortzum and James Overby to a third, fourth and fifth place finish in the 1,500 meter racewalk.

Sprinter Melynnie Dade competed in the 100 meter dash.

PROTECTING OUR HISTORIC PUBLIC LANDS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. ANDREWS of Texas. Mr. Speaker, on June 16, 1994, I introduced House Concurrent Resolution 255. This resolution urges Congress and the administration to closely evaluate the Walt Disney Co.'s proposed theme park and real estate development in the northern piedmont area of Virginia, and calls on Disney to move its park to a site where it would have a less detrimental impact on the surrounding, historically significant lands of Shenandoah National Park and Manassas National Battlefield Park. This effort has been joined by 28 of my colleagues in the House and supported by numerous editorial writers across the country.

Mr. Speaker, I would like to submit one of the more recent pieces regarding the proposed theme park, which appeared in newspapers this past weekend, and I again call on Disney to find a more suitable location for its massive development.

[From the Washington Post, July 17, 1994]

VIRGINIA'S THREATENED PIEDMONT

(By George F. Will)

HAYMARKET, VA.—In a churchyard here a gravestone reads:

Stonewall Jackson Campbell
May 2, 1863 Dec. 10, 1911

The infant Campbell was named for the Virginian who earned his name on a battlefield a few minutes gallop from the churchyard, a soldier who on May 2, 1863, received a mortal wound at Chancellorsville, not far from here.

Problem is, much of American history was made not far from here, often by men who lived nearby: The church is hard by the intersection of the James Madison and John Marshall highways. Just over yonder lives Miss Beuregard, a great-granddaughter of the Confederate general. And so it goes. You can hardly turn around out here without bumping into evocations of the nation's making.

This would be merely nice, not a problem, were it not for something that threatens to be the unmaking of this area. The Disney company seems determined, almost irrationally so, to turn this area inside out and upside down by building, about a half-mile from the churchyard and 3.5 miles from the Manassas field where Jackson fought, a huge commercial and residential real estate development, at the core of which would be an American history theme park.

Unfortunately, many faulty reason have been indiscriminately adduced for opposing Disney's project, so the one sufficient reason may get lost in the melee. It is that Disney has decided to build something that would radically transform, beyond recognition, an area that is, arguably, America's most defining landscape.

America has various defining landscapes, not all of them bucolic. One is Manhattan's forever unfinished skyline, emblematic of our heroic materialism. But one is more drenched in the history of heroic idealism than Virginia's Piedmont region, a perishable window on the past, a place which, were Jefferson and Washington and Lee to revisit it, would be comfortably familiar to them.

Some of Disney's critics would, if they could, freeze this region in time. They cannot. Development will come to this place because it is a short drive from Washington and the government that will not stop growing. But Disney's mega-development, by its scale and nature, would change beyond recognition a historic region rich in sites that millions of Americans come to as pilgrims to shrines of our civil religion.

Some of Disney's critics get the vapors at the thought of what the theme park might do to the telling of America's story. But if Disney or anyone else wants to make a skit, or a hash, of history, well, the right to vulgarize is one of America's most vigorously exercised rights. Anyway, Disney would be hard-pressed to do worse than, say, Oliver Stone's movies—or, for that matter, than some historians do, including some of Disney's academic despisers.

Disney has armed its despisers by talking foolishly, as when Chairman Michael Eisner said, "I was dragged to Washington as a kid and it was the worst weekend of my life," or when a Disney "creative director" said the park would "make you feel what it was like to be a slave." (See your sister sold down the river, then get cotton candy?) However, again, the point is not what Disney wants to do, but where it wants to do it.

The administration of environmental, transportation and other federal, state and local regulations provides many opportunities for Disney's opponents to slow the project's progress and raise its costs. In any such battle of attrition, bet on the multibillion-dollar corporation that buys lawyers by the battalions. But why does Eisner seem bent on becoming the archetype of the Hollywood vulgarian, greasing with money (some of it to politicians) the slide of a great corporation into the role of coarse bully, stamping its bootprints on hallowed places?

One of the roads that would have to become an enlarged congested highway to serve the park is Route 15, which runs north to Gettysburg. There one of the Berkeley boys now buried in the churchyard here was captured at the crest of Pickett's charge, at the wall on Cemetery Ridge now known as "the high-water mark of the Confederacy." From there Lee's army beat an honorable retreat.

It is astonishing that Disney, out of sheer stubbornness is risking its reputation as a good corporate citizen, and is doing so to put here a project that could be put in many more suitable places. But it is not too late for Disney to learn a lesson from Lee, who is revered by the nation he tried to dismember, revered partly because he knew how to retreat and when to surrender.

INTRODUCTION OF A HOUSE CONCURRENT RESOLUTION OPPOSING UNITED STATES SUPPORT FOR THE LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FIELDS of Texas. Mr. Speaker, today, Senator JUDD GREGG and I are introducing joint resolutions expressing the sense of Congress that the United States should refrain from signing the folly known as the Law of the Sea Treaty.

In 1983, President Reagan soundly rejected this treaty because it was not in the best interests of the United States. While recent United Nations-led discussions have led to some improvements in the seabed mining provisions of the treaty, these changes have not gone far enough. The treaty is still a bad deal for the United States and for our industrialized allies, whose interests continue to be sacrificed for the benefit of those countries who contribute the least to this international effort. Furthermore, the Law of the Sea Treaty is a terrible precedent for future negotiations involving outer space.

The most egregious example of this is found in the portions of the treaty which establish a seabed mining regime. For example, the treaty

retains the Enterprise, a Third World-dominated mining concern, which will operate in direct competition with the industrialized countries that currently sponsor seabed mining. The Enterprise will have significant advantages over private miners, including the choice of a free, fully prospected mining site from each miner filing a claim. In addition, the treaty still requires that seabed mining revenues be shared with the Third World and even national liberation movements, like the PLO.

The treaty also creates an enormous seabed mining bureaucracy, including an authority, an assembly, a council, a secretariat, several technical commissions, an international tribunal for the Law of the Sea, and a sea-bed disputes chamber. Third World interests dominate all these bodies. The United States has no veto; yet, we are to bankroll a quarter of the start-up costs of this new, unwieldy system.

In 1983, when the treaty was properly rejected by President Reagan, the marine scientific community expressed unhappiness with the research components for the treaty and the energy industry balked at sharing revenues with the Third World from the development of offshore oil and gas resources. All of these provisions remain in the treaty. Moreover, recent concerns have also been expressed about the preemption of Federal and State laws and our other international obligations by the Law of the Sea Treaty, including our ability to use economic sanctions to enforce environmental and fishery laws.

Despite these many defects, Secretary of State Warren Christopher announced on June 30 that the United States has committed itself to signing the Law of the Sea Treaty, and will sign a seabed mining agreement on July 29.

I have heard arguments that we need this Treaty to aid our national defense objectives. However, I note that the United States recognizes the freedoms of navigation embodied in the treaty as customary international law; that we have never been denied access to any strategically important navigational area; and that many of the countries that control these areas have not ratified the treaty.

Our hope today is that we can keep the administration from quietly sneaking this badly flawed treaty by the American people and that by emphasizing its many deficiencies, two-thirds of the Senate will not ratify this massive giveaway of U.S. strategic interests.

The United States has existed for over 200 years without a law of the sea treaty to protect its interests in the oceans. I see little, if anything, to be gained by jumping aboard this leaky boat and I urge my colleagues in the Senate to follow the outstanding leadership of my good friend, Senator GREGG, and to vote no on this treaty when it is submitted for ratification.

NATIONAL DIVIDEND PLAN

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. TAUZIN. Mr. Speaker, for much of the 103d Congress we have been occupied with concerns over the Federal budget deficit; we have debated numerous and varied ideas to limit spending or raise revenue or accept some combination of the two. The common goal has been to reduce the deficit—a deficit that both liberals and conservatives, Republicans and Democrats, see as a threat to our national economic health and long-term stability. We have grappled with constitutional amendments to gain a mandatory balanced budget and each appropriation bills seems to bring new attempts to impose generic limits. We have bills to cut spending across the board, to target programs ranging from the tea tasters to the B1 bomber, all in an effort to get the deficit under control.

Through all this Mr. Speaker, we have not utilized the most effective resource this Nation has to accomplish this critical task: We have not given the American voter a tangible stake in this country's financial progress. The National Dividend Plan [NDP], an idea born in the fifties in the mind and heart of John H. Perry, Jr. and which I have introduced as H.R. 430, does just that.

The NDP doesn't just encourage citizen involvement—involvement is guaranteed through the sharing of the Federal profits of corporate enterprise. This profit sharing is achieved by redirecting revenue collected from the corporate income tax from Federal coffers directly back to those who generated it: The American labor force. This would be done only in years when the budget is balanced or in surplus, giving all voting citizens a direct stake in the outcome of the Federal budgeting process.

John Perry is a successful businessman and philanthropist. He recently wrote of the NDP and I want to share his thoughts with my colleagues. I hope it will help persuade each of you to join me in this effort.

THE NATIONAL DIVIDEND PLAN: IT'S TIME

(By John H. Perry. Jr.)

"It's spending, stupid!"

For Fiscal Year 1995, the President's budget proposes spending of $1.518 trillion—that's $2,880,000 every minute of every day. And we will pile up an additional $176 billion of debt even while we are paying net interest of $198.8 billion on our existing national debt of $4.6 trillion. Think of it, how would you spend $48,000 a second next year? More importantly, how could you do that knowing that it adds $335,000 a minute to your debt even while you pay $378,000 a minute in interest on existing debt.

If, resorting to the sport metaphor which dominates much political discussion these days, it's "Three strikes and you're out!" why is the hottest debate topic on Capitol Hill these days the Balanced Budget Constitutional Amendment? We're already out of the box.

Congress swung—and missed—with the Budget Impoundment and Control Act, it swung and missed again with Gramm-Rudman-Hollings, and then, called strike three—the Omnibus Budget Reconciliation Act, not only did spending continue, but taxes were increased.

Members of the Congress, House and Senate, are again earnestly discussing the need for discipline in spending, but build accounting devices into a proposed Constitutional Amendment which will also provide loopholes for minorities who would on the one hand expand revenue and on the other limit spending.

Instead of recognizing the futility of 535 Members of Congress trying to restrain themselves from doing what 260 million Americans want them to do, it's time that we create an environment in which 260 million people demand that the 535 do what needs to be done.

The National Dividend Plan provides not only the opportunity, but also the demand. After forty years "in the wilderness," it is an idea whose time has surely come. In 1952, having found some success for myself as I pursued the American dream, I proposed a program by which the public revenue from the profits of the industrial might of America—Federal corporate income tax revenues—be returned directly to the people of America, the source of that might. It was, for its day, a radical national "employee stock ownership plan." In a simpler time, a time of only marginal deficits, and occasional surpluses, it was just a way to "invest" each voting citizen with a stake in increasing the economic might of the nation—emphasizing American industry—and by participating in the political process—registered voters would become actors in "growing" America.

The National Dividend Plan is majestic in its simplicity:

1. Create a National Dividend Trust Fund, financed primarily by Federal income taxes on corporate profits and capital gains taxes; distribute the revenues from the Fund, quarterly, equally to all registered voters, tax-free.

2. Impose a five-year spending freeze on the Federal government as the Fund is established and adjustments are made in Federal budgeting.

3. To eliminate, and restrain, Federal deficits, provide that no distributions from the Trust Fund be made to individuals until the Federal budget is in surplus—because each registered citizen-voter is equally entitled to Fund distributions, each citizen, rich or poor, becomes equally vested with an interest in critically weighing Federal programming.

4. Eliminate the double taxation of corporate dividends for stockholders.

5. Freeze the corporate tax at current rates to provide economic stability.

Polls have consistently shown results which indicate that the American public recognizes the need to limit spending and to balance our national budget. Individuals know that they must balance their checkbooks or face declining living standards and limited options for future activity. At the same time, political realities have encouraged legislators to respond to special interest constituencies rather than to make the tough choices necessary to live within our means.

The National Dividend Plan, by giving every registered voter a stake in controlling Federal spending, will enforce discipline where it belongs: in the relationship between voters and their voices in Washington. Without a meaningful incentive for voters to demand discipline in Federal spending on the part of legislators, legislators have no incentive to practice meaningful discipline.

More to the point, since a properly established National Dividend Plan would eliminate deficit spending within a few years, a five year period is built into the legislation, the American voter becomes a stakeholder in the economic success of America's business enterprise.

Buying American becomes not only a statement of faith in America's businesses

and industry, it also gives each voter a return on his or her investment of time and energy to the success of our nation's productive enterprise. And, because America will become more productive it will continue to be the most successful exporter of national goods and services in the world.

Finally, of course, it is important to understand that, while the proceeds of the National Dividend are not taxable, the earned income of citizens is. A vibrant economy will continue to generate Federal funds to meet truly national needs—and the growth of business and industry generated by increases in productivity and the competitiveness of American goods and services will mean that America's Federal enterprise can grow as the nation grows, and even meet important new needs. But the practice of responding to special interests, "oiling" the hundreds of squeaky wheels that now make up not only our Federal programs but the way that we legislate, will have to pass the "means" test: Is it worth it if it means that my dividend is reduced? Some demands will meet that test: certainly challenges to our national sovereignty or national interests around the world which may demand defense expenditures, unusual events such as the disasters which have occasionally resulted in our people demonstrating that we are the most compassionate nation on earth, and other events which may call on our enlightened self-interest to meet our national interest.

America is a nation built on a free economy, but its economy is no longer free—it is captive to the 35 years of deficits since the last balanced budget. Only the people of America, whose self-interest and generosity generated the budgetary nightmare we now face wake up and bring a bright new day.

The National Dividend Plan gives America's voters not only the opportunity to continue to generously meet national needs, but the self-interest to demand that those needs meet the test of being measured by the light of day. And legislators, who now seek shelter in the "discipline" of a hazy Constitutional Amendment will find the glow of a new day of enlightened voter participation in the budget process. H.R. 430, legislation implementing a National Dividend Plan, is before the 103rd Congress. It's time that we as voters demand of our legislators that they not only return to the citizenry a means by which to measure their economic management of America, but also a share of the means which measures the economic strength of America.

STATEMENT IN SUPPORT OF LIFTING THE EXPORT BAN ON ALASKAN NORTH SLOPE OIL

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. DOOLEY. Mr. Speaker, I rise today to express my strong support for lifting the export ban on Alaskan North Slope oil. I would like to insert into the CONGRESSIONAL RECORD a letter from the California Independent Petroleum Association to President Clinton outlining their support for lifting the ban.

The Department of Energy recently came out with a study that concluded the lifting of the ban would have a tremendous economic impact to not only my home State of California but to the entire west coast. Lifting the ban would create between 10,000 to 25,000 jobs by the end of the decade. This would improve circumstances for west coast oil producers and would raise revenue dramatically for the Federal Government and tax and royalty revenues for the States of California and Alaska. It would also spur new production in new and existing wells.

CALIFORNIA INDEPENDENT PETROLEUM ASSOCIATION,
Sacramento, CA, June 10, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are grateful to you for undertaking a review of the current export restrictions on crude oil produced on the Alaskan North Slope (ANS). As domestic crude oil producers, we strongly support elimination of the ANS export ban which, in our view, has contributed to the decline of U.S. oil production, especially in California.

We firmly believe that eliminating the ANS export ban will create American jobs, expand U.S. crude oil production, and enhance U.S. energy and national security. Just recently, a number of maritime unions have come out in favor of dropping the ban. We endorse the proposal to require any ANS oil exports be carried on U.S. built, U.S. owned and U.S. crewed vessels, an action that will preserve and expand jobs in the U.S. maritime sector. Equally important, eliminating this export ban will not have adverse impacts on U.S. consumers, and will help preserve two vital industries, the maritime industry and the oil and gas producing industry, with no cost to the federal treasury.

Circumstances have changed greatly since the ban was put into law in 1973. The domestic industry has been devastated by low world oil prices. Crude oil production in the United States is declining, and will continue to do so, unless policy changes are made. By eliminating the ban on ANS exports, your Administration can take an important step in preserving two vital domestic industries.

Thank you for your consideration.

Respectfully,

Independent Oil Producers Agency
Independent Petroleum Association of America
British Petroleum
Berry Petroleum Company
Santa Fe Energy Resources
Tannehill Oil Company
McFarland Energy
MacPherson Oil Company
Trio Petroleum
Stockdale Oil & Gas Company
Gary Drilling Company
Rio Delta Resources Company
Capitol Oil Corporation
Nahama & Weagant Energy Company
Stream Energy
Vern Jones Oil & Gas Corporation
Anacapa Oil Corporation
Signal Hill Petroleum Company
Stocker Resources
Drilling and Production Company
City of Long Beach
Union Pacific Resources Corporation
Tidelands Oil Production Company
Hunter Resources
Vintage Oil Company
Fortune Petroleum Corporation
Seneca Resources Corporation
Pennzoil Company
OXY USA, Inc.
Crutcher-Tufts Production Company
The Termo Company
Western Avenue Properties
Makoil
ANGUS Petroleum Corporation
Sierra Resources
Commander Oil Company
Aidlin Oil Operations
Alamitos Land Company
Alanmar Energy
Jock Albright
Alford & Elliot
American Energy Operations
American Hunter Exploration Ltd.
Atlantic Oil Company
Axis Petroleum Company
B & R Oil Company
Bakersfield Energy Resources
Banta & Haigh
Benito Huntington Oil Company
Black Gold Oil Company
Breitburn Energy Corporation
Casa Oil Associates
Castle Minerals
CBase Corporation
CENEX Exploration & Production
Chase Production Company
Martin Gould Production
Coal Oil Inc.
Columbine Associates
Concordia Resources
Conway Oil
Cooper & Brain
Cornerstone Oil Company
Cree Oil Limited
DBM Oil Company
D.E. & O. Production
David E. Gautschy, Inc.
Davis Company
Dole Enterprises
Dos Rios Inc.
E & B Natural Resources Management
Engineers Oil Company
Fairhaven Resources
Fleet Oil Company
Fox Oil Company Trust
Ganong Oil & Gas Operations
M.H. Whittier Company
George Kahn Operating Company
Global Oil Production
Gotland Oil
Graner Oil Company
Russell Green—Independent
Hagee-Lewis Petroleum Corporation
Hallador Petroleum Company
Hallbergen & Company
Hardly Able Oil Company
Hellman Properties
Harlan Born, Jr.
Herley Kelley Company
Herrera Oil & Minerals
Hilcrest Beverly Oil Corporation
Hondo Oil & Gas Company
Howard Caywood, Inc.
Hoyt-McKittrick Oil Company
J. Thomas Pixton
Baker-Dickey, Inc.
Thomas Oil Operations
K.B. Oil & Gas Company
K.M.T. Oil Company
Kelt Oil & Gas
Sperry Oil Operations
Ker-Oil International
Kernview Oil Company
Keystone Oil Company
Laymac Corporation
Ferguson Energy
Laymance Oil Company
Lebanon Oil and Gas Company
Lee Lamberson, Inc.
Manley Oil Company
McGill & Shepard Exploration
Richard Mertz
Felix Smidt
Mickelson Oil & Gas Properties
Midway Premier Oil Company
Mission Oil Company

Mitchell Energy Corporation
Mitchell Land and Improvement Co.
Mitchell-Grossu Oil Company
Mock Resources
Morsey Oil & Gas Company
Naftex Holdings
Newhall Land & Farming Company
Nollac Oil Company
Nordic Oil Company
Northwest Petroleum
Ogle Petroleum
Ojai Oil Company
Oxbow Energy
Pacific Energy Resources
Pacific Operating Company
Pan Western Petroleum
Patriot Resources
Petro Resources
Phoenix Enterprises
Daniel Pickrell
Pioneer Kettleman Co.
Pioneer Midway Oil Company
Fredrick C. Porter
Harry Ptasynski
Rhodabarger Oil
Razar Resources
Red Bank Oil Company
Redwood Resources
Reedy Exploration
Bryce Rhodes
Richard Sawyer
Rohrig Petroleum Company
Royale Operating Company
S & C Oil Company
S & S Oil Company
Saba Petroleum Company
Sacramento Energy Co.
Sampson Oil Partnership
San Joaquin Facilities Management
Santa Fe Minerals
Schaefer Oil Company
Sequoia Exploration
Shasta Pan
Sierra Energy Company
Sol Alexander
Solum Oil Corporation
South Coast Oil Corporation
St. James Oil Corporation
Stinnett Oil Company
Stone Exploration Company
Strangeman Exploration Company
Sunrock Oil Company
T.A. Atkinson
T.E. Adams Oil Corporation
TEJ Venture
John Teberg
Robert Teitsworth
Tejon Ranch
Texokan Exploration Services
The Mitchell Company
Tide Petroleum Company
Tower Petroleum
Tri-State Development Corporation
U.S. Oil & Gas
United Energy
Vaughan Production Company
Venada National
Venoco
Virginia Oil & Land Company
Conrad Von Bibra
Victory Oil Company
Well Energy Corporation
Western Continental Operating
Western Drilling, Inc.
Westland Petroleum Company
Witte Enterprises

HONORING THE MEMORY OF ARMY SFC. JIMMY GRANT FREEMAN

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BROWDER. Mr. Speaker, 25 years ago, Army Sfc. Jimmy Grant Freeman, of Taladega, AL, died a hero's death while defending a small, isolated base camp at Soc Trang, in South Vietnam. The memory of this young man is still fresh in his native State, where veterans and civic organizations are working to establish a Jimmy Grant Freeman Memorial.

I was in Talladega recently for Memorial Day ceremonies and I had the privilege of spending time with Jimmy Freeman's family and friends and commemorating with them his selfless dedication to duty.

In 1969, Sergeant First Class Freeman was 27 years old. He was married, the father of three children, and a veteran of 10 years of Army service. When the year opened, he was posted in a remote region of the Mekong River Delta with another U.S. Army sergeant. They were to give military advice to local troops at Soc Trang.

Only weeks after he arrived at the outpost, Freeman learned that his fourth child had died at birth and he took emergency leave to go back to Talladega. Given the choice of another assignment or returning to Vietnam, Freeman decided to return to his dangerous mission and to his fellow sergeant, Darrel E. Anderson, who had been left to bear their responsibilities alone.

On March 24, 1969, a numerically superior force overran the small Soc Trang base camp and both Americans were killed in its defense. Both were awarded the Silver Star posthumously for gallantry in action, and, later, in a rare tribute to their bravery, their camp was designated as the Freeman-Anderson Compound.

Freeman also was awarded the Bronze Star Medal and the Purple Heart. Prior to his death, he had received the Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Ribbon, and the Combat Infantryman Badge.

The Alabama Military Hall of Honor selected Sergeant First Class Freeman for induction in 1990 and his name is enshrined there with the names of other Alabama heroes who have been selected for this permanent and visible tribute. The Hall of Honor is on the campus of Marion Military Institute.

In a special tribute this year, Gov. Jim Folsom issued a proclamation proclaiming Jimmy Grant Freeman an Alabama Hero and urging that fellow Alabamians remember the sacrifice he made for his country and his fellow men.

The Jimmy Grant Freeman story that I have recounted is a timeless tribute to one man's patriotism and his devotion to duty. In further tribute, I ask unanimous consent, Mr. Speaker, that Governor Folsom's proclamation be printed at this point in the CONGRESSIONAL RECORD.

PROCLAMATION

Whereas, to thousands of Vietnam veterans who were stationed at Soc Trang during the war, the name SFC Jimmy Grant Freeman is one which symbolizes heroism; and

Whereas, to Freeman's family and members of the Conner-Davis VFW Post 4261 in Talladega, the name symbolizes the unselfish dedication of a patriot to his country; and

Whereas, during Vietnam in the year 1969, Freeman was assigned to Mobile Advisory Team 71 at Soc Trang; just months after he arrived in the war zone, he returned to Talladega on emergency leave; and

Whereas, given the choice to return to Vietnam or remain in Talladega, Freeman chose to return and serve his country and assist a fellow sergeant and friend, Darrel E. Anderson; and

Whereas, Freeman and Anderson heroically defended their camp but lost their lives when it was overrun by a Viet Cong force; and

Whereas, both men were posthumously awarded the Silver Star for valor, and the Advisory Team 71 headquarters compound was named in their honor; and

Whereas, Freeman has also been inducted into the Alabama Military Hall of Honor at Marion Military Institute; and

Whereas, records of the heroic deeds of Freeman and more than 100 other soldiers can be found in a book by Ray Bows, Vietnam Military Lore 1959-1973 . . . Another Way to Remember: and

Whereas, in Talladega, the Conner-Davis VFW Post 4261 is honoring Freeman and working to establish a Jimmy Grant Freeman memorial; and

Whereas, it is fitting that all Alabamians recognize the contributions of Jimmy Grant Freeman to his country—contributions which culminated in the ultimate sacrifice—his life: Now, therefore,

I Jim Folsom, Governor of the State of Alabama, do hereby proclaim Jimmy Grant Freeman an Alabama Hero and do urge citizens of our great state to remember the great sacrifice he made for his country and for his fellow men.

TRIBUTE TO THE EASLEY-FAULKNER FAMILY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BLACKWELL. Mr. Speaker, I rise today to honor and celebrate five generations who will gather from July 22 through July 24 in celebration of the Easley-Faulkner family very first reunion. This historic event will be held in Pittsburgh, PA. The two eldest members of the Easley-Faulkner family are 96-year-old Annie Faulkner Weatherspoon and 90-year-old Catherine Easley Middlebrooks.

Mr. Speaker, two cornerstones of a successful and long-lasting family are faith and family values. It was once said, "The only faith that wears well and holds its color in all weathers, is that which is woven of conviction and set with the sharp mordant of experience." Certainly a family that has remained intact, for five generations knows something of faith. And, family, one of nature's most brilliant masterpieces shines like the brilliance of the noonday sun. It is a well-known fact that the security and elevation of the family and of family life are the prime objects of civilization, and the ultimate ends of all industry.

Mr. Speaker, I am convinced that the family is God's most essential unit in the community and society. For that reason, we must fight hard to preserve the family. Because, the destruction of family must also necessarily mean the destruction of our Nation. As an optimist, my conviction is reinforced when I behold the world's finest treasures in the family storehouse of the Easley-Faulkner family. Refined gold you will find in this family's laughter. And silver is evident in the graying hairs where

they have been graced by wisdom's knowledge, discernment and judgment. The earth yields no sapphires or rubies so precious as that of a baby's smile when it sleeps or a child's unexpected affection and show of love. This is indeed a family.

Mr. Speaker, the pleasures of life, both great and small are contained within the confines of the family structure. For these and other reasons, I honor the Easley-Faulkner family on the occasion of their first family reunion and pray that God may grant them many, many more.

JACQULINE DENISE DAVIS COURT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. SERRANO. Mr. Speaker, I rise in celebration of the grand opening last Tuesday, July 12, of the Jacquline Denise Davis Court moderate rehabilitation housing project in the south Bronx.

As my colleagues surely know, my south Bronx community has long been a national symbol of urban decline and degradation. Presidential tours of the ruins have come and gone, as have Presidential promises of concerted Federal efforts to revitalize this region.

Mr. Speaker, in recent years, my community has made great strides in rejuvenating itself, and I am pleased to share with my colleagues one of the most dramatic and promising of these efforts.

Led by my former New York State Assembly colleagues, the Honorable Gloria Davis, whose work on this project was inspired by her late daughter, Jacquline Denise Davis, a remarkable public/private partnership comprised of the New York City Department of Housing Preservation and Development, the Enterprise Foundation, the Morrisania Revitalization Corp., Inc., and a number of corporate investors, has together transformed an abandoned eyesore at 576 East 168th Street into a unique and beautiful center for low-income housing and community pride.

Jacquline Denise Davis Court consists of 68 one-, two-, and three-bedroom apartments for low-income and homeless families, a unit which houses the Southeast Bronx Neighborhood Center, and another unit which serves as the home of the New York State Martin Luther King, Jr. Resource and Activity Center.

The Southeast Bronx Neighborhood Center offers job training and other services for area youth, and the Martin Luther King, Jr. Resource and Activity Center features civil rights exhibits and state-of-the-art interactive displays on the history of the civil rights movement. Jacquline Denise Davis Court also maintains a tenant service coordinator to refer tenants to community services and facilitate tenant education and involvement activities.

Mr. Speaker, in so many ways Jacquline Denise Davis Court will in the years to come serve as a powerful force for personal and community rehabilitation in the south Bronx. I ask my colleagues to join me in applauding Assemblywoman Gloria Davis and all who participated in the realization of this stunning landmark.

THE IMPORTANCE OF UNIVERSITY RESEARCH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, defense diversification is a very important issue in my district as well as in the Nation. I sit on the Armed Services Committee, Subcommittee on Research and Technology. University-based research not only provides new technology designed to keep the military one step ahead, but it also provides innovations for technology transfer that helps maintain a strong economy. Military procurement and other areas of spending have been severely curtailed in recent years, and many of us have felt its impact in our communities as factories shut down, bases closed, and service men and women return to civilian life. I am confident, however, that our economy will rebound from these spending decisions through defense diversification.

Chairman MURTHA and his Defense Subcommittee of the Appropriations Committee had the impossible task of setting priorities for a Department whose budget has grown smaller with each passing year. He rearranged some priorities this year to address these pressing needs and deserves our thanks. The decisions made by the committee were not final ones and some of the funding levels will be looked at again in the House-Senate conference. Chairman MURTHA deserves special commendation for providing increases in university-based research projects in past appropriation bills. It is important to realize that of all the research funding the Government provides to our universities, the Department of Defense provides approximately 41 percent of all engineering funding and 58 percent of all computer science funding. Our universities train new generations of top scientists because of this ongoing partnership between them and the Department of Defense. This research not only brings new technology to the military, but provides needed financial support for new scientists to conduct research for their Ph.D.'s, or post-doctoral work, thus training our next generation of scientists.

University-based research provides the foundation for new technology that keeps our military prepared and ready. One of my priorities is the way in which new DOD research focuses on technology. Defense contractors need assistance in shifting from technology exclusively developed for the Pentagon, to technology that can be used in all areas of industry. At the University at Stony Brook, which is located in my district, researchers have several DOD sponsored projects that focus on advanced computers. This work will not only help to keep our Nation's defense technology up to date, but will eventually help small businesses on Long Island create new high tech products. This research, and that of other New York State institutions, has already helped small electronic firms in my State and hopefully will help major industries produce new products to help them retain their major role in the Long Island economy.

I understand that the issue of university-based research will be raised in the House-Senate conference on the fiscal year 1995 Defense appropriations bill. I have confidence in Chairman MURTHA's ability to find a way to address this problem. The level of funding the House approved contains such a drastic cut in the university-based research account that ongoing experiments would have to cease and many researchers would lose their financial support. Chairman MURTHA set priorities in this budget to ensure that scientific achievement would not have to end. I am confident that our achievement in science will not be discontinued and that we will vote on a new level of funding when the conference report is put before the full House.

TRIBUTE TO STANLEY BENDER—WORLD WAR II HERO AND CONGRESSIONAL MEDAL OF HONOR RECIPIENT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. RAHALL. Mr. Speaker, it is my distinct honor to pay tribute to Stanley Bender of Fayetteville, WV, who recently passed away at the age of 84. Mr. Bender was a staff sergeant with Company E, 7th Infantry during the Second World War. He was one of only five West Virginians to be distinguished with the Congressional Medal of Honor.

On August 17, 1944, Staff Sergeant Bender and his men were pinned down under the fire of two machine gun nests outside of the French town of La Londa. Valiantly, he jumped out of his fortified position and ran for a disabled tank, dodging sniper bullets along the way. Once he got to the tank he was able to locate the two German machine gun nests and form a plan for taking them out. While his squad laid down cover fire for him, Staff Sergeant Bender raced down an irrigation ditch. Dodging grenades and an ever-thickening hail of bullets, Staff Sergeant Bender was able to get behind the machine-gun nests. Single-handedly, he eliminated both of the machine-gun nests, one right after the other. After accomplishing this heroic feat, Staff Sergeant Bender then led his men on a charge to liberate the town in front of them.

At the end of the day, his unit had destroyed 2 anti-tank guns, killed 37 enemy soldiers, and had taken another 26 captive. Not only did he receive the Congressional Medal of Honor, but he was also awarded the Purple Heart, the Bronze Star, seven battle stars and France's highest military honor—the Croix de Guerre.

When he returned home after the war, he was very humble of his great achievements. Bender was so modest that he did not even tell his wife about what he had done in World War II until sometime after they had been married. When anyone asked him what he did to deserve the Congressional Medal of Honor, Bender would quietly say he did what anyone else would have done under the circumstances.

It is always sad when we lose a hero. Yet it also brings us hope when we remember the great men like Stanley Bender who have

walked among us. I am honored to remember Stanley Bender as a soldier of great military achievements, an honorable West Virginian, a true patriot, and a loving father and husband.

SMALL INVESTORS TAX RELIEF ACT OF 1994

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MANZULLO. Mr. Speaker, I rise today to introduce the Small Investors Tax Relief Act of 1994. This bill is designed to accomplish two purposes. First, it will strengthen this Nation's precarious economic condition by stimulating economic growth and creating new jobs. Second, it will bring a measure of common sense and fairness to the tax burdens of the 80 to 90 million American small investors who are the lifeblood of our economic system.

The Small Investors Tax Relief Act of 1994 is very simple. It has only three provisions. First, it would exempt from Federal taxation the first $2,000 of interest and dividend income earned annually by individuals. Second, it would exempt the first $50,000 of an individual's capital gains from Federal income tax annually. Finally, it would index capital assets held for at least 1 year so that investors no longer would be required to pay taxes on gains caused by inflation.

Mr. Speaker, the economic health of our Nation is in serious trouble. Some of my colleagues may be surprised to hear me say this when all about us are the signs of economic growth and revival. But our national savings rate is dropping to dangerously low levels.

Much, if not most, of the economic growth our country has experienced lately is due to consumer spending. While consumer spending can do wonders for the short-term economic prognosis, it will most likely not be sustainable. The evidence is that consumers are borrowing from the future to spend more now.

The Wall Street Journal reported last December that not only are consumers charging more purchases to their credit cards, they have let their savings rate slide lower and lower. From a 5.2-percent rate in 1992, the savings rate for 1993 was just over 4 percent as of November. And, the savings rate is dropping further now because our spending is growing faster than our income. Moreover, the new withholding rates from last year's record tax hike for higher income Americans have now taken effect, which will surely put a crimp on how much wealthier consumers save.

The result, Mr. Speaker, is that our savings rate is dropping into the danger zone. As my colleagues know, the U.S. savings rate has been far below that of our major competitors since the 1970's, when our savings rate was in the 9 to 10-percent range. By 1992, it had dropped to 5.2 percent. As of November of last year, it was down to around 4 percent, a level many economists believe is in the danger zone. All of our major trading partners have savings rates significantly higher than ours.

According to the Treasury Department, 65 percent of taxpayers with capital gains have ordinary income under $50,000 and over 25 percent have ordinary income under $20,000. Only about 5 percent of taxpayers with capital gains have incomes above $200,000. The benefits of this bill are targeted to taxpayers in the lower- and middle-income classes.

The current high tax on capital gains encourages wealthy taxpayers to hold on to assets with unrealized gains. When the capital gains rate was over 40 percent in the mid-1970's, taxpayers in the top 1-percent of income accounted for just 33 percent of all taxable capital gains. When the capital gains tax rate was cut to 20 percent in 1981, the top 1 percent accounted for 55 percent of all realized capital gains.

In 1985, Americans with incomes over $500,000 per year paid $12 billion in capital gains taxes. This amount had dropped to $10 billion in 1991, adjusted for inflation.

When the capital gains tax rate jumped from 20 percent to 28 percent in 1987, seed capital for new businesses began to dry up. Between 1986 and 1991, venture capital financing of small businesses fell from $4.2 billion to $1.4 billion.

Mr. Speaker, there is an estimated $8 trillion of unrealized capital in the United States. And as we all know, the long-term prosperity of our economy depends on the availability of low-cost capital for business formation and job creation. Taxpayers can generally choose when they want to unleash this tremendous amount of capital. Our tax policies are holding them back, to the detriment of economic growth and job creation.

My bill will teach young people the value of work and savings by removing the current law's bias against young workers' savings. Furthermore, it will stimulate the economy and spur job creation by encouraging investors to sell capital assets and invest in new business enterprises that create new jobs. This legislation would make the United States more competitive internationally by lowering our capital gains tax rate closer to the rates of our major trading partners.

By unlocking billions of frozen assets, this proposal will lower the costs of capital and make it much more readily available. The increased economic activity resulting from this will certainly broaden the tax base and increase revenues. As a minimum, this feedback effect will partially, if not fully, offset any revenue losses that may occur.

THE FALL OF THE IVORY TOWER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. CRANE. Mr. Speaker, as Congress is in the midst of the annual appropriation process, I believe that it is a good time to review the success of the programs on which we are spending our constituents' hard earned tax dollars.

Just as the Federal Government's involvement in public housing has produced the war-torn streets surrounding Cabrini Green in Chicago, the Government's involvement in education has had similar detrimental effects on our Nation's students. Universities in particular have stopped teaching and are more concerned with receiving their annual Federal dole. Rather than waste valuable professors on students, universities involve their professors in programs to ensure that the school receives Federal grants, leaving the teaching of undergraduate to less experienced graduate students.

Dr. George Roche, president of Hillsdale College, my alma mater, has just completed a thorough study of America's university system, providing an insider's look—without an insider's bias—into the feeding frenzy at the public trough. George Roche and Hillsdale are not recipients of this Federal largess, they receive all their money from private and corporate sponsors.

The July 7, 1994 Wall Street Journal contains a book review of Dr. Roche's compilation of his study called "The Fall of the Ivory Tower." I include the book review and commend it to the attention of my colleagues. Furthermore, I encourage them to obtain a copy of the book and read and learn from Dr. Roche.

[From the Wall Street Journal, July 7, 1994]

UNIVERSITIES MAD FOR MONEY

(By Stephen H. Balch)

America's Utopians have traditionally been optimists. Rather than seeking to "level down" like their European counterparts, their passion has been to make everyone a winner. Opportunity—not redistribution—has been their theme.

The greatest monument to this dream of universal success is a system of higher education some part of which nearly half of all Americans have passed through, an astounding figure by any comparison. But American higher education's massive expansion has required an equally massive infusion of public funds, thereby massively transforming its character.

Hillsdale, a small private liberal-arts colleges in Michigan, has been one of the very few academic institutions to steadfastly refuse the government's largesse. In "The Fall of the Ivory Tower" (Regnery, 310 pages, $24), George Roche, Hillsdale's president, persuasively demonstrates how the eagerness of most other colleges and universities to feast at the public table has progressively robbed them of autonomy, compromised their standards, and in many cases brought them to the verge of bankruptcy. For those few still inclined to visualize the academy as a province of fussy dons and ethereal speculation. Mr. Roche provides a detailed inventory of the self-serving bureaucracies, lobbies and hardball politics that now govern its life and fortunes.

Mr. Roche heads an institution that stopped accepting students receiving federal aid after the Supreme Court ruled that the practice would subject it to a panoply of federal regulation. He is particularly caustic in his account of academic administrators who treat taxpayer money as a free good, quoting from internal directives advising them to assign every manner of peripherally related expenditure to the cost-sharing required by federal research programs. "As far as your office is concerned, Mecca is also referred to as Washington, D.C.," proclaims one pamphlet prepared for novice grants officers by the Association of American Colleges.

Throughout, Mr. Roche paints a disturbing but accurate picture of the invasive consequences of financial dependence. The systematic pressure to reduce hiring policies to

ethno-sexual patronage rightly draws his heaviest fire, though here, for ideological reasons, the academy has proved an enthusiastic accomplice in its own destruction. But even the most progressive of administrators are now warning that federal regulations extend to, among many other things, the assessment of "academic outcomes," and call forth a host of government agencies to bedevil institutions deemed deficient.

Mr. Roche's central argument is that the government's extravagant subsidy of higher education (now annually almost $40 billion at the federal level alone) has done precious little to efficiently educate. Instead, it has insulated academic institutions from market forces, fostering the giddy illusion—born during the government's flush years—that Uncle Sam's pockets are bottomless. Not only have institutions become financially overextended—burdened by excess plant, deferred maintenance and swollen, mischievous bureaucracy; priorities have become distorted, slighting the classroom in the pursuit of lucrative research; and highly subsidized demand has allowed tuition to rise to seemingly extortionate levels.

In his discussion of how senior research-oriented faculty have relegated undergraduate instruction to inadequately prepared, underpaid teaching assistants and adjuncts, Mr. Roche traverses well-charted ground. As he and other critics view this process, it has largely involved the substitution of such frivolous and self-indulgent preoccupations as "Victorian Underwear and Representations of the Female Body" for serious pursuit.

But while it has become easy to mock the zany preoccupations of contemporary scholars in the humanities, the contributions of our research universities to scientific knowledge and technical progress have in fact been immense. The problem derives less from misplaced priorities than from an unwillingness to state them with candor. Truth in advertising about institutional mission, and a more rigorously enforced division of labor among institutions and within faculties, would not only reduce the element of perceived "scam" in academic life, but force a salutary re-examination of competing research interests.

Mr. Roche's treatment of tuition inflation, tuition manipulation and the opportunities afforded by artificially high "sticker prices" to shift costs among students, and onto the taxpayer, is sharp, illuminating and likely to provoke the indignation of readers. His analyses of curricular decay, political correctness, the resegregation of our campuses, as well as the increasingly brazen efforts by colleges and universities to debunk conventional notions of sexual morality, while not novel, are also incisively made. Vacuous curriculums and dogmatism could hardly flourish among institutions in uncushioned markets.

As suggested by the book's title, Mr. Roche portrays an academic establishment heading for a fall. With a growing awareness of inadequacy and scandal, and with government under heavy pressure to retrench, universities and colleages—particularly private ones—will have to shape up or go down. In this predicament he wisely finds reason for hope. Having long pursued Utopia, the American academy will finally be required to learn some lessons from life.

TRIBUTE TO SIX COAST GUARD MEN

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. STUDDS. Mr. Speaker, the Coast Guard and the Nation suffered a tremendous loss last week.

On July 12, 1994, flying out of Coast Guard Air Station Humboldt Bay, CA, in heavy fog to search for a 37-foot sailing vessel with two people onboard that had stranded on the rocks, the aircrew of rescue helicopter 6541: Lt. Mark E. Koteek, of Eureka, CA; Lt. Laurence B. Williams, of McKinleyville, CA; Chief Aviation Survivalman Peter A. Leeman, of Eureka, CA; and Aviation Structural Mechanic First Class Michael R. Gill, of Trinidad, CA, perished in a helicopter crash.

The very next day, a civilian helicopter taking Senior Chief Boatswain's Mate James A. Favani, of San Francisco, CA, and Chief Marine Science Technician Charles R. Blome, of Billings, MT, out to inspect an oil tanker 50 miles offshore, went down over the Gulf of Mexico killing the two Coast Guard marine inspectors.

These tragic accidents shock and sadden us. Every day, the highly trained men and women of the Coast Guard put their lives on the line to save others. They know there are dangers attendant to their work, but, their work is a passion: to serve their country; to ensure the safety of those who go to sea; to enforce the maritime laws of this Nation.

Today, we mourn the tragic loss of these young men and send our condolences and prayers to their families. We will always remember their supreme personal sacrifices and their heroic deeds.

DEDICATION OF THE PT. CHICAGO NATIONAL MEMORIAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MILLER of California. Mr. Speaker, this past Saturday, 400 Americans gathered at the site of the worst domestic loss of life during World War II to dedicate the Port Chicago National Memorial. Those who gathered in Concord, CA, on the 50th anniversary of that great tragedy included the survivors of the blast, relatives of those who perished, representatives of military and veterans' organizations, and many others who came to pay tribute to all those who served, and to those who died, at Port Chicago.

Congress chose to make Pt. Chicago a national monument because this little-known place and the obscure catastrophe that occurred there because the event, and subsequent events, have great historical significance. They demonstrate the home-front impacts of war, and the sacrifice of those who served not in the Pacific or the Atlantic, but here at home, as well. And the work stoppage that followed the explosion, and the resulting trials, help illuminate the legal and moral imperfections in our own history.

The passage of a half century has not lessened the shame of those wrongly prosecuted, and the passage of time does not diminish the necessity of our setting the record right. There was no mutiny. As one of the convicted men said recently, "We had no weapons, we had no pens, we only had ourselves," and by themselves, they challenged the segregated and racist policies that subjected them to unequal and unfair treatment at the hands of white officialdom.

As we mark the 50th anniversary of this event, I would hope that President Clinton will respond to the pleas from the Congress, from the survivors, and from the relatives of those who gave their lives at Pt. Chicago, and expunge from history the wrongful convictions that have followed these men for their entire lives. I am submitting to the RECORD at this time my remarks as delivered at the dedication ceremony, and would urge that those who feel similarly motivated by them, join in requesting the President to take this action.

DEDICATION OF THE PORT CHICAGO NATIONAL MEMORIAL

Mr. [Glenn] Fuller [of the National Parks Service, the Master of Ceremonies], Rev. Sumpter, Admiral Sareeram, Captain Lanning, Director [Roger] Kennedy [of the National Parks Service], Mr. [Morris] Soublet a survivor of the explosion], and all those present here today who served, or are related to those who served at Port Chicago. Today is a special day for all of us.

Fifty years ago today, as the eyes of the world were trained on the gallant sacrifice of Allied soldiers in Normandy, an event of historic and tragic consequences took place on the spot where we now gather.

Here, at Port Chicago, as in Normandy, Americans were engaged in the dangerous and essential activities of war.

There were no Eisenhowers or Montgomerys here at Port Chicago. Instead, there were hundreds of sailors—mostly young black men fighting prejudice and racism, hoping to serve in combat but instead laboring in anonymity.

For them, there was no dramatic storming of the beaches, no parachute drops into occupied French towns. Instead, they performed the meticulous and tedious job of loading the weapons of war.

And yet at Port Chicago, as at Normandy, there was courage, there was great danger, and there was death—320 deaths.

More deaths, here at this spot 50 years ago, than at any other place in America throughout the whole of World War II. Another 390 were injured, many seriously. Much of the town was severely damaged, and the explosion was so horrific that many throughout the Bay Area assumed it was either a Japanese attack or an earthquake.

For decades, the sacrifice of the men of Port Chicago has been virtually ignored in the historical record of World War II. But with the research of Robert Allen, the documentaries produced by several local television stations, and the actions of the Congress in authorizing this Memorial, we have rescued this dramatic and historic event from the back pages of history, and we have begun to restore the dignity of the men who served at this facility.

I want to acknowledge the roles of several people who encouraged and facilitated today's dedication ceremony: Congressman Ron Dellums and Pete Stark, who have

joined me in every effort to elevate the historic importance of this place and these brave men; Senators Barbara Boxer and Dianne Feinstein who, with my other colleagues, have joined me in calling on the president to purge the records of those survivors erroneously and outrageously charged with mutiny, Ray Murray of the National Park Service who expedited construction of the Memorial; John Garcia of Congressman' Stark's staff, who has played a steadfast role in getting this story the attention it deserves; and Lori Sonken and John Lawrence of the staff of the Committee on Natural Resources who performed the staff work to move the legislation.

In addition, I want to thank Congressman Sid Yates, chairman of the Appropriations Subcommittee on Interior, who made sure we had the money to complete this project in time for the 50th anniversary.

For most Americans, Port Chicago is an unknown incident. For many who know of the catastrophe, it was a disastrous explosion that killed and disabled nearly 700 brave Americans.

But Port Chicago was more than an explosion. It was more than a disaster. It is more than the stuff of local legend.

Today, Port Chicago becomes a National Monument. And that designation not only acknowledges and honors the hundreds who died here, and whose names are forever enshrined on these stones. Fifty years after that terrible night, it also salutes all those who served here and who sacrificed on behalf of the war effort.

The explosion did not end the Port Chicago story.

The subsequent work stoppage, the prosecution of black sailors, and the punishment meted out to several dozen sailors are also indelible chapters in the Port Chicago story that helped focus attention on one of the great ironies of our own national history: while we were fighting to end genocide around the world, we had not yet resolved to attack racial prejudice and discrimination here at home.

Port Chicago helped light the way to the end of segregation in the U.S. military. Discrimination based on race became intolerable after the facts of the working conditions, the explosions, the subsequent courts martial and punishment became well known.

Yet today, 50 years after the fact, some survivors of the explosion carry not only the memories of that terrible night, not only the tragic recollection of friends and colleagues blown away in that cataclysmic explosion; they still bear their own scars—real and symbolic—from that experience, scars born of a system that sanctioned two different standards of military conduct and military justice.

In 1948, we put that segregated system behind us. Today, it is time to put the legacy of that system of racial discrimination behind us as well.

The Secretary of the Navy admits that race played a major role in the decision to assign only black sailors to the dangerous task of loading munitions. No one disputes the inadequate training they received; no one disputes the racism of the assertions that black sailors lacked the intelligence to be trained for the job; no one disputes that the decision to send the black sailors back to the loading operations without recuperative time was racial.

Events that flow from a tainted origin are, by their nature, tainted. The courts martial were wrong because they were the direct outcome of a system and of orders that were inherently discriminatory in their nature.

It has taken us half a century to understand and appreciate what the men who served here at Port Chicago—black and white, officer and sailor—did for their country. It took an Act of Congress to recognize the sacrifice made here on July 17, 1994.

Now, as we mark nearly fifty years since the end of that greatest of wars, and as we close the most war-ravaged century in human history, we should commemorate this event not only with the Memorial we dedicate here today, but also by removing the blight on the records of those who served and sacrificed at Port Chicago. Senators Boxer and Feinstein, Congressmen Dellums, Stark and myself have asked President Clinton to expunge the record of those convictions, and on this anniversary, we are hopeful he will take that action soon.

With the dedication of the Port Chicago National Memorial, a major event in the history of World War II has taken its rightful place in the history of that great conflict. This Memorial serves to remind us, and future generations, of the total national dedication to winning the war against fascism in our mid-century.

It commemorates how a tiny town was converted into a major munitions shipping facility; how ordinary citizens became extraordinary warriors; and how death, destruction and valor in defense of liberty were found not only on the beaches of Okinawa or in the deserts of North Africa, but on the banks of the Sacramento River as well. It has taken fifty years to achieve this recognition, but today, we confer that honor on this place and those who served.

Port Chicago shows us that not all the sacrifice was abroad, and reminds us that not all the national monuments need be in Washington, D.C. What made America strong in 1944, and what makes her strong today, is her boundless dedication to improving herself. Perhaps the Port Chicago National Memorial will remind our citizens of the sacrifice of millions of Americans in thousands of towns throughout this nation on behalf of our nation in World War II.

The dedication of this Memorial reminds us also that war, however necessary and however noble, is a terrible force to loose on mankind. It remind us, too, that when we decide to go to war, the impact is not only on our enemy, but on ourselves as well. At Port Chicago, the impact of World War II was brutally felt and is still felt today by hundreds of survivors; in our own time, the aftermath of our generation's war has followed millions of Americans for a third of a century.

In this quiet place, looking out over the remnants of what was once a great naval magazine, let us hope that those who come to visit this Memorial contemplate the consequences of that terrible explosion fifty years ago tonight, and rededicate themselves to the ideals and faith for which the sailors of Port Chicago served, and died, and which continue to embody what is best in America.

MINOR MOTHERS AND AFDC

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. PETRI. Mr. Speaker, as the welfare reform debate begins to heat up we already are seeing numerous proposals from both sides of the aisle and across the political spectrum. As we try to sort through these ideas, let's start with those points on which there is widespread agreement.

I think we all agree that the system is broken and needs fixing. Most experts acknowledge that the welfare system has contributed to the breakdown of the family and the rise in illegitimacy. Some argue that the system actually encourages minors to having children as a way to get out on their own and set up a separate household. At the very least, the subsidy removes a financial barrier to minors having children and makes it possible to consider such an option. I have long supported instituting a requirement for minors with children to live at home with their own parents or legal guardian in order to be eligible for AFDC. I introduced legislation along these lines in the 98th, 99th, and 100th Congresses. The President endorsed this idea in his State of the Union Address and several of the welfare reform proposals introduced so far include this provision or some variation of it. However, to my knowledge there is no separate bill providing an opportunity for members to endorse this reform on its own.

Therefore, Mr. Speaker, today I am introducing legislation to prohibit minors with children living on their own from receiving AFDC benefits, except in certain special cases where no living adult relative is known or living with parents or relatives is not possible. For minors with children who do live with their parents, the income of the entire household would be taken into consideration when determining eligibility for welfare. I invite my colleagues to consider this legislation as the welfare debate gets underway. We need to send a signal to the administration and all committees with jurisdiction over welfare reform that ending the subsidy of illegitimacy is vital to effective reform. I urge my colleagues to join me in this first step in welfare reform and ask that a copy of the bill be inserted into the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATES REQUIRED TO DENY AID TO FAMILIES WITH DEPENDENT CHILDREN TO UNMARRIED MINORS NOT LIVING AT HOME OR UNDER ADULT SUPERVISION; EXCEPTIONS NARROWED.

Section 402(a)(43) of the Social Security Act (42 U.S.C. 602(a)(43)) is amended—

(1) by striking "at the option of the State,"; and

(2) in subparagraph (B), by striking clause (ii) and redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively.

SEC. 2. INCOME OF MINOR PARENT DEEMED TO INCLUDE ALL INCOME OF MINOR'S PARENTS WHO ARE LIVING IN THE SAME HOME AS THE MINOR PARENT.

Section 402(a)(39) of the Social Security Act (42 U.S.C. 602(a)(39)) is amended by striking ", to the same extent that the income of a stepparent is included under paragraph (31)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to aid payable for months beginning after the calendar month in which this Act is enacted.

CONGRATULATING EDWARD L. HUTTON

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MANN. Mr. Speaker, I take this opportunity today to extend congratulations to Edward L. Hutton who recently celebrated his 75th birthday.

Edward Hutton is the chairman and chief executive officer of the Chemed Corp. which he ably has led since its founding in 1971, and whose energy and character will not allow him to use the word retire.

Ed has been a loyal and strong supporter of the fine arts in Cincinnati, and has been a stalwart supporter of educational institutions. Furthermore, he has applied his skills and resources to assisting the Community Land Cooperative whose goal is to create decent, affordable housing for low income residents. In addition, Ed's charitable spirit and philanthropy have benefited many Greater Cincinnati organizations.

Edward Hutton has been a shining example for people to follow and I wish him many more years of active involvement in the community.

A SALUTE TO BARBARALEE DIAMONSTEIN-SPIELVOGEL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of a very special New Yorker who has dedicated herself to the preservation of New York City's magnificent cultural and historical legacy. As chairperson of the New York Landmarks Preservation Foundation, Ms. Barbaralee Diamonstein-Spielvogel has helped promote the general public's awareness of New York City's designated landmark buildings, historic districts, and interior and scenic landmarks. In addition to her post as chairperson of NYLPF, Ms. Diamonstein was the first director of cultural affairs of New York City. Ms. Diamonstein was and continues to be instrumental in preserving New York City's most famous landmarks.

However, Ms. Diamonstein's activism has not been restricted to the environs of New York City. Appointed by President of the United States, Ms. Diamonstein served as chairperson of the U.S. Holocaust Memorial Museum's subcommittee on art for public spaces. As we all know, the Holocaust Museum has been an astonishingly successful effort, breaking all attendance records since it first opened over a year ago. When not involved in her governmental duties, Ms. Diamonstein focuses on her work as both a writer and a television producer. She is also the author of 18 books which focus on topics varying from New York's landmarks to discussions of American artwork. Her literary work includes: "The Landmarks of New York I and II;" "Remaking America; Handmade in America;" "Building Reborn; New Uses, Old Places;" "Inside New York's Art World;" "Collaborations Artists and Architects and Landmarks: Eighteen Wonders of the New York World." Obviously, Ms. Diamonstein has worked tirelessly to educate the public on New York City's cultural heritage.

Through the hard work of Ms. Diamonstein, bronze plaques along with descriptive signs were installed on many of New York's designated landmark buildings. Ms. Diamonstein worked diligently to increase the publics overall awareness of New York's great historical legacy. Ms. Diamontsein's work has not gone unnoticed. On April of this year, Ms. Diamonstein was presented with the Pratt Institute Founder's Day Award, the first woman to be honored with the award. In recognition of her contributions to the arts, Pratt Institute will also establish a scholarship in Ms. Diamonstein's name.

Mr. Speaker, I urge my colleagues as well as my fellow New Yorkers to honor Barbaralee Diamonstein-Spielvogel and her extraordinary contributions to the artistic, cultural, and historical life of this Nation.