SENATE—*Wednesday, July 20, 1994*

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

PRAYER

The guest chaplain, the Reverend Dr. Samuel G. Hines, Third Street Church of God, Washington, DC, offered the following prayer:

Let us pray:

Almighty and eternal God, ruler of heaven and Earth, giver and sustainer of life, accept our praise for Your goodness and loving kindness in dealing with all Your people and particularly with this Nation where we enjoy so many of Your special blessings.

Hear now the prayers of Your servants who pause today to humbly acknowledge You as Lord of all. Hold in the embrace of Your love and the security of Your providence these who have been chosen and called to work together to fulfill the promises and hope of the good life for our children, the aged, and all persons in between. Give us wisdom in the framing of policy, making of laws, and the general oversight of the welfare of this Nation.

May justice prevail in this Chamber. Grant that compassion for the poor, the needy, the homeless, and all the underprivileged will become an overwhelming concern in the hearts of the men and women who serve here in Your will and at the people's pleasure. Grant that each and every one of our leaders may experience healing for their own personal wounds and deliverance from all that would hinder them in their service or diminish their effectiveness. Strengthen their faith so that the glorious visions with which they come to this place of privilege and responsibility shall never be lost or dimmed by tears or any kind of discouragement.

As we are aware of the eyes of the world fixed upon the words and deeds that come from this place, remind us that the eyes of the eternal God are also upon us. May the right clues and signals be sent from this Senate with the promise of prosperity and peace for all. Unify us and make us agents of reconciliation.

Be now in today's session, for this is a new and special day. Light up our hearts and our faces with the radiance of Your glory and help us to bring every thought, every word, and every act into captivity to Your will and purpose.

In the name of Jesus Christ we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Alabama [Mr. HEFLIN] is recognized to speak for up to 10 minutes.

The Senator from Texas [Mr. GRAMM] is recognized to speak for up to 15 minutes.

THE 1994 MIDYEAR REPORT

The mailing and filing date of the 1994 midyear report required by the Federal Election Campaign Act, as amended, is Sunday, July 31, 1994. All principal campaign committees supporting Senate candidates for election in years other than 1994 must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 12 noon until 4 p.m. on the filing date for the purpose of receiving these filings. For further information, may be obtained by contacting the Office of Public Records on (202) 224–0322.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. DURENBERGER. Madam President, could I ask my colleague from Alabama to yield me just 30 seconds on a point of privilege related to the guest chaplain?

Mr. HEFLIN. Certainly.

WELCOMING REVEREND HINES TO THE SENATE

Mr. DURENBERGER. Madam President, it is my great privilege to welcome to the Senate today the guest chaplain. He spoke in his prayer I think about wisdom, justice, and compassion.

As he was delivering his prayer, my colleague from Alabama and perhaps 20 others of our colleagues were meeting below here listening to a very similar message from our colleague, SAM NUNN from Georgia. One of the observations that SAM NUNN made to all of us was that we spend too much time in this place accumulating political capital and not enough time spending it on others.

If I may, in recognizing the 50 years of service to humanity, and his church in the 25 years he just celebrated at Third Street Church of God in northwest Washington, may I say to my colleagues and to my friend, Dr. Hines, and to our friend, the Senate Chaplain, that we are honored by Sam Hines' presence today. We are honored by the message of our colleague, SAM NUNN, to many of us at the gathering at this same time.

It is a great honor to be with people like Dr. Hines in a place and in a position such as we have been so honored to serve.

Madam President, it is my great privilege to welcome to the Senate today's guest chaplain.

Rev. Dr. Sam Hines recently celebrated his 25th anniversary as pastor of the Third Street Church of God in northwest Washington—and those 25 years have been indeed years of achievement for this minister of the gospel. My friend Congressman TONY HALL calls him "an outstanding leader and a vital force in the Washington community," and I could not agree more.

Members of his church community consider themselves ambassadors for Christ in the Nation's Capital. And this phrase summarizes very well not just Reverend Hines' pastorate at the Third Street Church, but his whole life as a man of the cloth.

For almost half a century, Reverend Hines has been an ambassador for the

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

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gospel in some of the situations where it is most urgently needed. In ravaged neighborhoods of Washington, DC, where drugs and gang warfare threaten the lives of the young—and where ethnic hatreds poison the lives of all who are near—Sam Hines has brought the sought-after words of peace.

He has challenged people of all races to find their unity in Jesus Christ—the Great Reconciler whose mission of forgiveness extends to all people, everywhere.

I am very glad that Reverend Hines could be with us today, here in the Senate. We are trying to reform the one-seventh of the economy known as the health care system and never were the words more truly spoken: "Unless the Lord build the house, they labor in vain who build it."—Ps. 127:1.

I thank Reverend Hines for his words of uplift and encouragement, and I join my colleagues in praying that over the next couple of months we all keep our hearts and minds open. We can never predict where the voice will come from, the voice that Lincoln called "the better angels of our nature."

I express my gratitude to my colleague from Alabama for yielding time.

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

THE 25TH ANNIVERSARY OF THE FIRST MOON LANDING

Mr. HEFLIN. Madam President, today, July 20, marks the 25th anniversary of what will forever stand as one of humankind's most profound accomplishments—the landing of the *Apollo 11* mission on the surface of the Moon. This incredible feat of human courage, determination, and technological advancement will always be remembered as one of the greatest scientific conquests in our history.

Virtually everyone who is old enough remembers where they were and what they were doing on July 20, 1969, when all of America and much of the world rejoiced at the statement, "The *Eagle* has landed. This is one small step for man; one giant leap for mankind." These images from the day a person first walked on the Moon will forever symbolize our national pride—America did it first.

When the history of the 20th century is written, one defining era that will be prominently featured is the period when we left this planet and began to explore the universe. The greatest adventure of our time has been space exploration—the quest for the taming of the final frontier—and any nation that sees itself as a world power—today, the only world power—cannot ignore this frontier.

In 1958, Dr. Wernher von Braun, a leading figure in the dawning days of the United States Space Program and the first director of NASA's Marshall Space Flight Center in Huntsville, AL, said "after thousands of years of clinging to our planet, man is finally about to burst the bonds of terrestrial gravity and embark on the greatest voyage of his entire existence—the exploration of the space around him." Since that time, the United States has been the leading space-faring nation, and I believe we should remain so in the decades ahead.

Deeply embedded in our history, and an integral component of the American spirit, is the need to be pioneers, adventurers, explorers, and entrepreneurs. It is also in our makeup to want to lead and be preeminent. We did not start the industrial revolution, but we advanced it and improved upon it until we became a world power. Likewise, we were not the first in space; but Sputnik shook us and raised our consciousness, and we soon became the world's leading space pioneer.

Space has been important to us in the past, and will become increasingly important in the future. We use space research and technology to ensure our national security, improve our standard of living, enhance our scientific knowledge, and stimulate the human spirit.

While our accomplishments in space have been many, it is still a vast and unexplored frontier. America has been, and should remain, a world leader in space research, technology, and exploration.

Manned space flight has existed almost since the beginning of our space travel. Our first satellite, Explorer I, was launched in 1958, and Alan Shepard's brief suborbital flight occurred in 1961. Since then, we have used unmanned space systems extensively to explore the solar system, but our manned space flight program has proceeded at a slower pace—our total time in space has been relatively short in terms of man-years.

Through the U.S. Space Program, we have learned a great deal about the value of people in space, but there is much more to be learned. The space shuttle has and will continue to help us gain this knowledge. The flight of spacelab, aboard the space shuttle, has achieved many major successes and has again demonstrated the critical role we play in space. However, the shuttle's ultimate value is limited, both in terms of orbit and altitude above the Earth's surface. In this decade and beyond, we will need a permanently manned space station and its associated technologies to increase our utilization of space. Through researching the environment of space, we can eventually unlock its secrets and make its riches available to the whole planet. I am proud that I was the first Senator to call for this laboratory known as the space station to be built, and I remain firmly committed to its development.

On the 25th anniversary of one of the greatest accomplishments in human history, I believe it most appropriate to celebrate the first lunar landing by renewing our commitment to the space program, and in particular the international space station, our next and most immediate civilian space objective.

The space station is an idea whose time has come. When NASA opened its doors in 1958, it had been assigned the responsibility for space flight, and soon developed Project Mercury as its first manned activity. As NASA's leadership developed its programs, a space station was a leading candidate for a post-Mercury Program. Since that time, a space station has been studied and analyzed continuously. Now, the development of an international space station is fast becoming a reality.

We are all familiar with the current funding problems with regard to the Federal budget. In today's fiscal climate, it is more difficult than ever to find adequate funding for major scientific initiatives. But we must look at expenditures on such initiatives as investments in our future, and take bold and decisive action.

The space station is of vital national importance. Most of us would agree that we live in an increasingly dynamic and changing world. Change is all around us, but nowhere is it greater than in terms of technology and the ways in which it is reshaping the United States and world economy. Our role in managing this technological change and leading it are vital to our national security and well-being.

The international space station is one of the most important programs we will consider during this or any other year. Our overall space program has yielded many benefits to society, and I remain firmly convinced that the potential benefits to be gained from future space activities and a functioning space station will far outweigh all previous gains combined. The station will provide a permanently manned laboratory for new opportunities in the areas of astronomy, astrophysics, and life sciences, as well as industrial and medical research that will provide new scientific breakthroughs that could revolutionize many areas of research. Society can only benefit from such advances.

Our space program began with Alan Shepard's famous suborbital flight. Since then, our manned space successes have included the Mercury, Gemini, Apollo, Skylab, and space shuttle eras. Now, we must move into the Era of the space station—the next logical step for the space program.

While today is an appropriate time to celebrate our monumental successes in space, we cannot ignore our failures. In memory of the three astronauts who lost their lives in the *Apollo* Program and the seven pioneers who paid the ultimate price in the space shuttle *Challenger* disaster, we must go forward.

There is not one among them who would not want us to go forward. They believed deeply in the worth of what they were doing, and would not have accepted the risks otherwise. We must maintain the vision they had and continue on their journey. To allow failure to set us back or dull our mission would be to desecrate and belittle what they did.

As we look back and celebrate the 25th anniversary of the *Apollo 11* lunar landing and the many successes of the space program since that day, and as we anticipate the many accomplishments we will surely enjoy in the future, I simply ask my colleagues to remember the words of President Kennedy when he said, in 1962:

> If this capsule history of progress teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred. The exploration will go ahead whether we join it or not. And it is one of the greatest adventures of our time and no nation which expects to be a leader of other nations can expect to stay behind in this race for space.
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> Those who came before us made certain that this country rode the first waves of the industrial revolution, first waves of modern invention, and the first waves of nuclear power. And this generation does not intend to flounder in the backwash of the coming age of space. We mean to be a part of it. We mean to lead it, for the eyes of the world now look into space.

President Kennedy's dream of landing a man on the Moon and returning him safely to Earth was realized not once but several times. Looking back at this great accomplishment, I would encourage each of my colleagues in the Senate, each of our colleagues in the House of Representatives, all Americans, and people the world over to go outside tonight and look up at the Moon. How often have we all wondered what it would be like to set foot on that mysterious body? Look up and ponder the incredible talent, energy, and resources which converged to take us to the Moon 25 years ago—less than a decade after President Kennedy issued his challenge to the Nation to land a person on the Moon and return them safely to Earth.

On this day, two and a half decades ago, three Americans went to the Moon. Two stepped from the lunar module into history, becoming the first humans to ever set foot on the Moon. As you stare at the Moon tonight and into the darkness beyond that is what we call space, ask yourself, "can we settle for landing on the Moon, as awesome as that feat was, or must we strive to reach beyond, into the unknown? Can we stop at the Moon?" I believe we have always been, and will continue to be, driven by an insatiable curiosity—a desire to see what is "out there."

We must push forward with our space program or risk losing the incredible advances that lay ahead. The risks are high, as they are with any worthwhile enterprise. But the losses are far too great if we do not. Building upon the lunar landing of *Apollo 11* 25 years ago and those which followed, our Nation's space program will go ever onward to reach new plateaus and new horizons in our eternal quest for the understanding of the cosmos and humankind's place in it.

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas [Mr. GRAMM] is recognized.

THE COST OF HEALTH CARE

Mr. GRAMM. Madam President, today I want to talk about health care, and I want to talk about a particular facet of the debate and that is cost.

I think it is fair to say that the President's health care plan is dead. It is also fair to say that the plan is dead not because the President lacks a big megaphone. As President of the United States, he has the largest megaphone on the planet. Nor is the President's health care plan dead because he is not a great salesman, or because the First Lady is not a great saleslady, or because the administration is not full of great salespersons; I think they are all great salesmen. The President's plan is dead because it is a bad product.

I also think that the President's plan has not been rejected by the American people because it would bankrupt the country—though I believe it would. I do not think it has been rejected because the employer mandates would cut off the bottom rung of the economic ladder, put tens of thousands of small businesses out of business, and maybe put a couple of million Americans out of work—though I believe it would do that too.

I do not believe the President's plan has been rejected because rationing health care would destroy the greatest health care system in the history of the world—I believe it would—but I do not believe that is the reason the American people have, by and large, and now in ever-increasing numbers, rejected the President's health care plan.

I think they have rejected it because of the freedom issue. The President has been unable to convince the American people that in the name of helping 15 percent of the people who at least on one day last year did not have health coverage, we ought to take private health insurance away from the 85 percent who have it and force them to buy health care through the Government.

As I am fond of saying, when my mama gets sick, I want her to talk to a doctor and not some Government bureaucrat.

Americans all over the country feel that way, and that is why I believe the President's plan has been rejected.

In analyzing the plan, I do not think people ever got down and looked at the cost involved, and as we begin this debate on health care in earnest, I want to talk about cost today. I want to talk a little bit about the President's plan to set the frame of reference, and then I want to talk about the Finance Committee plan, which will soon come to the floor of the Senate.

First of all, the President's plan by the President's own definition is the largest government program in the history of mankind. Even if you make two heroic assumptions, which the President makes, No. 1, that wage and price controls work—something that has never happened in the 5,000 years of recorded history—and second, that the Government through these Government-run purchasing cooperatives under the control of a seven-member board in Washington, DC, could actually run something as complicated and important as the American health care system—and quite frankly, Madam President, I reject both those assumptions—but if you make them, as the President does, even under his assumptions, within 2 years his health care plan would cost more than Social Security and become the largest single program of the Federal Government.

In 5 years that program would be fully under way, and in 10 years it would cost more than $740 billion a year. Nobody but Ross Perot knows what $1 billion is. But let me set it in perspective. That $740 billion a year, which the President's health care plan will cost per year, in 10 years, even under all of his assumptions, is more than half the total level of Federal outlays today.

Now, how is the President going to pay for this plan? Well, in the original plan, he was going to pay for it largely through—I believe and everyone who has looked at the plan believes that it is at least 50 percent underfunded—a 9.5-percent payroll tax, 7.9 percent imposed on the employer, 1.6 percent imposed on the employee. I am not going to get into that today; perhaps I will talk about it tomorrow.

But the Congressional Budget Office, the Ways and Means Committee, all of the institutions of Congress, all of which are controlled by the Democratic Party today, have looked at payroll taxes and concluded that they are paid, ultimately, not by the employer but by the employee.

So, basically, what we have is a 9.5-percent tax imposed on every salary to pay for this health care plan.

Many people rejoiced yesterday when for the first time the President said maybe we will give up on the so-called employer mandate, which is a code word for payroll tax.

I think the President is simply bowing to reality. Not one single Republican—or I guess I should say we have 43 Republicans, who are adamantly opposed to this payroll tax. Only half the Democratic Members of the Senate

have come out for it. So the President would be pushing hard to get 30 votes as of today for that plan.

Now, there are many people who are tempted to say that maybe everything is great since the President has given up on this 9.5-percent payroll tax. The problem is you still have to pay for the program. So if you give up on this 9.5 percent payroll tax and you are going to fund a program that costs more than Social Security, how are you going to fund it?

Well, you could raise income taxes by 50 percent on every working family in America. That would be one way of doing it. And I am sure there are a lot of others.

But by simply saying "I want to spend all this money; I want to extend all these benefits, and I am willing to look at another way of paying for it besides a 9.5-percent payroll tax" does not solve the problem.

That is one of the things that I have found disconcerting about the health care debate from the very beginning. There are really two ways of debating this issue. One is to spend all your time talking about the benefits without leveling with people about the cost, and that is basically what we have done. And might I say, Madam President, both parties can be criticized for that. It is always good to talk about benefits. It is always tough to talk about how you are going to pay for them.

The second way I believe is the legitimate way, and I would feel better about the debate if we did it this way, because I think the American people would then have an opportunity to make an informed choice. That way would be to get out a piece of paper and say, "Here are all the benefits; this is what we are going to give you, and this is what we are going to take away from you to pay for them."

I submit, Madam President, that the President will never do that in this debate, and the reason he will not do it is he could not write a plan under those circumstances remotely similar to his plan that the American people would willingly pay for.

Let me give you an example of the problem by taking the Finance Committee bill, which is far less grandiose than the President's bill, but it is still pretty grandiose. Let me remind you that the President's bill basically collectivizes health care despite the fact that the President bristles when you say it. The bottom line is that under the President's plan, if you work for the Federal Government you are privileged and you are exempt; if you work for a company with 5,000 or more employees, they can buy you out of the health care plan by paying a 1 percent payroll tax, and every company in America that can will do that.

But if you are anybody else, which is almost everybody, which is certainly over 90 percent of the working people in America, your private health insurance is going to be canceled and you are going to have to buy health care through a Government-run cooperative where the parameters of our choices in the operation of those plans are controlled by a seven-member board in Washington, DC. That is a Government-run system.

Now the Finance Committee has come up with an alternative, and I want to focus on its cost. The Finance Committee says that their plan costs about $250 billion over a 5-year period. We do not know because the Congressional Budget Office has not had an opportunity yet to assess what this plan costs. The Wall Street Journal has estimated that the Finance Committee plan costs $450 billion over a 5-year period.

Let me tell you in very simple terms what this so-called moderate plan does. Under this so-called moderate plan, 110 million Americans will get some form of Government-funded health care; 110 million people will get some form of Government—which is taxpayer—subsidy to buy health care. That is almost half the population of the United States of America.

How do the proponents of this plan propose that we pay for giving Government assistance to almost half the people of the United States to buy health care?

Their plan in my opinion—in the opinion of the Wall Street Journal, and the opinion of most observers—is grossly underfunded, probably by 50 percent.

But let me go over to the other side of the story that nobody talks about, and that is what they do to pay for this plan.

First of all, they impose an excise tax on your insurance premiums. If you think you are having trouble paying your insurance premiums today, they are going to impose an excise tax on your insurance premiums that will raise $30 billion. They are then going to raise the Medicare tax on the people who have paid the most in taxes and who are paying most into the Medicare trust fund. They are then going to impose a 25-percent tax on the health care benefits of the 40 percent of the people who have the best health insurance.

We do not have the figures from the Congressional Budget Office, but the Cooper plan in the House, which was costed out by the Congressional Budget Office and is a very similar package, would raise taxes on the insurance benefits of 53 percent of the American people; 8.7 million families would pay at least $500 a year more in taxes by having their employer benefit health insurance taxed.

Madam President, how many Americans are in favor of imposing not one but two taxes on their health insurance policies? How many Americans realize in this so-called moderate plan that we are going to impose an excise tax on everybody's premiums that they are paying for to buy private health insurance now? How many people realize that 40 percent of the families in America will pay a 25-percent tax on their health insurance benefits because this plan says those 40 percent who have their insurance policies are too good and so we ought to tax them in order to let the Government subsidize 110 million people?

How many people know we are talking about taxing Medicare?

So my point here today, Madam President, is very simple. I have often felt, especially in talking about the President's plan, like a mosquito who finds himself blown into a nudist colony. I do not quite know where to hit first. Every part of it is bad.

Our problem is that we have just touched the surface of this debate. We have a so-called moderate plan that is going to come to the floor of the Senate. The American people have been told in elaborate detail what they are going to get out of this plan, but they have not been told that it is going to impose new taxes on their health insurance benefits. People have not been told what this is going to cost and how we are going to pay for it. And if we are going to have an enlightened debate, people have to know the facts.

I will close with the old Biblical admonition—"Ye shall know the truth and the truth will make you free."

In this debate about health care, where we are talking about the future of America, where we are talking about a dramatic change in policy, it is absolutely imperative that people know what the facts are, what we are talking about, what we are going to do, how we are going to do it, and how we are going to pay for it.

I, for one, intend, as this debate evolves—I would guess over several months—to be absolutely certain, given my ability as one Member, that people know what the facts are.

I yield the floor.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to talk about the nomination of Judge Breyer.

The ACTING PRESIDENT pro tempore. The Senator would need unanimous consent to extend morning business.

EXTENDING MORNING BUSINESS FOR 15 MINUTES

Mr. SPECTER. Madam President, I ask unanimous consent that I may proceed in morning business for a period of up to 10 minutes.

Mr. SIMON. Reserving the right to object, and I shall not object, I would like to make that 15 minutes so that I could speak for 5 minutes after Senator SPECTER.

The ACTING PRESIDENT pro tempore. Is there objection to extending morning business by 15 minutes?

There being none, morning business is extended by 15 minutes.

The Senator from Pennsylvania is recognized for the first 10 minutes; the Senator from Illinois for the remaining 5 minutes.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

HEALTH CARE

Mr. SPECTER. Madam President, I had started to say that I had sought recognition to speak on the pending nomination of Stephen Breyer to the Supreme Court of the United States, but I want to make a comment or two about the speech just made by the distinguished Senator from Texas [Mr. GRAMM].

I think it is very important, as Senator GRAMM has noted, to focus on the cost of the President's health care program. I think that a significant advance was made yesterday when the President said, in effect, that he was prepared to accommodate to the realities and find a plan which worked toward the goal of comprehensive health coverage but had some flexibility.

I have long shared the President's objective of comprehensive health care for all Americans. I agree with what Senator GRAMM has pointed out, that the complexity of the President's plan and the absence of choice from the essential ingredient of freedom was an underlying weakness. I think it was depicted graphically by the chart which my office prepared, showing at a glance 105 new agencies, boards, and commissions created by the President's plan and new tasks for some 47 other agencies, boards, and commissions, so that the new bureaucracy was absolutely overwhelming.

I think we are now on a track where many of us have been headed for some time on health care, as outlined in the legislation I introduced on the first day of the Congress, January 21, 1993, S. 18: to retain the American health care system as it provides the best coverage in the world for 86.1 percent of the American people and to target the problems of coverage for the 37 million now not covered; portability, that is, coverage on a change of jobs; coverage for preexisting conditions; and cost containment to hold down the spiraling cost.

I believe that all of us in the Congress have a very heavy duty in the course of the next several weeks and we should not—I repeat, not—be rushed to judgment as we will legislate on a subject where none is more important to the American people, health care, virtually a $1 trillion industry, 14 percent of the gross national product.

I do hope we can craft a program which will serve the interests of America, which will retain the essence of our current system, the free enterprise system, and which will target and fix the specific problems of that current system.

NOMINATION OF JUDGE BREYER

Mr. SPECTER. Madam President, the nomination of Stephen Breyer will come to the floor either later this week or early next week. I wanted to make a few comments after the vote in the Judiciary Committee, which unanimously, 18 to 0, forwarded Judge Breyer's nomination to the full Senate.

I believe there had not been much doubt about Judge Breyer's résumé and his qualifications in terms of educational background, professional experience, service as a judge, and his intellect generally. During the course of last week's hearings, I think we got significant insight into Judge Breyer's views to be able to confirm him with confidence.

Regrettably, most of the nominees who come before the Judiciary Committee answer only as many questions as they have to. That is a circumstance caused by the premature agreement or premature statements by so many Senators indicating that the nominee will receive their approval. When that happens, it is understandable that the nominees are not going to take any chances and so many of the nominees have said very, very little in the confirmation process. Justice Scalia, for example, would not even answer questions about the acceptability of Marbury versus Madison, the very pillar of the constitutional jurisdiction of the Supreme Court of the United States.

But in Judge Breyer we have had some significant indications as to where he stands.

The death penalty, I would submit, Madam President, is a very important tool in the arsenal of law enforcement. While I understand the conscientious scruples of many people who oppose the death penalty, more than 70 percent of the American people favor it. When votes are taken in this body, more than 70 Senators stand up and affirm it, and some 37 States have reenacted the death penalty after it had been stricken by the Supreme Court of the United States on procedural grounds.

Judge Breyer was unequivocal in saying that he disagreed with a number of other former Justices that the cruel and unusual punishment clause of the eighth amendment did not bar the death penalty in all cases. Judge Breyer left open the question, as I think it is necessary to do, to evaluate the facts of any case. But, unlike Justice Brennan, Justice Marshall, Justice Blackmun, and the indication from Justice Powell more recently after he left the bench, where those Justices felt the death penalty was ruled out by the Constitution, Judge Breyer said there was a viable place for the death penalty and that its constitutionality was settled.

He also stated that he regarded as settled law that the imposition of the death penalty would not be determined by what happened in other cases for people in a given racial category, where the issue has been raised, that because of what happened in some 2,000 other cases in Georgia or nationally that the death penalty ought to be upset in a specific case where the facts of the case warranted the imposition of the death penalty, on what is the essence of American jurisprudence and that is individualized justice—what that person did and what the background of that person is.

I thought Judge Breyer was also forthcoming in being willing to identify the Korean conflict as a war. That is something Justice Souter would not do. At a time when there is a continuing controversy between the Congress' sole authority to declare war under the Constitution and the President's constitutional authority as Commander in Chief, it is refreshing to find a nominee who will say, "Yes, the obvious is obvious. Korea was a war."

How we present that issue to the Supreme Court to resolve the conflict is yet to be determined, but at least Judge Breyer did step forward on that issue.

On the critical question of taking away the jurisdiction of the Supreme Court to hear constitutional issues, Judge Breyer was unequivocal that the Congress lacked that authority. Justice Rehnquist conceded the Congress could not take away the Court's authority on first amendment issues, but would not answer on the critical questions of the fourth, fifth, and sixth amendment.

On the issue of Judge Breyer's ethics, a matter which has been widely noted in the press, I have no doubt about his solid ethical propriety. I do not think that a man of Judge Breyer's caliber is on the bench for the monetary benefits. Had he chosen another profession, he doubtless would make much more than a Federal judge.

The issue which arose over his holdings as an investor in Lloyd's of London syndicates, I think, ought to be reconsidered by the Congress by reviewing the statutory provision providing for disqualification in cases in which there is some indirect benefit to a judge or Justice. Where you have Lloyd's insuring as many items as they do, it is frankly hard to determine whether there could be any benefit. If you have a Federal judge handing down a decision, as Judge Breyer did, on matters involving Superfund with enormous sums in issue which could affect Lloyd's of London and Judge Breyer's investments, I think the better course is simply to avoid it and not to have that kind of investment. That

is something which I think the Congress should revisit.

Finally, just a comment or two about the pool of candidates who are considered by the President for the Supreme Court. It seems that every year we find the same people talked about for nomination: Steve Breyer, Bruce Babbitt, Richard Arnold. It is like the line out of "Casablanca," "Round up the usual suspects."

I am hopeful that the Senate will take some activity on the advice aspect of the advice and consent clause. We do consent by passing on the qualifications of the nominee. But I think the Senate could do much more on advice. I think we ought to create a pool of potential nominees by seeking input from the bar associations of the 50 States, the universities, and the courts to find others who might be well qualified for this position.

I see my time has expired.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Under the prior unanimous-consent agreement the Senator from Illinois is recognized for 5 minutes.

UNIVERSAL COVERAGE

Mr. SIMON. Madam President, I want to comment briefly on the unfortunate statement made yesterday by the President to the Governors. There was an apparent—and I say "apparent" because it is not real clear—an apparent backing off of universal coverage, hinting that 95 percent coverage might be acceptable. That is not acceptable to this Senator and I do not think it is acceptable to the American public.

If the majority leader, who is fashioning a compromise bill right now, comes up with a bill that covers 95 percent of the people—that means 1 out of 20 Americans left out—I am going to have an amendment that, by lottery, will leave out 1 out of 20 Senators and 1 out of 20 White House personnel.

The President ought to be in there, standing up for universal coverage as he did when he spoke to the joint session, I think it was the State of the Union Message. He ought to be standing up fighting for universal coverage, making it clear that he is going to expend every effort. In my opinion he ought to issue a statement today clarifying that he stands for universal coverage, he is going to fight for universal coverage, and he is not going to leave 1 out of 20 Americans out of health coverage in this Nation.

Anything less is just totally unsatisfactory, as far as I am concerned. I know many of my colleagues join in that sentiment. We all have a weakness in politics—excluding the Presiding Officer, of course—of saying what an audience might want to hear. PAUL SIMON has that weakness, Bill Clinton has that weakness, PAUL WELLSTONE has that weakness. And I think the President ought to make clear that he inadvertently said to this audience something that has been taken out of context and he does not mean, and that he is going to continue to fight for universal coverage for all Americans. Anything less is a compromise he should not make, this Senate should not accept, and the American people should not accept.

Madam President, I yield the remainder of my time to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. There are 2 minutes and 5 seconds remaining. The Senator from Minnesota is recognized.

UNIVERSAL COVERAGE

Mr. WELLSTONE. Madam President, I thank the Senator from Illinois, my very good friend, someone whom I really believe in. I simply want to echo his remarks.

I believe the choice of words yesterday by the President, for whatever reason, was unfortunate. There are people in the country who are going to get on buses and come to Washington to speak in their own voices about why they need decent health care for themselves and their loved ones. What are they getting on the buses for? Do they not have to know what the President believes in and is willing to fight for; what all of us believe in and are willing to fight for?

I call on the President as well today to clarify his remarks yesterday and to be crystal clear that he is going to live up to the commitment that he made to the people of this country, where he held that pen forward and said, "If it is not universal coverage, each and every person covered, I will veto this piece of legislation." I think people really respect conviction and they respect someone who is willing to fight for what he believes in. They respect the President for doing that. This is a decisive moment. We cannot have this health care effort hijacked, and I will join my colleague from Illinois, if we have a bill on the floor that does not provide the universal coverage, with the same amendment that we would have 1 out of every 20 Senators by lottery not covered.

I also plan to introduce my amendment that says whatever health plan we pass, Madam President, provides people with as good coverage as what we have. Remember all of us are covered—universal. It is a good package of benefits, good coverage for ourselves and our loved ones. There is no discrimination because of a prior or current health care condition. And our employers contribute to the cost. I think that amendment ought to be out on the floor of the Senate very soon as well.

I thank the Senator from Illinois and am proud to join him in these remarks.

THE 20TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

Mr. KENNEDY. Madam President, in this post-cold-war world, we are confronted with numerous and difficult foreign policy conflicts. While they rightly demand our immediate attention, we must not forget an important and tragic conflict which has remained unresolved for 20 years and which has caused great pain and suffering.

I am speaking of the island of Cyprus. Today marks the 20th anniversary of the Turkish invasion of Cyprus. As a result of that invasion, an estimated 35,000 Turkish troops continue to occupy Cyprus illegally. Thousands of people, including 5 Americans, remain missing and unaccounted for, and nearly 200,000 Greek Cypriots who were forcibly expelled from their homes by Turkish troops are still refugees.

Turkey's pretext for the invasion was an unsuccessful coup by the Greek junta in 1974 against the Cypriot Government led by Archbishop Makarios. Turkey claimed that a 1960 treaty granted it the right to send troops. However, within a week of the coup, constitutional order had been restored on Cyprus, eliminating the need for continued Turkish intervention. Despite numerous calls for withdrawal from the international community, the Turkish occupation continues to this day.

In fact, Turkish policy on Cyprus has supported the creation of a separate and independent Turkish-Cypriot state. Following the 1974 invasion, Turkey pursued a policy of ethnic cleansing aimed at removing Greek Cypriots from the occupied area. Turkey expelled nearly 200,000 Greek Cypriots from their homes and colonized the territory by sending approximately 80,000 Turkish citizens to inhabit the occupied area.

The number of Turkish troops and settlers on Cyprus is now equal to the remaining indigenous Turkish-Cypriot population. Sadly, economic devastation and other problems caused by the 1974 Turkish invasion caused 40,000 Turkish Cypriots to emigrate.

In November 1983, the Turkish-Cypriot leadership unilaterally declared Turkish-occupied Cyprus an independent state. This illegal act was condemned by the U.S. Government and the international community. Instead of joining the global community in condemning this illegal act, Turkey was the only country in the world to recognize the so-called Turkish Republic of Northern Cyprus.

Over the years, the United Nations has repeatedly tried to resolve the problem. Because of Turkish-Cypriot intransigence and Turkey's unwillingness to cooperate, these efforts have been to no avail.

During the past year, the United Nations tried to revive negotiations with confidence-building measures intended

as a first step to facilitate the political process toward a final settlement. The Government of Cyprus accepted the measures, but the Turkish side has blocked this effort through numerous delaying tactics.

Three months after the confidence-building measures were first proposed, the Greek Cypriot side accepted them at a meeting with the U.N. Secretary General and Rauf Denktash, leader of the Turkish-Cypriot community. Mr. Denktash said he required the approval of his "parliament" to accept them and requested a 15-day adjournment in order to secure the approval. Denktash then spoke to his parliament against the confidence-building measures, and broke his promise to return in 15 days. It took 8 months for Denktash to reply that he would accept the measures in principle.

After lengthy discussions and consultations, a final document was submitted to both sides by the Secretary General on March 21, 1994. This document was accepted by the Greek-Cypriot community in May 1994 but was rejected by the Turkish-Cypriot side. Since then, Mr. Denktash has insisted on modifications to the final document which are contrary to the intent and spirit of the measures. The thwarting of this effort by the Turkish-Cypriots led U.N. Secretary General Boutros Boutros-Ghali to conclude in his May 30, 1994 report to the Security Council that: "The Security Council finds itself faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish side."

Other efforts to move the situation forward have also failed. Last December, the Government of Cyprus submitted a bold and innovative proposal to the United Nations for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, Cyprus would disband its National Guard, transfer the Guard's military equipment to the U.N. peacekeeping force, fund an enlarged U.N. peacekeeping force, and use the defense savings for development projects that benefit both communities. The removal of the military presence on Cyprus would ease tensions between the communities and facilitate the search for a comprehensive solution. Regrettably, Turkey rejected this proposal.

Negotiations, resolutions, and creative initiatives have done nothing for the families of the missing or for the 200,000 Greek Cypriots still unable to return to their homes. There is no doubt that Turkey intends the continued partition of Cyprus. I urge the administration to make every possible effort to bring about the withdrawal of Turkish troops from Cyprus. Twenty years of division is too long. The status quo is unacceptable.

THE 25TH ANNIVERSARY OF THE "APOLLO"

Ms. MIKULSKI. Madam President, 25 years ago our Nation launched a space program that is one of the greatest accomplishments in this century. On July 20, 1969, astronauts Buzz Aldrin and Neil Armstrong became the first humans to walk on the Moon—the crowning moment of the *Apollo* Space Program.

Like all of America, I lived through the drama of the cold war's space race. I was a young woman in college in the 1950's when Sputnik shattered America's complacency about its technological superiority. In 1969, I was fighting the war on poverty in the streets of Baltimore, when Neil Armstrong and Buzz Aldrin planted a flag on the Moon and made America proud again. They landed, they walked, and they broadcast this astronomical feat to the world. I was mesmerized by the moment.

President Kennedy gave the United States a national goal for a new frontier, new resources, and new technology. America showed the world we had the right stuff.

Now, a quarter of a century later, the space program is not just a faded American flag on the Moon or jars of Tang on the supermarket shelves. It is an extraordinary revolution that has benefited our Nation in all the ways imagined, and ways never foreseen. The space program explores the stars and explores new markets. It generates jobs today and jobs tomorrow.

As we celebrate the glory of the space program, we must also acknowledge that its future is unknown. In Congress, budget hawks are guided by a single-minded obsession with deficit reduction. The budget doves are motivated by a desire to shield social programs from cuts due to stricter limits on discretionary spending. Caught in the middle is the space program. In this debate, we must remember President Kennedy's words: "There need not be competition nor conflict between meeting our social responsibilities and our need for scientific exploration."

As a student of the history of science and technology, I have learned that great thinkers have always run up against the obstacle of stagnant thinking. Their ideas were ridiculed not only by the general public but by the other scientists.

One only has to look at Louis Pasteur who revolutionized the thinking on bacteria; or the Wright brothers who wanted to fly and planted the seed for the aerospace industry; or our astronauts who are America's space pioneers.

Unfortunately, most Americans do not link the many benefits in their daily lives to the space program. They are not aware of the spinoffs from the past three decades. They ignore the technological breakthroughs that were never anticipated, but materialized. Unless their constituents are space workers, Members of Congress are inclined to see space spending as just more Federal spending rather than an investment in the future.

The space program helps keep the United States a superpower in science and technology. NASA invented insulation techniques that are used by Meals on Wheels to deliver food to senior citizens, it paved the way for miniaturization and computers, and it developed laser technology to move us along the information superhighway.

NASA's Mission to Planet Earth gives us critical information from satellite observations of the entire Earth on global climate change. This will help us to save our own planet.

Space-based research has made enormous strides in making the kind of biomedical discoveries that will save lives right here on Earth. Space technology has helped us wage the war on heart disease by developing laser systems used to treat arteriosclerosis. It helped create advanced and pediatric pacemakers, enabling us to live longer. It created the implantable heart aid, reducing cardiac death. It created body imaging techniques for early detection used in breast cancer research.

Space-based research may be able to generate the kind of knowledge that will create the products we cannot now even imagine, and treatments once confined to our dreams. This is a wise investment even in lean times, because we must invest today to be ready for the world tomorrow.

The space program creates the jobs of the next millennium. Jobs from a new economy based, not only on traditional industries and services, but also on new technologies and new products. Targets of opportunity are in biotechnology and microgravity science. Those are the kinds of investments that will ensure that this Nation is not left out or left behind.

The space program's jobs are not just for dashing astronauts in Star Trek costumes. They're for men and women, blue and white collar, manufacture workers, scientists, technicians, and clerks.

NASA has created thousands of jobs for the Washington metropolitan region, through its contractors, civil servants, and space related work.

Despite the success of the past 25 years, the space program of the future will need to reflect the 21st century. All would agree, that NASA has overpromised technology, and underestimated cost. In the past, "just doing it" was the goal, now we need to link it to national goals. NASA needs to have a clear set of priorities. The new space program must be balanced. Space policy should not be driven by the space station. We need a space program which explores new frontiers, advances science, develops new smart technologies, and invests in aeronautics to

enhance our capacity to compete in a global marketplace.

Tomorrow's space program must be multinational. We can no longer afford to do it alone, nor should we want to. Today's space missions are collaborations among the United States, Europe, Japan, Canada, and the New Independent States of the former Soviet Union.

It has been 25 years since America walked the Moon. For the next century we must decide whether the space program will continue to embrace change and look for new opportunities. Or whether we will confine it to the Smithsonian—with no future, only a glorious past.

A new century is coming. A new millennium is about to be born. I want America to continue to lead the way and fly the new frontiers of the universe.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Madam President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 15, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated July 13, 1994, the President has signed H.R. 4568, making supplemental appropriations for fiscal year 1994 for the Department of Housing and Urban Development. This action does not affect the current level of budget authority, outlays, or revenues.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through July 15, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 11, 1994, the President has signed H.R. 4568, making supplemental appropriations for fiscal year 1994 for the Department of Housing and Urban Development. This action does not affect the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS JULY 15, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–1998	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	311.7	−1.1
Debt subject to limit	4,731.9	4,538.6	−193.3
Off-budget:			
Social Security outlays:			
1994	274.8	274.8	(3)
1994–98	1,486.5	1,486.5	(3)
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JULY 15, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption or Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Federal Housing Administration Supplemental (P.L. 103–275)	(5)	(2)	
Total enacted this session	(2,748)	(645)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	
Total Current Level[3, 4]	1,218,395	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,854	1,095	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $15,203 million in budget authority and $9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $757 million in budget authority and $291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[4] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

[5] Less than $500 thousand.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

IN HONOR OF COL. JAMES P. HAGERSTROM, USAF (RET.)

Mr. INOUYE. Madam President, I rise to honor the memory of Col. James P. Hagerstrom, who passed away on June 25, 1994, at the age of 73. Although born in Iowa and raised in America's heartland, to a great extent, Colonel Hagerstrom's life was played out in the Pacific. I wish to offer a few thoughts on the life and service of this remarkable American who served his country in three wars, piloting hundreds of combat missions and earning the status of double ace in air-to-air combat victories.

In 1943, at the age of 22, Colonel Hagerstrom was assigned to the Army Air Corps 8th Fighter Squadron, 49th Fighter Group, in the New Guinea Theater. He flew 170 combat missions in a P–40 aircraft, was credited with 6 victories in air-to-air combat, and was ranked as an ace.

After the war in the Pacific ended, Colonel Hagerstrom served as an Army Air Force test pilot and, making the transition to jet aircraft, he served in Korea as a fighter squadron commander. Flying over 100 missions in Korea, Colonel Hagerstrom was credited with more than eight victories in air-to-air combat with MiG–15 enemy aircraft and, thereby, became a double ace.

In Vietnam, Colonel Hagerstrom served as Director of Combat Operations for the 7th Air Force, and flew 30 combat missions. He retired from the Air Force in 1968.

During his outstanding military career, Col. James P. Hagerstrom was

awarded the Distinguished Service Cross, the Silver Star, the Legion of Merit, the Distinguished Flying Cross with 5 oak leaf clusters, the Air Medal with 10 oak leaf clusters, the Air Force Commendation Medal with 1 oak leaf cluster, and 17 other awards and decorations.

However, that is not where the Hagerstrom story ends. Colonel Hagerstrom also raised eight children with his wife, Virginia Lee Hagerstrom, a World War II WASP pilot. After leaving the military, Jim went to law school and began a second career. In the late 1970's, the Hagerstroms built a boat and sailed throughout the Pacific, spending time in Hawaii, the Marshall Islands, the Federated States of Micronesia [FSM], and Guam.

In Pohnpei, the Capital of the FSM, Colonel Hagerstrom practiced law and his wife, Lee, taught at the local college. In Guam and remote places like Kosrae, Colonel Hagerstrom served as an advisor to island leaders and spoke out on issues of local, national and international law, and policy.

After spending a significant part of five decades during his military and private life in the Pacific, Colonel Hagerstrom returned to the United States. The Hagerstroms eventually settled on a farm in Mansfield, LA.

Col. James P. Hagerstrom will be interred with full military honors at Arlington National Cemetery on July 26, 1994. In addition to offering sympathies to Colonel Hagerstrom's wife, family and friends, it is incumbent upon us to recognize and salute this honorable man.

As we approach a new century, Colonel Hagerstrom and those who served with him leave us with a legacy of courage and vigilance in defense of liberty that saw this Nation through dangerous times in our history. Because of the way Colonel Hagerstrom, and others like him, lived and served, our children and grandchildren will be blessed with freedom and democracy.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Tuesday, July 19, at the close of business, the Federal debt stood—down to the penny—at exactly $4,625,471,848,736.48. This debt, mind you, was run up by the Congress of the United States—the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the declarations by politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the culprit.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,625 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 625 billion, 471 million, 848 thousand, 736 dollars, and 48 cents.

THE 25TH ANNIVERSARY OF THE FIRST MOON LANDING

Mr. GLENN. Today is the 25th anniversary of the fist landing on the Moon by Neil Armstrong and Buzz Aldrin, and there have been a number of meetings and celebrations today, one of which was at the White House this afternoon, where most of the astronaut corps gathered for remarks by the President in the East Room.

I think the President's remarks today were particularly apropos on this anniversary day, and I asked that they give us a copy of his remarks.

I ask unanimous consent that the President's remarks be printed in the RECORD.

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

REMARKS BY THE PRESIDENT AT THE 25TH ANNIVERSARY OF "APOLLO 11"

THE PRESIDENT: Thank you very much, Mr. Vice President. Members of Congress. Veterans of the Apollo program. The friends of the space program in America and, most of all, to those whom we honor here today.

Just a day before he died, President Kennedy compared our space program to a boy who comes upon a wall in an orchard. The wall is tall, it looks insurmountable, but the boy is curious about what lies on the other side. So, he throws his cap over the wall and then he has no choice but to go after it.

Twenty-five years ago today, our nation, represented by these three brave men, made that climb. And, so, today we are gathered to celebrate their voyage and I honestly hope to recommit ourselves to their spirit of discovery. Apollo 11, Neil Armstrong, Buzz Aldrin and Michael Collins were our guides for the wondrous, the unimaginable at that time, the true handiwork of God. They realized the dreams of a nation. They fulfilled an American destiny. They taught us that nothing is impossible if we set our sights high enough.

Today, we're honored to have them and all the other Apollo astronauts who are here with us. For every American who followed your journey especially for those of us who were young on that fateful day 25 years ago, and for the young Americans who still dream dreams of a future in space, we thank you all.

Looking back on that mission, one thing is clear that we ought to remember today. It wasn't easy. The ship to the heavens measured just 13 feet in diameter. The destination was three days and a world away. On the third day as the tiny module descended to the Moon, it came dangerously close to a crash landing—that happens around here all the time—(laughter)—but Neil Armstrong took over the controls from the computer and landed safely. Man had not been rendered obsolete by the mechanical and that hasn't happened yet.

Not long after that when he stepped on the Moon, Mr. Armstrong marked the outer limit of the human experiment with those simple words, "One small step for man. One giant leap for mankind."

These men and the other astronauts who came before and after have helped us to step into another world right here on Earth. They've shown us that we can harness the technology of space in areas from the economy to the environment to education to information and technology. The products and knowledge that grew out of our space missions has changed our way of life forever and for the better. And in our quest we have relearned a sense of confidence that has always been an essential ingredient of our American Dream.

Today that journey continues. Our commitment to the space program is strong and unwavering. The best way to honor these men and all the others who have helped it so much, is to continue that quest. Many have risked their lives and some have given their lives so that we could go forward.

Today I ask that we remember, especially, the crews of Apollo 1 and the Challenger. On this day of celebration we must never forget the deep debt we owe to those brave Americans. And our thoughts should also be with their families and their loved ones for the sacrifice they have given helped to bring us all to new horizons.

Our space explorations today are important models for cooperation in the new post-Cold War world. The Vice President described that eloquently a moment ago. Sergei's mission was an important first step toward full Russian partnership in what must be our next great mission, the international Space Station.

This permanent orbiting space laboratory, to be built with help from 14 nations, will hasten discoveries in fields from the environment to medicine, to computers. We should also remember that the space station holds great promise for us here at home, as it strengthens our largest export sector, aerospace technology.

All these reasons explain why the House has fully funded already the Space Station. I want to thank many people who are responsible for that bipartisan victory but let me mention especially George Brown, Lou Stokes, Bob Walker, and Jerry Lewis. I know the Vice President and Dan Goldin and a lot of other people burned up the phone lines before the House vote.

Let me say that we've fought a lot of battles for the future around here in the last 18 months, and sometimes it seems that the most important ones are decided by the narrowest of margins. The economic plan passed by a vote, the assault weapons ban passed by two votes. Last year the Space Station survived by the vote of a single member of the House of Representatives who changed his mind on the way down the aisle. But this year, thanks to the common endeavors of all of us and thanks to the promise of cooperation with Russia and with other nations, the House of Representatives voted to fund the Space Station by 122 votes, a bipartisan commitment to America's future. (Applause.)

I thank the members of the Senate who are here today who are pushing for passage. I know they won't miss this great opportunity which is coming on them very soon. I thank you, Senator Mikulski, and all the other members of the Senate who are here for the work that will be done in the Senate.

As we work together building a better world, we also have to preserve the one we've got here. William Anders of the Apollo 8 was the first to see the entire Earth at a glance. He said it looked like a fragile "little Christmas tree ornament against an infinite backdrop of space, the only color in the whole universe we could see. It seemed so very finite."

Well, because we are so very finite our responsibility to our planet must not be limited. That's why NASA's "Mission to Planet Earth" is also a very important part of our future in space. We have to continue to monitor the global environment from space and to act on what we learn.

Above all, let us never forget that all this work is about renewing our hopes and the hopes of generations to come. About the ability of Americans and the ability of human beings everywhere to conquer the seemingly impossible. I don't think anybody can look at the faces of these young people here with us today, and we ought to take a little while and look at them and welcome them here, without seeing again in their eyes dreams that those of us who are older could not have dreamed.

The explorations we continue in space are clear evidence to them that they will grow up in exciting times without limits. Times that demand their imagination, their vision, their courage. Times that will reward them, too, for believing in themselves and their possibilities.

One of our Young Astronauts, 13 year old Wayne Gusman from New Orleans, sees a future where being an astronaut will be like, and I quote, "driving a car; everyone will do it."

That's a great dream. But that and our other dreams are clearly the natural extensions of the space program which began a generation ago, the direct descendants of the dreams of the three men we are here to honor today. We can get there.

No one who was alive then will ever forget where they were as Michael Collins traveled his solitary vigil around the Moon and Neil Armstrong and Buzz Aldrin landed that tiny craft on the surface. The world was captivated not only by the risk and the daring, although they were risking and daring, they were captivated because the landing meant again that the human experiment in conquering new and uncharted worlds was reborn.

In that sense it was not an end but a beginning. So, to you, gentlemen, we say for your valor, your courage, your pioneering spirit, and for being here today to remind us again that all things are possible, we are deeply in your debt. Thank you very much. (Applause.)

Mr. GLENN. The statement indicates the President's support for the ongoing program of the space station that is going to be an international program from now on. In the early days of the space program, we were much concerned with the space race. "The Russians are coming, the Russians are coming." We were very afraid that we were going to get outdone. Today, the Russians are coming again, but they are coming to cooperate on the space station. I think that is very notable. Along with the Russians will be the Euro space group, the Japanese, and the Canadians, who are making some of the equipment. It will truly be an international space center to do the research that is a benefit to everybody right here on Earth. I wanted to make note of that today and enter the President's remarks in the RECORD.

I yield the floor.

Mr. BURNS. Madam President, I would like to associate my statement within the context of the remarks of the Senator from Ohio and also acknowledge him and his contribution to the space program. I also serve on the Subcommittee on Science and Technology and NASA, and after working on that committee, you understand and appreciate the great dedication that these men and women have had in NASA to attain what I think are great, great fetes in space. I acknowledge his contribution to that and thank him for that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4554, which the clerk will report.

The assistant 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.

AMENDMENT NO. 2303

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. BUMPERS. Madam President, I suggest the absence a quorum.

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

Mr. BROWN. Object.

The ACTING PRESIDENT pro tempore. It is not in order to object.

You can ask the quorum call be rescinded.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. FORD. I object, Madam President.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I know the majority leader wants to move this along. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FORD. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The quorum call will continue.

The legislative clerk continued the call of the roll.

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

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

The Senator from Oregon [Mr. PACKWOOD] is recognized.

THE PRESIDENT'S SPEECH ON HEALTH INSURANCE

Mr. PACKWOOD. Madam President, I was very, very encouraged by the President's speech to the Governors in Boston yesterday on health insurance. For the first time, he has indicated that he is willing to move off the employer mandates, and I think that gives us an opportunity for genuine compromise when he is moving toward the center and toward what I would call a moderate position.

He can count on me in wanting to work with him. I thought it was a major step. I congratulate him. I thank him. I hope it moves us along a step forward toward being able to get a bill.

I thank the Chair and suggest the absence of a quorum.

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

The legislative 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 (Mr. LIEBERMAN). Without objection, it is so ordered.

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

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 16, LINES 4 THROUGH 7

Mr. BUMPERS. Mr. President, I move to table committee amendment No. 4 on page 16, lines 4 through 7.

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

The motion 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 pending now before the Senate is the committee amendment on page 32.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

AMENDMENT NO. 2318

(Purpose: To ensure that there will be no net cost to taxpayers if protectionist trade practices are adopted by the United States with respect to tobacco)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2318.

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

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

The amendment is as follows:

At the appropriate place in the committee amendment, insert the following new section:

SEC. . NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

The Agricultural Adjustment Act of 1938 is amended by inserting after section 320C (7 U.S.C. 13141) the following new section:

"SEC. 320D. NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

"(a) IN GENERAL.—Each domestic producer of tobacco shall remit to the Secretary a nonrefundable no net cost to taxpayers assessment in an amount determined under subsection (b) if the Secretary determines that—

"(1) a tariff-rate quota pursuant to Article XXVIII of the General Agreement on Tariffs and Trade is established with respect to tobacco;

"(b) AMOUNT.—

"(1) IN GENERAL.—In consultation with the Secretary of the Treasury, the Secretary shall determine the amount of the no net cost to taxpayers assessment required to be remitted by each producer under subsection (a) based on—

"(A) the quantity of tobacco produced by the producer; and

"(B) the requirement that the total of the amounts assessed against all producers shall be equal, to the maximum extent practicable, to the cost incurred by the Federal Government as a result of the conditions described in subsection (a), as determined under paragraph (2).

"(2) COST TO THE FEDERAL GOVERNMENT.—The cost to the Federal Government referred to in paragraph (1) shall be equal to—

"(A) in the case of a quota referred to in subsection (a)(1), the dollar value associated with the tariff-rate quota imposed on tobacco imported into the United States By—

"(i) a country with initial negotiating rights status; and

"(ii) a country that imports at least 10 percent of any kind of tobacco into the United States;

"(B) in the case of a quantitative limitation or fee referred to in subsection (a)(2), the dollar value associated with the limitation or fee; and

"(C) the dollar value associated with any addition tariff, fee, or assessment imposed, in response to the establishment or imposition of a quota, limitation, or fee referred to in subsection (a), by a country described in subparagraph (A).

"(c) COLLECTION.—An assessment imposed under this section shall be—

"(1) collected by the Secretary and transmitted to the Secretary of the Treasury for deposit in the general fund of the Treasury; and

"(2) enforced in the same manner as provided in section 320B.".

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

Mr. BROWN. I thank the Chair.

Mr. President, in the last reconciliation act, there were provisions affecting the tobacco industry. Those measures had some dramatic impact on the tobacco industry itself. To simplify, it involved two basic functions:

First, it instituted a domestic content provision for U.S. tobacco products manufactured into cigarettes. That 75–25 provision we felt at the time violated the GATT agreement.

It also included an import duty assessment which was used to subsidize the tobacco loan program.

It is unique in two areas:

First, in that we adopted a system that would, in effect, subsidize a farm program which we had been assured was paying its own way. That I think is a problem.

Second, the domestic content provision went directly contrary to the trade agreements we had signed both in GATT and the North American Free-Trade Agreement. We said at the time that it was GATT illegal and violated the agreement and would subject this country to retaliation and, what is more important, would subject this Nation to ridicule.

Ironically, this Nation had been the lead objector when several other countries had instituted a domestic content provision with regard to tobacco. And yet we found ourselves doing exactly the same thing to which we had objected.

In the debate I think Members will recall we talked about how this would be a poster child duplicity with regard to the tobacco industry.

The events that have occurred since then tend to prove out those concerns. Ironically, GATT has acted and ruled that these provisions were GATT illegal, and they opened the United States up for retaliation. There is a provision winding its way through Congress that attempts to deal with it, and this provision in my mind at least is even worse than what we have on the books now. It does provide for an import duty on tobacco which would help maintain the high price, or relatively high price of the world market that exists now. Under article 28 it opens up a provision for other countries to retaliate against us.

What are the problems if this solution goes forward? The first problem is that there indeed may be a cost and a retaliation against us of a significant amount. As it is set up now, it will not be the tobacco growers who pay for that cost. But it may well be the taxpayers or other commodities that pay for that cost.

Second, you continue to have a circumstance where the tobacco loan program is subsidized from the import duties that come in. The bottom line is this: You violate our trade agreements, you subsidize tobacco, and you end up setting an example of trade practices that are absolutely contrary to what we are preaching to the rest of the world.

Mr. President, I personally believe it is a mistake to subsidize tobacco. I would like to see it done away with. Mr. President, I personally think it is a mistake to violate trade agreements. I would like to see those changed.

The amendment before the body though is a very limited amendment. It simply says there is going to be no net cost to the taxpayer. It simply says those who get the benefit of this program have to pay any costs that are added to it. Mr. President, it does not go as far as I would like to. I would like to do away with the loan program. I would like to do away with the subsidy. I would like to do away with the import duty. I would like to do away with the trade violations. This amendment does not. It simply says that the taxpayers are not going to get stuck, there is going to be no net cost to the taxpayers for this new program.

Why bring it up on the appropriations bill? The very diligent chairman and ranking member worked hard to bring this bill to the floor to process it through the Senate. I am sure that they are not anxious to have new amendments added. But the problem is similar to what we faced last year. The tobacco subsidy, or what turned out to be the domestic content in the tobacco subsidy measure, was put on in reconciliation and brought out in a way so

that it was almost impossible to amend.

The measure that is winding its way through Congress through the article 28 provisions is that included in the GATT authorization fast-track legislation which means it will come to the floor in a way so we cannot amend it because it will be a part of fast track. Imagine a major subsidy program being put forth in a way that you cannot amend it or deal with it. I think that is a mistake. That is why we have to deal with it under these circumstances.

I want to mention a memo which I received from the Congressional Research Service on this subject. Let me emphasize here that they were responding to my inquiry. They are not in the process of taking a position on legislation one way or another. But I think the background that they spell out is important, and will be of interest to everyone.

Their memo to me says:

As a signatory on the General Agreement on Tariffs and Trade, GATT, the United States has a legal obligation to not increase its tariffs or impose quantitative import barriers beyond the levels previously negotiated and agreed to with other members of the GATT. As a practical matter, the U.S. tariff schedule contains tariffs to which the U.S. is bound. On January 1, 1994, the United States implemented a requirement on U.S. cigarette manufacturers that at least 75 percent of tobacco in cigarettes would be grown domestically. This requirement was mandated by the Omnibus Budget Reconciliation Act of 1993 which we referred to a minute ago. Implementing regulations were published in the Federal Register on January 11, 1994. It was estimated by the USDA that this requirement would increase the usage of domestic tobacco, and, conversely, reduce the usage of imported tobacco by 188 million pounds in 1994. As a result, the cost of tobacco to domestic manufacturers in 1994 would increase about $200 million.

In parentheses, they say because the cost of domestic tobacco is about double the cost of foreign tobacco.

As an aside, that is part of the problem. The tobacco loan program tries to maintain an artificially high price for U.S. tobacco. It has been mandated by previous law although that was changed with the legislation we referred to that it not cost the taxpayers any money. That has become an almost impossible burden. That burden, that inability to maintain an artificially high price, is what has led to the effort of the domestic content. And, when it was ruled as GATT illegal, it led to the current effort.

Let me continue on with the memo—

A GATT dispute resolution panel is expected to rule that this requirement violates U.S. obligations under the GATT.

I might add here that that ruling has come down.

With this outcome the United States will be required to negotiate with economically injured foreign countries to agree on acceptable compensation. The agreement reached in the Uruguay Round of trade negotiations specifies that tariffs on agricultural commodities shall be reduced by 15 percent over a period of years. The agreement also requires that quantitative import barriers, i.e. quotas, will be converted to tariffs which will then be subject to the same 15 percent reduction in the future. The proposed legislation will implement the Uruguay Round agreement which includes a provision that is amending Section 125 of the Trade Act of 1974 that allows the President to replace the 75 percent domestic content requirement with the tariff rate quotas. The tariff would be limited to 350 percent ad valorem above the rate existing on January 1, 1975. This amendment is consistent with article 28 of the GATT which allows for the modification or withdrawal of previously negotiated concessions with possible compensation. The proposed legislation does not provide for the compensation that will likely be negotiated with the injured parties.

Mr. President, that is the purpose of my amendment; to simply say that we ought to make sure that the taxpayer is not stuck with the bill here, to simply require that these new provisions of this new tariff that would maintain an artificially high price on tobacco, to make sure that when the retaliation comes about under article 28 that the taxpayers are not left footing the bill.

So what we are asking for is simply that the tobacco folks end up paying for the costs that this amendment may well impose on other people.

The CRS goes on:

Proposed method for providing compensation * * * if the economically injured companies are awarded compensation of about $200 million per year, or its equivalent in monetary compensation, the source of compensation must be provided. One way to generate the necessary $200 million a year is to assess all domestic tobacco subsidies. Such an approach would generate revenues already in place under the authority of the no net cost tobacco price support program. So the administrative mechanism is already in place to collect import protection compensation assessment.

Mr. President, in thinking about what is involved here, you can make an analogy to the automobile industry. I mention this because I think others can understand more easily what goes on here. Let us assume our automobile market is going through difficult times. And the producers say, "We would like to get a higher price for our automobiles and have more savings." So they convince the Government to put a huge import duty on vehicles. What that import duty does is keep foreign vehicles out of the country. It allows the domestic manufacturers to increase their price, and increase their market share. The problem is the consumer is taken.

What is more, under these circumstances our trade laws allow for retaliation by protectionist practices. What would then happen would be that the consumer is not only hurt but the taxpayer is hurt or another commodity is hurt. The other commodity can be hurt because we have assigned an agreement that allows retaliation against other commodities.

So for example, corn growers could find their markets undercut or facing new tariffs or new quotas as they try and sell into the markets overseas.

I thought yesterday that the distinguished Senator from Kentucky made a very excellent point. As I understood what he said, he pointed out that there were a number of claims the United States had against other countries for unfair trade practices and that they remain unresolved and unsatisfied. I assume he points that out to point out that there are avenues that we can follow up in this area that may not cost the taxpayers money. I think he makes a valid point, and I think it is appropriate for him to point out that other countries have followed some of these practices as well, and that we may well have an ability to offset the impact there.

I simply want to make sure that the taxpayer does not get stuck with the bill here though.

That is the purpose of my amendment. Indeed, if we are able to work something out that does not cost the taxpayers any money, this amendment will not have harmed anyone. But it does provide valid, important insurance to make sure that the taxpayers are not put to the sword in terms of additional subsidies to the tobacco industry.

We ought to ask this industry to stand on its own 2 feet. I want to simply add a note because I think it is important for the discussion. I know that many who will take the floor today are honestly concerned about the welfare of tobacco producers in this country. But I think it is worthwhile noting the impact of that 75–25 rule. There is an article that appears in the export leaf tobacco publication in which they quote tobacco officials as saying: "We growers have the concern that we may have shot ourselves in the foot with the 75–25 rule."

In reality, what has happened is the law, as it is now in place and will be in place with these changes, gives processors a major reason to take jobs overseas. They will be saddled and stuck and imposed with a significantly higher—almost double, if you believe the CRS comment on prices—cost of raw materials in this country than they can obtain overseas. What it says is that if you are going to export product, you better well manufacture it overseas, because if you export it to the United States, it is going to be dramatically and significantly more expensive.

For those who are concerned about it, let me recommend the October 1993 publication of Tobacco Report. The headline speaks for itself: "Backlash."

The reality is that, in the longrun, tobacco producers have not been helped by these programs. They have been dramatically harmed. I think it is appropriate that we not ask the taxpayers, though, to foot the bill.

Mr. President, I want to read into the RECORD a statement by the U.S. Department of Agriculture, which speaks on this domestic content requirement. This is from January 11, 1994:

A seventy-five percent domestic tobacco content requirement is expected to increase the usage of domestic tobacco by 188 million pounds for 1994, which will cost domestic manufacturers about $200 million. Since the cost of domestic tobacco is about double that of imported tobacco, domestic cigarette manufacturers are expected to shift cigarette production to foreign-based operations.

Mr. President, let me emphasize this is not HANK BROWN speaking; this is the U.S. Department of Agriculture. "Shift production" to foreign-based operations, is what they say.

As this shift in production occurs, domestic cigarette production is expected to decline about 9 percent a year for the next 4 years. This will result in a loss of about 1,100 jobs in domestic cigarette manufacturing plants. The use of domestically produced tobacco will eventually decline to a level less than if there were no domestic content requirement. Domestic cigarette output is expected to decline by 40 percent by 1998.

Some may disagree with this assessment by the Department of Agriculture, Mr. President, even though industry officials and the Department of Agriculture have somewhat similar provisions. But ask yourself: Does any manufacturer volunteer to be noncompetitive? Does anyone want to have double the price of raw material that they process if they have a choice?

This entire program is one that is designed to destroy jobs in America, to run the export business outside the United States, to provide a premium for people to shut down plants here and open them up overseas. And yes, Mr. President, ironically, it will mean, according to the Department of Agriculture, less U.S. production because they will lose even that.

It is a self-defeating program for tobacco, and it is a self-defeating program for our trade policy. It is a self-defeating program for tobacco producers.

Mr. President, it is a mistake for American policy. We should not be in the business of subsidizing tobacco. That is what this amendment does. This amendment says "end the subsidy to tobacco." If there is a cost to this program, they should pay for it themselves.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I had to restrain myself because the distinguished Senator from Colorado was so wrong as it relates to the tobacco program. It proves that here is an individual that has not grown up in the culture of tobacco, has not grown up in understanding this part of our economic life, and has gone to meddling. He talks about saving taxpayers money. That is the neon sign turned on here, to say, "We want to save taxpayers money." We do not want to cost the taxpayers money. No one wants to do that.

But he said there is a subsidy for tobacco. I hope the Senator will listen. The program pays its way with no net cost. The program pays its way with no net cost assessment. Whatever the cost might be, the farmer and the manufacturer pay for it.

The farmer he wants to tax is now paying his full weight. So there is really no subsidy. In addition to this, farmers and purchasers pay a budget deficit assessment. How many farmers in Colorado pay a budget deficit assessment? We pay about $25 million—not much, but it sure does reduce the income of the tobacco farmer because he is assessed a budget deficit assessment.

In addition to that, farmers pay inspection and grading fees to cover any cost. The Senator from Colorado says there is a subsidy. Well, I say to him that there is no subsidy. Any way you look at, there is not a subsidy.

Mr. President, we have a statement of the U.S. Department of Agriculture that he has all blown up over there. That is the proposed rule; that is not the final rule. I get a bill that is written and introduced, and it is not the final product. This is the proposed rule.

I wish the Senator would read the final rule and put the final rule up here where people can read it. That is a proposed rule, and they know that. I have a copy of it. It is the same thing he has blown up over there. So that is not the final rule; it is the proposed rule. Where in the world did he get $200 million? He pulled that out of the air, because that was up front. It was on this proposed rule, not the final rule.

Let us talk a little bit about the final rule. He talks about the cost. Let us talk about the final rule for just a moment. The domestic marketing assessment, the DMA, provisions of the 1993 act are expected to increase the usage of domestic tobacco by 220 million pounds for marketing year 1994. Even if cigarette production declines—I want to underscore "declines"—to the extent forecast in the final regulatory impact analysis, by the 6 year, with DMA provisions, extra domestic tobacco required to avoid any additional assessments by cigarette manufacturers will still be 115 million pounds.

The increase in the use of domestic tobacco is expected to draw down current loan stocks—

Loan stocks, so we can pay them back and the farmer makes that loan good.

The increase in the use of domestic tobacco will draw down the loan stocks and flue-cured tobacco by 159 million pounds in 1994. Consequently the Commodity Credit Corporation loan outlays for tobacco for the year 1994 are estimated to be about $320 million less.

Think about that now. And we are being fussed at. We are being fussed at.

These actions should, in subsequent years, reduce the amount of the no-net-cost tobacco payment program paid for by domestic burley and flue-cured tobacco. Additionally, DMA in place about 8,000 farms—

Think about this now—

—about 8,000 farms may remain in operation over the next 6 years that would otherwise go out of business.

I do not understand why we are trying to hurt the U.S. farmer when we ought to be trying to help the U.S. farmer.

Now, Mr. President, the Senator from Colorado fundamentally misunderstands what the article 28 process is all about.

Our trade representative is attempting to negotiate the best possible deal to stabilize our markets without requiring any compensation to other countries. Compensation is mere hypothetical. The trade negotiator has outlined his strategy.

I doubt seriously the Senator from Colorado has even attempted to discuss it with the trade representative and understand the strategy has been developed for zero compensation, unless the amendment of the Senator from Colorado passes. Then we have real trouble.

Consider how bizarre this amendment really is. The negotiations have barely begun under article 28 of GATT. This is not a law, I say to the Senator. We have had a hard time explaining that to him. Article 28 is under GATT. It is a portion of how we negotiate.

But the Senator from Colorado is actually undercutting our negotiating position. He is saying to the importing countries: Hold out. Do not compromise. You have friends in the U.S. Senate who do not care about U.S. farmers.

He is saying to these other countries: Do not negotiate in good faith. Hold out and then seek compensation from good old Uncle Sugar, and when you do, be assured that you will put U.S. farmers at an even greater disadvantage because if you seek compensation they will have to pay new assessments. So do not negotiate in good faith.

So, we are hurting in trying to work it out under the procedures that we have used for a long time.

Mr. President, if this amendment passes, boy, you wheat growers better look out; you rice growers better look out; and any other agricultural product better look out; you are next, because in the attempt to get to tobacco—and I hope my colleagues will understand this—in an attempt to get to tobacco, you put everything else at a disadvantage. You are not zeroing in on just tobacco. You are setting a precedent here for all other commodities that might have a problem and be negotiated under article 28 of GATT.

Mr. President, this amendment, I think, demonstrates more about how our trade policy gets screwed up in this

country than any other example I can think of.

I wonder which country the Senator from Colorado is worried about. Who does he think might seek compensation? Is he worried about other countries, or is he worried about the United States? Is he worried about the farmers in Brazil, Zimbabwe, or some other place more than he is worried about the United States farmer?

Could it be Zimbabwe? Mr. President, according to the Foreign Agricultural Service, Zimbabwe still completely prohibits the import of our tobacco or tobacco products. Meanwhile the amount of tobacco sent from Zimbabwe to this country escalated from 3,000 metric tons in 1990 to 22,000 metric tons in 1992, and it continues to grow.

I do not understand why this amendment was even brought up unless it was to get to tobacco. And when you do that you put all other commodities in jeopardy.

Yet the Senator from Colorado is saying: Zimbabwe do not worry. I will protect you. Keep banning U.S. products from your own country. I will guarantee you access to our markets, and on top of that I will penalize U.S. farmers if you seek compensation. What do you have to lose?

What do you have to lose? They do not have anything to lose, but our U.S. farmers have a great deal to lose.

Mr. President, is it China the Senator from Colorado is seeking to help? China has a monopoly, and the only way to enter their market is by dealing with the monopoly. They have an import quota on our cigarettes. They have a higher tax on our products than their own. That is discrimination. They control the number of retail outlets where our products can be sold. They have discriminatory fees. Yet the Senator from Colorado is saying: Come on over. Come on over. I will protect you, but you keep banning our products.

Mr. President, does the Senator think they will seek compensation? Does the Senator know how many nontariff barriers exist in the sale of U.S. products there?

How about Brazil? Does the Senator from Colorado know how prohibitive it is to get the required import license to sell in Brazil?

This is some vision of free trade. The Senator from Colorado is anxious to help every country in the world except one. He is anxious to help farmers all over the world except in one place, and that one place is the United States.

Mr. President, the Brown amendment is poorly timed. It is poor trade policy. It is legislation on an appropriations bill. It is legislation on an appropriations bill, and it will assure that we have a full debate, if it is passed, on increased grazing fees.

Mr. WARNER. Mr. President, will the distinguished Senator from Kentucky yield for a question?

Mr. FORD. I am glad to yield for a question.

Mr. WARNER. I thank the Senator.

I associate myself with the views that he has just expressed.

My concern is the concern of many Senators, and that is jobs within their States.

Would the Senator from Kentucky be able to advise the Senate with respect to, if the Brown position were to prevail—that is the position of the Senator from Colorado—what would be the impact on our job situation?

Mr. FORD. It would be lost, somewhere in the neighborhood of 8,000 farms.

Mr. WARNER. Eight thousand.

Mr. FORD. Eight thousand farms. That was the estimate that we had.

Mr. WARNER. Mr. President, would that not be from the sector of the very small farmer?

Mr. FORD. There is no question about it.

I say to my good friend from Virginia that 69 percent of those allotment holders in my State have other jobs. So it becomes a husband, wife, and family operation. There are 105,000 allotments in my State. So when you have the small family farm and they raise this crop, it is an income I think I recall of about $5,000 per year that goes to that small family farm that they would not otherwise get. That would be deteriorated considerably under the Brown amendment.

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

I find that that same profile is present in the Commonwealth of Virginia. It is the small family. No one gets rich. It really provides that margin by which these families can maybe survive.

Mr. FORD. It keeps them above the poverty level.

Mr. WARNER. That is correct.

I thank the Senator.

Mr. FORD. I thank the Senator for his question and I thank him for his support.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, picking up on the exchange between my colleague from Kentucky and the Senator from Virginia, Senator FORD was talking about the typical number of acres of tobacco in Kentucky.

Mr. FORD. The typical number in Kentucky is three-fourths of an acre.

Mr. McCONNELL. And I believe the Senator said that 69 percent have another job.

If you were setting out to produce tobacco efficiently, if efficiency was the only goal, obviously the way we produce it is not very efficient; but it puts income in the hands of an enormous number of medium- and low-income families in our State, over 60,000 quota holders, the average one being three-fourths of an acre.

And for these folks, it is Christmas money, sold at auction in November and December, and Christmas money for a lot of medium- and modest-income people.

So, Mr. President, we are fighting, Senator FORD and myself—and the Senator from Virginia made the observation as well that this is also the case in Virginia—fighting for the livelihood, the very livelihood of an awful lot of medium- and low-income people in our States.

The amendment offered by the Senator from Colorado undermines the U.S. Trade Representative's negotiating authority in his efforts to obtain a GATT-legal approach to implement the tobacco import law which was enacted last year through the extraordinary efforts of the senior Senator from Kentucky, Senator FORD.

On June 28, USTR notified the GATT counsel of our intention to enter into negotiations with interested parties under article 28 of the GATT. By initiating article 28, we would be in GATT compliance and would be negotiating with those countries who have rights under article 28.

Under that article, U.S. negotiators will try to set the tariff rate quota at the lowest level possible without triggering compensation to affected countries—without triggering compensation to affected countries. By setting the TRQ at such a level, domestic growers will be provided some protection from increased tobacco imports, which would replace U.S.-produced tobacco.

Mr. President, in the absence of import restraints, U.S. imports of foreign tobacco are likely to rise, gaining a greater share of U.S. consumption. The Foreign Agricultural Service periodically produces a document called "Import Requirements and Restrictions for Tobacco and Tobacco Products in Foreign Markets." The report, Mr. President, details taxes, tariffs, and nontariff restrictions affecting trade.

Tobacco is a highly protected commodity around the world, not just here in the United States. Countries such as Brazil, Zimbabwe, and Thailand have protectionist trade barriers against our products. These countries were involved in bringing the tobacco import law issue before GATT.

It is very important, Mr. President, to allow the article 28 negotiations to work before we propose such dramatic measures as those contemplated by the Brown amendment.

Again, I point out that our negotiators will try to set the tariff rate quota at the lowest level without—without—having to pay compensation. However, this amendment undermines our ability to achieve the best possible outcome with those countries with whom we must negotiate under article 28 of the GATT.

The tobacco producers in the Commonwealth of Kentucky already pay for research, a no net cost assessment, a budget deficit fee, and fees for grading and inspection. I do not know of any other commodity, Mr. President, under the same amount of pressure, taxation, and unfair harassment. They pay more than their fair share.

So I commend my colleague from Kentucky for his outstanding work in this area. I certainly hope that the Brown amendment will not be successful and, at the appropriate time, I will be making a motion to table.

Mr. FORD. Mr. President, I am going to yield the floor. I think it is proper for me to do that.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I truly regret having to oppose this amendment, because I have the utmost respect for the Senator from Colorado. He is one of the finest, most conscientious, and likable Members of this body.

I know he feels very strongly about issues relating to the tobacco industry and tobacco program. He described the fact that he would like to kill the program, kill the subsidies, and absolutely do away with any kind of support for tobacco farmers or the industry. Those views are well known. We respect his intelligence and his commitment and the way he uses his ability to try to influence policy in these areas.

But my reason for having to oppose the amendment has to do with the fact that this amendment has absolutely nothing to do with this bill. The bill that we have before the Senate right now is an agriculture appropriations bill, reported by the Agriculture Appropriations Subcommittee to the full Committee on Appropriations. This amendment does not change one word in this bill. It does not increase or decrease any of the funding levels contained in this appropriations bill.

As a matter of fact, you can read the title of the amendment and see that it has nothing to do with an agriculture program or the tobacco program. It relates to a trade issue. The stated purpose of the amendment is, and I am going to read it:

> To ensure that there will be no net cost to taxpayers if protectionist trade practices are adopted by the United States with respect to tobacco.

That is a trade issue that relates to a provision of the GATT legislation that is under consideration here in the Senate by the Finance Committee.

I hope the Finance Committee members—certainly the chairman and ranking member of the committee—will take note that this is an amendment that seeks to usurp the jurisdiction of the Finance Committee on an issue that is contained in GATT legislation that is being considered by the Finance Committee.

So my quarrel is not with the distinguished Senator from Colorado. It is to try to keep the committee structure and the rules of the Senate in our minds as we proceed to consider our legislation.

If every committee is going to have its jurisdiction usurped by the amendment process when legislation gets to the floor, we need to abolish all of the committees. We do not need committees.

We undertook in the Rules Committee—and my friend from Kentucky is chairman—to look at the proposals for restructuring committees and reorganizing the Senate to make it more efficient, to be sure that Senators were not stretched too thinly over too many subject matter areas with their committee assignments, trying to make the Senate a more efficient place for the consideration of legislation. We could throw all of that out the window if we are now going to just ignore the rules, ignore committees' jurisdiction, and have amendments of this kind adopted to legislation that have nothing to do with the subject of the amendment.

So I hope the Senate will support a motion to table the amendment when it is made.

We could make a point of order under rule XVI, but the issue of germaneness would be raised by the proponent of the amendment, and the Chair, under the Senate's rules, would have to submit that issue of germaneness to a vote. We would have to vote on that. Senators might not focus on the nuances involved, and it may be best, in terms of saving time for everybody concerned, to simply have a motion to table the amendment.

I strongly urge Senators to support the motion to table when it is made. This amendment seeks to impose sanctions on an industry for engaging in what the amendment defines as "protectionist trade practices." That is what this amendment does.

It purports to be a new section of the Agriculture Adjustment Act of 1938. If you read the amendment as it starts off, it says, "This is to amend the Agriculture Adjustment Act of 1938 by adding a new section as follows." And then the rest of the amendment follows, and it has nothing to do with the tobacco program. That is the part of the Agriculture Adjustment Act that the amendment seeks to amend. But it does not change anything in the Agriculture Adjustment Act of 1938. It does not change the subsidy program. It does not alter it one whit.

It imposes sanctions against an industry if it engages in protectionist trade practices. That is a trade issue. That is a GATT issue. That is a matter of public policy, true enough. But it does not have anything to do with appropriations for Agriculture Department activities and that is what the bill before the Senate deals with.

I hope the Senate will vote to sustain the motion to table when it is made.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, a number of important points have been made. I thought I would try to respond succinctly. I know Members are anxious to move ahead with the bill. It is appropriate they should. Let me deal with them in order.

First of all with regard to employment, because I think that is a concern of every Member here. The distinguished Senator from Kentucky had expressed his concern about what would happen with regard to employment in the industry. The distinguished Senator from Virginia had also.

If we follow the course that is now proposed, employment will drop and drop dramatically. That is not an assertion by HANK BROWN. That is an assertion by the U.S. Department of Agriculture and their experts that deal with this. The provision that has been put in place, which I think is foolish policy, is one that will lead to the loss of 11,000 manufacturing jobs according to the USDA, and additional loss of jobs in regard to farmers.

Mr. FORD. Mr. President, will the Senator yield for a question? I apologize for doing this but I think it is important I ask him a question.

Mr. BROWN. I will be happy to yield to the distinguished Senator.

Mr. FORD. The Senator is making his statement as it relates to the law that is now in effect and not the proposal as it relates to article 28 under GATT, which is being repealed?

Mr. BROWN. The distinguished Senator is exactly correct.

Mr. FORD. I thank the Senator. That means then——

Mr. BROWN. Let me finish, if I could. The Senator is exactly correct. What I quoted from is a Department policy from USDA which relates to the domestic content and import duty.

Mr. FORD. It relates to the blowup on the chart which is the proposed rule and not the final rule, and so the estimates after the final rule are different than what the Senator is quoting.

I am not trying to make things something that they are not. But what you have here is you have taken the proposed rule and not the final rule. You are quoting to us the no net cost—or domestic content law, and you are not quoting from the trade—GATT article 28 position. That is somewhat different than the figures that were given by the law.

I think in fairness to me that I ought to raise this question.

Mr. BROWN. Mr. President, I appreciate the Senator rising and pointing that out. I want to assure the Members that we have been very clear and very straight and very up front. This is a statement by the U.S. Department of

Agriculture. It deals with the concept and the projection of a policy that involves having domestic tobacco prices double the world market. That is what costs jobs.

When they say they are eventually going to have less domestically produced tobacco, the reason they are saying that is because foreign tobacco will cost half what domestic tobacco does and you will have the manufacturers move offshore. They will initially move offshore for the foreign tobacco but they will also move eventually for tobacco produced domestically.

Mr. FORD addressed the Chair.

Mr. BROWN. Regular order, Mr. President. I have the floor.

Mr. FORD. Will the Senator yield?

Mr. BROWN. I will be happy to yield to the distinguished Senator.

Mr. FORD. Under the imports that come, and they are made—and tobacco used for imports, 99 percent of that is given a credit. So there is no imposition on imported tobacco that is used to make cigarettes that are exported to other countries. That is as far as the imports, imported to the United States, made into cigarettes and it is exported. And they get full credit for it. There is nothing there that hurts more than the cheap tobacco on ours. It is not the top grade. Some say it is better quality.

But I say to the Senator that for an import of tobacco that is made into cigarettes to be exported, there is full credit given. The countries can send as much in here as they want to, as it relates to exports.

Mr. BROWN. I thank the Senator for his comment. I want to go back to the point. If you insist that U.S. tobacco is going to be double what the world market is, you put manufacturers and processors at a disadvantage. You make it advantageous to process the product overseas and ship it in. That was why, in relating to the policy of having double the market price, the USDA statement relates not only to processing jobs but eventually to tobacco-producing jobs. If you are concerned about jobs, you ought to be alarmed about the program.

Let me emphasize my amendment does not go to solve that problem. I wish it did. It does not. My amendment simply says we are not going to subsidize tobacco. But I must say again, I think the fundamental problem with regard to employment relates to the phenomenon of having double the price in the United States. That eventually will cost a number of jobs and that is widely documented.

Mr. President, the second item that was brought up was with regard to undercutting the efforts of our negotiators. Let me emphasize that is not the case and that is not part of this amendment in any way. This amendment simply says that tobacco has to pay its own way. We are not going to subsidize it in this area. It in no way curtails the ability of our negotiators to go out and negotiate a good deal. As a matter of fact, let me assure the Senator, I wish our negotiators luck. I hope they negotiate as good a deal as possible. I hope they hold the penalties and retaliation against the United States for violating the fundamental approach under GATT—I hope they hold those penalties to as small as possible. But let us not kid ourselves. This amendment does not have anything to do with curtailing their ability. This amendment has to do with whether or not you subsidize tobacco.

One other thing I might mention. There has been a suggestion or implication, even, that my comments with regard to possible compensation were out of line. For those who think that, let me refer them to the Uruguay Round Tariff Agreements Draft Implementing Proposal. This comes out of the Subcommittee on Trade and the Committee on Ways and Means, June 29, 1994.

Why is that important? It is the House that has marked up the authorizing legislation with regard to these trade agreements and ratification of GATT. It is because that is on fast track that we will be unable to address it when it gets to the floor. That is, these ratifications and the measure that is coming over is going to be on fast track and literally will not be subject to amendment. There is no way to touch it. That is why we have to act here.

More important, in their description of the measure they are sending us is this language. Present law: Article 21 of the GATT—this is from the Ways and Means Committee.

> Article 28 of the GATT provides for the modification or withdrawal of previously negotiated concessions with possible compensation to all contracting parties that constitute principal or substantial suppliers of the products concerned and/or old or initial negotiations rights with respect to such products.

That is by the Ways and Means Committee themselves in the document they produced dealing with the markup that they just got through as it deals specifically with tobacco. The suggestion that there is no possibility of compensation being involved here is news to Ways and Means.

They hold a different view, and it is in the very documents themselves.

Mr. President, a third item that was brought up I think deals with the subsidies. We have just reconfirmed with CRS that, indeed, separate duties are assessed on imported tobacco. And under the law now, those are forwarded to support of the tobacco program. In other words, the changes that occurred last year included a new duty that goes to subsidized tobacco. This program is not self-supporting, it is subsidized by import duties, and no Member should be unaware of that.

What we literally have is a program on the books to subsidize tobacco at the same time we have other programs on the books to urge people not to use it. A contortionist would admire our flexibility, but, Mr. President, this is not serious Government. To have a product you subsidize at the same time you urge people not to use it involves an exceptional rate of flexibility to the point of ludicrousness. This is the laughingstock of the country. How many people believe it makes sense to subsidize a product and then turn around and urge people not to use it? We ought to make up our mind. Either we want to promote the use of it or we want to discourage it. But to do both at the same time is absurd.

I want to deal lastly with the question of why here. The distinguished ranking member on the Appropriations Committee who deals with this has been most indulgent and has worked very hard with us. I think he and the chairman have a right to expect this bill will receive expeditious consideration and move through without amendments that are harmful to the good job they intend.

The simple fact is why it has to be offered here is because, simply and flatly, just as it was done last year, the plans are this year to hustle this through in a way so that you cannot amend it, to get a new subsidy in place and not get a record vote on it, to do it in a way so we are not allowed to object to it on the floor. And that is one reason why it being included in the fast-track legislation is so devastating. We are literally left with no choice.

Does it relate to what is being considered? Let me refer Members to page 65, 66, and 67 where they deal specifically with the Commodity Credit Corporation, and on 67 these words appear:

> None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

The subject of tobacco and tobacco programs are clearly included in this bill. It is germane to what is being legislated in this bill. I want to mention that because I think it is important for Members to know that there simply is no choice. We have to bring it up here because we do not have another forum.

It boils down to one simple basic question: Do you want a subsidy for the tobacco program or do you not? If you do want it, you will want to vote against the BROWN amendment or you will want to vote to table it. If you think you should end the subsidy, then you will want to vote for the amendment.

I believe the key ingredient to getting our economy in order is to eliminate programs like this. The incredible approach of Congress to subsidize a product at the same time we urge it not be used, I think, defies the imagination and would astound most of the American people.

I want to reiterate one point: Very sincere concerns were expressed about

jobs on this floor. I must say I believe, as truly as I am standing here, in the long run in terms of jobs for tobacco growers or in terms of jobs for processors, that they are very much in interest in doing away with this program.

I hope that out of this conference will come an effort to address that because this amendment does not deal with that. It does not do away with the program, which I wish it did. But eventually we have to deal with it because what we have established here is a train wreck. When you establish the domestic price is going to be double what the world market is, you have doomed yourself to be noncompetitive, and that is what the current policy is right now.

Mr. President, I yield back.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I am not going to go through the ritual of commenting on my distinguished friend from Colorado. He is my friend and he is distinguished and he is sincere, but he is sincerely wrong on this question.

I remember Lewis Carroll's "Through the Looking Glass," when I was a little boy. I had to memorize some of it. And I say to my friend from Kentucky that Humpty-Dumpty was quoted by Lewis Carroll as saying something like this:

"When I use a word, it means precisely what I intend for it to mean, nothing more, nothing less."

My distinguished friend from Colorado is using the word "subsidy" in exactly that fashion. If we started talking about grazing fees, and we have talked on this floor from time to time about grazing fees and subsidies, I remind my friend that a great deal of support has come to him and others who are interested in that issue. But the truth of the matter is, what the Senator is calling a subsidy is, in fact, a tax on the growers of tobacco. It punishes the farmers for finding what you would call a GATT-legal way of solving their problems under article 28 of the GATT agreement.

It completely undermines the United States negotiating position under article 28 for tobacco, and those negotiations have just begun. But let me emphasize, there is no subsidy for the tobacco program. We solved that some years ago when we had this no net cost program enacted. Tobacco has its problems, as does anything else, including cattle and other agricultural commodities.

Second, Mr. President, the problem is that several countries have challenged the domestic content law for tobacco. The Senator from Kentucky [Mr. FORD], has proposed a solution to replace the domestic content law by using article 28 of GATT. This would help the U.S. tobacco growers keep their farms by limiting the amount of foreign tobacco.

As for the amendment of my friend from Colorado, do you know who the greatest advocates of that amendment are? The tobacco growers in Communist China, the tobacco growers in Argentina and other foreign countries. They are praying that the Senator's amendment is adopted because that will disrupt the tobacco growers of the United States and put the tobacco growers overseas in the driver's seat.

The tobacco that some would like to pour into this country is of low quality and high nicotine. A lot is being said about nicotine, but you "ain't" seen nothing yet, Mr. President, until you look at the nicotine content in some of the Chinese and Argentine tobacco and others.

Some of us have a great interest in the General Agreement on Tariffs and Trade—GATT—and I am having a big problem with it because the sovereignty of the United States of America is in the balance, and we may as well face it in terms of this amendment.

Foreign countries love to challenge any U.S. law that helps U.S. workers or farmers. Let me say that this is just the tip of the iceberg, and that is one of the reasons I am opposed to the fast track on this GATT proposal.

In any case, one of the distinguished Senators from Kentucky, I am confident, will move to table this amendment. Whichever one does, or if both of them do, I want to join in the motion to table. Unless there is some danger of this amendment being approved, I hope this will be the end of it for this bill at this time. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Colorado.

Mr. BROWN. Mr. President, the heart of the amendment we are debating is on page 3. Let me just quote it to Members:

(B) the requirement that the total of the amounts assessed against all producers shall be equal, to the maximum extent practicable, to the cost incurred by the Federal Government as a result of the conditions described in subsection (a), as determined under paragraph (2).

That is basically what this is. This simply says, look, if it ends up costing the taxpayers money, the program has to pay for it, the tobacco folks have to pay for it. All we are doing is asking for them to pay the cost that they incur to the Federal Government.

Now, some of my good friends here have indicated a couple things that I think are worth commenting on. One, that there is no subsidy in the program. I was not aware, and I suspect other Members were not aware, that included in the provisions last year was a subsidy for tobacco. I know for a long time it was a question about whether you subsidize the tobacco loan program. This body had acted to make that loan program self-supporting.

What Members were not aware of, or at least this Member was not aware of—and I suspect some others—until recently was that included in what came about last year was a new tariff on imported tobacco that was remitted to subsidize and support the tobacco program. So the old saw that there is no subsidy here was not accurate. That was changed last year. There is a subsidy. And this amendment is necessary to keep the retaliation that comes against the United States from being a subsidy as well.

One other thing. There has been a question raised as to whether or not there ever would be compensation required by the United States. Let me simply to that say we have not only quoted the House Ways and Means Committee report, which indicates that is a possibility, but that is a subject that has been discussed with the U.S. Trade Representative, and as a matter of fact I have a list of options here that spell out a variety of those options that do involve the potential of subsidy.

Mr. President, I ask unanimous consent that that set of options, tobacco restrictions options which make it clear that there is a possibility of this costing us money and compensation being involved, be printed in the RECORD.

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

TOBACCO RESTRICTION OPTIONS

TRQ OF A WOULD REQUIRE COMPENSATION OF B

	Thousand metric tons A	Million dollars B
1. All supplying countries maintain 1990–92 avge., imports provides growth for Prin, Subs, INR suppliers only	201	0
2. All supplying countries maintain 1990–92 avge., import growth for Prin, Subs, INR suppliers but excludes Can, Mex, PRC	192	0
3. Actual imports 1990–92 avge., all countries	143	0
Assumes no obligation to countries other than Prin, Subs, INR; enables 14,000 MT to be offered to other countries (27,000 MT if Can, Mex, PRC are excluded)		
4. Subs, Prin and INR suppliers only—including adjustment for growth	129	0
5. Subs, Prin, INR suppliers only—including growth but excluding Can, Mex, PRC; no offers to suppliers with shares less than 10%	116	0
(note: any quota shares offered to countries with shares below 10% would increase compensation costs)		
6. Actual imports 1990–92 avge., Subs, Prin, INR suppliers only	70	154
If Can, Mex, PRC excluded		117
(note: any quota shares offered to countries with shares below 10% would increase compensation costs)		
7. Actual imports 1990–92 avge., Prin, Subs, INR suppliers (excluding Can, Mex, PRC)	67	126
(note: any quota offered to countries with shares below 10% would increase compensation cost)		
8. Domestic content equivalent quota	57	188
If Can, Mex, PRC excluded		150
(note: any quota offered to countries with shares below 10% would increase compensation costs)		

ANote: Allowable imports may be above quota levels set depending on the extent of imports from Canada and Mexico.

Mr. BROWN. Mr. President, the last point that I will simply reiterate, the question before us is simply this: Do

you want to subsidize tobacco or not? I am a Member who believes they should stand on their own two feet and that you should not ask the taxpayers to subsidize them. If you feel as I do, I hope you will support the Brown amendment.

I yield the floor.

Mr. FORD. Mr. President, I will take just 30 seconds.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, if the Senator from Colorado interprets a tariff as a subsidy, and then he voted for NAFTA, he voted for the biggest subsidy bill we have ever had.

Now, tariffs are not a subsidy. The tobacco that comes in here pays the same thing as the North Carolina farmer. He pays the budget deficit that we pay. He pays the no-net assessment. That kind of makes things a little bit even where you stick it to and gouge the American farmer and the foreign grower gets off.

So if a tariff is a subsidy, Mr. President, we are in real trouble. We better go back and look at our whole trade program. The Agriculture Department ought to have some long and big hearings, which you have not had here.

And so, Mr. President, I have 10 reasons here and could go on about why this amendment should be tabled, but I will not.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment by the Senator from Colorado [Mr. BROWN] concerning the tobacco program. This amendment attempts to impose an additional tax burden on the tobacco farmers of my State. Currently, the tobacco farmers have enormous taxes imposed on their corp. An acre of tobacco currently raises over $37,500 in Federal taxes. This translates into about $5 of taxes for every tobacco plant.

Mr. President, this amendment will affect the many tobacco farmers whose only income is from their small tobacco allotment. In my State of South Carolina, there are over 52,000 acres of tobacco grown with a farm value of over $190 million. This is only the value to the farmers. The money from this crop is turned over in the local economy several times to provide for the local economy. Agriculture in South Carolina and several other southern States is unique. We do not have large quantities of land to produce crops. Therefore, tobacco is well suited to the land use of the South.

Mr. President, this amendment would cause severe economic harm to the farmers of my State. Therefore, I intend to vote to table this amendment.

Mr. LEVIN. Mr. President, I will vote to table the Brown amendment. The GATT dispute resolution panel has not yet ruled that the U.S. requirement regarding specific U.S. tobacco content levels violates U.S. obligations under the GATT. I cannot vote for an amendment that assumes GATT will call into question specific domestic activities in advance of a GATT ruling. And, we should preserve our options with respect to opposing or appealing GATT rulings.

My vote does not mean that I support any tobacco subsides. I believe the Brown amendment is putting the cart before the horse regarding possible implications of GATT before we have either the specific GATT panel ruling on this issue or the completed Uruguay round implementing legislation to review.

Mr. DURENBERGER. Mr. President, I strongly support the amendment offered by my colleague from Colorado [Mr. BROWN] which would specify that no cost shall be incurred by the Government for additional tobacco program costs resulting from enforcement of the 75 percent domestic content requirement for tobacco products.

This amendment sends a strong message that the domestic content requirement should never have been legislated in the first place. It is a serious GATT problem—the United States will be challenged on this after the World Trade Organization is established in 1995. It is likely we would lose that challenge and be required to pay compensation if we are not willing to change our discriminatory domestic content requirement. That compensation could be directed against U.S. tobacco exports—or it could negatively affect any other U.S. industry, including other agriculture commodities.

I was also interested in the USDA study cited by my friend from Colorado which indicated that tobacco companies would shift cigarette production abroad as a result of the domestic content requirement. Over 1,100 jobs would be lost as a result. Once production shifts abroad, of course, the use of domestic tobacco will also decline in the United States.

The moral of the story is that not only are domestic tobacco companies negatively affected, but the growers wind up shooting themselves in the foot by supporting this kind of unwarranted protection.

I urge the support of my colleagues for this important amendment.

Mr. ROBB. Mr. President, whether it is disproportionate tax levies on tobacco in health care legislation, a hostile congressional inquiry into the possible affects of nicotine, or now this amendment, which is clearly injurious to domestic tobacco producers, undermining the livelihood of hardworking individuals in the tobacco industry appears to be fair game these days among some legislators.

I am very much opposed to Senator BROWN's effort to circumvent normal procedures for congressional consideration of an international trade agreement. Let me explain.

U.S. law presently requires tobacco producers and manufacturers to include a certain percentage of domestically grown tobacco in the products they sell. These domestic content provisions ensure that our tobacco farmers get a fair shake, and do not suffer at the hands of foreign tobacco sellers attempting to establish U.S. market share through cutrate pricing.

Under GATT, current domestic content provisions will likely be replaced by an equivalent import restriction mechanism called tariff-rate quotas. These are designed to provide continued assistance and support to tobacco farmers in Virginia and many others across the country. That's only fair, since some foreign tobacco producers are prepared to ignore the rules of fair trade merely to gain a foothold in the U.S. market.

On the heels of the administration's decision, which I strongly supported, not to force thousands of tobacco farmers into such a position of competitive disadvantage, U.S. trade officials are now considering whether and how to provide compensation to countries that would be required to abide by the new tariff-rate quota schedule.

Mr. President, Senator BROWN's amendment requires the tobacco industry itself to bear the burden of compensation to foreign countries, stating that there can be no net cost to taxpayers for such action. His idea, however, really puts the cart before the horse: the Finance Committee is only at a preliminary stage considering this matter, the administration hasn't offered a detailed plan for compensation, and the House Ways and Means Committee has stated it is only prepared to address the issue at a later date.

Mr. President, notwithstanding the merits or lack thereof involved with this amendment, the Senator from Colorado is simply amending the wrong bill at the wrong time. Initial consideration of this matter belongs with members of the Finance Committee and the appropriate vehicle for adding language would be the GATT implementing legislation. My friend from Colorado's decision to address this issue on the Senate floor, and on the Agriculture Appropriations bill, represents legislating on an appropriations bill at its worst.

Finally, Mr. President, it is worth noting that we maintain tariffs on a range of foreign imports for numerous reasons, among them to deny our markets to unfair traders, to provide interim protection for certain import-sensitive industries, and other reasons as well. Senator BROWN's assertion that domestic content requirements for tobacco, whatever form they take, amount to Government subsidies is just plain wrong. When cause is shown that a domestic industry faces unfair competition from abroad, the Government has an obligation to take appropriate steps to defend the interests of the American workers involved. This

amendment is directly contrary to that fundamental principle.

Accordingly, I will vote to table the Brown amendment.

Mr. McCONNELL. Very shortly, it will be my intention to move to table the Brown amendment on behalf of Senator HELMS and myself.

As colleagues are weighing how they should vote on that motion, I would like them to focus on the fact that this is not simply a vote on tobacco. It is a precedent-setting vote on how the United States can be expected to deal with other trade disputes. The amendment offered by my friend from Colorado creates a novel and potentially dangerous remedy for all trade disputes that other countries raise against the United States, as has been pointed out before.

If the Brown amendment is passed and its basic principle becomes law, then any foreign country that claims to have suffered from unfair trade treatment by the United States will try to obtain money damages directly from any and all domestic producers who have apparently benefited from the allegedly unfair treatment. As strange as that sounds, that is indeed the precedent established by the Brown amendment.

Simply put, the Brown amendment forces U.S. citizens—American farmers and producers—to put up money for foreign farmers and producers who are allegedly harmed by U.S. import laws.

Now, let us run that by one more time. The Brown amendment would force U.S. citizens—American farmers and producers—to put up money for foreign farmers and producers who are allegedly harmed by U.S. import law. I cannot imagine anything more frightening than that.

Let no Senator comfort him or herself with the thought that this proposal will only be limited to tobacco. I can just imagine that GATT negotiators from other countries will hear about this debate and this amendment and will positively salivate at the prospect that they might get hard currency compensation directly from U.S. producers if they can demonstrate that some aspect of our trade law is unfair and hurts any foreign producer.

Should the Brown amendment pass, I would not be at all surprised to see foreign GATT negotiators try to apply the Brown amendment concept to a broad array of crops as well as manufactured goods. What will our negotiators be able to say in response? Congress will have established a clear principle that U.S. farmers and other producers can be forced to pay direct compensatory damages to foreign producers whenever unfair trade treatment is alleged. And what exactly is an unfair subsidy or restriction or tariff? One could argue, it seems to me, that favorable grazing fees, which I personally have supported consistently here, could be considered an excessive subsidy which should require U.S. ranchers to pay a direct compensatory penalty to foreign livestock producers.

Now, the U.S. Trade Representative is working to ensure that our tobacco-import restrictions are GATT legal, so that no compensation would be required in any event. Thus, the amendment offered by the Senator from Colorado is flatly unnecessary, and yet it establishes a dangerous precedent that ought to send a shiver down the spine of every U.S. producer who could be held to the very same standard.

Finally, in addition to being totally unnecessary and a terrible precedent for all American farmers and producers, the Brown amendment will severely harm many thousands of farmers and their families, none of whom consider themselves to be particularly privileged or coddled. These people work hard. They work their soil. They pay their taxes. They build their communities. They raise their families. And this amendment will make all of that much harder by taking money out of their pockets and giving it to foreign countries. So I think this is really a terrible idea, Mr. President. I certainly hope the Senate will reject it.

At this point, if debate is concluded, on behalf of Senator HELMS and myself I move to table the Brown amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2318 offered by the Senator from Colorado to the committee amendment on page 32. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—63

Akaka	Faircloth	Mitchell
Baucus	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bond	Glenn	Murray
Boren	Graham	Nunn
Breaux	Grassley	Pressler
Bumpers	Harkin	Pryor
Burns	Heflin	Riegle
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Cochran	Inouye	Sarbanes
Conrad	Johnston	Sasser
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
Daschle	Kerrey	Simpson
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lott	Wallop
Domenici	Mathews	Warner
Dorgan	McConnell	Wellstone
Exon	Mikulski	Wofford

NAYS—37

Bennett	Brown	Cohen
Bingaman	Bryan	D'Amato
Boxer	Chafee	Danforth
Bradley	Coats	Durenberger
Feingold	Kerry	Nickles
Gorton	Kohl	Packwood
Gramm	Lautenberg	Pell
Gregg	Lieberman	Reid
Hatch	Lugar	Roth
Hatfield	Mack	Smith
Hutchison	McCain	Specter
Jeffords	Metzenbaum	
Kennedy	Murkowski	

So the motion to table the amendment (No. 2318) 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.

AMENDMENT NO. 2305

Mr. GORTON. Mr. President, I am on the floor today to express my support for the amendment offered yesterday by the Senator from Arizona [Mr. McCAIN], and the Senator from Nebraska [Mr. KERREY] to remove from this bill an ill-conceived provision which would prevent States from fully implementing welfare reforms. The provision to which I am referring would prevent States from cashing out food stamp benefits if they had not already received a waiver to do so by July 1, 1994.

This provision sends a very dangerous message to the States. It tells them, not to be implement innovative reforms of their welfare system. With welfare reform at the top of the minds of most people in America, this is exactly the wrong message to send.

Currently, Mr. President, 20 States have implemented or are about to implement welfare reform programs which rely on the cashing out of food stamp benefits. Many others are looking at ways to reform their welfare systems which may or may not include converting food stamp benefits to cash.

The point is that the Federal Government should provide a great deal of flexibility to the States to implement innovative welfare programs. Far too often we feel that all wisdom lies in the Halls of Congress. In the real world, outside the Capital Beltway, bold and effective programs are being proposed every day which are years ahead of where we are at in the Congress. It is unfortunate that this one line buried deep within the Agriculture appropriations bill could undermine all the accomplishments of the States.

It is ironic that while many of the welfare reform proposals which have been introduced here in the Senate rely on cashing out of food stamp benefits, including the bill proposed by President Clinton, the sponsors of this bill seek to prevent States from cashing out food stamp benefits.

In Washington State we had an extensive study of a cashout program. A major part of the Family Independence Program [FIP] was conversion of food stamp benefits into cash. This program's authorization has concluded and a report was recently released detailing findings from a study of the

program. The report found that the food stamp conversion program resulted in significant administrative costs savings and did not threaten the nutritional health of recipients. I ask unanimous consent that a section of the report focusing on the cashout program be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

The overall savings of the program were remarkable.

The cost of the coupon system for all 115,360 food stamp households in Washington State as of July 1991 was $953,301 per month (or $6.84 per case). Cashing out food stamps for just the AFDC (Aid to Families with Dependent Children program) and FIP households in the State would save $173,625 per month (or $1.25 per case). Cashing out food stamp benefits for all food stamp households in the State * * * would save $243,136 per month (or $1.75 per case).

In total, cashing out food stamps for just AFDC and FIP households would save the State of Washington just over $2 million each year. It would save Washington nearly $3 million each year to cash out all of its food stamp recipients. Clearly, food stamp cashout programs can be justified on a cost savings basis.

The arguments that we have heard today rely mainly on the fact that a person who receives cash tends to spend less money on food than do food stamp coupon recipients. It is an argument based on the belief that if given the chance to control their own lives, welfare recipients would make the wrong decisions. Perhaps they would make some mistakes, but I believe that many people would make the right decisions.

Well, again, let us look at Washington State.

While Washington State's experience did indicate that cashout families spent about $7 less per month on food purchases than did coupon households, the program also found that this decreased spending did not threaten the health of the recipients. That means food energy and protein was still "higher than the relative RDAs"—recommended daily allowance. Cashout families ingested 132 percent of the RDA for food energy and 243 percent of the RDA for protein. This was slightly less than that ingested by coupon families. The report goes on to say that, "The same was true for vitamins A, C, and B6, calcium, iron, folacin, and zinc." The report goes on to say that,

Per dollar spent on food, however, nutrient availability was actually higher for cash than for coupon households for several of the nutrients. In other words, the dollars spent by cashout households on food bought more nutrients per dollars spent. * * * And cashout families also were more likely to participate in the commodities program (20 versus 8 percent) and WIC [the special food supplemental program for women, infants and children] (49 percent versus 37 percent * * *) than were coupon households.

Clearly, Mr. President, the moneys spent by the cashout families were not wasted. In fact, one might argue that they actually made wiser purchases than did coupon families by seeking out foods with higher nutritional values and participating in other programs.

Let us also look at what these families did with the money that was not spent on food. Cashout families spent more on housing and utilities and transportation expenses than did coupon families. Notably, cashout families spent less on recreation than did coupon families. Like most families in America, cashout families were forced to make difficult decisions on budgeting and shuffled their moneys according to their needs. As the report concludes, "These budgeting choices are clearly not easy." But, I would add, these choices are essential to preparing families for the realities they will face once off of welfare.

One final point raised by the survey touched on the benefits of the cashout program which cannot be measured in dollars or RDA's. Participants in Washington State's cashout program found checks to be less embarrassing and allowed the recipients to feel more dignified. The importance of maintaining ones dignity cannot be overstated. If we truly want welfare recipients to become independent we must implement programs which will not only empower them financially but also builds their self-esteem and self-reliance.

Mr. President, if we are truly interested in reforming the welfare system in a way that achieves cost savings and promotes independence, we will continue to allow States to enact reforms without Federal interference. I am pleased that yesterday the Senate adopted the McCain amendment to remove the ban on food stamp cashout programs from this otherwise very good bill.

EXHIBIT 1

CHAPTER VI—FOOD STAMP CASHOUT UNDER FIP: ADMINISTRATIVE COSTS, FOOD USE, AND RECIPIENT ATTITUDES

(Some charts referred to have been omitted)

A major component of the FIP benefit structure was substitution of cash for food stamp coupons by incorporating the food stamp benefit amount into the public assistance check. This chapter reports on the effect of this food stamp cashout on administrative costs, and on food use, and recipient* attitudes.[11]

ADMINISTRATIVE COSTS

The administrative cost estimates are derived by summing costs across a large set of discrete activities within four functional categories.[12] The functional categories are: authorization, issuance, daily reconciliation, and monthly reconciliation. Authorization involves determination of eligibility for new applicants, as well as periodic recertification of eligibility for on-going participants. Issuance is actual delivery of food assistance to the recipient and all activities related to lost or stolen coupons or checks. Daily reconciliation involves reviewing and recoding daily transactions and balancing records for the coupon stock. Monthly reconciliation involves reconciliation of state and federal records, and preparation of monthly management information reports. Figure VI.1 shows the overall operation of the coupon and check delivery systems in terms of these four functional categories.

The administrative costs for each functional category for the check and coupon systems were estimated through the following sequence: Document all administrative activities at the state and local levels, by type of staff conducting the activity; Measure the amount of time required each time an activity was performed (i.e., minutes per unit of activity);

Measure the number of times per month each activity was performed (i.e., frequency);

Compute the minutes per month for each activity (amount of time per activity times frequency); and

Compute the cost of each activity based on the amount of time and the salary costs of the staff performing the activity.

Administrative costs were included in the calculation of the cost difference when there was a difference between the two systems in either frequency of performance or unit cost per case. If an activity served both AFDC and food stamp delivery purposes under the cashout system, but was specific to the AFDC system under the coupon system, the cost of that activity was included in the costs of each system (see further discussion of joint costs below).

COUPON AND CHECK COSTS

Table VI.1 presents cost estimates for the coupon and check systems, as well as an estimate of the actual monthly savings per case cashed out.[13] As the right-hand column indicates, the check system cost less to administer than the coupon system. Monthly net savings for each cashed-out FIP household were estimated at $1.84.

TABLE VI.1—SELECTED ADMINISTRATIVE COSTS PER HOUSEHOLD PER MONTH OF THE FIP FOOD STAMP CASHOUT DEMONSTRATION

Activities	Selected Coupon System Costs			Selected Check System Costs		
	Direct FSP	Direct AFDC*	Joint FSP/AFDC	Direct FSP	Joining FSP/AFDC	Cost difference (coupon-check)
Authorization:						
Application, Expedited Benefits and Identification Costs	$1.44	.....	.....	$0.92	.....	$.052

Footnotes to appear at end of article.

TABLE VI.1—SELECTED ADMINISTRATIVE COSTS PER HOUSEHOLD PER MONTH OF THE FIP FOOD STAMP CASHOUT DEMONSTRATION—Continued

Activities	Selected Coupon System Costs			Selected Check System Costs		
	Direct FSP	Direct AFDC [a]	Joint FSP/AFDC	Direct FSP	Joining FSP/AFDC	Cost difference (coupon-check)
Holding and Redirecting Benefits	.....	.....	$2.26	.....	$2.92	($0.66)
Disbursement/Mailing of Food Coupon Authorization Cards and Checks	[b] $0.23	$0.26	.....	$0.03	$0.26	$0.20
Issuance:						
Disbursement/Mailing of Coupons	[c] $1.21	.....	.....	$0.07	.....	$1.14
Duplicate Issuance	$1.05	$0.28	.....	.....	$0.82	$0.51
Daily Reconciliation	$0.05	.....	.....	$0.00	.....	$0.05
Monthly Reporting	$0.08	$0.19	.....	.....	$0.19	$0.08
Total	$4.06	$0.73	$2.26	$1.02	$4.19	$1.84

[a] To preserve comparability, direct costs for AFDC activities under the coupon system are only included when those activities are subsumed under joint activities in the check system.
[b] This figure is calculated using observed proportions of direct authorization/coupon issuance in coupon sites.
[c] This figure is based on observed proportions of (i) over-the-counter food coupon authorization redemption, (ii) regular mail coupon delivery, (iii) certified mail coupon delivery. In Washington State the least cost private sector charge for redeeming an authorization card was $1.40.

Source: Tabulations by the Urban Institute.

A distinction is made in the table between "joint" and "direct" activities. A joint activity is one that serves both a public assistance and a food stamp purpose. For example, an individual who moves may contact her/his financial worker to request that her food stamp and AFDC benefits be redirected through a local office closer to her new home. A direct activity serves only one program. For example, the activities associated with providing needy households with expedited food stamp benefits are relevant only to the food stamp program.

The feature of the Washington State cashout design that is most important for administrative costs is that cashout enables food stamp benefits to be included in the welfare check distribution system. Under the coupon system, food coupon authorization cards (FCAs) are mailed separately from AFDC checks, lost benefits are replaced separately for the two programs, and the control and reconciliation systems are separate. Activities directly attributable to food benefit delivery under the coupon system account for over 62 percent of the costs that are affected by cashout. Under the check system, most food benefit activities are absorbed in the system designed to deliver other forms of income assistance. This closer integration reduces the proportion of the costs directly attributable to food benefit delivery under the check system to 21 percent.

Authorization. Authorization costs were estimated in three categories, as shown in the Table VI.1. The check system resulted in an estimated $0.52 reduction in application, expedited benefits, and identification costs per household per month over the coupon system. Because no identification cards had to be issued under the cashout system but are required for clients to pick up their coupons, cashout eliminates the costs of preparing and delivering identification cards.

Holding and redirecting benefits (joint costs) were more expensive under cashout than under the coupon system. It is not clear that this should be included as a cashout cost, however, because the increased incidence of holds and redirects under FIP was not due to cashout. Because of the wide range of activities under FIP and the differential rewards associated with them, more frequent contact with CSO workers was required. Holds on benefits was the typical way of ensuring that the extra contact occurred. Excluding holds and redirects from the cost comparison increases the overall cost savings of the check system relative to the coupon system from $1.84 to $2.50 per case per month.

The authorization disbursement function saved $0.20 per case per month. We define disbursement of FCAs and checks as an authorization rather than an issuance activity because FCAs and checks authorize the client to receive the direct medium of exchange (coupons or cash money). The FCA activity is a direct cost of the coupon system. Mailing checks, in contrast, is a joint activity. The main direct cost of food benefits disbursement under cashout is the cost of printing and stuffing into the envelope the "FIP remittance letter," telling the client the proportion of the benefit that is the food benefit.

Issuance. The major savings on issuance, and indeed the largest savings achieved by cashout, comes from reduced costs of coupon disbursement. The only coupon disbursement that occurred under cashout involved the expedited benefits issued to new cases. Reduced coupon issuance accomplished savings of $1.14 per case per month. Cashout also reduced the administrative cost of duplicate issuance by $0.51 per case per month. The primary reason was the reduced loss and theft resulting from combining what were two benefits under AFDC/food stamps into one check under FIP/cashout. A second reason was the greater efficiency of the duplicate issuance process itself, because control systems for checks are simpler and more automated than for coupons.

Daily Reconciliation. Daily reconciliation was costless under cashout because it is a normal function of the banking system. This resulted in a savings of $0.05 per case per month.

Monthly Reconciliation. Monthly reconciliation under cashout was also handled as a routine activity by the banking system. The $0.08 per case per month saved is the CSO's cost of preparing the required monthly reports under the regular food stamp program.

OVERALL COSTS

The overall administrative cost implications of cashing out food stamps were estimated by comparing the per case costs under a baseline scenario with the costs under full cashout of public assistance cases within the state. The cost of the coupon system for all 115,360 food stamp households in Washington State as of July 1991 was $953,301 per month (or $6.84 per case). Cashing out food stamps for just the AFDC and FIP households in the state would save $173,625 per month (or $1.25 per case). Cashing out food stamps for all food stamp households in the state (both public assistance and nonpublic assistance cases) would save $243,136 per month (or $1.75 per case).

FOOD USE AND RECIPIENT ATTITUDES

The analysis of the effect of cashing out food stamps on food use and recipient attitudes is based on data collected during in-person interviews conducted over the three-month period between the beginning of August and the end of October 1990. The interview was administered to a sample of 1,199 one- and two-parent cases. The analysis is based on a sample of 780 cases: 399 cashout households and 381 coupon households. The reduced sample size resulted from a decision to restrict the analysis to "new" applicants (i.e., those who applied for public assistance at the treatment and comparison sites after FIP was implemented and were, therefore, automatically assigned to cashout status in the FIP sites). Cases that were already on AFDC when FIP was implemented were excluded because, in the FIP sites, such cases were allowed to choose whether to stay on coupons or switch to cash. Those who chose to switch to cash might (and in fact did) have different characteristics from those who chose to remain on coupons, possibly biasing the results.

The interviews recorded information on the numbers and types of meals eaten from the household food supply by household members and guests, and the number of meals eaten away from home by each family member. For each type of food used in the household, interviewers recorded the exact type of food, its form when brought into the house (fresh, frozen or canned), the quantity brought into the house, the quantity used, the price paid and the source (purchase, WIC, gift, payment-in-kind).[14] Income and program participation data provided by respondents were checked for accuracy against data from program administrative records, and no substantial differences were found.

The primary measure of the net impact of cashout on food use and recipient attitudes is the simple difference between the mean outcome values for check and coupon households. Regression adjustments were applied to selected outcomes to test for differences in the two samples that were not the result of cashout and might bias the simple difference in means as a measure of cashout's impact. These regression-adjusted estimates are not reported because they led to essentially the same results, indicating that any differences in household characteristics between the two samples did not measurably influence food use.

Nutritional status is measured as nutrient availability, meaning the nutrients present and available in the food used at home, whether those nutrients were actually consumed. The seven nutrients used in the analysis are those classified by the Joint Nutrition Monitoring Evaluation Committee (DHHS/USDA, 1986) as having priority status or warranting special consideration in public health monitoring: Vitamin A, Vitamin C, Vitamin B6, Calcium, Iron, Folacin, and

Zinc. Some measures of nutrient availability in the study use the Recommended Daily Allowances (RDAs) as a benchmark. RDAs are recommended average intakes, not necessarily minimum requirements. Therefore, levels of availability lower than the RDA point to potentially elevated nutritional risk, not necessarily inadequate intake.

FOOD USE

Cashout under FIP significantly reduced the amount households spent on food purchased for home consumption (Table VI.2, Panel 1). FIP households spent $65 on food used at home compared to $73 for coupon households. Correcting for the number of meals eaten at home (ENUs) and for household composition (AMEs) yield very similar percentage differences. In contrast, FIP had no impact on the share of total monthly expenditures spent on food purchased for use away from home. Both check and coupon households spent about 3 percent of their total monthly budget on food away from home.

The difference in total expenditures on food by check and coupon households is reflected in the proportions of their total budgets households spent on food versus other needs (Table VI.2, Panel 2). Check households spent a significantly lower share of their total budget on food than coupon households, although the difference is not large (36 versus 39 percent). This difference was compensated for by check households spending somewhat more on shelter (42 versus 40 percent) and on transportation (10 versus 9 percent).

TABLE VI.2—HOUSEHOLD FOOD EXPENDITURES PER MONTH

	Mean [a]		Difference (check-coupon)	
	Check	Coupon	Absolute	Percent
Panel 1: Value of Food Used at Home				
Food used at home ($):				
Purchased Food	50.8	60.5	***−9.7	−16.1
Nonpurchased Food	14.6	12.2	2.3	18.9
Total	65.3	72.8	***−7.4	−10.2
Food Used at Home per ENU ($):				
Purchased Food	28.3	33.4	***−5.1	−15.4
Nonpurchased Food	9.0	9.0	0.02	0.2
Total	37.3	42.4	***−5.1	−12.1
Food used at home per AME ($):				
Purchased Food	24.7	29.3	***−4.6	−15.7
Nonpurchsed Food	7.9	7.2	0.7	10.0
Total	32.6	36.5	***−3.9	−10.7
Panel 2: Distribution of Total Monthly Budget by Expenditure Category				
All Food	[1]36.0	[1]38.8	***−2.7	−7.0
Food Use at Home	[1]32.7	[1]35.3	***−2.6	−7.5
Food Used away from Home	[1]3.3	[1]3.4	−0.1	−2.5
All Shelter	[1]42.3	[1]40.3	*2.1	5.1
Housing	[1]31.7	[1]30.7	1.0	3.3
Utilities	[1]10.8	[1]9.9	0.9	8.7
Transportation	[1]10.3	[1]8.9	**1.4	16.1
Clothing	[1]5.4	[1]5.8	−0.5	−8.2
Recreation	[1]3.3	[1]3.5	−0.2	−6.3
Other	[1]2.8	[1]3.2	[b]0.3	12.0
Sample Size	[1]399	[1]381		

Source: Tabulations by the Urban Institute.

Percent difference=(mean check—mean coupon)/mean coupon.

* (**) (***) Difference is significantly different from zero at the .10 (.05) (.01) level, two-tailed test.

n.c.=not computed.

[a] Individual budget shares are calculated on an observation-by-observation basis. Missing values are deleted in comparison of means but treated as zeros in calculation of total household expenditures.

[b] Statistical significance not computed.

[1] Percent.

The lower dollar amount spent on food by check households is reflected in the lower quantity and nutritional value of the household food supply available to cashout than to coupon households. With respect to quantity, check households used on average 40 pounds of food per week per ENU, compared to 44 pounds for coupon households (not shown). With respect to nutrient availability, the mean for food energy and protein was significantly less for check than for coupon households, although still higher than the relevant RDAs (132 versus 144 percent of the RDA for food energy, 243 versus 265 percent of the RDA for protein). The same was true for Vitamins A, C, and B6, Calcium, Iron, Folacin, and Zinc. Per dollar spent on food, however, nutrient availability was actually higher for cash than for coupon households for several of the nutrients. In other words, the dollars spent by cashout households on food bought more nutrients per dollar spent.

Finally, cashout was associated with changes in the locations in which households bought food and the extent to which they participated in other food assistance programs. Cashout households spent less of their food budget at supermarkets (84 versus 89 percent of the budget share going for food) and more at types of food outlets less likely to accept coupons. And cashout households also were more likely to participate in the commodities program (20 versus 8 percent) and WIC (49 versus 37 percent of households with pregnant women or children under age 5) than were coupon households.

RECIPIENT ATTITUDE

Members of both the FIP and AFDC groups saw advantages to both check and coupon issuance. The three most commonly mentioned advantages of checks over coupons were that: (1) checks can be used for other necessities (51 percent of check recipients and 42 percent of coupon recipients), (2) checks are less embarrassing (28 percent of check recipients and 13 percent of coupon recipients), and (3) checks allow you to feel more dignified (18 percent of check recipients and 5 percent of coupon recipients). Consistent with the findings on food purchasing patterns, 9 percent of check households and 8 percent of coupon households noted that checks offer more choice of food stores.

The primary advantages of coupons over checks relate to household budgeting. Over 73 percent of coupon respondents agreed or strongly agreed that food stamps give more control over the household budget, compared with 35 percent of check households. Over 80 percent of coupon households agreed or strongly agreed that food stamp coupons are helpful in budgeting, compared with 57 percent of check households.

CONCLUSIONS

In recent years, the possibility of issuing food stamp benefits in the form of checks instead of coupons has received increasing attention. Supporters argue that cashing out benefits would save administrative costs, give clients more freedom of choice in spending decisions, and reduce the stigma associated with coupon use. Opponents argue that it may lead clients to increase spending on nonfood needs and on prepared food or food eaten away from home—resulting in lower diet quality.

The FIP cashout demonstration is one among several testing some or all of these hypotheses. The earliest two were the SSI/Elderly demonstration and the Puerto Rico Nutrition Assistance Program. More recent demonstrations have been implemented in Alabama (two demonstrations) and San Diego County, California.

The FIP results provide further support for the findings in other demonstration contexts that cashing out food benefits does indeed achieve administrative cost savings. The two early demonstrations did not show evidence of reduced food use or nutrient availability as a result of cashout, possibly because of the particular populations examined or methodological constraints on the evaluations. However, the FIP experience is consistent with the results in two of the three other recent demonstrations. Cashout *can* reduce the money welfare clients spend on food and the quantity of food and nutrients available to them.

However, most households' nutrient availability under FIP was still well above the RDAs for food energy, protein, and the seven nutrients examined, and cashout households were able to spend higher proportions of their incomes on shelter and transportation. These budgeting choices are clearly not easy. Check households report somewhat greater difficulty in budgeting food expenses than those receiving coupons. Both check and coupon households see cashout as reducing the stigma of receiving food assistance. An important issue for policymakers is how to evaluate the tradeoff between greater spending flexibility, reduced stigma, and lower administrative costs, on the one hand, and reduced food expenditures and nutrient availability, on the other.

FOOTNOTES

[11] This chapter is based on N. Young and R. Yudd. "Administrative Costs in the Washington State Food Stamp Cashout Demonstration." Washington, DC: Urban Institute, 1993; and B. Cohen and N. Young. "Evaluation of the Washington State Food Stamp Cashout Demonstration." Washington, DC: Urban Institute.

[12] The administrative cost study is based on three data sources. The primary data collection instrument was an Administrative Cost Survey (ACS) of 49 local CSO staff in treatment and comparison sites. In addition, state-level interviews were conducted with DSHS and State Treasurer's Office staff involved with both the regular coupon system and FIP's cashout component. DSHS Office of Workload Analysis time estimates by task were also used. The ACS and state-level interviews were conducted during the period April through September 1991.

[13] Fixed costs, such as rent for the Direct Mail Unit and CSO costs due to maintaining an open food stamp window every day, were not included in the cost comparisons, since these costs were unaffected by the FIP cashout. Estimates suggest that total fixed costs are no more than 5 percent of total administrative costs.

[14] AME units adjusts household size for the age and sex of household members by weighting each member by her or his nutritional requirements relative to the dietary recommendation for food energy for an adult male. ENU units adjusts household size for each nutrient relative to an adult male and then further adjusts for the proportion of meals eaten at home and the number of meals served to guests. The benefit unit used for this analysis, referred to throughout as "household," is the food consumption unit (FCU), defined as people living together who eat from the same food supply. For measures of food use, we adjust the FCU for household size to correct for specific household and individual characteristics (adult male equivalent units—AMEs) and for the number of meals served to guests or eaten away from home (equivalent nutrition units—ENUs).

AMENDMENT NO. 2313

Mr. BUMPERS. Mr. President, regarding an amendment I offered yesterday on behalf of Senators HOLLINGS, MURRAY, and GRAMM, I neglected to explain its purpose. The amendment adds $5,000,000 for the U.S. Vegetable Lab in South Carolina; it adds $1,908,000 for the animal disease biotechnology facility in Washington; and it adds $1,000,000 for the plant stress lab in Texas.

1994 CROP LOSSES

Mr. NUNN. Mr. President, I rise today to express my gratitude to the

managers of the fiscal year 1995 agriculture appropriations bill, Senators BUMPERS and COCHRAN, for their assistance in offering an amendment to the appropriations bill providing such funds as necessary for 1994 crop losses. I am also pleased to cosponsor Senator HEFLIN's amendment, which will provide additional assistance to flooded areas through emergency community water assistance grants, very low-income housing repair grants, and the Emergency Conservation Program.

Senator HEFLIN shared with the Senate Monday his observations of the flooding in Alabama, and I can only concur with his assessment of the devastation. I might add that according to the Georgia State ASCS office, as of Friday, July 15, 35,000 acres of cotton had been impacted by floodwater in Senator HEFLIN's native Worth County, GA. Worth is 1 of 45 counties declared a disaster area in Georgia.

Mr. President, farmers in Georgia, Alabama, and Florida are certainly not strangers to disaster. Our farmers have extensive experience with drought, but flooding is something else entirely. It is unprecedented. My staff and I have spoken with plant pathologists, farmers, historians, and other experts and the conclusion is the same: we simply do not know how this flood will affect Georgia agriculture. In the meantime, our farmers are contractually bound to deliver peanuts, cotton, pecans, peaches, and soybeans that are under water, or feed cattle that have drowned or have nothing to eat.

Under the terms of the 1990 farm bill, the most a farmer with a total loss can hope for is 42 percent of the value of his crop, and as our colleagues know, in 1990, 1991, and 1992 disaster payments were prorated 50.04 percent. Mr. President, because of the scale of last year's flooding, I supported an amendment offered by Senators HARKIN and BOND to last year's supplemental appropriations bill which allowed for full funding of disaster payments for 1993 crop losses. The flooding we have seen in south Georgia is no less devastating, and I am pleased that Senators BUMPERS and COCHRAN have indicated that their amendment will provide full benefits for 1994 crop losses.

Does the Senator from Arkansas intend to propose an amendment providing emergency funding for disaster assistance for 1994 crop losses?

Mr. BUMPERS. That is correct. Senator COCHRAN and I will be proposing a manager's amendment to the 1995 agriculture appropriations bill which will provide such funds as necessary for 1994 crop losses.

Mr. NUNN. Will the amendment provide for full disaster benefits to producers who experience crop losses this year?

Mr. BUMPERS. Yes. Our amendment will provide full disaster assistance to producers who have experienced losses in 1994 in accordance with chapter 3, subtitle B, title 22 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Mr. NUNN. I thank Senators BUMPERS, COCHRAN, and their staffs for their support on this vital matter and I look forward to working with him to ensure expeditious consideration and enactment of this legislation.

CENTERS FOR WOOD UTILIZATION RESEARCH

Mr. LEVIN. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Agriculture, Senator BUMPERS, in a colloquy regarding the Cooperative State Research Service [CSRS] special research grants.

As the manager of the bill may be aware, the Centers for Wood Utilization Research in Michigan, Mississippi, and Oregon, have been funded through CSRS grants for several years. The Michigan State University program began in 1986. The programs' purpose is to stimulate new knowledge and capability that will help maintain a vigorous, competitive domestic forest products industry. These centers are strategically located to allow research to focus on the utilization and harvesting of eastern hardwood, southern pine, and western softwood species. Last year, a new program was added in Maine for softwood resources in that State, and in North Carolina which focusses on tools and machinery.

Presently, the House and the Senate committees' reports do not specifically mention the Michigan program as eligible to continue participating in this program. Loss of the program in Michigan would greatly reduce the rapid exchange and adaption of advances in fiber recycling, wood preservation, automated lumber processing, etc. that goes on between programs. Without Michigan's contribution, the research aspect focussed on wise utilization of hard wood species would be eliminated.

The center at Michigan State University has achieved great success. The center has developed: First, processes for manufacturing composite boards for recycled paper, which reduce harvest of hardwoods and resolves environmental problems associated with deinking; second, a computerized laser machining process for hardwood lumber that reduces harvest by almost 25 percent through increased efficiency and which eliminates many health hazards in the work place, and, third, a process for manufacturing thermoplastics from wood, which allow substitution of wood for nonrenewable resources.

Mr. President, I could continue to extol the virtues of the Michigan center's participation in this program. However, I will conclude by requesting that the Senator from Arkansas act in the conference committee to continue his previous support for the Michigan program.

Mr. BUMPERS. The Senator from Michigan presents a persuasive case. I will present the Senator's case to the conference for its consideration.

Mr. LEVIN. I thank the Senator for his attention and consideration. Lastly, I encourage the Senator to recede to the House levels for the CSRS grants for improved fruit practices in Michigan, sustainable agriculture, and the Michigan Biotechnology Institute.

Mr. BUMPERS. I will surely do what I can in conference to support the useful research conducted through these grants, which have been funded in past years.

COOPERATIVE DEVELOPMENT FOUNDATION

Mr. KOHL. Mr. President, I would like to ask the chairman about the $2 million in the bill for rural technology and cooperative development grants. This program has been used by a national network of cooperative development centers working through the Cooperative Development Foundation to promote the creation of cooperatives as an economic development tool. This would be the third consecutive year that funding has been provided for this program by the Subcommittee. In fiscal year 1993, 70 percent of the $1 million appropriated went to a unified application presented through the Cooperative Development Foundation.

It is my understanding that the $1.5 million appropriated for fiscal year 1994 has not yet been allotted by USDA, but will hopefully be allocated in the near future.

It has been my experience that the CDE effort closely matches the intent of the Congress in authorizing this program. Eight centers spread across the country serve as catalysts by bringing together resources already available on the local level to create cooperatives that provide economic opportunity to local citizens.

Mr. President, is it the intent of the subcommittee that this program should continue to be funded on a national level, with the department allocating the funding directly to entities like the Cooperative Development Foundation, instead of distributing this small amount of funding to each State for their individual distribution?

Mr. BUMPERS. I would answer my friend that I expect the Department to administer this program in such a manner that it will provide the greatest benefits. I am familiar with the work of the Cooperative Development Foundation and am supportive of it. I expect the Department will again consider this foundation for funding under this program.

Mr. KOHL. Mr. President. I thank the chairman for his work on behalf of this program.

Mr. McCONNELL. Mr. President, I would like to commend the Agriculture Appropriations Subcommittee on the bill they reported out. They had severe budgetary constraints with immense

pressure to increase funding for numerous programs that were worthy of funding.

However, Mr. President, I do have some concerns with the bill as reported out of committee.

I am disappointed that we could not provide more money to the Soil Conservation Service for the purpose of improving water management, water quality, and watershed planning.

I also want to express my deep concern about the proposed closing of the USDA Agricultural Research Service [ARS] at the University of Kentucky. As you know, the President's budget zeroed out funding for all tobacco research offices including the ARS research office located at the University of Kentucky in Lexington.

The decision on closing the office seems to relate to the fact the programs in Kentucky are oriented toward tobacco. The programs carried out by the agriculture research unit have been of long standing, and they are well integrated into the cooperative efforts of the Kentucky Agricultural Experiment Station; the results of their research have been very positive benefiting farmers and industry in Kentucky and the region.

The total loss of Kentucky jobs will number 16—8 research scientists and 8 technical support staff. These scientists will have to leave their research and relocate to other States, making Kentucky one of the few State's in the country without a USDA research unit. I am fully aware of the budgetary constraints that this committee has faced; however, I cannot understand how a positive impact can be made on the Federal budget by this closing. Kentucky is a leading agriculture State, it stands to reason that the agriculture sector should benefit from a USDA research unit.

This research is important to all types of crops—not necessarily just tobacco. Tobacco plants are used in basic research all the time—naturally that research would benefit research for other crops and plants as well.

Let me just give you some examples of the varying research that is conducted at the university research center. Research is conducted on the physiology and biochemistry between tobacco and black shank fungus. Mention black shank fungus to tobacco farmers and you will see them cringe. Black shank lives in the soil and attacks the roots and stem of the plants. It can eventually destroy the roots, causing the plants to die from lack of water. Last year in Kentucky, we had black shank in almost every county, and although we may never get rid of the fungus—we can control it. The University of Kentucky Ag Research facility did extensive tests on how to control this disease that can wipe out burley tobacco and bankrupt a farmer.

As a plant, tobacco is very useful in studying various disease processes and genetics. The University of Kentucky is responsible for several research projects involving the scientific value of the tobacco plant. For instance, using tobacco cells and a tobacco virus, research has shown that amino acids in viral proteins have the capability of preventing insects from transmitting a virus. The phenomenon of pathogen-derived resistance [PDR] is also being investigated in order to create a resistance to plant viruses. In addition, the University of Kentucky uses tobacco to research plant immunization as an alternative to pesticide applications. With a certain chemical compound, plants can be triggered to resist infectious agents. The value of these projects researched by the University of Kentucky is very important to the present scientific and agricultural community, and to the future.

As I said before, these examples of research are vital not only to tobacco but extremely beneficial for research of other plants and crops. The research conducted is being carried out by the Departments of Plant Pathology, Agronomy, and Entomology.

The research being conducted today, and hopefully in the future, may unlock a cure for Parkinsons disease, AIDS, or help in the treatment of severely burned patients. We cannot afford not to continue this vital research.

I am also disturbed about zeroing out the Market Promotion Program and the Foreign Market Development Programs. These programs have been extremely important in helping U.S. agriculture build, maintain and expand export markets. They have also promoted greater awareness and demand among foreign consumers for U.S. produced agricultural commodities and products.

I urge my colleagues to continue support for USDA's Market Promotion Program and Foreign Market Development Programs.

Mr. President, I am fully aware of the need to provide the necessary revenues to allow the Food and Drug Administration [FDA] to operate in an efficient manner. However, I seriously question whether granting FDA the authority in this bill to impose user fees on food products is the solution to this issue. User fees, in effect, would constitute an inappropriate tax on products, essential to the health and well being of the American public—a tax, of $600 million over the next 4 years. Although the user fees initially would be paid by food companies, these costs would be passed back to the producer or on to the consumer in the form of an indirect tax on basic necessities.

Furthermore, even leaving aside the policy considerations, I am led to believe that it would be almost impossible for the FDA to design, give appropriate notice and opportunity for comment, and implement these fees in time to raise the revenues contemplated by the appropriations bill. If so, the essential functions of the FDA would be compromised and the public interest would not be served, and Congress would be at fault for not acting responsibly during the appropriations process.

The House did not direct the FDA to implement user fees. In fact, they prohibited FDA from imposing such fees. I believe the conferees should adopt the House position and look for other means to fund the FDA appropriations.

Last, I would like to add that I strongly support the bill language to prohibit FDA from lowering the selenium supplementation in animal feed from 0.3 to 0.1 parts per million until additional studies are completed. The problem is FDA is going to implement this change on September 13 without sound scientific study. Without sufficient quantities of selenium, animal immune systems are weakened, and when stressed the animals die. Selenium in feed is used to maintain healthy poultry, hogs, lambs, and calves.

Mr. President, I commend the managers of this bill for their hard work and difficult decisions they have made to bring this bill before us.

VOTE ON EXCEPTED COMMITTEE AMENDMENT ON PAGE 32, LINE 20 THROUGH PAGE 33

The PRESIDING OFFICER. Is there further debate on the excepted committee amendment on page 32, line 20 through page 33?

If not, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I wonder if I could get some feel from the Members of the Senate now as to amendments. I think we are getting fairly close to being able to wrap this bill up.

The amendments that I rather expect a rollcall vote on at this moment are the amendment by the Senator from Utah [Mr. HATCH] dealing with cellular phones at FDA, and one by Mr. HELMS, the nature of which I do not know.

If I could have the attention of the Senator from North Carolina for just a moment.

Mr. HELMS. Yes.

Mr. BUMPERS. The Senator from North Carolina has an additional amendment.

Mr. HELMS. Yes, I do. I have one.

Mr. BUMPERS. Does the Senator anticipate a rollcall vote?

Mr. HELMS. Yes.

Mr. BUMPERS. Will the Senator tell us something of the nature of the amendment?

Mr. HELMS. I will give the Senator a copy. It is on the way over here.

Mr. COCHRAN. Mr. President, could I ask a question, if the Senator will yield to me?

We have a committee amendment which is now the pending business before the Senate. And the question that I want to raise is whether any Senator on this side of the aisle wishes to offer an amendment to that committee amendment.

We had earlier excepted that committee amendment from the en bloc amendment that we presented at the beginning of the deliberations on this bill. One of the reasons was that the Senator from North Carolina [Mr. HELMS] wanted us to save that amendment for the purpose of his offering a second-degree amendment to it but Senator BROWN offered his amendment to that amendment.

So that is my question. Can we go ahead and adopt this committee amendment, or does any Senator seek to amend that committee amendment?

Senator HATCH is ready to offer his amendment. We could either take up Senator HATCH's amendment and ask that the committee amendment be laid aside or proceed to offer an amendment to the committee amendment. That is the procedural situation I want to be sure we all understand.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have the feeling we just adopted the committee amendment, did we not?

The PRESIDING OFFICER. We adopted the excepted committee amendment on page 32, line 20 through page 33.

Mr. BUMPERS. We have one other committee amendment.

I just want to alert the Senator from North Carolina he needs to key his amendment to that particular amendment. I say to the Senator from North Carolina we have held open one committee amendment on page 71 for the benefit of the Senator from North Carolina to offer an amendment.

Mr. HELMS. I am going to use it in just a minute.

Mr. BUMPERS. So we have two potential rollcall votes here.

I have one other that is to be offered by the Senator from Missouri [Mr. DANFORTH]. I wonder if the Senator——

Mr. DANFORTH. I will not offer an amendment.

Mr. BUMPERS. No. That is the best news I have had in 3 days.

Mr. DANFORTH. The Senator is welcome.

Mr. BUMPERS. Mr. President, we have one amendment by the Senator from Alaska [Mr. MURKOWSKI] which might require a rollcall vote if he offers it. I do not know whether he will offer it or not.

Mr. President, I see the Senator from Florida on his feet.

Does the Senator have an amendment?

Mr. GRAHAM. Mr. President, I do not. I am here to speak on behalf of the amendment of the Senator from Alabama at the appropriate time.

Mr. BUMPERS. Are there any other amendments that any Senator has?

I have not mentioned Senator DOLE. Is his amendment likely to require a rollcall vote?

Mr. DOLE. I doubt it.

Mr. BUMPERS. Let me ask the Senator, this is not an amendment that we adopted last night on his behalf, is it?

Mr. DOLE. No.

Mr. BUMPERS. OK.

That is where we are. We have four or five that I do not expect to be controversial. We should be able to wind down here by midafternoon, hopefully.

Mr. COCHRAN. Mr. President, if the Senator will yield, there are some other amendments that this Senator has been advised may be offered, including amendments by Senator SPECTER, by Senator GRAMM, by Senator MCCONNELL, by Senator MCCAIN, and an amendment by Senator BROWN, unless he decided not to offer that amendment.

Mr. DOLE. Mr. President, I am not going to offer an amendment.

Mr. BUMPERS. Mr. President, Senator DOLE has just announced he is not going to offer an amendment.

But with what the distinguished ranking member has just said, I suggest Members cancel their plans for the evening.

The PRESIDING OFFICER. The Senator from Utah.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 71, LINES 21 THROUGH 25, AS AMENDED

The PRESIDING OFFICER. The Senator is aware that the pending business is the amendment on page 71, lines 21 through 25, as amended.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2319

(Purpose: To permit the use of savings from expenses related to cellular telephone use by the Food and Drug Administration for medical device approval activities of the Center for Devices and Radiological Health)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself and Mr. FORD, proposes an amendment number 2319.

Mr. HATCH. 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 72, between lines 15 and 16, insert the following:

None of the funds appropriated under this Act may be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except that expenses may be incurred for the service and airtime fees for the use of one cellular telephone). Any funds under this Act that were to be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except expenses with respect to the service and airtime fees for the use of one cellular telephone) shall instead be used for the medical device approval activities of the Center for Devices and Radiological Health.

Mr. HATCH. Mr. President, I do not want to take long on this amendment. I do not want to inconvenience our colleagues, especially the two leaders of the bill. I am hopeful they will take this amendment once I explain it.

The purpose of the Hatch-Ford amendment is to reestablish our sense of fiscal priorities with respect to the funding of one tiny agency within this bill: the Food and Drug Administration.

What our amendment does is this. It says that the FDA must take the money it has been using to support an inordinately large number of cellular telephones and instead put that money to good use. The FDA should use the money to speed up medical device approvals.

The Appropriations Committee has recognized that the FDA's approval rate for devices is not what any of us would like. Applications are up, and approval times are down.

In fact, the committee report language is quite strong. It says:

The committee expects the Center to take immediate and forceful action to resolve delay problems and set clear priorities so it can devote its resources to reviewing important new products, which can assist medical providers in diagnosing and treating illnesses and conditions which affect the American patient population

These lags in approval times are stifling an industry which once was among the most competitive in the world. This regulatory confusion thwarts innovation and drives companies offshore where they can get their products approved in a timely fashion. As the United States slips as a worldwide leader, other countries are taking this over.

Some say that user fees are the answer to this problem. I do not happen to agree with that. But I do feel that if resources are the problem, this amendment would provide a partial solution.

If the device approvals are down because we are not devoting enough resources to the program, then I think we need to look within the Government first to see if we can make the efficiencies we need to improve the system before we impose what amounts to a tax on innovation on device manufacturers, the majority of which are very

small companies that really cannot afford it.

Our colleague in the House, Representative JOE MCDADE, found out earlier this year that the FDA—by their own estimates—is spending $288,184 a year to maintain 326 cellular telephones. This is astounding to me and it should be to each Member of this body.

Listen to these figures. The agency has paid $97,800 to purchase 326 cellular phones. They pay $17 monthly per phone for service charges at an annual cost of $66,504. They pay $680 on average for each phone for air time. This is a substantial investment. As Representative MCDADE found, this totals almost $300,000 a year just for air time and service costs. I simply think expenditures of that amount are a luxury in light of other more pressing needs at the FDA.

The Hatch-Ford amendment allows FDA to retain the use of funds for one cellular telephone. I think that is fair. More substantial use of these phones is a luxury in a time when we are slashing deeply into very vital programs at the Agriculture Department and within the FDA.

FDA might allege that all of this phone use is needed, but I am not reassured. There is no way to prove it. The HHS inspector general has never audited the use of cellular phones at FDA. I can say, that I have talked to one FDA employee who told me they did not even want a phone, but were assigned one which has never been used.

If there is this deep need for 326 people to have immediate access to phones, then I think we should supply them each with a roll of quarters to use the pay phones, like most Americans do. That would cost the Government $3,260, and save $284,000.

What this amendment does is say that the FDA can only use appropriated funds to support the use of one cellular telephone. The rest of the funds they would have used for these phones, over $277,000, would be devoted to the Center for Devices to use in speeding up device approval applications.

Based on HHS estimates of the cost of a full-time equivalent at FDA, this amendment should allow, then, support of four new device application reviewers. In a year, I understand, four examiners could review almost 200 applications. This seems to me to be a much more beneficial use of our tax money than support of mobile telephones.

I will be looking for other ways of finding money out of FDA to be used to help speed up the medical devices area of FDA and jurisdiction of FDA.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I rise to support the amendment offered by my colleague from Utah, Senator HATCH, because it is absolutely imperative that the Food and Drug Administration accepts its responsibility to promptly and fairly review for approval applications for possibly life-saving medical devices and technologies. This amendment will help to ease the extreme backlog of such applications that is jeopardizing the lives of Americans in urgent need for these devices. In addition, this amendment will make a first step in the attempt to aid the American companies in the medical technology industry that are losing millions of dollars in lost profits and are being forced to move production and jobs to foreign nations, where the application approval process is significantly shorter.

According to the Health Industry Manufacturers Association, more than 5,000 applications—think about that—5,000 applications are currently awaiting review at the FDA's Center for Devices and Radiological Health. These are devices that could be saving thousands of American lives every year. Many of these same devices have already been approved for use and are currently saving lives in Europe and elsewhere around the world. Let me give you one example out of many that I have recently seen:

A California company named NOVACOR, a division of Baxter International, a large health care corporation, has developed a partial artificial heart called the left ventricular assist system. I have been told that this device is expected to save more than 35,000 lives in Europe this year, but it cannot be sold legally in the United States because its application for approval is apparently sitting unreviewed in a stack of papers somewhere at the FDA. This device not only could be saving American lives, but it also could be generating millions, possibly a billion, dollars in sales annually in the United States. This holdup may be inconvenient for a large and financially secure corporation like Baxter, but it would put many smaller entrepreneurial firms right out of business.

A recent survey of the medical device manufacturing industry conducted by the Gallup organization and released by the American Electronics Association revealed some startling facts: 83 percent of U.S. medical manufacturing companies reported excessive delays by the FDA for approval of new products; 45 percent said that they have changed the focus of their research and development from breakthrough technologies to incremental technology improvements; 40 percent of those responding to the survey said that they have reduced the number of employees in the United States due to FDA delays; 29 percent admitted to increasing their investment in non-U.S. operations.

What is going on at the FDA? This trend must stop now. The United States should be promoting and rewarding the entrepreneurial spirit that leads to the development of breakthrough devices that are both life-saving and financially lucrative. We should be promoting and rewarding investment and employment in America, not abroad. We should not be penalizing American firms and stunting the growth of a $70 billion industry with unnecessary delays and overly cautious bureaucratic redtape at the FDA. I think that this amendment will help to get America back on track by cutting the redtape that currently binds the hands of American medical manufacturing firms. The sum of $300,000 does not seem like much when lost in a budget of $1.5 trillion but if this relatively small amount of money is used to approve one of the breakthrough technologies that save just one life, it will be money well spent. I ask my colleagues to join me in support of this valuable amendment.

And so, Mr. President, I hope my colleagues will accept this amendment to help save lives of Americans, put people to work, and use their entrepreneurial skills.

Mr. HATCH. I thank the Senator for his kind remarks and for his support of the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I support the effort of the Senator from Utah and hope that my friend from Arkansas can agree to recommend approval of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am agreeable to accepting this amendment, but I do want to make a couple of remarks.

I am not sure how many cellular phones the Food and Drug Administration should have. Maybe they should have the 300; maybe they should have 30, or maybe they should just have 3.

But, I also say to my good friend from Utah—and I am not being critical of his offering the amendment—but it is punitive in that it singles out one agency.

If we are going to determine how many cellular phones an agency can be authorized, we ought to have the Rules Committee tell Senators how many cellular phones they can have.

Mr. FORD. They do.

Mr. BUMPERS. Well, would the Senator engage me in a colloquy on this?

Mr. FORD. I would be glad to.

Mr. BUMPERS. What is the rule on cellular phones in the Senate?

Mr. FORD. The rule on cellular phones indicates how many we allow you to have, which is one. And that cellular phone can be used in your car, it can be a portable.

Mr. BUMPERS. But each Senator is only allowed one cellular phone?

Mr. FORD. That could be paid for from the budget of the Senate.

Mr. BUMPERS. What is the average budget of a U.S. Senator; total payroll and all?

Mr. FORD. I do not have the slightest idea, Senator. The mean is probably about $1.4 million.

Mr. BUMPERS. About $1.4 million?

Mr. FORD. Yes; that is basically your office budget.

Mr. BUMPERS. Let us be generous and assume each Senator has an average—some of the Senators from urban States have bigger budgets than Senators from small States like mine. But let us just assume, for purposes of discussion, that a Senator's budget is $2 million and that a Senator is allowed one cellular phone under the rules. Is that correct?

Mr. FORD. That is correct. The Senator can pay for whatever he wants to pay for and have as many as he wants to, but I am talking about the cost to the taxpayers.

Mr. BUMPERS. Well, are you telling me I could spend any part of my $1.4 million for cellular phones?

Mr. FORD. No; of your personal money.

Mr. BUMPERS. But you are saying the Senate will only pay for one cellular phone for each office?

Mr. FORD. We lease it, really. Basically, they are leased and you pay your monthly phone bill from that.

Mr. BUMPERS. If you want to spend your personal money, that is a different thing?

Mr. FORD. Yes. I am not sure about campaign money, but your personal money can be used.

Mr. BUMPERS. Anyway, let us assume that the average budget for a Senate office is $2 million and it is allowed one phone.

Here is an agency with a $1 billion budget, so they should be allowed 500 phones, and they only have 324, I believe it is.

Mr. FORD. Senator, you are drawing just dollars to dollars and putting that on there. I do not know whether, in your automobile, just coming to work and going back is the only time you use your phone.

Mr. BUMPERS. That is where it is; it is in an automobile.

Mr. FORD. That is it.

Then the FDA, they may be walking around. They may have one in their pocket, they may have a portable. There are a lot of ways to be used. But if you are sitting in your office from 8 o'clock in the morning to 5 o'clock in the afternoon, you do not need a portable telephone or a cellular telephone. So each case has to rest on it is own merits.

I would not want to say the FDA is entitled to 500 telephones because they have a huge budget.

The Defense Department would have to have a telephone company to make all of their phones.

Mr. BUMPERS. I would be embarrassed to ask the Defense Department how many cellular phones they have.

Mr. FORD. You better believe it.

Mr. BUMPERS. But I was just curious if the Senator knew how many field investigators the Food and Drug Administration has?

Mr. HATCH. Will the Senator yield?

Mr. BUMPERS. Pardon?

Mr. HATCH. Will the Senator yield for a moment?

Mr. BUMPERS. Does the Senator know the answer to the question?

Mr. HATCH. I do not know the answer to the question how many field investigators they have.

Mr. BUMPERS. Yes, I yield for a question.

Mr. HATCH. Let me just say, the Senator from Utah is not trying to be critical. I am trying to let the FDA know that a lot of us are very unhappy with the way the Medical Device Division is being run. They are now on average 18 months behind. Frankly, this is an industry that our country was preeminent in the world in, and it is gradually slipping. I would be the first person, if FDA could justify the 326 phones—I am the first to say efficiency is very important.

Frankly, I do not think they can justify that. I feel the same way about any other agency in the Government. And I certainly feel whatever is the norm or whatever is appropriate, we should do as Senators.

But there is about $300,000 here we can save, where many of these people can use their phones in their offices. Frankly, that is all I am trying to do here. I think it is a reasonable amendment, and I hope our colleagues will accept it. I am certainly willing to do more research on it between now and conference to try to justify it even further in the eyes of my dear colleague from Arkansas.

As I understand it, the FDA does have a little under 9,000 employees. Those that would have the phones involved here would be 325, because we would certainly allow them to have one. I am amenable to any arguments they would make with regard to some of these.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will state for the record I am prepared to accept the amendment, although I will not vouch for what will happen to it in conference. I do think it is a legitimate issue to be raised. My problem is I do not think this is necessarily the right way to address it.

The Department of Agriculture has 1,504 cellular phones; the Department of Commerce has 209—they are a bunch of pikers. The Department of Energy has 4,300; EPA has 305; FEMA, with a budget much smaller than FDA, has 2,776; Health and Human Services has 864; HUD has 85; Interior has 1,844; the Department of Justice 3,880; Department of Labor, 250; State, 337; Department of Transportation, 1,854; Treasury, 1,648; and the Department of Veterans Affairs, 276.

I am not sure those figures are really relevant to anything except to say, if we are going to check on how many cellular phones any particular agency or department can have, that is fine. But just a single-shot amendment directed at one agency, FDA, does not seem to me to be the best way to deal with the delay in approval of medical devices. I am not sure we will keep this in conference.

Mr. HATCH. You may not. If the Senator will yield, he mentioned that all of HHS, of which FDA is a part, only has 864. Almost half of them are at FDA, one of the smallest agencies at HHS.

I do not have any problem with FDA if they can justify these. But I do have problems with them coming here asking for user fees, more taxes on business, when a lot of these businesses are small businesses, when FDA is not doing the job with regard to approvals.

Mr. BUMPERS. Mr. President, if I may, that is my point. If they are not doing a good job with medical devices—we are talking about licensing, the procedures for licensing medical devices—if they are not doing a good job with that, we ought to replace the person who is in charge of it or threaten to cut their budget or do something else to get their attention.

Mr. HATCH. What I am doing here is taking about $300,000 that already exists in their budget and transferring it so they get more full-time workers who will help cut the times involved here. Then we will find other ways of giving them more money when we have a Medical Device Division that works and works in the best interests of our country. I think what it does is it sends a shot across the bow that says: Look, we are going to look for ways of making this system work a little better, a little more efficiently, and at a little less cost to the American taxpayer and save our industries here from having to go offshore.

That is why I think this is such an important area. That is why I chose this one area. I am not saying we should not look elsewhere and maybe do more research. I think the Senator makes very good points, as he usually does.

Frankly, we will do even more research in the future, but I think the amendment is a well-intentioned amendment and certainly not one to hurt FDA but to help them.

Mr. BUMPERS. I do not want to take more of the Senate's time on this. The distinguished ranking member and I are willing to accept the amendment.

Mr. HATCH. I urge the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2319) was agreed to.

Mr. HATCH. 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.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 32, LINE 20 THROUGH 33

Mr. BUMPERS. Mr. President, I move to reconsider the vote on the previous amendment.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I understand the Senator from North Carolina is available to offer an amendment to the committee amendment that is now the pending business.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 71, LINE 21 THROUGH 25

The PRESIDING OFFICER. The question now recurs on the amendment on page 71.

The Chair recognizes Senator HELMS.

AMENDMENT NO. 2320

(Purpose: To protect the first amendment rights of employees of the Department of Agriculture)

Mr. HELMS. Mr. President, I have an amendment at 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 2320.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position.

The PRESIDING OFFICER. The Chair recognizes Senator HELMS.

Mr. HELMS. I thank the Chair. It occurs to me there may be some feeling that I may be engaging in overkill on this matter involving the U.S. Department of Agriculture. But I have seldom seen so much confusion or so many misstatements of fact than have occurred in this instance.

I received a letter from the distinguished Secretary of Agriculture immediately following the vote on my amendment yesterday. When I read Secretary Espy's letter, I was astounded at the misinformation that the distinguished Secretary obviously had been given by his staff.

I have high regard for Secretary Espy and he knows that. I recognize his is a difficult job. But the fact remains, there are some principles involved that need to be defended and that is what I am trying to do.

Just the other day a citizen from another State called and said, in effect, Senator I see you on C-SPAN frequently and I watch the general Senate proceedings with some regularity. I hear constantly the words "choice" and "first amendment rights" and things of that sort. Then it seems to me, the gentleman said, that these words are not really understood by Senators who are using them.

I told him that regular viewers of C-SPAN—and he apparently is one of them—can no doubt identify those Senators who frequently engage in various exhortations, a little bit piously, I might add, but it is always when they feel that a politically correct issue is at hand.

They use the word "choice" with reference to abortion, and I feel obliged so often to ask, choice to do what? Choice to kill a human being yet to be born? Is that a viable choice?

First amendment rights—it depends on whose ox is gored. In this case, it happens to be a long-time employee of the U.S. Department of Agriculture whose first amendment rights are being callously violated because he took a stand, on his own time, to state his conviction about special rights for homosexuals. Immediately, the bureaucracy at the U.S. Department of Agriculture pounced on this man and shifted him out of a job the Department admits he performed commendably. I described all of this in the discussion of my amendment yesterday.

The pending amendment is going to identify those Senators who really believe in the first amendment, particularly the protection of free speech, not merely and solely for the politically correct, but for everybody, including this beleaguered employee of the U.S. Department of Agriculture who dared—can you believe it—who dared to say that he personally wished that this country would move more toward Camelot and not toward Sodom and Gomorrah.

As I have stated, that is when the bureaucracy pounced on him and shifted him out of the job that he has done so well for so long—simply because he took exception to special privileges being given by the U.S. Department of Agriculture to homosexuals and lesbians.

I have a few things I wish to say about a letter from Secretary Espy which was hand delivered to me and which reached me yesterday just after the vote began on my amendment. I have prepared a tentative response to the Secretary, and since this is a public issue now, I am going to discuss what I consider to be discrepancies in his letter to me.

First of all—and the letter was two pages long, single spaced—the Secretary said:

There is no gay rights agenda at the USDA.

He also said that:

The Department has not adopted a policy of allowing gay couples to have family benefits.

Let me say that I hope this is correct, inasmuch as Congress has not authorized the Department to implement any homosexual agenda, including the policy toward same-sex homosexual couples.

Secretary Espy also suggested that Dr. Mertz' statements—Dr. Mertz is the USDA employee who was shifted from his longstanding job because he made statements that offended the homosexual community—statements, the Secretary wrote that "indicate he strongly disagrees with and cannot faithfully implement current policy in equal employment opportunity."

I am tentatively prepared to say to the Secretary that inasmuch as he contends that the policies Dr. Mertz questions do not, in fact, exist and are not authorized by law, how on Earth did the Secretary, or those who advise the Secretary, conclude that Dr. Mertz "strongly disagrees with current policies in equal employment opportunity"?

The Secretary, in his letter, said that he does not believe the Department should implement a pro-active policy regarding acceptance of the homosexual organization, GLOBE.

That leads me to believe the Secretary has not been shown by his staff a memorandum dated March 25, written and distributed by Secretary Espy's own Assistant Secretary for Administration. It was addressed to Pat Brown, a homosexual activist with "USDA GLOBE." I am going to send the Secretary a photostat of the memorandum written by his own Assistant Secretary for Administration.

The memorandum officially and specifically sanctions this outfit "USDA GLOBE." I put it in the RECORD yesterday, and it can be found on page S9229.

The memo sanctions this homosexual group and entitles its members to use Department resources and facilities for their homosexual activity.

The Secretary also must have missed some of the news accounts about what is going on in his own Department. The Washington Times, on July 4, detailed an official USDA memorandum dated June 22 of this year notifying the cotton division of the creation of USDA GLOBE—reminding these employees of equal opportunity and civil rights policy statements.

By the way, insofar as I have been able to determine, the USDA is the first Federal agency to recognize a GLOBE chapter as an officially chartered employee organization.

The Secretary of Agriculture indicated he did not know anything about

this. I am going to take him at his word. He has to travel a lot. He is not in Washington a great deal. Sometimes some of us have difficulty reaching him. But I am going to take him at his word and assume that he did not and does not, in fact, know of what is going on behind his back among his top-level bureaucrats in USDA.

I shall tentatively tell him in my response that I am going to be very interested as to how he reconciles his statement that there is "no gay rights agenda" with the creation of a job within the Foreign Agriculture Service described as the gay-lesbian and bisexual program manager.

I talked about that on this floor in connection with my amendment of yesterday. I am going to send the Secretary a copy of the Foreign Agriculture Service solicitation for those interested in being hired for the job which, by the way, has already been filled at a salary of $1,000 a week, $52,000 a year, plus all of the costs of furnishing his office with assistants, secretaries, travel, and other expenditures.

I want the Secretary to know that I am interested in how he reconciles the statement in his letter of yesterday, that the USDA has "no gay rights agenda," with the Secretary's own remarks during USDA's so-called diversity conference held on April 12 and 13 in which Secretary Espy, said this:

> Change is here. We have to learn how to lead and manage effectively employees with different lifestyles. I don't have any delusion that this is easy, but those who do not work hard to learn and utilize the skills you will be discussing need to think seriously about making a career change. You—

The Secretary said

> will be held accountable.

Now, the Secretary, in his letter delivered to me late yesterday evening, apparently inferred that Dr. Karl Mertz wrongfully and "unilaterally declared personal leave so as to make [his] statements and that [Mr. Mertz] instantly resumed on-the-clock status after having made them."

That is a direct quote from the Secretary, and it is absolutely unfair to Dr. Mertz, as is the Secretary's claim that Dr. Mertz' statements qualify as "official"—which, of course, they were not.

The fact is, Dr. Mertz never pretended that anything he said during his television interview was "official." He took pains to make it clear that he was speaking as an individual being interviewed by a television station in Biloxi, MS.

The Secretary may wish to check with his offices in Athens, GA, where it is my understanding that employees there are permitted to take annual leave simply by having their secretaries notify their supervisors.

But Dr. Mertz went beyond that. He arranged for an electronic mail message—a copy of which I have at hand—and which was to be sent a day in advance to his supervisor, Korona Prince, regarding his desire to take annual leave. Dr. Mertz also telephoned Marguerita Moody in Washington, telling her of his decision to take personal leave.

And also, if the manner in which Dr. Mertz took his personal leave, to which he was entitled, was an issue in his dismissal from his position, why was this not cited in the memorandum he was provided by Ms. Prince notifying him of his dismissal from the position he had held so long and performed the duties of so well?

Furthermore, the Secretary in his letter said that he had been assured that Dr. Mertz' career has not been negatively impacted. Maybe the Secretary assumes that all that is important to Dr. Mertz is his grade level, his pay, and his promotion potential. Does it matter that Dr. Mertz has been shoved out of a job for which he has been commended for year after year? It just seems to me that the Secretary ought to consider this and at least talk to Dr. Mertz himself. He may find that Dr. Mertz cares more about principle than he does money. Maybe Dr. Mertz values doing a good job and deriving satisfaction from his work.

But nobody at the USDA was interested in that. Dr. Mertz committed the unpardonable sin of saying that this country and the leadership of the USDA may wish that they had done more to pursue higher ideals—that was the effect—and not give special treatment and special rights to homosexuals and lesbians.

Now, let me get back to the amendment. I will read it again for the purpose of emphasis.

> Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to the date of enactment shall be reinstated to his or her previous position.

Now, I wish Senators could go back and read the complete file on the Mertz case. There has been much in the media about it. But sometimes in the press of activities of the Senate, Senators miss some things that go on, like ships passing in the night.

On June 13, the Washington Times had a news article, entitled, "Man's Opinion Leads to Transfer." In the Wall Street Journal on April 27, there was an article entitled "A Different Kind of Whistle-Blower." I ask unanimous consent that both of these articles be printed in the RECORD at the conclusion of my remarks.

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

Mr. HELMS. I thank the Chair.

(See exhibit 1.)

Mr. HELMS. Yesterday, I went into some detail concerning the circumstances surrounding the very summary punishment of Dr. Karl Mertz by his superior at the U.S. Department of Agriculture. And let me say again, I am willing to accept the Secretary's word that he was unaware of what was being done by some of his associates in the Department.

But a few words of background about Dr. Mertz. For 7 years, Dr. Mertz has been an Equal Employment Opportunity manager for the 10-State Southeastern region of the Agricultural Research Service Headquarters in Athens, GA. Dr. Mertz, on March 28, was shoved out of his job without any hearing and moved to another position where he says he has little to do and the taxpayers' money is being wasted.

Let me reiterate that Dr. Mertz was on annual leave when he was interviewed by television station WLOX in Biloxi, MS, about proposals within the Agriculture Department, that were very much in the news at that time, to provide same-sex partners, two men in love with each other, homosexuals, with the same taxpayer-paid benefits provided to spouses of legally married heterosexual employees.

Now, Dr. Mertz, in response to that question, first made clear that the views he was about to express were personal views; that he was not speaking for anybody else. He said, "I am speaking as a Christian. I'm not speaking for the USDA." And here is what he said:

> 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 did not make that statement out of the blue. He was asked about the controversy then in progress at the USDA about gays and lesbians taking over the U.S. Department of Agriculture and being accorded all sorts of rights and privileges. So he said it and the upper level bureaucrats at the U.S. Department of Agriculture got their dander up.

When Dr. Mertz arrived back in Atlanta that evening, he received a call at his home from a USDA bureaucrat in Washington telling him that the Department had already been informed by homosexual activists about Dr. Mertz' comment.

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, and she did not even ask anything about his side of the story. She just tore into him. She handed him a memorandum informing him that he had been transferred out of his job, a job which the Department had acknowledged, over and over again, that Dr. Mertz had performed commendably for 7 years.

Any Senator who doubts that Dr. Mertz' performance at USDA was exemplary should review the USDA performance appraisals signed, by guess who? The very same person, Korona Prince, who signed the memo informing Dr. Mertz that he had been transferred out of his job.

I ask unanimous consent that a copy of these performance reviews be printed in the RECORD at the conclusion of my remarks. I put them in the RECORD because I want it to be clear that this man had performed commendably in the job to which he had been assigned.

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

(See exhibit 2)

Mr. HELMS. Mr. President, as I say, it was the same Korona Prince who signed the memorandum advising Dr. Mertz of his reassignment to another position. The memo said something to the effect that Dr. Mertz had the right as a private citizen to express his opinions, but he was being shifted out of his job precisely because he expressed his opinion. Here is what the memorandum said.

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.

She continues:

However, you must recognize the fact that in publicly disagreeing with an admittedly controversial position of the department leadership * * *.

Let me parenthetically remind Senators what the Secretary said, "Well, we don't want anything like that going on at the USDA." He said that in his letter delivered yesterday evening to this Chamber.

Back to the memorandum, Korona Prince said:

However, you must recognize the fact that in public disagreeing with an admittedly controversial position of the departmental leadership * * *.

By golly, she knew what the Department leadership had decided on this business of catering to the homosexuals and lesbians.

She said:

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.

There was no hearing; she did not even ask him what he thought, and in effect said: "Out you go. We are going to put you someplace to get rid of you."

Just a minute, Mr. President. Just a minute. What is going on at the USDA?

Acceptance and promotion of the homosexual agenda by the departmental leadership has no basis in law. It has no basis in any action of approval by the U.S. Senate. The Senate has never approved any USDA policy implementing the homosexual agenda.

But this woman—Korona Prince—laid down the law to this hapless employee who dared to say that the USDA ought to be pursuing Camelot instead of Sodom and Gomorrah.

I wish there could be a poll taken of the people in the United States of America asking whether they agree with Dr. Mertz or with the USDA leadership that kicked him out of the job he had done so well for so many years. But, Mr. President, I think I know how that poll would come out.

So, Dr. Mertz was stripped of his title, stripped of his staff, and assigned to a job outside of his area of expertise which he had developed throughout his professional career. One of the people in the news media asked him, "What do you think about your new job?" He said, "I am wasting the taxpayers' money. I am in a job that is unnecessary."

Senators may wish to review the text of an article published in my State by the Charlotte Observer on July 17, and a copy of the memorandum that I just read a minute ago written by Korona Prince to Karl Mertz dated March 25 of this year.

I ask unanimous consent that both 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, the bottom line is that Dr. Mertz lost his job because he exercised a right protected under the first amendment of the U.S. Constitution. He was stripped of his job, he was stripped of his responsibilities; stripped of everything important to him in relation to his career. He was slapped down because he dared to state a general evaluation of perversion. He offended the homosexuals and lesbians at USDA, and I guess everywhere else because he expressed what he thought as a Christian.

Back to Secretary Espy, on April 12–13 they conducted what they called a diversity conference at USDA. What do you suppose the Secretary said? I referred to this earlier in my remarks. And I am going to refer to him again because I think it is important. He said:

Change is here. We have to learn how to lead and manage effectively employees who are different from us * * *. We have to manage people of different ethnic and religious groups, people with different lifestyles, and we have to know how to get the best out of this diversity * * *. I do not have any illusions that this is easy. But those who do not work hard to learn and utilize the skills you will be discussing, need to think seriously about making a career change.

What he was saying was—this was the Secretary—either conform, or you get out. He said, "You will be held accountable."

Anybody who doubts the force of Secretary Espy's threat ought to talk to Dr. Karl Mertz. Shortly after reading the article in the June 16 Washington paper, I called Dr. Mertz. I had never met him, but I quickly perceived that he was a gentle man, a decent person, with a very strong sense of right and wrong. And he is absolutely crushed by what has happened at the hand of the bureaucrats and, yes, the Secretary of the U.S. Department of Agriculture. Dr. Mertz also confirmed everything I have said here today and yesterday.

After that, I called Secretary Espy to see what could be done to reinstate Dr. Mertz. Mike Espy is a nice guy, and he said, "I am unaware of all of this." He said he did not know the circumstances surrounding Dr. Mertz's transfer but that he would look into the matter and get back to me.

I followed up on June 27 with a letter to the Secretary. I did not hear from him, until yesterday evening after I had finished the debate and the vote had begun on my amendment in the Senate. I received not just one letter from the Secretary yesterday evening, I received two regarding the removal of Dr. Mertz from his management position at the USDA.

I must say, Mr. President, having received two letters, both dated July 19—yesterday—was interesting, to say the least. To add to the confusion, Secretary Espy made statements about homosexual activities within USDA that contradict actions already taken by the USDA and made public in the media and elsewhere. As for Dr. Karl Mertz, the Secretary remains opposed to Dr. Mertz exercising his freedom of speech under the first amendment.

So the inescapable point is this: It is important that the Federal Government correct the wrong which has been inflicted upon this one individual—Dr. Mertz—and this apparently will not occur without action by Congress, and that is the reason we are discussing the pending amendment.

I think, Mr. President, it is also imperative that other employees of the USDA—as a matter of fact, throughout the Federal Government—be assured that they are able to exercise, without fear of reprisal, their first amendment rights to question the controversial proposals under consideration at USDA, and which may well spread to other agencies of the Federal Government. The pending amendment will accomplish most of these goals. I am going to insist on a rollcall vote because I think that every American citizen is entitled to know how his or her Senators vote on this question.

I said yesterday that, in a way, we may be standing at the crossroad of twisted values, and the first amendment rights of a faithful respected USDA official who dared to speak his conscience when asked the question of what, to him, was a matter of moral and spiritual significance. If he loses that right, we all lose, and that is why this amendment is so enormously important.

EXHIBIT 1

[From the Washington Times, June 13, 1994]

MAN'S OPINIONS LEAD TO TRANSFER

HE SPOKE AGAINST GAY RIGHTS AT AGRICULTURE DEPARTMENT

(By Ruth Larson)

Karl Mertz has spent his professional life helping guarantee equal employment opportunities for federal employees, but voicing his personal opinions on homosexuality cost him his job at the Department of Agriculture.

For seven years Mr. Mertz, 49, was the equal employment opportunity manager for the 10-state Southeastern region of the Agricultural Research Service, based in Athens, Ga. On March 28 he was removed from his GM-13 post for remarks made during a March 4 TV interview.

In the interview, Mr. Mertz took exception with USDA policies on homosexuals. In particular, he opposed departmental proposals that partners of homosexual workers be offered the same benefits as spouses of heterosexual workers.

"USDA has had a reputation, rightly or wrongly, of having a plantation mentality, and no one would deny we need to get away from that kind of situation," Mr. Mertz said. "But we need to be moving toward Camelot, not toward Sodom and Gomorrah, and I'm afraid that that's where our leadership is trying to take us."

As an EEO manager, Mr. Mertz enforced the Civil Rights Act, which forbids discrimination based on race, sex, age or religious beliefs.

Mr. Mertz was on annual leave at the time of the interview, and the segment, which aired that evening on WLOX-TV in Biloxi, Miss., made clear that his comments reflected his personal views.

In a telephone interview, Mr. Mertz said his reassignment to work force forecasting—a job in which he has "no experience, no training and no interest"—was in retaliation for his views.

"I believe that my freedoms of speech and religion have been trampled," Mr. Mertz said in a letter to The Washington Times. "Furthermore, I sincerely believe that USDA and the Agricultural Research Service have created, and are expanding upon, a work environment hostile to heterosexual employees."

Mr. Mertz has filed a complaint with the Office of Special Counsel, arguing that he was removed without due process and that he suffered reprisals for exercising his First Amendment right to free speech.

Government employees who disclose fraud or abuse are protected under whistleblower laws. But their rights under the First Amendment must relate to matters of public concern, and their interests are weighed against the government's, an administration officials said.

USDA spokesman Tom Amontree declined to comment on the case because it is a personnel issue.

But at a department diversity conference in April, Agriculture Secretary Mike Espy urged participants to cultivate increased sensitivity when managing "people of different ethnic and religious groups, people with different lifestyles, people of the opposite sex."

Homosexual advocacy groups decried Mr. Mertz's view.

"It undermines the whole concept of the discrimination-free workplace, and it's particularly inappropriate coming from an EEO manager," said Gregory King, spokesman for the Human Rights Campaign Fund.

Mr. Mertz said that when he arrived home in Atlanta the evening the interview was broadcast, a senior USDA official called to tell him Mr. Espy had received complaints from homosexual groups.

On March 28, Mr. Mertz was handed a letter telling him he was being removed from the EEO staff. The letter said his statements in the interview "reflect a disagreement with departmental civil rights policy" that could hamper his ability to handle EEO duties.

"As a private citizen you have every right to express your opinions freely. . . . 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," the letter said.

Mr. Mertz was allowed to retain his grade and salary in the move.

"Getting that letter was a shock," Mr. Mertz said. "No due process—I'd broken no laws. In fact, the things we're being asked to do, accepting the homosexual lifestyle, are illegal. They're not part of the civil rights law, they're not the law of the land, and they are a personal affront to all I believe."

[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 give him high marks in every category, including "supports 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

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.

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 3

MAN'S TRANSFER AFTER REMARK ON GAYS ANGERS HELMS

WASHINGTON.—Sen. Jesse Helms, R-N.C., is blocking a key presidential appointment because of a dispute involving free speech and gay rights.

Helms has served notice that he'll stall indefinitely the Senate nomination of Mary Schapiro to the Commodity Futures Trading Commission until he gets answers on why a midlevel government employee has been transferred from his post.

The employee, Karl Mertz, was Equal Employment Opportunity manager for the U.S. Department of Agriculture in Athens, Ga., before he made some controversial remarks concerning homosexuals to a Mississippi television station in March.

"We need to be moving toward Camelot, not Sodom and Gomorrah," Mertz said after a regional Department of Agriculture meeting in Biloxi. Even though the subject was related to agriculture department policy, he said he told the reporter he was speaking as a private citizen—not as a government official.

Mertz had been concerned that top Agriculture Department officials were pressing for policies such as extending job benefits to partners of gays—something Mertz believes is beyond the law. He said he also felt top officials are pushing him and other employees to accept homosexuality as a legitimate lifestyle. And he finds the gay lifestyle "immoral."

After learning of Mertz's remarks, his superiors removed him from his post and put him in a position of little responsibility, he said.

"I'm wasting the taxpayers' money. I'm in a job that's unnecessary," said Mertz in an interview Friday.

Mertz said he believes gays should have equal rights on the job and shouldn't be harassed. But he said government officials shouldn't be trying to get him to accept homosexuality as a legitimate lifestyle.

David Smith, spokesman for the Gay and Lesbian Task Force, said Mertz's new post is justified.

Mertz had a position of enforcing equal job opportunities within the Department of Agriculture and, as such, shouldn't have made any derogatory remarks toward gays, said Smith.

"Jesse Helms wouldn't be supporting this gentleman's case if he was making inflammatory statements based on someone's religion, race or gender," Smith said.

Mertz, who thinks he has a right to speak his mind without being punished, is grateful to Helms.

"I don't agree with Sen. Helms on everything he stands for—I oppose the death penalty, for instance—but I'm glad to get his help."

U.S. DEPARTMENT OF AGRICULTURE,
Washington, DC, March 25, 1994.

To Karl C. Mertz, EEO Manager, South Atlantic Area.

From Korona I. Prince, Director, EEO Staff.

Subject: Reassignment from the 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 on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from North Carolina is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I 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.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I wanted to ask the Senator from North Carolina if he could tell me what is the hiring policy at the Department of Agriculture of homosexuals.

Mr. HELMS. Mr. President, that is precisely the point. The mice have been running the store at the USDA, judging by a letter I received from Mike Espy, the Secretary of Agriculture, yesterday evening.

They moved on their own volition apparently without any knowledge of the Secretary—according to him—to dismiss Dr. Mertz. Dr. Mertz was transferred out of the job that he had been so successful and commendably in for several years.

The amendment simply says that if the USDA, or implicitly any other Federal agency for that matter, proposes to deprive an employee of his or her first amendment rights, they had better have a hearing on it.

Mr. BUMPERS. Let me say to the Senator from North Carolina, I would yield to nobody in my defense of the Constitution and especially first amendment rights: speech, religion, and so on.

But I was curious, since, allegedly, the action against Dr. Mertz was taken because he criticized, on a television station, the Department's hiring policy, specifically that it was going too far in the hiring of homosexuals.

Mr. HELMS. I do not think he even mentioned the word "homosexual." He said, and I think I can quote it without any paper in front of me, "We should be pursuing Camelot and not Sodom and Gomorrah." The television reporter's question was based on the furor that was going on in Washington as a result of the policy of the USDA favoring homosexuals and lesbians, including providing spousal benefits—paid for by taxpayers—to the partners of homosexual employees.

That is all the guy said.

Mr. BUMPERS. That was my question. If he was objecting to the policy of the Department on homosexuality, I was wondering what the policy was that he was objecting to.

Mr. HELMS. He was objecting to the policy that had been established and that is being considered. Secretary Espy to this day says that we have no policy, and so forth, but I am putting in the RECORD the memoranda and the statements by various officials documenting the policy. If a USDA employee does not favor special privileges for homosexuals and lesbians he or she had better get ready to pack it and get out. I say that is a perfect outrage.

Mr. BUMPERS. I do not know of any official policy that favors the hiring of homosexuals. If there is such a policy, it certainly ought to be reviewed very carefully. I do not believe there is one.

Mr. HELMS. In fact, it is de facto. The Senator is right. The Senate never approved of such a policy.

Mr. BUMPERS. The Senator is saying at lower echelons it is occurring?

Mr. HELMS. Well, it is in fact pretty high. The Secretary's administrative assistant wrote one of the memoranda that I put in the RECORD yesterday. I am willing to accept Secretary Espy's word that he did not know anything about that.

Mr. BUMPERS. The Secretary's word?

Mr. HELMS. Yes.

Mr. BUMPERS. But the memorandum the Senator says he put in the RECORD was written by whom?

Mr. COCHRAN. Wardell Townsend.

Mr. HELMS. It is Wardell Townsend, I am advised.

Mr. BUMPERS. Townsend.

Mr. HELMS. Wardell Townsend.

Mr. BUMPERS. To summarize, what did he say in the memorandum and who was it to?

Mr. HELMS. Let me refer to the previous information I relied upon. I cannot remember all of it verbatim. I will have it in just a minute.

Wardell Townsend wrote a memorandum dated March 25 to Pat Browne, a homosexual activist with USDA GLOBE, which is a gay and lesbian organization at the USDA, a copy of which I inserted in the RECORD yesterday.

The memo officially sanctioned GLOBE at USDA, entitles its members to use Department resources and facilities. We will retrieve the copy of the memorandum.

Mr. BUMPERS. What is his title at the Department?

Mr. HELMS. Wardell Townsend's?

Mr. BUMPERS. Yes.

Mr. HELMS. He is identified as Assistant Secretary for Administration.

Mr. BUMPERS. He is saying that an organization of gay men and lesbian women can use the resources of the Department for the purposes of the organization?

Mr. HELMS. I have a photostat of his memorandum, dated March 25.

It says: "Subject: Establishment of USDA GLOBE."

It is addressed 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 employee organizations.

WARDELL C. TOWNSEND, Jr.,
Assistant Secretary for Administration.

I ask the page to hand this to Senator BUMPERS.

Mr. BUMPERS. He says he is pleased to officially sanction the creation of USDA GLOBE by approving the attached bylaws.

So I assume that organization was set up and the bylaws were sent to him and he approved them.

Mr. HELMS. Yes.

And in the mission statement:

The mission of the U.S. Department of Agriculture Gay, Lesbian, and Bisexual Organization is to create a work environment free of discrimination and harassment based on sexual orientation.

It says:

The purpose of USDA GLOBE is to:

A. Promote understanding of issues affecting gay, lesbian, and bisexual employees in the 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.

And get those words "assures respect for."

Now I do not know what it is going to take to compel those of us who do not respect homosexuality.

F. Create a forum for the concerns of the gay, lesbian, and bisexual community in the Department.

And they do not do that for anybody else, you see.

And then it has, in parentheses:

(Followed by sections on meetings, dues, government, officers and 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.)

I am reading from the document itself, which is a USDA document.

I ask the page to give that to the Senator.

Mr. BUMPERS. Senator, I wonder if the Senator knows the names of other officially-sanctioned organizations. Is there one for women or minorities, or does the Senator know?

Mr. HELMS. Not that I know of.

Mr. BUMPERS. When Secretary Townsend wrote his memo, he says, "With this approval, USDA GLOBE will exercise all of the rights and responsibilities of other officially sanctioned employee organizations."

No. 1, that suggests there are other such sanctioned organizations; but, No.

2, I wonder what the rights bestowed upon them are.

Mr. HELMS. I have no idea. I am afraid to venture a guess.

Mr. BUMPERS. You are also saying that the Secretary says not only did he not know anything about this, but he did not sanction it, and that it is not official Department policy? Is that correct?

Mr. HELMS. In fact, in his letter that I received last night, the Secretary said:

> I don't believe the Department should implement a proactive policy regarding GLOBE.

That is the end of his quote.

I got a little editorial comment from my associate here. He said that they have already chartered it and, of course, they have, and that is just the point I am making.

Mr. BUMPERS. Now the Secretary says,

> Contrary to the Wall Street Journal article and Dr. Mertz' assertions, there is no gay rights agenda at the Department and there certainly will be no seminars or sensitivity training sessions to promote acceptance of alternate lifestyles.

Mr. HELMS. I will tell you, Senator, that is in the letter that he sent to me, as well.

Mr. BUMPERS. Right; that is what I am reading from.

Mr. HELMS. My answer to that is, he had better call a staff meeting this afternoon and break the news to those people who are acting, obviously——

Mr. BUMPERS. You do not believe that they know there is no such rights policy?

Mr. HELMS. Well, I think they just do not care. I think the Secretary—well, let me restate that—I hope the Secretary is being caught in the middle in this thing, because I want to believe everything he says, especially when he says "I did not know about this and I did not know about that."

He had better get all the mice together and say, "Look, get out of the cheese factory," because they are really playing games without the benefit of any approval by the U.S. Senate, let alone, according to Mike Espy's letter, the Secretary of Agriculture himself.

Mr. BUMPERS. The Senator's amendment just says that Dr. Mertz ought to be reinstated, pending a public hearing.

Let me ask the Senator, if Dr. Mertz had said in this television broadcast that he thought the Department's policy on the hiring of minorities, for example, was wrong and that he thought the Department had gone too far in favoring minorities, would the Senator agree that that also should be addressed?

Mr. HELMS. Well, he has taken care of that himself in what he has written and what he said to me.

Mr. BUMPERS. I am not asking about this particular case. I am asking about a hypothetical case.

Incidentally, would this apply to any employee, not just the head of their EEOC division?

Mr. HELMS. I think any employee who is kicked around because he——

Mr. BUMPERS. Because he disagrees with policy.

Mr. HELMS. Because he does not support special status and privileges for homosexuals and lesbians.

Mr. BUMPERS. The U.S. Government does have an official policy of nondiscrimination. You cannot discriminate against people because of their religion. You cannot discriminate against them because they are women. You cannot discriminate against them because of their color.

But if—just as a hypothetical case—somebody was heading up the EEOC division at USDA and he said, "Our policies which implement the nondiscrimination policy against women are going too far; we have got too many women in the Department," would the Senator be willing to say that they, too, should have a public hearing if they are removed?

Mr. HELMS. Of course not. The Congress has acted on that. And Dr. Mertz himself spoke to me about the rights of the handicapped and others protected under the Civil Rights Act, with which he fully agreed.

And, incidentally, the quote in the paper said he did not agree with JESSE HELMS on everything, but he appreciated my help on this.

But you have to factor in the sensitivity of those of us who feel that there is a spiritual and moral aspect to this playing to the homosexual and lesbian crowd. It makes it different from anything else. Homosexuals are a separate minority. If they would keep their mouths shut and go about their business with whatever their sexual orientation is, nobody would know anything about it. But, no, they march in the streets and they defy anyone who finds their conduct to be offensive and degrading.

A bunch of them climbed up on my house in Arlington a few years ago and hoisted a 35-foot canvas condom over the roof of our home.

They do not like me and I do not like what they do. I wish they would shut up and go to work and keep their private matters to themselves—and get their mentality out of their crotches.

Mr. BUMPERS. Senator, when we started this colloquy, I thought I was on your side, particularly on the first amendment. And under the first amendment, people do not have to shut their mouths. They have a right to speak.

Mr. HELMS. Well, they could speak, just so long as they do not offend others, I suppose.

Mr. BUMPERS. That is not the test.

Mr. HELMS. Legally, they could speak any way they want to. That is what the first amendment is all about.

And I think you are still on my side in this matter.

Mr. BUMPERS. I take it the Senator's answer is that if the same situation occurred and somebody had said that this policy of hiring women down there is out of control, the place is being run by women and the Secretary called the guy in who said that and said, "I am going to have to move you to another job. If you cannot implement our policies in a fair way regarding hiring women, then we are going to have to move you to another spot," the Senator would not protect that person?

Mr. HELMS. No, I would not. Because it has been decided by the Congress of the United States that gender is a protected class under the Civil Rights Act.

Mr. BUMPERS. That is right. This hypothetical employee is saying this policy is wrong. That is all he is saying: "I think this policy is wrong. I do not care whether the Congress passed a bill, what our policy is, this business of equal protection for women and equal rights for women is a bad policy."

Mr. HELMS. Here is what Dr. Mertz said on the Biloxi television station in response to a specific question by the television reporter with reference to a brouhaha going on in Washington about an outrageous USDA policy being implemented without the approval of Congress and apparently without the full knowledge of the Secretary. He said this: "We need to be moving toward Camelot, not Sodom and Gomorrah, and I am afraid that's where our leadership is trying to take us."

Mr. BUMPERS. Is that all he said?

Mr. HELMS. That is all he said. That is all he is charged with saying.

Mr. BUMPERS. I suppose one could construe that any way one wanted to.

I must tell the Senator, I am mildly troubled about this. I have a tendency—my strong penchant is for nondiscrimination against anybody. If you will permit me to quote Dr. Martin Niemoeller. You have heard it numerous times, and I have quoted him in numerous speeches. In referring to World War II, he said:

> In Germany, they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. They came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak for me.

I always keep that in the back of my mind, how those things can happen in a country.

So my personal philosophy has always been fairness to all of our people. We are all different. My mother had three children and she said we were all totally different. You have to deal with each child separately because they have different personalities, they have different looks, and so on.

Consider the fact that in this great Nation we have 250-million-plus people and each is unique. The Senator and I do not look alike. We do not have the same philosophies. We are friends and we enjoy a cordial relationship off the floor.

My position is the same as that of Senator Mike Mansfield, who used to say: "We are all equal. We have a right to say what we want to on the floor and express our views." That is what the Senator is doing here with his amendment, and I am a great defender of that.

I am troubled about moving somebody out of a position simply because he stated an opinion, which incidentally does not sound like a very strong opinion to me, one way or the other. But I have heard a lot of politicians say we ought to be moving toward Camelot, because that evokes nostalgia for Jack Kennedy, who is greatly revered in this country. I sometimes wish we were moving more toward Camelot, too. We all share the same concerns about family breakdown, the crime rate, and lack of health care for people, particularly poor people.

But let me just pursue the point I was going to make a moment ago. The Secretary says there is no such policy. The Senator is saying there may not be, but some of his underlings are carrying on and acting as though there is. Is that a fair statement?

Mr. HELMS. Yes.

Mr. BUMPERS. Dr. Townsend says here, "Pursuant to the Secretary's April 15 civil rights policy statement." That was over a year ago.

I do not know what his statement was.

Mr. HELMS. And you do not know what interpretation Mr. Townsend was putting on whatever statement he was referring to.

Mr. BUMPERS. He may have been 180 degrees from what the Secretary intended.

Mr. HELMS. But going back to the Senator's analogy about no one stood up—it may be Dr. Mertz feels that there are some Christian principles that ought to be stood up for, too. I certainly do. The Bible is pretty specific about perversion to those of us who are literalists in reading the Bible. I thought the statement by Dr. Mertz was mild. It just shows you how utterly sensitive the homosexual activists are. They want to slap you down and climb up on your roof at your home, and all that sort of thing. That will never deter me. I do not think it is going to deter Dr. Mertz.

I understand Dr. Mertz is a Democrat. I believe he may be a liberal Democrat.

Mr. BUMPERS. You have my attention now, if he's a Democrat.

Mr. HELMS. This is not a political matter. I resent what the USDA did to an obviously fine man. I think the Senate ought to speak out and right the wrong that has been done to him.

Mr. BUMPERS. Senator, let me just pursue one other point. The Senator says he would not feel the same way if the head of the EEOC said he believed in discriminating against women. How would the Senator feel, in the same scenario, if somebody went on the television and said, "You cannot get a job down at USDA unless you are black. I am head of EEOC, but I am telling you we have too many blacks in that Department, and they feel because there are so many of them they do not have to do their jobs."

Would you feel that, if they removed a person who said something like that in contravention of congressional intent, Department policy, everything, that person should be reinstated?

Mr. HELMS. This is so hypothetical; I cannot imagine anybody saying any such thing.

Mr. BUMPERS. I cannot either, but we are just using hypothetical cases here. These things do happen.

Mr. HELMS. But your case is so hypothetical. My personal opinion—I do not want to deprive anybody of his rights—but nobody ought to be saying that sort of thing. But that is hypothetical.

What I am saying is what Dr. Mertz said is not hypothetical. And what was done to him is not hypothetical.

Mr. BUMPERS. My point is, I know for a fact that there are racists in this country who do not believe in the Government policy on nondiscrimination against minorities. I know there are people who still have a tough time accepting women in the workplace. There are still careers that are not open to women.

What if a similar situation occurs and the employee says, "You know, at the personnel office at USDA, they are hiring a lot of right-wing fundamentalists. This place is being taken over by them." Senator, you know you have been accused of being in that category from time to time. How do you feel about that?

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

Mr. HELMS. I pay no attention to it.

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

Mr. HELMS. I thank the Chair. We are discussing this as friends. Let me say when you get to the rights of women, I am boxed in. I am married to one; I am the father of two, and the grandfather of five.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I get those humility lessons every evening at my house, so I understand what that is like.

But back to the point. What if somebody obviously had a bias against the so-called Christian right and felt that the Department's policy of nondiscrimination based on religion was being violated because they were hiring too many of them? What if that employee was fired or transferred to another job? Do you think he should be protected?

Mr. HELMS. I do not know that I follow what the Senator is saying.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senator and I be permitted to exchange these views in a colloquy without having to be recognized.

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

Mr. BUMPERS. Mr. President, let me just restate the principles as clearly as I can.

Let us assume that in a parallel situation, the head of the EEOC office of the Dallas IRS—I think that is a big IRS center—takes leave time and goes on Dallas television and says, "My job has become really troublesome to me. I don't like these so-called religious fundamentalists, and yet the personnel office is hiring those people in great numbers and they are taking over our office. I don't care that the Government policy, the IRS policy, or our office policy is nondiscriminatory regarding religion. I think they ought to start curbing the hiring of them even though it is a direct violation of the Constitution, official policy, congressional policy, and every other policy."

If he is removed for saying that because they do not think he can perform his job as an equal opportunity officer and hear discrimination cases when he feels so strongly against a particular religious philosophy, would you not protect him the same way you would protect Dr. Mertz?

Mr. HELMS. I think he would already have built-in protections. In this case, it is not at all analogous to Dr. Mertz and what happened to him, because the Congress has included religion in the Civil Rights Act. But it has not included homosexuals. But even so, I believe you will find that there will be an automatic hearing if one were requested.

Mr. BUMPERS. There are parts of the Senator's amendment with which I am troubled; parts of it with which I agree. I am quite sure the Senator will prevail here. I know how these votes go in the Senate, so I feel fairly sure he will prevail on it.

Mr. HELMS. I am not sure. We will soon see.

Mr. BUMPERS. I would be willing to take this amendment to conference and discuss it with the House and see if we could work something out. Whether the amendment is adopted here or not, it is likely to be reworked in conference to make sure it covers people of every stripe and to make sure it complies with all Government policy, not just in this one area.

I am troubled by this. I am troubled that someone is transferred or demoted because he expressed an opinion.

Mr. HELMS. Mr. President, perhaps I should reiterate my earlier response to Senator BUMPERS' speculation about possible consequences if a USDA employee should voice his or her opposition to equal employment protections for women, blacks, and religious people in the same manner that Dr. Mertz stated his low-key remark about USDA's proposed homosexual policies.

Just suppose, Senator BUMPERS speculated hypothetically, someone in Dr. Mertz' position questioned the Department's workplace policies regarding, for example, women and blacks—then should an inquiry be conducted as to that person's ability to enforce USDA policy? The answer to Senator BUMPERS' hypothetical question is that Congress has voted on, and enacted legislation, regarding policies involving women and blacks.

That is not the situation in the case of Dr. Mertz. Dr. Mertz questioned the USDA's unilaterally proposed policies to protect a class of citizens—homosexuals—even though Congress has never voted to protect them.

So, the focal point of Dr. Mertz' situation is that some bureaucrats at the Department of Agriculture have taken action regarding homosexuals—action not authorized by Congress—to give homosexuals the special protections of title VII of the 1964 Civil Rights Act. Dr. Mertz, therefore, believes the Department's policies in favor of homosexuals violate current law as decreed by Congress, and he is right.

Unless and until Congress votes to include homosexuals as part of title VII of the 1964 Civil Rights Act, it is neither appropriate nor accurate to compare Dr. Mertz' comment about homosexuals with comments about women and blacks.

Government agencies should not be permitted to deny Federal employees the right—on their personal time—to question policies which are not law. And Dr. Mertz should not be removed from his job for questioning a policy that even Agriculture Secretary Espy has disavowed in writing.

Mr. President, I have been informed that Senator BUMPERS plans to offer, after my amendment is voted on, an amendment which is known as a CMF amendment so that Senators voting against my amendment will have a cover-my-fanny vote which they can use back home to try to explain why they voted against my amendment. I do not believe anybody back home will be fooled, however.

I think we have one or two people on our side who wish to be heard, who want to come over and speak on this.

Mr. LEVIN. Mr. President, I will vote against the Helms amendment.

I am, of course, concerned about any instance in which any Federal employee may have been unfairly removed from his or her position merely for the expression of views about the agency's personnel policies.

However, in my view, by focusing on the alleged facts of one specific personnel case, this amendment is too narrowly drawn. The Senate should not substitute its judgment in a particular personnel decision, particularly where adequate procedures are already in existence.

If existing Federal personnel policies are inadequate to protect the first amendment rights of Federal employees, those policies should be examined by the Congress and strengthened.

But, new procedures should not be imposed to protect only rights limited to remarks made "in opposition to Departmental policies, or proposed policies regarding homosexuals" as the Helms amendment would do. If such additional safeguards are to be legislated, they should protect all speech.

I support the broader approach to be offered by Senator BUMPERS.

Mr. HELMS. 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. HEFLIN. 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. HEFLIN. Mr. President, I believe we have cleared it on both sides that we would put aside the Helms amendment and go to the Heflin amendment on flood relief. I just want to be sure that is agreeable with everybody.

The PRESIDING OFFICER. Does the Senator seek unanimous consent for that purpose?

Mr. HEFLIN. Yes. I was just giving an opportunity for all interested parties to be alerted to it, if there is any problem with it. I just want to clear it.

There is nobody in the Chamber. I wish to wait to be sure. I do not want to take any advantage of anybody relative to the matter.

I intend to go to the Heflin amendment which is the flood relief package if it is agreeable on all sides. I have talked to Senator HELMS, and he is agreeable to setting aside his amendment, and the managers, at least Senator BUMPERS is agreeable. Actually, he has gone to lunch and asked me to handle it. I just want to be sure that from the Republican side there is no objection to it.

I ask unanimous consent that the Helms amendment be set aside and that we proceed to the consideration of the Heflin amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the Helms amendment is set aside. The Chair recognizes the Senator.

AMENDMENT NO. 2303, AS MODIFIED

Mr. HEFLIN. Mr. President, I send to the desk a modification of my amendment which really only means a reassignment of paragraphs. The last paragraph is to be transposed above the next to the last paragraph. I send that modification to the desk.

The PRESIDING OFFICER. The Chair understands that the Senator is offering it to amendment 2303, and the Senator has sent the modification to the desk. The Senator has a right to modify his amendment.

The modification is as follows:

On page 88, after line 12 insert:

SEC. 742. In addition to funds made available elsewhere in this Act, there are hereby appropriated as of the date of enactment of this Act the following, to remain available through September 30, 1995:

Emergency Community Water Assistance Grants, $10,000,000;

Very Low-Income Housing Repair Grants, $15,000,000;

Agricultural Credit Insurance Fund Program Account:

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: emergency loans, $70,670,000.

Of the amount appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103-211, for Watershed and Flood Prevention Operations, $23 million is transferred to the Emergency Conservation Program.

These amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such amounts shall be available only to the extent the President designates such use an emergency requirements pursuant to such Act.

Mr. HEFLIN. Mr. President, I have spoken before on this, and we want to give an opportunity for a number of people who desire to be cosponsors of the amendment to come forward and make speeches. Senators NUNN and COVERDELL, as I understand, GRAHAM and MACK are cosponsoring this amendment. I ask that they be made cosponsors of the amendment.

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

Mr. HEFLIN. Mr. President, I do not think I have to go into any great detail to speak of the devastation that has taken place in Georgia, Alabama, and Florida as a result of the terrible rains that lasted for days and weeks recently. Hurricane Alberto seemed to hover over that area, a tri-State area, and it continued to rain and rain and rain. The television has shown many, many pictures of the devastation that took place, and from it you can get a gripping feeling of the anguish and the anxiety and the terrible loss that has occurred. There has been a terrible loss of lives, people injured, businesses, homes destroyed, and farmlands destroyed.

The amendment is on the agriculture appropriations bill. I think some felt my amendment would be a comprehensive disaster bill, but it is, of course, limited here to the agricultural phase of it, and those phases that are connected with the Department of Agriculture such as rural areas, rural housing, crop losses, the losses pertaining

to soil conservation practices, the damage that has been done to water systems and sewer systems in the rural areas.

The amendment that I have offered has been cleared through the Department of Agriculture. They have made estimates relative to the amount of damages in the different categories that we have listed in our amendment.

I met with the President on Sunday afternoon and discussed this and some other things with him, and the OMB has been consulted. They have approved these figures. We will have to leave open such things as crop damage because you will not really know about crop damage until the final harvest period comes, and then you are able to calculate it. So it is left in sort of a broad, flexible manner.

I have a letter here from the Acting Director of the Office of Management and Budget that I ask unanimous consent be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 18, 1994.

Hon. HOWELL HEFLIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEFLIN: I want to assure you that the Administration will promptly use existing funds in the Soil Conservation Service (SCS) to meet the estimated $25 million in emergency watershed needs in areas affected by recent floods in the Southeast. $341 million in emergency funds were appropriated to the SCS Watershed and Flood Prevention Operations account in P.L. 103-211 this February. Over $150 million is currently available to meet emergency watershed protection needs stemming from natural disasters. No additional legislative action is necessary to direct needed funds to the Southeast. The Administration will move expeditiously to make the necessary funds available.

Please call me if you have any questions about this matter.

Sincerely,

ALICE M. RIVLIN,
Acting Director.

Mr. HEFLIN. Mr. President, there are several points that I want to make. There are all sorts of devastation that took place. This devastation was recognized by the President.

I want to commend the President for immediately coming back from overseas where he was meeting with the superpowers, the heads of state of a great number of leading nations of the world, discussing various things. And the first thing that he did upon arrival in the United States was to go to inspect this area of the country that had such a terrible disastrous consequence as a result of these rains.

Therefore, I congratulate him on his choice of what he would give priority to in regard to his time when he came back to the United States when so many other matters were pressing for attention at that particular time.

This amendment covers a number of things. We are pleased that it covers the areas that normally are not looked at in a situation of disaster relief.

I flew over and inspected numerous farms. I saw the devastation that was taking place relative to the soil conservation practices. In my section of Alabama which has been affected by these floods, they had just finished the soil conservation practices creating terraces and other good soil conservation practices. But the floods caused gullies to be created over all of the farms, which caused the terraces to be destroyed. There is a need for some specific language in this amendment to take care of those aspects.

There are also aspects dealing with water systems and sewer systems. They have become polluted, many of them placed out of operation, and need to be restored. So these are matters that we feel are important.

I see Senator GRAHAM has come to the floor. I would be delighted at this time to yield the floor and allow Senator GRAHAM to speak on this subject.

Mr. Graham addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, thank you.

Mr. President, I am pleased to rise today in support of the amendment offered by our friend and colleague, Senator HEFLIN from Alabama.

Mr. President, 12 counties in my State have now been declared as disasters as a result of the floods throughout the Southeast. Many of these communities had previously been affected by floods—in 1975, and again as recently as 1990.

Therefore, the people in the affected regions know all too well the damage and devastation which floods can cause. In 1990, three of the effected counties today, Holmes, Washington, and Jackson, were declared disaster areas when the flooding in Alabama caused a dam to break. These same 3 counties are among the 13 which have now been declared disasters as a result of the floods of 1994.

Many of these communities are heavily dependent upon agriculture. This flood hit them the hardest. The waters of the Apalachicola River as well as the Choctawhatchee and the Chipola have engulfed fields of wheat, peas, cotton, corn, soybeans, tomatoes, and livestock. It is expected that the entire 4,000-acre unharvested watermelon crop has been lost. All told, 4,000 family farms were affected by this storm and floods.

Most panhandle farmers have had only 3 rain-free days since June 1. Many crops were already under stress because of rain which had already prevented farmers from taking equipment into the soggy fields. Farmers have done little or no field work for weed, insect or disease control for nearly 7 weeks.

This flood has put an almost unbearable strain on the farmers' and the residents' ability to recover. On July 11, I visited the flood-ravaged towns of Caryville and Blountstown. I met with the people who only 4 years ago were engulfed by the 1990 flood. In Caryville, for example, many people with whom I spoke had not yet decided if they can afford to rebuild their town and their farms. Some are considering moving their homes and businesses altogether. Some of the saddest of those persons affected by these floods were those who in 1992 had lived in the path of Hurricane Andrew, and they left the southern part of the State for the north feeling that would give them sanction. Yet, they found disaster a second time.

Mr. President, assistance for these farmers and residents is needed and is needed now. After Hurricane Andrew, we learned much about the consequences of bureaucratic delays in distributing aid, and waiting any longer to provide help to the flood victims in this disaster would be to fail to learn those lessons of the recent past.

The amendment offered by the Senator from Alabama would provide $10 million in emergency community water assistance grants, $15 million in very-low-income housing repair grants, and $7.67 million for emergency direct loans under the Agricultural Credit Insurance Fund Program for victims of the flood.

Mr. President, I am pleased to join Senators from Alabama, Georgia, and my colleague from Florida in supporting this amendment.

I ask my colleagues to help us provide some assistance to these rural communities in a time of tremendous need.

Thank you, Mr. President.

Mr. HEFLIN. Mr. President, I want to also point out that most of this in Alabama is in the ryegrass area of southeast Alabama. Also the rains have affected the crops in a very disastrous manner in Mobile, Baldwin, and other counties in south Alabama.

There have been also, previous to this, freezes that have occurred back earlier in the year that would have been subject to the language of this bill, and as the result of the excess water and wetter conditions, you have insects. We are particularly concerned about the army beet worm.

I see that Senator SHELBY and Senator COVERDELL are on the floor. I would be glad to yield the floor at this time if they want to speak.

Mr. CONRAD. Before the Senator yields the floor, would the Senator yield for a question?

Mr. HEFLIN. Yes.

Mr. CONRAD. The State of North Dakota now has 24 counties that have been declared disaster areas as a result of flooding. We had floods last year; the 50-year flood that never left.

I was just wondering if the Senator could tell me if all crops qualify under the Senator's amendment.

Mr. HEFLIN. It is my understanding if your counties and areas have been declared as disaster areas, they would be covered under this amendment.

Mr. CONRAD. This is not limited then to program crops?

Mr. HEFLIN. No; it would be a comprehensive agricultural disaster bill.

Mr. CONRAD. The same formula would apply as we have had in the past disasters in the disaster bill of last year?

Mr. HEFLIN. My understanding is that what the President asked for as the effort in the Mississippi Valley last year would be the same program that would apply here.

Mr. CONRAD. So the 50 percent cut that had been applied in disasters the previous years in the disaster formula would not apply this year?

Mr. HEFLIN. That is correct.

Mr. CONRAD. I thank the Senator.

I just want to say that I strongly support this amendment. I am very hopeful that we can adopt this amendment today.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to thank the distinguished Senator from Alabama and our colleague, the Senator from Mississippi, for their arduous work on this amendment, of which I am a cosponsor.

I just returned from the ravages of the flood in Georgia. It is even yet very difficult to comprehend the damage that has been left in the wake of this flood.

I commend the Senator for the work and effort that he has made to alleviate some of the anxiety and concern about the extended buildback that will be necessary.

I want to publicly acknowledge the work of the Senator from Alabama.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I, too, rise to support the amendment offered by my colleague, the distinguished Senator, Senator HEFLIN.

We have all seen the tremendous toll the flood has taken on the States and citizens of Alabama, Georgia, and Florida. Senator HEFLIN and I both have seen extensive damage and destruction that have immobilized many communities in southern Alabama and other States and which have left many families homeless.

Eight counties in my State of Alabama have already been designated disaster areas, and the damage and losses continue to mount.

The amendment offered by the senior Senator from Alabama, among other things, would allow this body to provide the kind of immediate relief that these Florida, Georgia, and Alabama communities, and perhaps others, need now.

The amendment would provide emergency funding for water and sewer systems. In Alabama, many water and sewer facilities have been knocked out or severely damaged by the flooding, leaving many citizens without water. I am sure the same is true in Georgia and Florida. Funding for these grants would help get these facilities running again.

Funding, Mr. President, is also provided for general cleanup and housing repairs. Thousands of citizens have been left homeless or have returned to find what is left of their homes. Helping these families put their homes and lives back together should be a priority of any emergency relief, and this amendment would provide that kind of assistance.

Finally, Mr. President, this amendment makes funding available to the many farmers who have seen their crops destroyed by floodwaters and their property turned into wetlands.

Mr. President, while all the damage from the flood has yet to be calculated, the cost in losses now suffered by the citizens of Florida, Georgia, and Alabama, can be mitigated now by providing the kind of immediate assistance found in this amendment.

I commend my senior colleague, Senator HEFLIN, for offering this important, and I think necessary, legislation in a timely manner. I ask my colleagues to support the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I want to express my appreciation to the Senators who have worked to craft this amendment, particularly Senator HEFLIN of Alabama. It necessarily becomes a time when farmers have not been able at this point to fully assess the exact damages that will be sustained as a result of the flooding that hit Georgia, Alabama, and Florida, but there is no doubt that those farmlands have been severely affected by these floods.

We are no strangers in the State of Mississippi to flood damage. I can tell you from our experiences that farmers are going to need help. This bill is a very serious effort to respond to the needs that the agriculture sector will have to try to recover from this disaster. I am glad that the Senator from Alabama, Senator HEFLIN, has included as cosponsors Senators on this side of the aisle, who have been eager to do something that will help these farmers get back on their feet. I know Senator COVERDELL from Georgia, who has already expressed his support for the legislation, and Senator MACK of Florida, are both cosponsors of the bill. All of the Senators from the affected area are involved in trying to make sure that the administration responds and that the Congress also responds in a generous and helpful way to their needs at this very difficult time.

We have other provisions that will be introduced as part of a package of amendments to this legislation, seeking to address other disaster assistance needs. For example, the Senator from Georgia, Senator COVERDELL, has an amendment that will make available advance deficiency payments to farmers, and the managers will be accepting that amendment and recommending acceptance of the Heflin amendment as well.

Then Senator BUMPERS and I will offer an amendment that will provide disaster assistance for all 1994 crops under the current disaster law, because there were damages sustained, for example, in our State of Mississippi earlier this year in a very severe freeze. A lot of orchard crops, such as pecan orchards and peach orchards, were seriously affected. Under some of the disaster law, those crops encounter particular difficulties in fitting into some of the benefit formulas, because their losses are going to be sustained over a period of years. Their losses cannot be assessed in 1 year. It may take 3, 4, or 5 years for some of these orchard crops to recover to the point where they are in full production again. It is hard to measure those damages and make available benefits under those situations that are the same or would be fair as it is to other annual crops.

So my purpose in rising at this point is to express the support that we feel for the Heflin amendment, urge the Senate to approve it, and to say that this, together with other amendments that will be offered, we hope, will successfully address the needs of those who have encountered disasters this year.

Mr. COVERDELL. Mr. President, over the past few weeks, the floods in Georgia, Alabama, and Florida have been well documented by the media. The primary attention has been focused on the response stage of disaster assistance. Teams from FEMA, the Georgia Emergency Management Agency, and other relief agencies have done an exemplary job in seeing to the immediate needs of those affected by the devastating floods and heavy rains in south Georgia. These agencies have provided housing, hot meals, water, and clothing to over 20,000 flood victims. On behalf of Georgians throughout the State, I want to thank these agencies and the many people who have worked behind the scenes, the sandbaggers, the debris removers, the water truck operators; men and women working side by side to hold their communities together.

Now comes the hard part, as the waters recede. Families and individuals must now build back their homes, businesses, and communities. I term their

mission, Operation Buildback. Congress must play a role in Operation Buildback by providing assistance that will benefit the victims in the long-term or help them get their lives back to some form of normalcy.

This will not be an easy process for any of these brave citizens, but this is especially true for farmers. Georgia suffered great crop and land damages in our agricultural community. On initial estimates, we are anticipating nearly 1,000,000 acres in their tri-state area to have some crops or farmland affected by the heavy rains and flooding. In Georgia, we have nearly 500,000 acres of farmland affected by the floods, a good portion of that will be totally lost. Our two crops hit the hardest by this disaster, peanuts and cotton, have damage to over 300,000 acres. Our initial estimates of land damages to ponds, dams, terraces, and other land structures is $23,000,000. The losses of these key agricultural tools will take months and possibly years for our farmers to replace, not to mention the tremendous costs involved.

I would like to thank my colleague from Mississippi, Senator COCHRAN, and his staff members Becky Davies and Mark Keenum for their fine work in addressing the needs of those farmers affected by 1994 disasters. I would also like to thank Senator BUMPERS who worked together with Senator COCHRAN to include various amendments that provide assistance to the farmers I mentioned previously. Finally, I would like to thank my colleague from Alabama, Senator HEFLIN, who has introduced an amendment, of which I am a cosponsor, which provides approximately $100,000,000 in comprehensive assistance to these affected farmers. The efforts of my colleagues will result in the following: 100 percent funding of the Federal formula for disaster payments; $10,000,000 for emergency community water assistance grants; $15,000,000 for very low income housing repair grants; $25,000,000 for emergency loans under the Agricultural Credit Insurance Fund Program account; $23,000,000 for the Emergency Conservation Program; and $25,000,000 for the Emergency Watershed Program.

I encourage the Senate to adopt this package because I believe it will address the needs of farmers devastated by the floods and other disasters. I encourage my colleagues also to adopt an amendment I have drafted that would provide a deferment period, until January, 1995, to those farmers who received advance deficiency payments and must now pay them back. This amendment, which mirrors language passed in response to the Midwest floods of 1993, would give farmers, just coming off of disasters, an opportunity to regroup before starting their repayments in January 1995.

It is imperative that Congress act expediently to provide the kind of assistance I have just outlined, which would benefit our agricultural system over the long haul. I encourage my colleagues to support my efforts along with those of Senators COCHRAN, HEFLIN, and BUMPERS, in regard to disaster relief.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I ask unanimous consent that Senator CONRAD and Senator DORGAN be added as cosponsors.

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

Mr. HEFLIN. We have several who want to come to the floor and speak. Most of them have.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. 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.

VISIT TO THE SENATE BY A DELEGATION FROM THE RUSSIAN FEDERATION COUNCIL

Mr. MITCHELL. Madam President and Members of the Senate, the Senate is privileged today to welcome a delegation from the Federation Council, the upper chamber of Russia's Parliament. This delegation is led by its chairman, Vladimir Shumeyko. I have just held a constructive discussion with Mr. Shumeyko and his colleagues covering issues of mutual concern between the United States and Russia.

I invited Mr. Shumeyko and his colleagues here because of my strong conviction that democracy is well served by cooperation and dialog between the lawmakers of different countries. That is especially true in the case of the United States and Russia, whose relations until recently were characterized by competition and confrontation rather than cooperation.

Mr. Shumeyko has a key role in shaping the future of Russia's Federal Assembly. During this visit, he and his colleagues are exploring processes and procedures of the U.S. Congress which might assist in their development. I expect that the insights they will bring also will help us see our own procedures and deliberations in a new light.

It is an honor for this body, the U.S. Senate, to welcome Chairman Shumeyko and his colleagues, and I thank them for their cooperation.

RECESS

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate be in recess for a period of 5 minutes within which I ask all Senators present or who may be coming into the Senate to greet our colleagues from the Russian Federation Council.

There being no objection, the Senate at 2:09 p.m., recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. MOSELEY-BRAUN).

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

The Senate continued with the consideration of the bill.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2303, AS MODIFIED

Mr. HEFLIN. Madam President, I think this amendment is ready to be submitted for approval or disapproval. There may be some that will speak. However, the Bumpers-Cochran committee amendment addresses comprehensively the overall matter pertaining to disaster relief and, therefore, I think any Senator who has not spoken yet will have an opportunity to speak at that particular time.

I ask unanimous consent that any of those that would like to file statements, that they can be received and be printed in the RECORD relative to this matter.

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

Mr. HEFLIN. Madam President, I ask that amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2303), as modified, was agreed to.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Madam President, I ask unanimous consent that the committee amendment be temporarily laid aside in order to offer an amendment. Wait a minute. The Heflin amendment I believe is the pending amendment, is it not?

The PRESIDING OFFICER. The Helms amendment to the committee amendment is pending.

Mr. BUMPERS. Then I ask unanimous consent that the committee amendment be temporarily laid aside in order to offer an amendment.

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

AMENDMENT NO. 2321

(Purpose: To provide disaster assistance for 1994 crops)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself, Mr. COCHRAN, Mr. LEVIN, Mr. DOLE, and Mr. COVERDELL, proposes an amendment numbered 2321.

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

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

The amendment is as follows:

On page 32, strike line 21 and all that follows through the colon on line 10 on page 33, and insert in lieu thereof:

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, Title XXII of Public Law 101-624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress: *Provided further*, That these funds shall be made available upon enactment of this Act:

Mr. BUMPERS. Madam President, this is an amendment that Senator COCHRAN and I are offering on behalf of the administration. It is a disaster bill which covers all disasters for the 1994 crop year and goes until July 15, 1995. In other words, that is the timeframe in which farmers will have to file claims.

Mr. COCHRAN. Madam President, I support, of course, the amendment that I am cosponsoring with the distinguished Senator from Arkansas. We feel that this will extend the benefits of current disaster law to those who suffered crop damage in this 1994 crop year and that it ought to be adopted by the Senate.

Mr. BUMPERS. Madam President, just for the RECORD, I would like to state that this bill is an appropriation of such sums as shall be necessary, but that carries with it the burden of getting a proclamation by the President of an emergency. I just wanted to make the record clear on that.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2321) was agreed to.

Mr. BUMPERS. Madam 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. LEVIN. Madam President, I am pleased to be a cosponsor of the Bumpers-Cochran amendment to make available emergency appropriations for disaster assistance to agricultural producers. Michigan has been hard hit by record winter freezes and extremely heavy rains at prime harvest time. Fruit, dry bean, cucumber/pickle, sugar beet, corn, and other program and nonprogram crops have been devastated by terrible weather in 1994.

Approximately 40 counties all over Michigan have experienced fruit crop and tree losses this year, in some cases 100 percent of the crop and trees are completely wiped out. According to the ASCS State survey of January freeze damage, 95 percent of Michigan's potential peach crop this year was destroyed and about 40 percent of the trees have died so far. Apple, cherry, plum, and other tree fruits have also sustained serious damage. Thousands and thousands of acres of prime Michigan cropland were covered with standing water as late as July 12, 1994, making harvesting or salvage impossible.

This amendment will provide qualifying growers that experienced severe losses in the 1994 crop year with disaster payments to help them recover and replant, in some cases. Such benefits will be provided under the terms and conditions of the 1990 farm bill. Based on informal reports, growers' losses in Michigan could amount to more than $60 million. Information is still coming in to the ASCS office from around the State, so this estimate could go even higher.

As I understand it, President Clinton, OMB, and Secretary Espy have agreed to this emergency designation and the Department of Agriculture is working to prepare a comprehensive crop damage assessment for Michigan and other States that have also experienced major agricultural damage.

Madam President, I urge my colleagues to support this amendment.

AMENDMENT NO. 2322

(Purpose: To provide 1994 crop loss disaster assistance)

Mr. COCHRAN. Madam President, I send an amendment to the desk, under the same unanimous-consent request that the pending committee amendment be set aside, and ask that it be stated.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2322.

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

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

The amendment is as follows:

On page 33, line 10, before the colon, insert: : *Provided further*, That such funds shall also be available for payments to producers for 1995 through 1998 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994, and March 31, 1994, and Federal Crop Insurance is not available for affected orchard crop producers: Provided further, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act: Provided further, That such funds made available from the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees (regardless of the age of the damaged trees), including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the use of funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

Mr. COCHRAN. Madam President, in February of this year, many counties in Mississippi suffered severe damage due to a winter storm of freezing rain and ice. This storm caused extensive damage to commercial orchard crops. For example, it is estimated that it may be 8 to 10 years before normal production will be realized for up to one-half of Mississippi's pecan orchards. This devastating ice storm not only affected Mississippi, but also other States in the Midsouth and the Eastern portion of the country.

This amendment will provide disaster assistance for orchard crop losses suffered in 1994 due to freezing weather conditions, subject to an emergency designation. Given the extensive damage of the trees, which will affect production for several years, this amendment provides assistance to eligible orchard crop producers through 1998.

Also affected by this year's freezing weather conditions were commercial tree producers. Severe damage was incurred on 3.7 million acres of forestland in Mississippi. It is also estimated that the cost of cleanup and tree repair will exceed $1,000 per acre. This amendment also provides assistance for replanting, reseeding, and repairing damaged trees.

The fact that crop insurance was not available for the producers suffering losses makes the passage of this amendment very critical.

For the information of Senators, this amendment deals with orchard crop losses that occurred in several States during the freezing weather that occurred in the early months of this year. Pecan orchards and peach orchards suffered severe damage.

This amendment is designed to make available to those who suffered this damage opportunities for disaster assistance under the same precedents that were provided by Congress and the administration during recent disasters that occurred in other parts of the country.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2322) was agreed to.

Mr. COCHRAN. Madam 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.

AMENDMENT NO. 2323

(Purpose: To extend the deadline for repayment of deficiency payments for producers who have been substantially affected by a natural disaster during the 1994 crop year)

Mr. COCHRAN. Madam President, under the same unanimous-consent request that the pending committee amendment be set aside, I send an amendment in behalf of the Senator from Georgia, Senator COVERDELL, to the desk and ask that it be reported.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] for Mr. COVERDELL proposes an amendment numbered 2323.

Mr. COCHRAN. 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 appropriate place, insert the following new section:

SEC. . REPAYMENT OF DEFICIENCY PAYMENTS.

In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1994 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) or section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1994 crop of a commodity prior to January 1, 1995.

Mr. COCHRAN. Madam President, the Senator from Georgia [Mr. COVERDELL] in this amendment suggests that deficiency payments that are made to disaster victims in the recent floods in the States of Georgia, Alabama, and Florida be given additional time for repaying any advanced deficiency payments that would be made to those disaster victims.

This has precedent in other disaster legislation that has been adopted by the Congress in other situations similar to that that exists in those three States, and we recommend that the amendment be agreed to.

Mr. BUMPERS. We have no objection on our side, Madam President.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment.

The amendment (No. 2323) was agreed to.

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

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

Mr. NUNN. Madam President, as the Senator from Arkansas and the Senator from Mississippi know so well, we in Georgia and also Florida and Alabama have had some devastating floods in the last 2 weeks. We are dealing with the terrible aftermath of that tragic flood of historic proportions that we are going to have to deal with for months and, in some cases, for years to come. I know in this bill there have been two or three important amendments that deal with this kind of flood disaster. I would be very grateful to the Senator from Mississippi and the Senator from Arkansas if they could describe briefly for me, making clear for the Record, what kind of disaster assistance is provided for in this bill.

Mr. BUMPERS. Madam President, if I may respond to the Senator from Georgia, this is a fairly simple, straight-on amendment to this bill, which is offered, really, on behalf of the administration, that authorizes such sums as shall be necessary to cover crop losses for 1994, with such loss claims acceptable until July 15, 1995.

It is subject to a Presidential declaration of emergency. As you know, under the Omnibus Budget Reconciliation Act, in order not to have to come up with an offset for such sums as shall be used, the President must declare an emergency. So this is a simple appropriation of such sums as shall be necessary to accommodate farmers, especially in Georgia and Florida and also Alabama. There may be another State or two that will qualify under this, but the central reason for this, of course, is the floods that devastated the Senator's State.

Mr. NUNN. So we can be assured by that language that there will be enough funding to cover whatever existing claims there are under the present law?

Mr. BUMPERS. No question about it. The only thing pending is the emergency declaration by the President, and I think that is just an absolute given. There is not any question that he will do that.

Mr. NUNN. I thank the Senator.

Mr. COCHRAN. Madam President, if the Senator will yield for a further response?

Mr. NUNN. I will be glad to yield.

Mr. COCHRAN. I might add, the Senator from Georgia is a cosponsor of the Heflin amendment that has been adopted. While it cannot put landowners back in the same position they were before the floods, it is a responsive and timely disaster assistance package. It is patterned upon the Midwest flood and previous disaster packages. For example, there is a further amendment in a package of four amendments that deals with advanced deficiency payments and waives the time limit for repayment, if any repayment is required, by farmers. This is identical to relief provided to farmers affected by the devastating floods which hit the Midwest. Those who were damaged in this disaster will be given a break on the advanced deficiency payment program as well.

I think as a package, these amendments do provide a sensitive response from the Congress to the needs of those flood victims, but there is really no way to erase the damage they suffered.

Mr. NUNN. There is no such thing as putting people back 100 percent to where they were.

Mr. COCHRAN. The Senator has been there and he has seen the damage for himself.

Mr. NUNN. That is right.

Mr. COCHRAN. But we appreciate the efforts the Senator and his staff have made to direct us in the right direction on this issue.

Mr. NUNN. I thank my friends and appreciate very much their leadership, and also the staff which have been working with our staff and Senator COVERDELL's staff and Senator HEFLIN's staff, and others to make sure we have in here the maximum amount of help we can give, based on the existing law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2320

Mr. BUMPERS. Madam President, unless there is further debate, we are prepared to vote. The yeas and nays have been ordered on the Helms amendment.

The PRESIDING OFFICER. The Senator is correct; the yeas and nays have been ordered.

If there is no further debate, the question is on agreeing to amendment No. 2320. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—59

Baucus	Faircloth	Mack
Bennett	Feingold	Mathews
Bond	Ford	McCain
Breaux	Gorton	McConnell
Brown	Gramm	Murkowski
Bryan	Grassley	Nickles
Burns	Gregg	Nunn
Byrd	Hatch	Pressler
Campbell	Heflin	Reid
Coats	Helms	Rockefeller
Cochran	Hollings	Roth
Conrad	Hutchison	Sasser
Coverdell	Johnston	Shelby
Craig	Kassebaum	Simpson
D'Amato	Kempthorne	Smith
Daschle	Kerrey	Stevens
Dole	Kohl	Thurmond
Domenici	Lieberman	Wallop
Dorgan	Lott	Warner
Exon	Lugar	

NAYS—41

Akaka	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boren	Hatfield	Packwood
Boxer	Inouye	Pell
Bradley	Jeffords	Pryor
Bumpers	Kennedy	Riegle
Chafee	Kerry	Robb
Cohen	Lautenberg	Sarbanes
Danforth	Leahy	Simon
DeConcini	Levin	Specter
Dodd	Metzenbaum	Wellstone
Durenberger	Mikulski	Wofford
Feinstein	Mitchell	

So the amendment (No. 2320) was agreed to.

Mr. HELMS. 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.

AMENDMENT NO. 2324

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

The PRESIDING OFFICER (Mr. EXON). The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2324.

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:

In the amendment strike all after "Administration," on line 24 and insert the following: "to remain available until expended, provided that the preceding shall take effect one day after the date of this bill's enactment.

"Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding Departmental policies, or proposed policies."

Mr. BUMPERS. Mr. President, if I could have the attention of the Senators, we will have a rollcall vote, I hope, immediately.

First of all, let me say that I voted against the Helms amendment, not because I did not think part of it was correct, but I thought it ought to include as a general governmental policy—certainly it should have included women, minorities, people of religious faiths, and so on.

So this amendment is designed to simply say you cannot be removed from your office for disagreeing with the policies of the department where you work, or proposed policies, and that includes everybody. That includes everybody we intend to protect: women, minorities, sexual orientation, what have you. So I am prepared to vote on it. It is a simple, straightforward amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BUMPERS. 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 are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—100

Akaka	Dodd	Kempthorne
Baucus	Dole	Kennedy
Bennett	Domenici	Kerrey
Biden	Dorgan	Kerry
Bingaman	Durenberger	Kohl
Bond	Exon	Lautenberg
Boren	Faircloth	Leahy
Boxer	Feingold	Levin
Bradley	Feinstein	Lieberman
Breaux	Ford	Lott
Brown	Glenn	Lugar
Bryan	Gorton	Mack
Bumpers	Graham	Mathews
Burns	Gramm	McCain
Byrd	Grassley	McConnell
Campbell	Gregg	Metzenbaum
Chafee	Harkin	Mikulski
Coats	Hatch	Mitchell
Cochran	Hatfield	Moseley-Braun
Cohen	Heflin	Moynihan
Conrad	Helms	Murkowski
Coverdell	Hollings	Murray
Craig	Hutchison	Nickles
D'Amato	Inouye	Nunn
Danforth	Jeffords	Packwood
Daschle	Johnston	Pell
DeConcini	Kassebaum	Pressler
Pryor	Sasser	Thurmond
Reid	Shelby	Wallop
Riegle	Simon	Warner
Robb	Simpson	Wellstone
Rockefeller	Smith	Wofford
Roth	Specter	
Sarbanes	Stevens	

So the amendment (No. 2324) 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.

PEANUT RESEARCH, STILLWATER, OK.

Mr. BOREN. Mr. President, I rise to engage the subcommittee chairman to clarify some details concerning peanut research in Stillwater, OK.

The subcommittee has been most helpful in recent years in trying to help us maintain some very vital research on peanut pathology and physiology. Peanut production in the United States is separated by climate and soil type into three separate areas: the Southwest, the Southeast, and the Virginia/Carolina area. Each are distinct areas with their own advantages and challenges from Mother Nature. While there are common challenges to production, they each grow different types of peanuts and face different diseases and insects. Thus research needs are different and require localized research. In Oklahoma, we face a serious challenge from a fungus called sclerotinia blight. In some years, major economic loss occurs because of that blight.

In the past, we had three strong scientists working on these challenges, but budget realities have reduced this effort to one outstanding scientist, Dr. H.A. Melouk, a plant pathologist. He is well respected by his scientific peers and has become a hero to peanut producers desperate for research answers to production.

Our request to the subcommittee the past 3 years has been for an increase to $500,000 in order to add an additional scientist at Stillwater. We saw this as a compromise, once having three full-time scientists, now only one. Budget realities have prevented the subcommittee from honoring our request, but the subcommittee has been fair in assuring that the research effort would continue while we search for proper funding. Further, the subcommittee and USDA were helpful in transferring $50,000 last year for equipment and in providing for a graduate student to assist with the research work.

I would like to ask Chairman BUMPERS to clarify my understanding of the subcommittee's action. I understand that the subcommittee has not been able to honor our request for full funding at $500,000, but does direct that the research continue at Stillwater.

Mr. BUMPERS. That is correct.

Mr. BOREN. Current funding at the Stillwater station is $323,300, which includes $50,000 added for the graduate

student assistant. Am I correct that the base funding received for the station will be continued at $323,300?

Mr. BUMPERS. This is my understanding.

Mr. BOREN. I thank Chairman BUMPERS for his assistance in clarifying this matter and I also appreciate his leadership in keeping agriculture strong.

AMENDMENT NO. 2314, AS MODIFIED

Mr. BUMPERS. Mr. President, I ask unanimous consent that I may make a technical change to amendment No. 2314, which was agreed to yesterday.

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

The amendment, as modified, is as follows:

On page 24, line 24, strike "$55,728,000" and insert "$57,454,000".

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending committee amendment be set aside for the purpose of offering an amendment.

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

AMENDMENT NO. 2325

(Purpose: To prohibit the use of funds made available under this act to make payments to, or permit loan forfeitures by, a person to support the price of honey for the 1994 and 1995 crop years)

Mr. COCHRAN. On behalf of the Senator from Colorado, Mr. [Brown], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BROWN, proposes an amendment numbered 2325.

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:

Strike line 15, on page 82, through line 5 on page 83, and insert the following:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 and 1995 crop years.

Mr. COCHRAN. Mr. President, the purpose of this amendment is to carry forward modified language in the bill relating to the support price of honey. It continues the prohibition against the use of funds in the bill for such purposes. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. BUMPERS. The amendment is cleared on this side, Mr. President.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2325) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 70, LINES 21 THROUGH 25

The PRESIDING OFFICER. The question now occurs on agreeing to the committee amendment on page 70, lines 21 through 25.

Is there further discussion on the amendment?

If there is no further discussions, the question is on agreeing to the committee amendment.

The committee amendment on page 70, lines 21 through 25, 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.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 80, LINE 10 THROUGH PAGE 81, LINE 18

The PRESIDING OFFICER. The question recurs on the remaining committee amendment on page 80, line 9.

Is there further debate on the amendment?

Mr. BUMPERS. Mr. President, my notes indicate line 10. Did you say line 9?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the remaining committee amendment on page 80, line 10 through page 81, line 18.

The committee amendment on page 80, line 10 through page 81, line 18 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, just 30 seconds to thank my very distinguished ranking member, Senator COCHRAN, for the cooperation he has given throughout the markup of the bill, getting it out of committee, and here on the floor. He has been an absolutely exemplary person to work with and I want to publicly express my appreciation for that.

I want to also thank Rocky Kuhn and Dan Dager. Obviously, I am fairly new at this. This is only the second one I have handled. A competent staff is absolutely essential to moving a bill like this, and I want to express publicly my gratitude to them.

Mr. COCHRAN. Mr. President, in just a moment we will be voting on final passage of this bill.

Let me assure Senators that this is an example of restraint and of budget responsibility. This bill is $4.1 billion below last year's total appropriated level of funding for the accounts under the jurisdiction of this committee. For total discretionary spending, it is $1.3 billion below last year's level.

I want to thank the distinguished manager of the bill, my friend from Arkansas, Senator BUMPERS, for his courtesies and for his hard work in getting this bill to the Senate floor and in helping us ensure passage of the bill today.

I also want to thank Rebecca Davies of our staff and Mark Keenum of my personal staff for their excellent assistance.

Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MURKOWSKI. Mr. President, I intended to bring up my amendment, subject to the conversation I had with the floor leader, and I would at this time do so.

The PRESIDING OFFICER. The Senator will withhold for a moment.

Is there a sufficient second on the request for a rollcall vote?

There appears to be a sufficient second.

Yeas and nays were ordered.

The Senator from Alaska is recognized.

AMENDMENT NO. 2326

(Purpose: To condition the use of funds made available under this Act on an increase in the maximum amount of certain rural development loans)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2326.

Mr. MURKOWSKI. 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 7, before the period, insert the following: "*Provided further*, That, notwithstanding subsection (a) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)), a loan made, insured, or guaranteed under such subsection may exceed $25,000,000, but may not exceed $50,000,000, in principal amount".

Mr. MURKOWSKI. Mr. President, my amendment would simply increase the loan guarantee ceiling under the Department of Agriculture Rural Industrial Assistance loans from $25 million to $50 million.

I want to point out, it would no way obligate the Department of Agriculture to guarantee a loan of that principal amount—it would merely provide them with the flexibility in the event that such a loan guarantee is determined to be in the interest of the Government.

I might add that these are not Government funds. These are funds from the private sector with a guarantee, the maximum guarantee is 90 percent. So the private sector is involved in an equity position in the sense of having exposure.

It would simply provide for the creation of larger projects, to develop more jobs and, I think, give the flexibility to the Secretary of Agriculture to basically do more with this worthwhile program.

Again, it would not incur a specific obligation inasmuch as the Federal Government is not funding the loan—just the guarantee.

The loan program I am specifically referring to is the Farmers' Home Business and Industry [B&I] Loan Program. This is a highly successful program designed to improve economic and environmental climate in rural areas. The emphasis is rural: It cannot be used within a city with a population of 50,000 or more, or in its immediate area with a population density of 100 or more persons per square mile; priority is for projects in open country, rural communities, and towns of 25,000 or less.

The Government can guarantee loans made by a federally regulated bank or credit union. The Government guarantees 90 percent of principal and interest for loans of $2 million or less; 80 percent of principal and interest for loans of $2 to $5 million; and 70 percent of loans over $5 million.

Current statutory maximum is $25 million per guaranteed loan. My amendment merely gives the Secretary discretion to guarantee up to $50 million.

B&I loans can be used to: finance business and industrial construction; conversion, acquisition and modernization; finance purchase and development of land, easements, equipment, facilities, machinery, supplies, or material; supply working capital; finance housing development sites; provide startup and working capital; and control pollution.

Guaranteed loans can be approved for: individuals, public and private organizations, cooperatives, federally recognized Indian tribal groups; in short, virtually any legal entity.

The program has a very low default rate—less than 5 percent since 1985.

This an expanding, highly successful program that works.

In 1994, the loan level was $249 million. The Department of Agriculture expects to fully utilize their loan guarantee authority, just as they did in 1993. This year, because of the success of the program and its low default rate, the administration sought to increase the program's loan authority to $1.1 billion. The committee recommended $500 million.

THE ALASKA SITUATION

We have a situation in Alaska where the U.S. Forest Service unilaterally terminated a 50-year timber supply contract in the Tongass National Forest.

The effect of this contract termination was to permanently close a pulp mill, the only year-around employment for 400 residents of Sitka, AK.

In addition to the jobs in the mill, another 700 jobs in the forest were jeopardized, along with a significant portion of the local tax base and $70 million in city bonding authority.

It is a certainty that extended litigation will result as a consequence of this contract termination, exposing the government to potential payments of hundreds of millions of dollars.

There has been some interest expressed, however, in reopening the pulp mill as a medium-density fiberboard [MDF] plant. While such a plant would not fully replace the jobs that were lost as a result of the Federal contract termination, it would provide some badly needed year-round employment.

In addition, the medium-density fiberboard production process, unlike the process that makes dissolving pulp, is a closed system that is environmentally more benign.

Moreover, the MDF plant would make use of wood chips and pulp logs that cannot be used for dimensional lumber, thus providing a means of value-added production for all of the timber harvested in the forest.

It is possible to envision a situation where the financing for conversion to a MDF plant might occur with a Department of Agriculture Business and Industry loan guarantee.

It is also possible to envision a situation where the Government may find it in its best interests to promote such a conversion as a means to avoid extended litigation. My amendment merely allows us to keep the door to those possibilities open.

Mr. President, I believe this is a superb, well managed program. All we are proposing to do is give the Secretary greater discretion in providing higher loan guarantees for extraordinary projects of merit.

I know it has been discussed at some length with both floor leaders. It is my understanding that on our side there is no objection. I think there is a concern that has been expressed by the Senator from Arkansas relative to certain aspects of utilizing the total appropriated and authorized amount, as opposed to trying to ascertain the advisability of increasing it from $25 million to $50 million. As I said, it would simply give the authority, but it would not obligate the Department.

I would ask if the floor leaders would be inclined to accept the amendment or give me some satisfaction that I might pursue an alternative.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Alaska wrote me a very well reasoned, articulate letter about a fiberboard plant in Alaska where an awful lot of people lost their jobs. He is to be commended for taking the initiative in trying to resolve a problem that is economic that needs to be resolved.

Under the business and industrial loan program of the Farmers Home Administration, the maximum amount that is authorized is $25 million for any one loan. But under the Department's regulations, they have never loaned more—under their regulations the top is $10 million—than $10 million to anybody under that program.

The Senator really needs $50 million, which obviously I could not—and the Department could not—accept. But, in recognition of an admitted serious problem he has, I have agreed to hold a hearing for him on the particular problem and perhaps at some point weigh-in with the Department and ask them to raise the loan level with a view toward possibly alleviating his problem.

I have assured him of a hearing. With that, I think the Senator may be willing to withdraw his amendment and wait until after the hearing to pursue it further.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Arkansas, and with that assurance I withdraw the amendment at this time and yield the floor.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2326) was withdrawn.

Mr. DOLE. Mr. President, I commend the chairman and the ranking member for their work in putting together this appropriations bill. I understand the difficult task they had in allotting fewer dollars for more projects. Their job is not easy, nor do I envy them.

My concern with this bill is the message it sends to those in the agriculture community. Conservation funding, which among other things is used to assist farmers in implementing congressionally mandated conservation compliance plans, has been cut significantly under this bill. Although Congress voted to require America's farmers to implement conservation compliance plans, we are decreasing the funding needed to help these producers comply with these plans. It just doesn't make sense. I will offer an amendment which restores funding in the conservation operations budget of the Soil Conservation Service to last year's level. I

am hopeful my colleagues will join me in supporting this worthwhile project.

Meanwhile, the United States negotiated a GATT agreement which requires the United States to reduce our trade subsidies over 6 years. Yet at the same time, Congress reduces funding for such trade programs as the Export Enhancement Program and Public Law 480 ahead of the schedule required under GATT. While I appreciate the need to spread around the pain, I am concerned about the message these cuts send to America's farmers. America's grain exports have steadily declined in recent years, and cutting back on America's trade programs is not the way to address this situation.

Mr. President, I realize the Agriculture Appropriations Committee has less money to work with this year. I am concerned about the path we are headed down in funding for agriculture and believe the time is close when we may have to draw a line in the sand and say enough is enough.

Let me emphasize—the appropriators did not have an easy job. In spite of that, I will watch this debate closely as I decide whether or not to support this appropriations bill.

Mr. BYRD. Mr. President, I congratulate my colleagues, Mr. BUMPERS, chairman of the Agriculture Subcommittee, and Mr. COCHRAN, ranking member, on the skillful and efficient handling of this important Agriculture appropriation bill. Their 602(b) allocation was very constrained—$868 million in budget authority and $421 million in outlays last year's appropriation levels and $95 million in outlays below this year's House allocation. Both Senators BUMPERS and COCHRAN are to be commended for their intimate knowledge of the details of this legislation. Their expertise enabled them to work within the constraints they faced and still get the job done and done well, indeed.

I urge my colleagues to support this bill.

Mr. DORGAN. Mr. President, I wish to thank the chairman and members of the Agriculture Appropriations Subcommittee for excellent work on our agriculture appropriations, completed under severe funding constraints.

First of all, I understand that funds for capital improvements is extremely limited, so I am grateful that the committee was able to provide funding to complete the Institute for Agricultural and Rural Human Resource Development at Minot State University.

Let me say a word about crop disaster payments. I would like to point out that flooding and excessive rains have ruined crops and prevented many fields from being planted in North Dakota. We have joined North Dakota authorities in requesting disaster declaration in five counties so far. Many farmers in those counties will have severe financial losses this year because of the weather conditions, and I hope they will be able to qualify for the crop disaster payments we approved here today.

I also appreciate the committee's agreement to include in this bill my request that the Secretary of Agriculture conduct a study, in cooperation with Canadian authorities, of the potential for United States and Canadian farmers to jointly market wheat and barley for export.

Even as our administration prepares to impose limits on our imports of Canadian spring wheat, Durum, and barley, it is very important that the United States and Canada begin moving toward less confrontation and more cooperation in the grain trade sector, and this study will help to move us in that direction.

Particularly, I am grateful for the chairman's effort to retain Agricultural Research Service [ARS] funding for the Potato Research Center that serves growers and processors in the Red River Valley of North Dakota and Minnesota. I am very disappointed that this body chose to terminate funding for our potato center, and the Northern Plains Soil and Water Research Center at Sidney, MT.

It will cost nearly as much next year to close out ARS operations at those research facilities as it would cost to continue the research through fiscal year 1995. I seriously question the criteria used at USDA to select the East Grand Forks and Sidney centers for closure.

The Red River Valley potato research center is supported by the State experiment stations and the potato growers themselves. The center is very important to the future of potato production, processing and storage in North Dakota, Minnesota, and across the northern States. Farmers understand that, and their commitment is clear: Their own association covers about $150,000 of costs annually for the center. It is sad that USDA does not understand the vital importance of that research center to successful potato production and processing in the Red River Valley.

On another topic, I wish to express some concern about the broad authority provided in this bill for $150 million in new user fees to be imposed by the Food and Drug Administration upon pharmaceutical companies, and manufacturers and distributors of other products.

While I sympathize with the difficult task of the committee to come up with the funds necessary to properly fund the needs of Agriculture, I have serious concerns about providing such broad authority for new fees.

In addition, it has been the policy of our Nation that agencies created to protect consumers in areas of health and safety are funded out of general revenues. That is, when we charge fees to pay the costs of such an agency, we try to direct the fees to the sector who is benefited. In this case, the general public benefits, but the fees would be charged against the manufacturers.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

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 92, nays 8, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—92

Akaka	Exon	Mathews
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Harkin	Nickles
Bryan	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pell
Byrd	Hollings	Pressler
Campbell	Hutchison	Pryor
Chafee	Inouye	Reid
Coats	Jeffords	Riegle
Cochran	Johnston	Robb
Cohen	Kassebaum	Rockefeller
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	Wofford
Durenberger	Mack	

NAYS—8

Brown	Helms	Smith
Faircloth	McCain	Wallop
Gregg	Roth	

So, the bill (H.R. 4554), as amended, was passed.

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 move that the Senate insist upon its amendments to H.R. 4554 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. MATHEWS) appointed Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr.

GORTON, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum has been questioned. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there now be a period for morning business during which Senators are permitted to speak for up to 10 minutes.

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

The Senator from Maine is recognized.

TRIBUTE TO BARON VON KLEIST

Mr. COHEN. Mr. President, today is a day for commemorating great events in history.

As other Senators have already noted, it was 25 years ago today that human beings, following the path blazed by our colleague from Ohio, Senator GLENN, first set foot on the Moon. The Apollo program is a story both of personal courage of the astronauts involved and of the commitment of an entire nation who supported them.

I would like to call attention to another event that occurred on this date in history, one which also involved great personal courage of the individuals involved. In this case, however, the courage was of higher quality because these individuals acted in opposition to the prevailing will of their countrymen.

It was 50 years ago today, Mr. President, that a small group of German military officers carried out an assassination attempt against Adolf Hitler in an effort to overthrow the Third Reich. Led by Col. Claus Schenk von Stauffenberg, these men saw something that millions of others did not. As the patriots of their country in the best sense of this word, they decided that they could not passively watch their fatherland be led by the Nazis to the point of destruction.

Had it been successful, the assassination attempt could have changed the course of history, sparing the lives of millions and possibly precluding the fall of half of Europe into a half century of Communist incarceration. Hitler, however, was only injured, not killed. And within hours, Count von Stauffenberg was executed, along with several of his conspirators. Others involved in the plot were later condemned by a show trial and hung with piano wires, their agonizing death filmed for the Führer's viewing pleasure. One of the plotters, the famed Field Marshal Erwin Rommel, was forced to commit suicide.

While many Americans are familiar with the names of Count von Stauffenberg and Field Marshal Rommel, the names of the other German patriots involved in the July 20 assassination attempt, other assassination attempts, and other resistance activities are not. One deserves special note, Mr. President, and that is von Kleist, a name familiar to quite a few Senators but, I suspect, not many other Americans.

The von Kleist family has an illustrious heritage dating back more than eight centuries. It has given Germany more diplomats, generals, and field marshals than any other in history, as well as two of Germany's finest poets. Prussian Kings awarded their highest award, the Pour la Merit, to generation after generation of von Kleists, more than to any other family.

Along with other Members of the Senate, I have had the privilege to come to know a prominent member of this family, Baron Ewald Heinrich von Kleist, who played a key role in the July 20 and other assassination attempts.

In 1944, as a 22-year-old lieutenant in the Wehrmacht, von Kleist was asked by Count von Stauffenberg to strap explosives to himself and detonate it when he was standing next to Hitler. That attempt, however, was unsuccessful as circumstances prevented a close encounter between Hitler and the bomb-bearing young lieutenant.

Lieutenant von Kleist was also asked to play a central role in the July 20 assassination attempt. He was to carry the briefcase bearing the explosive while giving Hitler a report on new uniforms, for which the unit he commanded was testing. Concerns about Gestapo infiltration, however, led to the decision that the briefcase would be placed next to Hitler by von Stauffenberg himself, who as chief of staff for the armed forces in the homeland was in Hitler's inner circle.

Lieutenant von Kleist, however, still played a key role in the plan, known as Operation Valkyrie, to take control from the Nazis in the wake of the July 20 assassination. After the explosion in Hitler's East Prussian headquarters, von Kleist arrested the senior officer in the War Office in Berlin and others. But, in the end, the plot failed. Von Kleist himself was arrested, interrogated for several weeks by the Gestapo, then unexpectedly released, perhaps in the vain hope that he would lead the Gestapo to other conspirators. He later ended up in the concentration camp at Ravensbruch, north of Berlin.

The unusual courage of the young Lieutenant von Kleist was a reflection, no doubt, of the noble heritage he received from his family and, in particular, his father, Field Marshal Ewald von Kleist-Schmenzin. Long after the war, in one of the rare occasions he discussed those events, Baron von Kleist recalled that he sought the counsel and permission of his father to proceed with the suicide bombing.

The elder von Kleist had long been an ardent anti-Nazi. In 1938, German resistance leaders sent him on a secret mission to London in a desperate effort to persuade British leaders to take a strong stand against Hitler's planned dismemberment of Czechoslovakia, helping to set the stage for a coup attempt in Berlin if and when Hitler invaded Czechoslovakia. In one of the worst miscalculations in history, then-Major von Kleist was rebuffed by British officials suspicious of his true allegiances. Seven years and tens of millions of deaths later, the elder von Kleist was executed for his resistance activities by the Nazis in Berlin as Allied troops closed in on the city.

Baron von Kleist reports that when his father was told of the suicide assassination plan, he pondered only briefly before unequivocally telling his young son, "Yes, you have to do this."

In commenting years later on that solemn conversation, von Kleist said "Fathers love their sons and mine certainly did, and I had been quite sure he would say no. But, as always, I had underestimated him."

After the war, von Kleist devoted himself to public education on security matters to help ensure that, as he says, "that tremendous tragedy will not happen again." For the last 31 years, this has included sponsoring the annual Wehrkunde Conference in Munich that brings together prominent thinkers, policymakers, military officials, and journalists from the NATO countries in an informal setting to promote real dialogue on critical security issues. Many rate this conference as among the most important and productive forums held on international security policy.

Three years ago, the Vice President presented Baron von Kleist with the Department of Defense Award for Distinguished Public Service, the highest honor to a civilian by the Defense Department. The citation accompanying the award specifically cited the Wehrkunde conference as the "the premier international conference on NATO security issues" and stated that:

> Baron von Kleist's unwavering stand against the horrors of totalitarianism, forged through his personal experiences, has certainly played a role on the undoing of the walls that have separated his own Germany, and those that have separated all of Europe and the world.

Both the United States of America and the Alliance have been generously served by this selfless patriot's dedication to the concept of freedom.

After the war, Churchill told the British Parliament that those who plotted to assassinate Hitler and overthrow the Nazi regime "belonged to the noblest and greatest of resistance movements that have ever arisen in the history of all peoples."

In recognition of his role in that effort and the contributions he has made in the ensuing decades, Baron von Kleist was asked to participate with Chancellor Kohl in France's recent commemoration of Bastille Day. These ceremonies last week in Paris, in which German troops marched down the Champs-Elysees for the first time since the liberation of France, were intended to signal the irrevocable transformation of Franco-German relations and their combined commitment to a peaceful and secure Europe.

It was very fitting therefore, for one of the honored guests at those ceremonies to be Baron von Kleist, who has done so much to build a cooperative security relationship between Germany and her allies and neighbors.

And it is fitting, Mr. President, that we should pay tribute to him today, as well.

I ask unanimous consent that several articles regarding the heroic efforts of Baron von Kleist and his collaborators be included in the RECORD, along with material related to his receipt of the Distinguished Public Service Award.

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

VICE PRESIDENT QUAYLE PRESENTS BARON VON KLEIST WITH DEFENSE AWARD FOR DISTINGUISHED PUBLIC SERVICE

THE VICE PRESIDENT'S OFFICE,
OFFICE OF THE PRESS SECRETARY,
April 24, 1991.

Vice President Quayle presented Baron Ewald Heinrich Von Kleist with the Department of Defense Award for Distinguished Public Service in his Old Executive Office Building Office today. The award is the highest honor given to a civilian by the Department of Defense. Recipients must have distinguished themselves in the area of national security.

Von Kleist was recognized for his work with the independent defense affairs association that he founded in 1952, "Gesellschaft fur Wehrkunde e.V." and for his work with Europaische Wehrkunde, a magazine on European defense that he founded in 1954. However, Von Kleist is most renowned for founding the Wehrkunde Conference in 1963. This annual meeting of the world's leading defense experts has long been considered the preeminent conference on NATO security issues. Von Kleist personally chooses all participants as well as the topics for discussion.

The Vice President's involvement with the Wehrkunde Conference, and with Von Kleist, dates back to his days as a freshman member of the Senate Arms Services Committee. In 1981, Senator Dan Quayle attended the Conference on the recommendation of the late Senator John Tower, marking the beginning of a longstanding friendship with Von Kleist.

RECOMMENDED CITATION TO EWALD HEINRICH VON KLEIST

For exceptionally distinguished service as the founder and guiding spirit of the annual International Wehrkunde Conference held in Munich.

Baron von Kleist's efforts in leading the Wehrkunde Conference have contributed significantly to the maintenance of a strong and unified defense posture for Europe and America. In founding this conference in 1963, Baron von Kleist sought to further the vibrant exchange of ideas on political and military themes between the United States and the countries of Western Europe. The Wehrkunde conference has evolved throughout the years into the premier international conference on North Atlantic Treaty Alliance security issues. Baron von Kleist, in assembling respected and knowledgeable experts from across the Alliance for this symposium, has created an atmosphere in which the free exchange of ideas can truly make our world a safer one.

The Baron von Kleist's unwavering stand against the horrors of totalitarianism, forged through his personal experiences, has certainly played a role in the undoing of the walls that have separated his own Germany, and those that have separated all of Europe and the world.

Both the United States of America and the Alliance have been generously served by this selfless patriot's dedication to the concept of freedom. I take great pleasure in presenting Ewald Heinrich von Kleist the Department of Defense Medal for Distinguished Public Service.

SECRETARY OF DEFENSE.

NARRATIVE SUMMARY

In 1952 Baron Ewald Heinrich von Kleist founded the Gesellschaft fur Wehrkunde a.V. (Society for Defense Affairs) for the purpose of provoking discussion in the fields of security and defense policy. This organization has grown to over 4,000 members in about 120 chapters. The Baron founded a publishing house in 1954 and began publishing a monthly magazine, Europaische Wehrkunde, which has achieved fame far beyond the German borders for its contents. Von Kleist's most noteworthy accomplishment, however, has been the founding and managing of the annual Wehrkunde Conference, a defense and security symposium which meets in Munich. When von Kleist hosted the first Wehrkunde Conference in November 1963, some of his guests included Helmut Schmidt, later to be Chancellor of the FRG, and Henry Kissinger. Other early guests included Zbigniew Brzezinski and Franz-Josef Strauss, later to be Minister-President of Bavaria. Von Kleist has successfully cultivated an atmosphere highly conducive to the honest exchange of differing viewpoints.

The Wehrkunde Conference has been an important forum for the discussion of defense and security concerns within the NATO Alliance. It is the most highly regarded of all conferences in these matters, and the limited invitations available each year are coveted. Baron von Kleist personally selects all participants with the mind to assembling a wide spectrum of opinions and views which will benefit the Alliance. The invitations are extended to people that von Kleist feels will be most able to contribute to the conference. Invitees include Ministers of Defense, Foreign Secretaries, Defense Secretaries and ASDs, Ambassadors, respected defense Correspondents, professors, NATO and other military leaders, Senators and Representatives, and other respected businessmen. As Senator William Cohen, who has headed the US delegation for several years, has said, "Many knowledgeable officials rate the Wehrkunde Conference as the premier international conference on NATO security issues."

Each year the Baron personally chooses a topic for discussion for the Conference. Recent topics have included disarmament negotiations, the changes in Eastern Europe, and the role of changing technology in defense planning. The Baron has shaped the Wehrkunde Conference so as to allow for much informal discussion over dinners, luncheons, and the like. The environment is nothing like that of the stifling official meetings often found among policymakers, but is one of warmth and candor. The Baron, however, feels strongly that he should avoid expressing his own opinions, and has done so quite successfully.

Much of the Baron's attitude toward the defense of freedom and opposition to tyranny stems from his own experiences in his early days. The von Kleist family has given to Germany more generals, diplomats, and field marshals than any other family in the history of Germany. Two von Kleists are ranked among Germany's greatest pests as well. Members of the von Kleist family, whose heritage dates back to 1175, have received more of the highest Prussian honor, the Pour la Merit, than any other family.

Von Kleist, with the coming of war in 1940, abandoned his own plans to study agriculture and joined the army to carry on the tradition of his forefathers. Earlier, in 1938, his father had made a little-known trip to England on behalf of German leaders opposed to Hitler. He sought to persuade the government of England to send Hitler a signal that they would oppose him if he invaded Czechoslovakia. His attempt was in vain, and Hitler invaded Czechoslovakia unopposed.

The son, Ewald Heinrich von Kleist, served faithfully as a soldier in the German army, and was wounded in July of 1943 as a lieutenant of infantry on the Eastern Front. He then served in Potsdam with Infantry Regiment Nine, once known as the "First Regiment of Guards" but better known to its members as the "First Regiment of Christianity" because so many of its officers were opposed to Hitler. In 1944, he was asked to participate in the attempt to kill Hitler with an explosive device placed in a briefcase. He was to carry the briefcase while giving Hitler a report on new uniforms. However, because of fears of Gestapo infiltration, a man closer to Hitler's inner circle was chosen. Von Kleist, then only 22 years old, was removed from the Wehrmacht and placed in a concentration camp at Ravensbruch, north of Berlin. During this time, toward the end of the war, von Kleist's father was taken into custody by the Gestapo and beheaded.

Because of his experience in the war, Baron von Kleist was able to see the hideous effects of totalitarianism first-hand. After the war, he devoted his time and energy to combating its spread and sought to ensure that "that tremendous tragedy," as he described World War II, "will not happen again." It is for this reason that he has played the important role that he has in the post-war Western world. Always as a private citizen, and always with the concern of maintaining a strong defense against tyranny, von Kleist has been a prime factor in the preservation, and eventual victory, of the Western Alliance.

Through Baron von Kleist's personal leadership and exceptional dedication to the defense of Europe, he has made invaluable contributions to the security of his own country, NATO, and the United States. His understanding of the vital ingredients of a successful security policy has contributed greatly to the defense of freedom. The Baron von Kleist's outstanding performance reflects great credit upon himself and his country.

[From the Seattle Times, Oct. 9, 1992]

RESTLESS CONSCIENCE: WHAT-IFS FROM THE HITLER YEARS

(By John Hartl)

"The Restless Conscience: Resistance to Hitler Within Germany, 1933–1945," documentary directed by Hava Kohav Beller. Grand Illusion. No rating; includes footage of concentration camps. In English and German, with subtitles.

One of the recent batch of Academy Award nominees for best feature-length documentary, this wide-ranging, slow-building, ultimately quite moving Austrian production is based on nine years of research by its producer-director.

Born in Frankfurt in the 1930s and raised in Israel, Hava Kohav Beller gives an urgent moral perspective to the film that suggests what might have been if foreign governments had recognized the continuing resistance movement within Germany, if the Gestapo had not been quite so effective, and if Hitler had not been so damnably lucky.

Part One concentrates on German efforts to bring Hitler down during his early years in power, including several futile attempts to inform British politicians that their firm opposition to Hitler could result in his defeat at home. Testimony from survivors suggests again and again that he was still quite vulnerable in the mid-1930s, and that once the unopposed invasions began, there was no turning back.

Part Two focuses on surprisingly high-level efforts to help Jews escape to other countries, the short-lived 1943 student-protest movement known as the White Rose, organized opposition by clergy and socialists, and several plots to kill Hitler—most of them thwarted by his wiliness, cowardice and/or what in hindsight can only be seen as a charmed life.

It's curiously suspenseful to watch the elaborate preparations for his murder, then see him slip away by choosing a different route, unexpectedly leaving early from a public appearance, exiting from a bomb-rigged plane unharmed, and finally surviving the one bomb that came within inches of killing him.

Yet there are few regrets. "Yes, you have to do it," one man's father told him when he was given the opportunity to kill Hitler. "A man who doesn't take such a chance will never be happy again in his life."

The mixture of interviews and archival footage includes several starkly horrifying sequences, among them the 1944 show trials of would-be assassins and their cohorts and relatives who were hanged or beheaded for their convictions. As the interviews with survivors pile up, it becomes depressingly clear that almost none of the heroes of "The Restless Conscience" got out of World War II with their lives.

The Nazis were ruthlessly professional at crushing protest and subterfuge, so much so that almost the only people left to talk about what Germans of conscience did are widows, children, other relatives and colleagues.

"The Restless Conscience" is a genuinely inspiring film about extraordinary courage. Most of the people celebrated here knew that they had little chance of escaping torture and death, yet their pride in their country and their sense of decency allowed them no other choice. According to Beller, it has not been widely shown in Germany because "the fact there was a resistance throws a long shadow on who didn't resist and makes them feel uncomfortable."

Mr. COHEN. I ask unanimous consent that several articles that recall the stories about the bravery and heroism of von Kleist and his collaborators be printed in the RECORD.

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

[From the Evening Standard, July 11, 1994]

SHOULD GERMANY HAIL THESE MEN? CONTROVERSY OVER THE HEROES WHO TRIED TO MURDER HITLER 50 Years Ago

(By Valentine Low)

In nine days' time, Germany hails its heroes. They are that rare thing, heroes from the Second World War, a time of shame and national guilt for Germany which many people would happily see forgotten. But these men are those who attempted to kill Hitler on 20 July 1944, and they can be remembered with a clear conscience. Led by the charismatic Claus von Stauffenberg, they are evidence that there really was resistance to the murderous Nazi regime: if anyone needed proof that there was such a thing as a "good German", the officers involved in the conspiracy 50 years ago provided it. So, in a ceremony in a courtyard of the old War Office in Berlin, on the spot where Colonel von Stauffenberg and three other conspirators were shot around midnight on the night of the attempted coup, Germany will commemorate a failure. An honourable failure, perhaps, and one which could have succeeded were it not for simple bad luck—but at least it provides some sort of recompense for Germany having had to stand by while the Allies commemorated D-Day. Among those crowded into the courtyard of what used to be Bendlerstrasse — now Stauffenbergstrasse—will be a few of the plotters still alive today, together with families of the other conspirators, including Lady Gowrie and her husband Lord Gowrie, chairman of the Arts Council.

Lady Gowrie is the youngest daughter of Count Fritz-Dietlof von der Schulenburg, who was one of the most important members of the anti-Nazi resistance. He was executed after the attempt, but his family were treated relatively well thanks to a friendly official who used to go shooting with her grandfather before the war.

However, what should have been a straightforward commemoration has turned out to be riven with controversy, with Chancellor Kohl facing problems remarkably similar to those encountered by John Major over D-Day. A small but vocal minority of Germans still exist who believe that Stauffenberg and his colleagues were traitors who committed an unforgivable crime by breaking their sacred oath of allegiance to the Fhrer.

Many young Germans are also critical. It was all very well, they say, to try to kill Hitler when defeat for Germany was a virtual certainty: what the plotters should have had was the moral courage to kill him much earlier in the war.

In addition, the ceremony has caused political problems because the Social Democrats are not being allowed to make any speeches, prompting accusations that Kohl is trying to make the anniversary part of his re-election campaign. Most embarrassingly of all, one of Stauffenberg's sons has threatened to disrupt the ceremony, claiming it sullies the reputation of his father and the other plotters. At least one conspirator still alive has joined the angry protests.

It comes as something of a surprise to realize that anyone survived the coup, Ewald von Kleist is now a semi-retired publisher living in a prosperous suburb of Munich: then he was a slim young lieutenant who played a crucial role. He was arrested along with all the other conspirators, interrogated and—miraculously—released.

Of the scores of officers involved in the plot, only 10 survived the war. The leading conspirators were hanged by piano wire from meat hooks—a slow and painful death which Hitler filmed and watched time and time again.

Although there were many plans to kill Hitler, the 1944 plot came closer than any other to success. The driving force was the dashing, courageous Count von Stauffenberg, who at 37 was one of the most promising young officers in the German army. In the Africa campaign he was severely wounded and 1944 found him as Chief of Staff of the Reich Reserve Army: crucially, one of the few officers with access to Hitler.

Stauffenberg, who already had the reputation of someone whom senior officers were prepared to listen to, even take advice from, was the man who overcame the inertia and moral qualms of the older conspirators and got them to agree to the unthinkable: that the only way to stop Hitler was to kill him. But time was against them, and the plan had to be put into action in July 1944 when it became clear that the Gestapo was in danger of uncovering the conspiracy. As Stauffenberg was the only of them who could get close to Hitler, who at the time was based at Wolfsschanze (Wolf's Lair) at Rastenburg in East Prussia, now part of Poland, it fell upon him to plant the bomb. Shortly after 12:30, after setting off the 10-minute fuse, Stauffenberg walked into the conference room at the Wolf's Lair where Hitler was due to be briefed on the situation on the Eastern Front and put the briefcase containing the bomb under the table in front of him.

After a few minutes, pretending that he had to telephone Berlin, Stauffenberg left the room and hurried to a shelter across the compound to wait for the explosion. When it came, at 12:42, the hut was reduced to rubble and Stauffenberg bluffed his way to a plane waiting to take him to Berlin.

For the next three hours he was convinced the Fuhrer was dead. But one of those at the meeting, Colonel Brandt, had barked his shin on the briefcase and moved it so that the heavy support for the oak map table was now between Hitler and the bomb. This, and the thick table top, saved Hitler's life. Five people died, but Hitler suffered only minor wounds.

Those three hours that Stauffenber spent in the air proved a fatal delay. When he arrived at the War Office around 4 pm the other conspirators had only just begun to put into effect the key elements of Operation Valkyrie—issuing orders, arresting pro-Nazi elements. Lieutenant von Kleist, who at 22 was one of the youngest officers involved, was one of those who arrested the senior officer there, General Fromm, and also disarmed an SS colonel who tried to stop the coup. But some lines of communication were still open from the Wolf's Lair. It was only a matter of time before the War Office was surrounded by troops loyal to Hitler.

Stauffenberg and three other conspirators were led down to the courtyard and shot: General Beck, who would have been head of state in the new government, was allowed to commit suicide. With Hitler swearing vengeance on all who had been connected with the attempted putsch, how did Kleist survive? Sitting in the garden of his Munich home, the picture of genial affluence, he explained that he had a relatively easy interrogation. "I played the role of being young and stupid and unpolitical." There was even a sympathetic Gestapo officer who would stand in during interrogations and indicate by a nod of his head when they already knew the answer to their questions. After three or four weeks of this he was suddenly freed, and went to see the friendly Gestapo officer to find out why. "I know you're free," he said, "but there are some people who think they are free, but really * * * the Gestapo were after a fellow conspirator and close friend of Kleist's, Ludwig von Hammerstein, and hoped he would contact him. For once the Gestapo slipped up. Hammerstein is alive today.

One should be thankful that men like Kleist are still here to tell their story, for they answer—and raise—interesting questions of what people could, and should, have done in Hitler's Germany. As a boy, Kleist was turned against Hitler after the Night of the Long Knives in 1934, when Ernst Rhm and the other leaders of the brown shirt SA were assassinated, and his own father narrowly escaped.

"It was absolutely clear that the state had become a murderer. Later on many people said they knew little or nothing of what was happening, which was mostly true. But this was in the newspapers. People knew about concentration camps, but thought they were places where criminals were concentrated, as well as Jews and people who didn't want to work. I knew what was happening—I had excellent information."

For years Kleist was in no position to do anything about it. He was recruited to the resistance by Fritz-Dietlof von der Schulenburg. A plot was hatched in early 1943 for a suicide bomb attack against Hitler but when that had to be cancelled, the leaders of the resistance turned to the young Kleist.

While the courage of the conspirators has never been in question, there has been much debate about what they hoped to achieve.

Richard Leigh, co-author with Michael Baigent of a new book on Stauffenberg (Secret Germany: Claus von Stauffenberg and the Mystical Crusade Against Hitler, Jonathan Cape, L16.99), said: "In the context of the war its significance is minimal. But for the men who did it its significance was immense. It was necessary to demonstrate to the rest of the world that there were good Germans who kept their honour clean and their uniform unstained." The one thing that provokes Kleist's ire is the suggestion that the putsch was ill-planned. He exploded: "That is just theoretical jibber-jabber from people who understand nothing. In a dictatorship it is extremely difficult even to get near to Hitler. "Others will bring different memories to the wreath-laying ceremony on 20 July. Stauffenberg's eldest son, Berthold, who was 10 at the time and is now a major-general in the German army, did not know Stauffenberg the plotter—only the fond father who was away fighting so much of the time.

At home in the Swabian Alps there was little clue for the children of what their father's real beliefs were. "In a totalitarian state you have to be very cautious," said Berthold. "My parents didn't work openly against the normal indoctrination that was going on everywhere. I had an uncritical attitude to Hitler—he was the Fuhrer."

Two days after the plot, his mother Nina tried to explain what had happened. "She said it was my father who had actually laid the bomb. By that time it was clear that Hitler had survived. It was a terrible shock—first of all that my father was dead, and then that he had attacked the Fuhrer."

Then their mother was arrested, and for the next few months was shunted from prison to prison despite being pregnant while the children were taken to a special home in central Germany. Nina was finally freed when the elderly policeman escorting her grew frightened of the advancing Russians.

Berthold's younger brother, Franz Ludwig, a former Right-wing MP, has created the most controversy over the 20 July commemorations. Backed to a lesser extent by Berthold, he is objecting to an exhibition to be opened by Kohl which includes exhibits commemorating two groups—the National Committee of Free Germany and the League of German Officers—consisting of German officers captured by the Russians who made anti-Nazi propaganda broadcasts calling on German soldiers to desert.

Ewald von Kleist said: "There is a group of people who want to enlarge the resistance by including communists and those officers captured by the Russians. These people insist they resisted very strongly. A few people, like Franz Ludwig von Stauffenberg and myself, disagree with that. To sit somewhere safe and dry and shout 'You must do something' is not enough."

Berthold von Stauffenberg said: "The post-1968 generation didn't like the fact that the conspiracy was very militaristic, rather aristocratic and very Christian—and not very Marxist."

But there are other perspectives. Clarita von Trott, widow of the diplomat Adam von Trott, who made frequent trips to neutral capitals during the war in a forlorn attempt to persuade the Allies to take the German resistance seriously, and who was hanged for his part in the plot—describes it as "an awful, silly conflict". There were other groups in the resistance, and they all played their part. Lady Gowrie will be attending the ceremony with mixed feelings, not least because her late mother's birthday fell on the same day. She has not been to the annual commemoration for 20 years, and feels there is a certain irony in the way politicians and diplomats get accorded places of honour at such occasions rather than those who should really be the focus of attention.

She said, "I have always had ambivalent feelings toward this. Always the wrong people are in the first row. Twenty years ago Nina von Stauffenberg didn't even have a seat—it was by sheer mistake, but it was very embarrassing."

In the end, however, all the ceremony, all the political rows about who should be honoured and who should make speeches count for nothing against the one simple fact that there were men prepared to give up their lives to stop the greatest evil this century has known.

Ewald von Kleist said: "I am content with having been there 50 years ago. I will go this year, and I will hope to see two of the others who were my friends. I will go this time, because it will be the last time."

[From the Guardian, July 23, 1992]

HOW WHITEHALL HELPED HITLER

(By Martin Gilbert)

The Unnecessary War, by Patricia Meehan (Sinclair-Stevenson, pounds 18.95)

This book delves into one of the murky corners of recent history, the official British response to the German opposition to Hitler. Even before the outbreak of the second world war, individual Germans of some stature had asked the British government for moral support in their opposition to Hitler, and these approaches continued throughout the war. Most of those who made them were eventually killed by the Gestapo after the Hitler bomb plot in 1944. This book is the fullest attempt yet to examine who these Germans were, how serious and sustained their approaches to the British had been, and how, almost without exception, their efforts to enlist British support were dismissed and belittled.

The crucial moment occurred during the Munich crisis in September 1938. Those Germans who were opposed to an invasion of Czechoslovakia, including several senior army officers, hoped that a strong stand by Britain would force Hitler to desist, and would perhaps even bring his regime down. German emissaries to Britain put this case to leading politicians and diplomats. But Neville Chamberlain's decision to accept, and indeed to promote, a compromise—whereby Czechoslovakia would cede the Sudetenland to Germany and Hitler get his immediate desires without a war—dashed the hopes of those Germans who wanted Hitler's order to march into Czechoslovakia to be the signal for the Fuhrer's overthrow.

Was all this a pipe dream? Patricia Meehan shows how little the Foreign Office experts were prepared to follow up the wartime efforts of German opposition leaders to make contact. They feared that if Hitler had been got rid of, the Allies would then have had to accept a non-Nazi Germany as a negotiating partner, thus undermining the whole concept of unconditional surrender.

One of the most revealing documents published in this book is a comment by the historian John Wheeler-Bennett, then a member of the Foreign Office Political Intelligence Department, written immediately after the failure of the Hitler bomb plot. According to Wheeler-Bennett, "the Gestapo and the SS have done us an appreciable service in removing a selection of those who would undoubtedly have posed as 'good' Germans after the defeat of a Nazi Germany."

It was Wheeler-Bennett who put the word "good" in quotation marks. Yet those Germans whom the Gestapo were killing were the very anti-Nazis who might have formed the backbone of a post-war democratic German administration. These were the men who, despite Gestapo terror, had tried since before the outbreak of war to form groups and circles of opposition to Hitler, based on a deep loathing of Nazi ideology and military aggression.

Patricia Meehan shows the embarrassment caused in official circles in Britain by Churchill's declaration of June 22, 1941, that "any man or State which fights against Nazism will have our aid". It was Richard Crossman, then head of the German section of the Political Warfare Executive, who asked for a "clear ruling" from the Foreign Office as to whether the German people, as distinct from the Nazis and the German military hierarchy, would "be included among those whose liberation will result from our victory". The answer Crossman got was "no".

The villains in Meehan's account are the Foreign Office experts who, with extraordinary consistency, refused to take seriously the many manifestations of internal German opposition. The widow of a clergyman who had died after ill-treatment in a Gestapo prison managed to get an account of the torments of those who opposed the regime passed to London. In response, the Deputy Permanent Under-Secretary of State at the Foreign Office noted curtly: "Very prejudiced and exaggerated, I should say." The fate of the clergyman and the struggles of his colleagues was further evidence of the opposition to Nazism inside the Reich, but this made no impact on the Foreign Office. Nor did the courage of a German army officer, Major Ewald von Kleist, who made his way to London in 1938.

To all those whom he met in political and military circles, Major von Kleist made an appeal for a strong stand by Britain, not only in defense of Czechoslovakia, but to enable him to report back to his fellow-dissidents that Britain recognised their intention to use the invasion of Czechoslovakia as a clarion call to overthrow Hitler.

The major was rebuffed. Commented one senior British official: "There is always something suspicious about 'anti-Nazis' coming to this country in fear of their lives, especially if they get away with it." The words "anti-Nazi" were put in quotation marks, like the "good" Germans of 1944. Yet in both cases, they were real: one and the same people, fighting against a massive terror system to keep their opposition alive, and to preserve decent values.

This book shows, with an impressive wealth of archival detail, just how scathingly the efforts of the German opposition to Hitler were treated in Whitehall. Even after the war, the Foreign Office was describing them as "a small minority acting from divergent motives, not always in line with democratic principles or Western interest". Meehan makes a strong case for regarding this statement, and many similar ones expressed both internally and publicly, as untrue, short-sighted, self-congratulatory, and masking a wilfully missed opportunity.

THE MAKING OF A TRAGEDY

(By Thomas Fleming)

Fifty years ago tomorrow, Col. Claus Schenck von Stauffenberg, the chief of staff of the 600,000-man army that guarded Germany's home-front, joined Hitler and his military advisers for a conference in the Führer's headquarters, Wolfschanze (Wolf's Lair), in East Prussia.

Count Stauffenberg placed his briefcase beneath the table a few feet from Hitler and left the meeting to take a prearranged telephone call from an aide. Moments later the briefcase exploded, killing two members of Hitler's staff and badly wounding a half dozen others.

But Hitler, the seat blown out of his trousers, his coat ripped up the back, both eardrums ruptured, survived the blast. By the end of the day, an impromptu firing squad had executed Count Stauffenberg as Hitler launched a roundup which wiped out virtually every member of a group whose existence the British and Americans had repeatedly ignored, dismissed or denied.

It has not become apparent that the fate of the German resistance was a tragedy not only for Germany but for Europe and America as well. A negotiated peace with anti-Nazi Germans in early or even mid-1944 probably would have saved the lives of two million soldiers—and three million Jews. East Germany and perhaps much of Eastern Europe would have been spared 50 years of incarceration in the twilight world of Soviet Communism.

The resistance included leading politicians and diplomats. They were protected, nurtured and in some ways led by Adm. Wilhelm Canaris, head of the Abwehr, the military intelligence branch of the high command of the German armed forces. For three years, they sent agent after agent to various points on the borders of Hitler's Reich—Istanbul, Stockholm, Bern, Madrid—vainly seeking negotiations with the U.S. and Britian.

As early as 1940, an aide of Canaris's leaked the plans of Hitler's invasion of the Lowlands and France to the Dutch, who passed it to the English, who dismissed it as a ruse until they realized, too late, that it was authentic. Thereafter, Sir Stewart Graham Menzies, head of British intelligence, remained in shadowy contact with Canaris. But Menzies' ability to negotiate was crippled by the British Foreign Office influenced by the passionate anti-Germanism of Robert Vansittart, for many years the permanent under secretary and later chief diplomatic adviser.

Then came Franklin D. Roosevelt's declaration of a policy of unconditional surrender at Casablanca in January 1943. Whatever the tactical considerations, such as allaying Stalin's suspicions that his Western partners would make a separate peace with Hitler, unconditional surrender was a propaganda windfall for the Nazis. It played directly to the Goebbels line that Germany's back was to the wall and that defeat would mean Germany's total destruction.

Among those who at various times questioned the wisdom of unconditional surrender were Gen. George Marshall and Gen. Dwight D. Eisenhower, Cordell Hull, Roosevelt's Secretary of State, and Winston Churchill.

At Casablanca, Roosevelt disingenuously claimed the phrase unconditional surrender had just "popped into my head." On the contrary, we now know it was recommended by a State Department policy committee that Roosevelt had appointed in the spring of 1942, whose chairman was one of his closest friends. Robert Sherwood, a confidant of F.D.R.'s top aide, Harry Hopkins, concluded the idea was "very deeply deliberated * * * a true statement of Roosevelt's policy."

Roosevelt was motivated, it seems, by his experience in World War I, in which Woodrow Wilson had offered the Germans terms that they accepted as a basis for a negotiated peace. Wilson's chief critic, Theodore Roosevelt, insisted that unconditional surrender was a better policy. The revived German war machine that emerged in the 1930's, claiming that the army had not been defeated but had been "stabbed in the back" by German civilians, seemed to prove to F.D.R. that Cousin Theodore had been right.

But F.D.R. was wrong in trying to apply the lessons of history, always a perilous business. It would have been far harder for any German to talk about a stab in the back after the catastrophic defeat at Stalingrad and the successful Allied landings at Normandy. By July 1944, it was apparent that Hitler had lost the war. And above all, there was the Allied air war, which had leveled two-thirds of Germany's cities.

There was another, more morally regrettable element in Roosevelt's motivation. He simply did not believe there was such a thing as a good German. His conversations as recorded in the diaries of his Secretary of the Treasury, Henry Morgenthau, and his responses to Eisenhower's and Marshall's pleas to repeal or soften unconditional surrender are studded with expressions of sweeping condemnation of an entire people.

In light of the available evidence, it is reasonable to suppose that if Roosevelt and Churchill had made even a gesture of moderation or support for the resistance after the July 20 bomb blast, the generals in command of the German armies in France would have agreed to a unilateral surrender, in spite of Hitler's survival.

But Roosevelt said nothing and Churchill dismissed the bomb as "a disturbance in the German war machine." Ironically, the only people who uttered a word on the plotters' behalf were the Russians. "Generals, officers, soldiers!" said Radio Moscow. "Cease fire at once and turn your arms against Hitler. Do not fail these courageous men!"

When an Associated Press correspondent, Louis Lochner, attempted to file a story on the resistance from Paris—he had known many of the members when he was stationed in Berlin before the war—Army censors told him the subject had been barred "by specific order of the President."

After July 20, Winston Churchill grew more and more dubious about unconditional surrender. In a 1947 speech in Parliament, Churchill went even further. He described Canaris, Count Staffenberg and their fellow conspirators as men who "belonged to the noblest and greatest [of resistance movements] that have ever arisen in the history of all peoples." What a difference it could have made if he had said just that in July 1944.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 522, H.R. 4649, the District of Columbia appropriations bill.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995 and for other purposes.

The Senate proceeded to consider the bill.

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

H.R. 4649

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

FISCAL YEAR 1995 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1995, [$667,930,000] *$647,930,000*, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $81,159,000: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $12,432,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $56,343,000: *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $41,046,000.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $884,926,000: *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1995, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, [$720,258,000] *$715,330,000*, to be allocated as follows: $542,682,000, *of which $1,500,000 shall be used to provide additional support to title I (chapter I) of the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.)*, for the public schools of the District of Columbia; $87,100,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $60,348,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; $3,301,000 for the Commission on the Arts and Humanities; and [$5,567,000 for the District of Columbia School of Law] *$639,000 for the D.C. Law Student Clinical Program/Tuition Assistance Program*: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That

this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1995, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $898,034,000: *Provided*, That $20,800,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $195,002,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $12,850,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $306,768,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $5,000,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,312,000.

PAY ADJUSTMENT

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1995 from which employees are properly payable, $106,095,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $10,000,000.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $22,508,000.

JOB-PRODUCING ECONOMIC DEVELOPMENT INCENTIVES

For tax incentive programs to be enacted by the Council targeted specifically to stimulating job-producing economic development in the District, $22,600,000.

CASH RESERVE FUND

For the purpose of a cash reserve fund to replenish the consolidated cash balances of the District of Columbia, $3,957,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of [$5,702,000] *$20,774,000*, within one or several of the various appropriation headings in this Act: *Provided, That no reduction shall be taken in the following departments and agencies: Department of Finance and Revenue, Department of Housing and Community Development, Department of Public and Assisted Housing, Metropolitan Police Department, Fire and Emergency Medical Services Department, Police and Fire Retirement, Judge's Retirement, D.C. Courts (Court of Appeals; Superior Court; court system), Corporation Counsel, Public Defender Service, Department of Corrections, Board of Education (Public Schools), Teacher's Retirement and Annuity Fund, Department of Human Services, D.C. General Hospital Payment, Department of Public Works, and all accounts listed under the "Finance and Other Uses" appropriations account.*

CAPITAL OUTLAY

For construction projects, $5,600,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $140,000 shall be available for project management and $110,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1996, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1996: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $265,653,000, of which $40,160,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for construction projects from the water and sewer enterprise fund for the Washington Aqueduct, $21,365 are rescinded.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $8,318,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,353,000, of which $140,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers

granted by an Act to Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1996, shall be transmitted to the Congress no later than April 15, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1994 shall be deemed to be the rate of pay payable for that position for September 30, 1994.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1995, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1995 revenue estimates as of the end of the first quarter of fiscal year 1995. These estimates shall be used in the budget request for the fiscal year ending September 30, 1996. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1994" and inserting "sold before October 1, 1995".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. Effective as if included in the enactment of the District of Columbia Appropriations Act, 1990, section 133(e) of such Act is amended by striking "shall take effect" and all that follows and inserting "shall apply with respect to water and sanitary sewer services furnished on or after January 1, 1990.".

SEC. 129. For the fiscal year ending September 30, 1995, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1994, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1995 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. Notwithstanding any other provision of law, each agency, office, and instrumentality of the District shall implement a hiring freeze and shall fill only vacancies in essential positions, and to the extent practicable, shall fill essential positions from among employees holding non-essential positions. A non-essential position that becomes vacant, other than by termination for cause, shall not be filled. The Council shall enact legislation to implement this title, which may include, but shall not be limited to, procedures for identifying essential and non-essential positions, for filling vacant essential positions from among employees holding non-essential positions, and for reporting on implementation of the hiring freeze required by this section.

SEC. 133. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 134. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

INDEPENDENT AUDIT OF RETIREMENT BOARD

SEC. 135. (a) IN GENERAL.—The District of Columbia Retirement Board shall enter into an agreement with an independent firm meeting the qualifications described in subsection (b) to prepare and submit to the Retirement Board a written set of findings and recommendations not later than 6 months after the date of the enactment of this Act regarding the appropriateness and adequacy of the Retirement Board's fiduciary, management, and investment practices and procedures.

(b) QUALIFICATIONS FOR FIRM.—A firm meets the qualifications described in this subsection if the firm has a demonstrated expertise in the areas of investment and investment consulting, [particularly with respect to] *including but not limited to*—

(1) the review and analysis of the investment portfolios of large public pension funds;

(2) the investment practices of the managers of such funds;

(3) the relationship of such practices to the fiduciary responsibilities of the managers of such funds; and

(4) the analysis of the investment returns achieved by such funds on both an absolute and risk-adjusted basis.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the findings and recommendations provided under subsection (a), the Retirement Board shall submit a report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate on the findings and recommendations.

(d) EXPENDITURE OF FUNDS.—The Retirement Board shall spend *not less than to exceed* $250,000 from investment earnings to carry out this section. No additional funds may be provided by the Mayor of the District of Columbia to the Retirement Board to carry out this section.

MUNICIPAL FISH WHARF

SEC. 136. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

FINANCIAL REPORTING

SEC. 137. (a) SUBMISSION OF QUARTERLY FINANCIAL REPORTS.—Not later than fifteen days after the end of every calendar quarter (beginning October 1, 1994), the Mayor shall submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on District of Columbia Appropriations of the House of Representatives and the Senate a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

(b) CONTENTS OF REPORT.—Each report submitted under subsection (a) with respect to a quarter shall include the following information:

(1) A comparison of actual to forecasted cash receipts and disbursements for each month of that quarter, as presented in the District's fiscal year consolidated cash forecast;

(2) A projection of the remaining months' cash forecast for that fiscal year;

(3) Explanations of (a) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (b) the changes in the remaining months' forecast as compared to the original forecast for those months of that fiscal year; **and**

(4) The effect of these changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year; *and*

(5) Explanation of the impact on meeting the budget; how the results may be reflected in a supplemental budget request, or how other policy decisions may be necessary which may require the agencies to reduce expenditures in other areas.

SPENDING REDUCTIONS

SEC. 138. (a) REDUCTION IN FISCAL YEAR 1995 EXPENSES.—

(1) IN GENERAL.—In addition to any other reduction required by this Act, the total amount appropriated in this title for the District of Columbia for fiscal year 1995 under the caption "Division of Expenses" is hereby reduced by **[**$150,000,000**]** *$75,000,000*. The reduction shall be allocated by the Mayor of the District among the various appropriation headings under such caption (excluding the "Rainy Day Fund") and shall be taken only from expenses for personal and nonpersonal services.

(2) REPORTING REQUIREMENTS.—

(A) IMPLEMENTATION PLAN.—Not later than 30 days after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the Congress a report setting forth a detailed plan for the implementation of the reduction made by paragraph (1).

(B) PLAN REVISIONS.—The Mayor may at any time revise the implementation plan submitted under subparagraph (A). Not later than 30 days after making any such revision, the Mayor shall submit to the Congress a report setting forth a detailed description and justification of such revision.

(C) REVISED CASH FLOW STATEMENTS.—Each report required by subparagraph (A) or (B) shall include a revised *consolidated* cash flow statement for the government of the District *of Columbia* that incorporates the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph. *Each report shall include such revised cash flow statements of the various funds, including but not limited to, the general fund, enterprise funds, trust and agency funds, and component unit funds, as may be affected by the revision.*

(D) SUPPLEMENTAL BUDGET SUBMISSION.—Any supplemental budget request for fiscal year 1995 submitted by the District to the Congress shall incorporate the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph.

(b) ANNUAL LIMITATION ON OUTLAYS.—

(1) AGGREGATE LIMITATION.—The total outlays of the government of the District of Columbia during fiscal year 1995 shall not exceed the total receipts collected by the government during such fiscal year.

(2) INDIVIDUAL FUND LIMITATIONS.—The total outlays of the government of the District of Columbia from the general fund, or from any special fund, of the District during fiscal year 1995 shall not exceed the total receipts collected by the government and paid into such fund during such fiscal year.

[(c) ENFORCEMENT.—

[(1) TIMING OF ANNUAL FEDERAL PAYMENT.—The annual Federal payment to the District of Columbia authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act for fiscal year 1996 shall not be made until the Secretary of the Treasury has received from the Mayor of the District a certification of the total outlays of, and total receipts collected by, the government of the District during the preceding fiscal year.

[(2) REDUCTION OF ANNUAL FEDERAL PAYMENT.—The amount of any annual Federal payment subject to paragraph (1) shall be reduced by the amount (if any) by which the outlays described in such paragraph exceed the receipts described in such paragraph.

[(d)**]** *(c)* APPLICABILITY.—The provisions of this section shall apply hereafter, notwithstanding any other provision of law to the contrary.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 139. 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.

SEC. 140. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 141. Section 6(e)(1)(A) of Public Law 101-590 is amended by striking "1995" and inserting "2000".

This title may be cited as the "District of Columbia Appropriations Act, 1995".

TITLE II

FISCAL YEAR 1994 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support" $164,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1337), $18,797,000 are rescinded for a net decrease of $18,633,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $1,311,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1337), $31,697,000 are rescinded for a net decrease of $30,386,000.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $42,801,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $16,398,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1338), $4,742,000 are rescinded for a net increase of $11,656,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $17,243,000 for public schools of the District of Columbia and $735,000 for the University of the District of Columbia: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1339), $487,000 for the Education Licensure Commission, $91,000 for the Commission on the Arts and Humanities, $30,000 for the District of Columbia Law School and $245,000 for the District of Columbia Public Library are rescinded for a net increase of $17,125,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", **[**$32,461,000**]** *$38,961,000*: *Provided*, That $4,657,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1340), $831,000 are rescinded for a net increase of **[**$31,630,000**]** *$38,130,000*.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1340), **[**$9,092,000**]** *$6,592,000* are rescinded.

WASHINGTON CONVENTION CENTER FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127, 107 Stat. 1340), $338,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1340 and 1341), $15,161,000 are rescinded.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For an additional amount for "Repayment of General Fund Recovery Debt", $312,000.

OPTICAL AND DENTAL BENEFITS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1341), $11,000 are rescinded.

SEVERANCE PAY

For an additional amount for "Severance pay", $6,000,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1341), $5,500,000 are rescinded.

CASH RESERVE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1341), $3,957,000 are rescinded.

SHORT-TERM BORROWING

For "Short-term borrowing", $3,500,000.

WATER AND SEWER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1343), $9,411,000 are rescinded: *Provided*, That $37,436,000 of the amounts available for fiscal year 1994 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $40,438,000 as provided under this heading in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1343).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and Charitable Games Enterprise Fund", $1,235,000.

CABLE TELEVISION ENTERPRISE FUND

The paragraph under the heading "Cable Television Enterprise Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the figure "$2,353,000" the following: "of which $140,000 shall be transferred to the General Fund of the District of Columbia.".

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the phrase "Television" the following: "and an additional $1,400,000 shall be transferred to the General Fund of the District of Columbia.".

GENERAL PROVISIONS

SEC. 201. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1994.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1994".

Mr. KOHL. Mr. President, I am pleased today to have the opportunity to present the D.C. appropriations bill for fiscal year 1995 to the Senate.

The committee is recommending a bill that freezes the appropriated Federal funds for the city in fiscal year 1995 at the 1994 level. That includes the Federal payment of $647,930,000, which is $22 million below the President's request. It is also $20 million below the House-passed level and our subcommittee allocation. This reduction in revenue for the city requires the reduction in the D.C. budget of $25.7 million.

We have given the Mayor flexibility in where to make the reductions but note in our report that the reduction can be made up by eliminating 652 full-time equivalent positions from D.C.'s 45,000-plus people on the payroll.

Mr. President, many governments at all levels, including the Federal Government, are reducing total staffing. The District government has made some effort in this direction. But we believe that it can, and that it should, increase its efforts to reduce government staffing.

It must be understood that this recommendation is not an attack on home rule. Freezing the Federal payment to reach the D.C. payment is exactly as we are treating all other Federal discretionary spending. When appropriated funds are declining, equal treatment means equal scrutiny and equal austerity.

Our recommendation provides that certain agencies that are crucial to the public safety, health, and education, as well as revenue-raising agencies, be exempt from these reductions.

Mr. President, the committee is also recommending that the D.C. School of Law be eliminated. We have left money in the budget to make sure that some D.C. students at the school can be supported at other local law schools.

So in closing, Mr. President, I want to thank the chairman of the Appropriations Committee, Senator BYRD, for his insight and assistance in reporting this bill out of the committee, and also to Senator HATFIELD for his support and his guidance through the full committee.

I also want to thank each of the subcommittee members, Senator FEINSTEIN, Senator MURRAY, and Senator MACK for their support and suggestions during our hearings and markup.

Finally, of course, my ranking member, Senator BURNS, has not only shown an interest in this bill but he has offered many suggestions that have helped make this a better bill. He has worked as hard as anyone else to get this bill to the floor. The Senate owes him a debt of thanks.

That concludes my formal presentation, Mr. President. I would be happy to field any questions or any amendments, but most certainly to yield the floor to my ranking member, Senator BURNS.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my chairman.

Mr. President, this is not an easy appropriations as it works its way through the Appropriation Committee on through the process. We understand that this city has very distinct problems that maybe other municipalities do not have. When you start looking at budgets you look at it from the standpoint of my previous life, which was in county government. So I appreciate the work that Chairman KOHL has done on this, his good staff, and of course the Appropriations Committee.

This bill contains $700 million as the Federal payment to the District and approves the expenditure of almost $3.6 billion from locally raised revenues. This Federal payment reflects a freeze at the 1994 level of $700 million, and it is $22 million below the level requested by the administration and $20 million below the House-approved level.

The GAO has stated that the District's budget submission is based on inaccurate and unrealistic figures and that the District will be $200 million to $300 million short of money needed to operate next year. While the proposal to cut $20 million from the Federal payment helps rein in spending, I am not sure the loss in revenue will attack the root of the problem .

I prefer the action taken by the House to cut spending by $150 million and our action to cut $75 million in District spending. That is the problem here in the District, they spend too much money.

Nevertheless, I look forward to this bill moving forward in the process, and I look forward to working with the chairman and the other body in conference.

Mr. President, the $700 million in Federal payment contained in this bill represents only part of the Federal Government's contribution to this city.

We have a responsibility to our constituents to protect the integrity of these and other Federal investments by exercising our constitutional right in overseeing the District of Columbia.

It says a house well furnished will be unstable without an adequate foundation upon which to sit. Looking at today and down the road, the Capital City is indeed resting on a cracking foundation.

Not only does the District government have too many employees to pay, it was clear in our hearings this year that they actually cost more by entangling the District bureaucracy.

When Congress has provided increases in funding in the past for the District, most recently in 1991, to the tune of $100 million, promises that have been made to the Congress and the District taxpayers have gone unmet. Because more money has clearly not solved the problem, I believe less money might be the solution.

The bill also retains the House-passed prohibition on implementing the D.C. Domestic Partnership Act. This provision was passed here in the form of a Lott amendment last year, and it is continued in this act.

The committee also has included the Hyde language on federally funded

abortions. All in all, I think it is a good bill, with significant cuts, and it deserves the Senate's support.

Again, I want to thank my chairman for his work on this and for the cooperation and kindness he has shown on our side of the aisle. I ask at this time anyone who wants to present amendments on this bill to come forward. We would like to wrap this bill up as quickly as possible tonight, if at all possible.

I yield the floor.

Mr. KOHL. Mr. President, I ask unanimous consent that the committee amendments be agreed to, en bloc, except for the amendment on page 34, line 16 and 17; and that the bill as thus amended be regarded for the purposes of further amendment as original text, provided that no points of order shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4649. the District of Columbia appropriations bill and has found that the Bill is under its 602(b) budget authority allocation by $20 million and under its 602(b) outlay allocation by $20 million.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia subcommittee, Senator BURNS on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4649; FISCAL YEAR 1995 DISTRICT OF COLUMBIA APPROPRIATIONS—SENATE REPORTED BILL

[In millions of dollars]

Bill summary	BA	Outlays
Discretionary totals:	700	700
New Spending in bill	700	700
Outlays from prior years appropriations	.....	2
Permanent/advance appropriations	0	0
Supplementals	0	0
Subtotal, discretionary spending	700	702
Mandatory total	0	0
Bill total	700	702
Senate 602(b) allocation	720	722
Difference	−20	−22
Discretionary totals above (+) or below (−):		
President's request	−22	−22
House-passed bill	−20	−20
Senate-reported bill	.....	.....
Senate-passed bill	.....	.....
Defense	0	0
International Affairs	0	0
Domestic Discretionary	700	702

Mr. KOHL. 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. KOHL. 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. KOHL. Mr. President, I ask unanimous consent that the committee amendments be set aside to consider three cleared amendments.

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

AMENDMENT NO. 2327

(Purpose: To reduce District of Columbia government employment by the same percentage as the reduction in Federal Government employment mandated by the Federal Workforce Restructuring Act of 1994)

AMENDMENT NO. 2328

(Purpose: To require the District of Columbia to provide that the lights at parks and playgrounds equipped with lights be lit at a level sufficient to deter crime from the time beginning one hour before sunset until one hour after sunrise)

AMENDMENT NO. 2329

Mr. KOHL. Mr. President, I now send three amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes amendments numbered 2327, 2328, and 2329, en bloc.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—

(1) PURPOSE.—The purpose of this section is to reduce the employment level of the District of Columbia government by an amount proportional to the reduction of 252,000 Federal employees proposed by the Vice President's Reinventing Government Initiative.

(2) REDUCTION.—The total number of full-time equivalent positions financed from District of Columbia appropriated funds shall not exceed—

(1) 34,875 during fiscal year 1995;
(2) 34,163 during fiscal year 1996;
(3) 33,451 during fiscal year 1997;
(4) 32,739 during fiscal year 1998; and
(5) 32,028 during fiscal year 1999.

(b) MONITORING AND NOTIFICATION.—The Mayor of the District of Columbia shall—

(1) regularly monitor the total number of full-time equivalent positions financed from District of Columbia appropriated funds and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (a) are met; and

(2) notify the appropriate committees of the Congress on the first date of each quarter of each applicable fiscal year of the determinations made under paragraph (1).

AMENDMENT NO. 2328

On page 10, line 16, before the period insert ": *Provided further*, That the District of Columbia shall provide that the lights at parks and playgrounds equipped with lights be lit at a level sufficient to deter crime from the time beginning one hour before sunset until one hour after sunrise".

AMENDMENT NO. 2329

At the appropriate place, insert the following:

LOANS TO MODERNIZE THE WASHINGTON AQUEDUCT

To the extent subsequently authorized, for loans to jurisdictions served by the Washington Aqueduct, such amount of direct loan authority in any of fiscal years 1995 through 2004 as may be necessary to modernize that aqueduct: *Provided*, That the Secretary of the Treasury sets terms and conditions on those loans that will result in an estimated cost to the government of zero.

MODERNIZATION OF THE WASHINGTON AQUEDUCT

To the extent subsequently authorized, the Corps of Engineers may receive payments in any of fiscal years 1995 through 2004 from jurisdictions served by the Washington aqueduct in amounts necessary to fund its modernization and amounts so received are appropriated for that purpose, to remain available until expended.

Mr. KOHL. Mr. President, by way of explanation these are noncontroversial amendments from Senators WARNER, GRAMM, and MURKOWSKI.

Mr. BURNS. There is no objection from our side.

Mr. WARNER. Mr. President, I rise to offer an amendment that complements an amendment I offered to S. 2019, the Safe Drinking Water Act Amendments of 1994, which has passed the Senate to resolve the long-term financial constraints facing the Washington aqueduct.

I am grateful that Chairman KOHL and Senator BURNS, the ranking member of the subcommittee, have favorably reviewed this amendment. The subcommittee has carefully examined the aqueduct's financing limitations and I am pleased that they are willing to assist in correcting this problem.

As many of my colleagues are now aware because of the recent news reports on the water quality problems plaguing this system, the Washington aqueduct is that public water system for the Metropolitan Washington area.

While the Washington aqueduct provides a local service to the District of Columbia and northern Virginia jurisdictions, this system is owned by the Federal Government. Since 1853, all activities relating to the maintenance and operation of the system are administered by the U.S. Army Corps of Engineers.

The Federal ownership of the aqueduct makes this situation unique from other public or investor-owned water systems.

Mr. President, for 3 days beginning on December 8, 1993, this region was nearly crippled by the Environmental Protection Agency's order to boil tap

water prior to consumption. Area residents were fearful that their water supply was contaminated. It was an enormous undertaking for local governments to notify everyone of this potentially life-threatening situation, particularly non-English-speaking residents.

In reports conducted by the Environmental Protection Agency and independent authorities, it has been concluded that equipment failure followed by human error in responding to the situation affected the results of the water quality testing. While we are thankful that the water was not contaminated by the suspected parasite, cryptosporidium, it was a loud wake-up call for the region.

In discussions with the affected local Virginia jurisdictions of Arlington and Falls Church, the Corps of Engineers and the Environmental Protection Agency following the December situation, I learned that extensive capital improvements of the system are critical to ensuring that metropolitan Washington area residents have safe drinking water.

While fees collected from the system's users are deposited into the District of Columbia Water and Sewer Enterprise Fund and provide the resources necessary to cover the system's annual operating costs, there are no means available to the corps to finance expensive capital improvements. The enterprise fund receives approximately $6 million per year directly from the sale of water to citizens in the affected jurisdictions of Virginia. Revenue from this fund, however, is used for the annual operations and maintenance of the system. Any capital improvements must also be financed by the fund and must be paid for in advance of the work. The inability of the corps to provide long-term financing for capital projects will cause the water users to be subject to extremely higher water bills in the coming years.

The amendment I offered to S. 2019, the Safe Drinking Water Act and today on the District of Columbia appropriations bill will address this problem by granting the corps access to money from the Federal Financing Bank to underwrite the cost of these improvements to the Washington aqueduct. The Federal Financing Bank has become the vehicle through which many Federal agencies finance programs involving construction projects.

Unlike municipal water system, the Corps of Engineer has no access to borrowing to finance needed capital projects for this system. Other publicly or privately owned facilities are able to issue bonds or borrow from other sources in order to amortize the capital improvement costs over the useful life of the project. This normal means of financing is not available to the corps. As such, area residents are faced with two unacceptable options: Possibly unsafe drinking water or exorbitant water rates. Customers which rely on the Washington aqueduct system for safe, reliable drinking water must be provided the same amortization options available to other public and private utilities. My amendment will provide that equity.

Mr. President, I want to also be very clear that this amendment does not modify any of the provisions of my earlier amendment concerning the responsibilities of the local water users. The customers of the Washington aqueduct will bear all of the costs of these improvements through higher water rates that will be used to repay the loans from the Federal Financing Bank over a reasonable period of time.

Again, I thank my colleagues and the staff of the subcommittee for working to resolve this problem in a manner that serves the needs of this region.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 2327, 2328, and 2329) were agreed to en bloc.

Mr. KOHL. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay on the table was agreed to.

Mr. KOHL. 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. BURNS. 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. 2330

(Purpose: To amend Title I; Rainy Day Fund)

Mr. BURNS. Mr. President, I send an amendment to the desk for Senator MCCONNELL of Kentucky and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. MCCONNELL, proposes an amendment numbered 2330.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following: "The District of Columbia shall report to the Congress how monies provided under this fund are expended and a full accounting shall be made to Congress by March 15, 1995."

Mr. BURNS. Mr. President, I think this has been cleared by both sides. It merely asks the District to make an accounting to Congress, a full accounting, of the moneys expended from the fund called the Rainy Day Fund. That is discretionary funds put in there and used at the discretion of the mayor of this city. That accounting should be made.

I thank the Senator from Kentucky for his amendment. I thank my chairman for accepting it.

Mr. KOHL. We have no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2330) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I congratulate my colleagues, Mr. KOHL, chairman of the District of Columbia Subcommittee, and Mr. BURNS, ranking member, on the deft and expeditious handling of the District of Columbia appropriation bill. They have constructed the bill to be below their 602(b) allocation. Both Senators KOHL and BURNS are to be commended for their hard work on this legislation. Their expertise enabled them to work within the constraints they faced and still get the bill to the full committee 1 day after passage by the House.

I urge my colleagues to support this bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment on page 34.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. KOHL. Mr. President, I ask unanimous consent that the vote on passage of H.R. 4649, the District of Columbia appropriations bill, occur at 9:30 a.m., Thursday, July 21; that upon disposition of the bill, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees; with the above occurring without intervening action or debate.

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

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

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 3 minutes each.

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

MASSACHUSETTS STUDENTS WIN WORLD MATH TITLE

Mr. KENNEDY. Mr. President, I am proud to call the attention of the Senate to the extraordinary success of two brilliant young math students from Massachusetts. Noam Shazeer of Swampscott and Jonathan Weinstein of Lexington were members of the U.S. gold medal winning team in the 35th International Mathematical Olympiad held recently in Hong Kong.

These two Massachusetts high school seniors have been friends and rivals in State and national competitions for several years. They and their four teammates all received perfect scores on the demanding Olympiad problems in Hong Kong, and became the first team in the history of the competition to do so. The winning U.S. team defeated 600 top young mathematicians from 70 countries and territories. Our team is the best in the world, and I am proud that Massachusetts provided two of its members.

It is especially appropriate to honor these outstanding students as the Senate prepares to consider the Improving America's Schools Act. Our bill places particular emphasis on math and science education, and provides strong Federal support to strengthen math and science instruction in schools throughout America. Not every student can equal the brilliant and inspiring accomplishments of our Olympiad team, but all students deserve an education that develops their full potential.

I congratulate Noam Shazeer and Jonathan Weinstein and their teammates, parents and teachers, and I wish these remarkable students well in their future careers. I ask unanimous consent that an article on their achievement from today's Boston Globe may be printed in the RECORD.

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

[From the Boston Globe, July 20, 1994]

FRIENDLY RIVALS ADD TO U.S. MATH MIRACLE—LOCAL YOUTHS HELP TEAM BEAT THE WORLD

(By Michael Grunwald)

The US hockey team had its Miracle on Ice. The US soccer team had its Miracle on Grass.

The US high school mathematics team—featuring two graduating seniors from public schools in Greater Boston—yesterday completed a bona fide Miracle on Scratch Paper. Not quite so poetic, perhaps, but just as stunning.

Noam Shazeer of Swampscott, Jonathan Weinstein of Lexington and their four teammates all recorded perfect 42-point scores at the 35th International Mathematical Olympiad in Hong Kong yesterday, the first team in the history of the competition to win without a single error.

Tonight, the two Bay State brainiacs will return to Logan Airport with gold medals and the right to call themselves the best in the world, having outcalculated more than 600 students from 70 countries and territories.

"It's really the fulfillment of a dream for Jonathan," said Georgia Weinstein, a professor of organic chemistry at Boston University. "These kids don't get the attention that athletes do, but they work just as hard."

"We're just thrilled," said Miriam Shazeer, Noam's mother. "This was an amazing accomplishment. We're incredibly proud."

Shazeer, who celebrated his 18th birthday yesterday, graduated from Swampscott High School, and will attend Duke on a full scholarship in the fall. Weinstein, who is still 17, graduated from Lexington High School, and will attend Harvard. Otherwise, the teenagers traveled similar paths to Hong Kong.

Their fathers are both engineers—Dov Shazeer at Draper Laboratories, Clifford Weinstein at MIT's Lincoln Laboratories. Both boys were childhood prodigies—Noam taught himself to add, subtract, multiply and divide by age 3; Jonathan was programming computers at age 5. They are both accomplished musicians—Noam, a violinist, is the concertmaster of the Symphony-by-the-Sea Youth Orchestra; Jonathan plays piano and clarinet. They both play bridge. They both enjoy ultimate frisbee.

Both youths are science whizzes, too—Noam passed up a chance to represent the United States in an international physics competition in Beijing to compete in Hong Kong; Jonathan skipped last year's Olympiad to attend a program at the Research Science Institute. And both are nice guys. At a black-tie ceremony last night, after a teammate forgot his dress shoes, Noam gave him his right shoe, so that both could walk to the awards podium wearing one sneaker and one dress shoe.

Since middle school, the two teen-agers have been the twin towers of Massachusetts mathematics, friendly rivals trading victories at statewide and nationwide competitions. "Dear Nancy," Noam began a recent note to Jonathan. "Love, Tonya," he signed off.

Tonight at 9:21 p.m.—after acing three nationwide tests that cut a field of 340,000 students down to six; after surviving an intense month long training session in Annapolis; after outdoing the world's best and brightest students of advanced algebra, advanced geometry, and number theory—Noam and Jonathan will arrive at Logan. A large crowd, possibly including Sen. Edward M. Kennedy, is expected to greet them.

Reached by phone in his Hong Kong hotel room last night, Dr. Walter Mientka, the US team leader, said he was trying to arrange a team meeting with President Clinton.

"These are outstanding students and outstanding Americans," said Mientka, a University of Nebraska professor. "If the president can make time for basketball, he should make time for mathematics."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 512. An act 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.

H.R. 2266. An act for the relief of Orlando Wayne Naraysingh.

H.R. 2411. An act for the relief of Leteane Clement Monatsi.

H.R. 4322. An act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 832. An act to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza."

At 5:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerk, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3246. An act to amend title 39, United States Code, to make applicable with respect to the U.S. Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 261. Concurrent resolution to honor the U.S. astronauts who flew in space as a part of the program of the National aeronautics and Space Administration to reach and explore the Moon.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 512. An act 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; to the Committee on Governmental Affairs.

H.R. 3246. An act to amend title 39, United States Code, to make applicable with respect to the U.S. Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes; to the Committee on Governmental Affairs.

The Committee on Commerce, Science, and Transportation was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

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-3091. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the use of private attorneys contracted to perform certain legal actions relative to the Farmers Home Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3092. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a staff report for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-3093. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to improve the management of Coast Guard Warrant Officers, provide force reduction initiatives for military personnel, improve marine safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3094. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Outer Continental Shelf Oil and Gas Leasing/Production Program for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC-3095. A communication from the Vice President of the Farm Credit Bank of Springfield, Massachusetts (Springfield Bank for Cooperatives), transmitting, pursuant to law, the report of the Group Retirement Plan for the Agricultural Credit Associations for calendar year 1993; to the Committee on Governmental Affairs.

EC-3096. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the report entitled "Working for America: An Update"; to the Committee on Governmental Affairs.

EC-3097. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-286 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3098. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, a report of settlements for calendar year 1993; to the Committee on the Judiciary.

EC-3099. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Examination of D.C. Housing Finance Agency's Expenditures for Fiscal Years 1989 through 1992"; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-600. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

"ASSEMBLY RESOLUTION NO. 53

"Whereas, the flow of foreign and domestic cargoes to and from the ports of New York and New Jersey is vital and essential to the preservation of the economic well-being of the northern New Jersey-New York metropolitan area; and

"Whereas, in order to maintain this vital flow of trade and commerce, it is necessary to dredge periodically the various navigational channels and ship berths to allow safe passage of vessels; and

"Whereas, it is essential to ensure that the disposal of this dredged material does not result in adverse environmental effects, which in turn could adversely affect the State's travel and tourism, fishing, and other water-dependent industries located in the coastal area; and

"Whereas, the United States Army Corps of Engineers, which exercises regulatory authority over the disposal of dredged materials to ensure consistency with the provisions of the federal Clean Water Act (33 U.S.C. §1251 et seq.), has allowed several applications for permits to dispose of dredged materials to expire after not taking the proper processing actions within the required three-year period for processing; and

"Whereas, the unreasonable delays in application processing have created unsafe harbors which could result in oil spills, pose a threat to the 180,000 jobs related to the shipping and trade industry, and will cost New Jersey businesses hundreds of thousands of dollars in reapplication costs as well as the loss of trading and shipping activities essential to maintaining viable business operations; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. The General Assembly of the State of New Jersey memorializes the President and the Congress of the United States to call for an expeditious review and a final decision by the United States Army Corps of Engineers and the United States Environmental Protection Agency on the matter of dredging in the waters of the State of New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker and attested by the Clerk, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, every member of Congress elected from this State, the United States Army Corps of Engineers, New York district, and the United States Environmental Protection Agency."

POM-601. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Finance.

"ASSEMBLY RESOLUTION NO. 75

"Whereas, this nation needs to strengthen the basic foundations for the coherence of the American family which is the building block of our society; and

"Whereas, the nation must assist the American family to learn to stay together as a unit, flourish and promote self-sufficiency, so that children learn to be moral and law-abiding; and

"Whereas, the federal income tax code must not be a hindrance to a family in which one spouse wants to remain at home and raise the young children; and

"Whereas, the economy dominates today's society and forces both parents to work and pay for child care; and

"Whereas, the mother or father can instill, early in a child's development, proper values for family life, thereby teaching the family members social responsibility; and

"Whereas, the needs of young children, such as love and security of home life, can be best met by a parent at home; now therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the United States Congress to amend the federal Internal Revenue Code to put more emphasis on preserving families with children by allowing a tax credit to a family in which a parent chooses to stay at home and properly raise a child during the infant and pre-school years. This credit would be similar to the tax benefits currently allowed to a two-earner family for child or dependent care expenses. Such a tax credit will serve to strengthen the very foundation of the family and provide more after-tax income for the one-earner family in order to reduce financial pressures and allow them to retain more of their own resources.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the State of New Jersey.

"This resolution memorializes the United States Congress to amend the Internal Revenue Code to place more emphasis on preserving families with children, resulting in stable families for a better future. Currently, both parents must be working before a tax credit is allowed for the cost of child care or dependent expenses. The child of today is missing out, deprived of that bonding with a parent during infancy and pre-school because the economy is forcing both parents out of the home to go to work. This resolution calls on Congress to help modify the tax situation affecting the basic foundation of the American family."

POM-602. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Finance.

"ASSEMBLY RESOLUTION NO. 76

"Whereas, this nation needs to strengthen the American family which is the fundamental unit of our society; and

"Whereas, the recession-clouded economy dominates today's society and, many times, requires both parents to work; and

"Whereas, the costs of the basic needs of children are increasing daily; and

"Whereas, the parents of a traditional American family need relief from taxes that

is proportionate to the responsibility they assume in raising their children; and

"Whereas, the federal income tax code must not be a hindrance to a family in which parents are working long hours to provide food, shelter and clothing in order to raise their young children; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the United States Congress to amend the Federal Internal Revenue Code to put more emphasis on helping families with children by modifying the tax exemption available to a parent with dependent children. This personal exemption for a dependent child would be similar to the exemption currently allowed. However, the amount would be based upon the value of a dependent exemption in 1948, or $600, and subsequently indexed to allow for inflation. This would amount to approximately $4,000 per child, in comparison to the current amount of $2,350 for tax year 1993. This tax exemption will serve to strengthen the very foundation of the American family and allow parents more income in order to reduce financial presures and retain more of their own resources.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the State of New Jersey.

"This resolution memorializes the United States Congress to amend the Internal Revenue Code to place more emphasis on helping families with children, resulting in more stable families for a better future. Currently, the personal exemption is valued at $2,350 per child. If the exemption is modified by basing it at the 1948 level of $600 and applying a cost-of-living-adjustment, the exemption would amount to approximately $4,000 per child. This resolution calls on Congress to help modify the tax situation affecting the basic foundation of the American family."

POM-603. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Veterans' Affairs.

"ASSEMBLY RESOLUTION NO. 18

"Whereas, the federal Soldiers' and Sailors' Civil Relief Act of 1940 prevents the eviction of dependents of military service personnel from any premises renting for $150 per month of less; and

"Whereas, the figure of $150 per month is excessively low in this day and age and no longer provides adequate protection to dependents of military service personnel on active duty; and

"Whereas, this figure should be increased to reflect current market conditions, particularly the cost of renting an apartment in the densely populated Northeastern area of the United States; and

"Whereas, the relevance of such a revision became apparent with the activation and deployment of military service personnel in 1990 to counter Iraq's invasion of Kuwait; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memoralizes the United States Congress to amend the federal Soldiers' and Sailors' Civil Relief Act of 1940 to increase the $150 per month rental threshold regarding evictions so as to provide adequate protection to dependents of persons in military service and to reflect current market costs for rental units.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the State of New Jersey."

POM-604. A concurrent resolution adopted by the Legislature of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

"CONCURRENT RESOLUTION

"We recognize that full, permanent parity in all federal programs can only be guaranteed to states of the Union, not to jurisdictions with a lesser status under the American flag, such as the case of a Commonwealth. The United States Supreme Court, however, has ruled that Congress wields the power to fully include, partially include, or exclude Puerto Rico and United States citizens residing therein in federal programs that are nationwide in scope.

"In the exercise of that discretion deriving from the Territorial Clause of our national Constitution, Article IV, Section III, clause 2, Congress has in the past chosen to fully include Puerto Rico in many federal programs, such as Head Start, exclude us from others, such as Supplemental Security Income, or SSI, and partially include us in yet others, such as Medicaid. The partial inclusion in Medicaid has been ruled constitutional by the Supreme Court. Such full or partial inclusion, in the case of non-state jurisdictions, such as the Commonwealth of Puerto Rico, is dependent on the federal government's desire to continue such inclusion. For example, while Puerto Rico was fully included in the U.S. Department of Agriculture's Food Stamp Program in 1972, the island was subsequently excluded from that program.

"Under Medicaid, rather than receive the approximately $1.2 billion in benefits that residents of a federated State of Puerto Rico would be entitled to receive, this American territory receives a grant of $116.5 million, or approximately ten percent of the amount the island would receive as a State. This unequal treatment has forced the government of Puerto Rico to invest a higher percentage of its locally-generated revenue in health care than any state of the Union.

"While states, on the average, enjoy a 60:40 federal:state ratio in Medicaid spending, Puerto Rico suffers from a meager 18:82 ratio. In spite of massive local health care spending, the medically indigent in Puerto Rico receive the poorest health services in the nation. A citizen subject to deficient health care eventually becomes more dependent on government aid. Deficient health care creates greater dependence.

"Many of the over 2.6 million American citizens of Puerto Rican descent living in the 50 states cannot afford to fulfill their lifelong wish to return to the island because they cannot afford to lose health benefits in the process. In fact, during the past years, the migratory movement of Puerto Ricans to the 50 states seeking better health care has increased.

"The people of Puerto Rico wish to be included fully in the health reform programs currently under consideration in Congress. In consideration for full inclusion in equal benefits, the American citizens in Puerto Rico are willing to share in all burdens and obligations, tax or otherwise, imposed to finance such programs.

"Clearly, Congress has the power to include Puerto Rico fully in such evolving health programs, and to require American citizens residing in Puerto Rico to share in the burdens such programs may impose. Any attempt to create a controversy, be it for local partisan or ideological reasons, that may postpone or derail Puerto Rico on the basis of political status considerations. The health of Puerto Rico's young and old cannot be held hostage to Puerto Rico's political status debate.

"This Legislative Assembly considers it unnecessary to even consider a measure formally consenting to any action that Congress may propose to enact. It was not necessary in 1988 when Congress unilaterally decided to impose excise taxes on chemical products and vaccines. Neither was it necessary in 1965 when members of the United States Senate and House of Representatives considered fit to include Puerto Rico in Medicare, nor when taxes were imposed on ozone-depleting chemicals, IRC Sec. 4682 (f)(2).

"Any objection to the full application of federal health benefits and obligations in Puerto Rico is a censurable attempt to place partisan politics above the health of American citizens residing in Puerto Rico and is fully repudiated by this Legislative Assembly.

"*Resolved by the Legislative Assembly of Puerto Rico:*

"Section 1.—The Legislative Assembly of Puerto Rico expresses to the United States Congress that the latter is not required to seek the consent of the Government of Puerto Rico in order to exercise its constitutionally guaranteed power to determine whether the benefits and obligations of federal health reform legislation shall apply to Puerto Rico and American citizens residing therein.

"Section 2.—The Legislative Assembly of Puerto Rico supports the efforts by the Governor and the Resident Commissioner to seek full inclusion in federal health reform legislation, with equal benefits and obligations, currently evolving in the United States Congress.

"Section 3.—The Legislative Assembly of Puerto Rico repudiates any partisan-motivated effort to deny, postpone or otherwise impede the full extension of federal health reform benefits and obligations to Puerto Rico or to require that such valid exercise of the United States Congress' constitutional powers be conditioned to the consent by Puerto Rico to such full extension, a limitation that has not been observed regarding other similar issues in the past."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 4606. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Joseph F. Vivona, of New Jersey, to be Chief Financial Officer, Department of Energy; and

Patricia Fry Godley, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (by request):

S. 2299. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for maintenance and use of the area between the White House and the Capitol, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 2300. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. PRESSLER, Mr. MACK, Mrs. BOXER, Mr. AKAKA, Mr. BOND, Mr. COCHRAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DURENBERGER, Mr. HEFLIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SIMON, Mr. WARNER, Mr. KERREY, and Mr. KOHL):

S.J. Res. 211. A joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (by request):

S. 2299. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for the maintenance and use of the area between the White House and the Capitol, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA AVENUE CORPORATION ACT OF 1994

• Mr. JOHNSTON. Mr. President, at the request of the Pennsylvania Avenue Development Corporation, I send to the desk a bill to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for the maintenance and use of the area between the White House and the Capitol, and for other purposes.

I ask unanimous consent that the bill and the communication which accompanied the proposal be printed in the RECORD.

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

S. 2299

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 "Pennsylvania Avenue Corporation Act of 1994."

SEC. 2. The Pennsylvania Avenue Development Act of 1972, as amended, (40 U.S.C. 871–885) is amended by striking Sections 2–14 and substituting the following sections in lieu thereof.

SEC. 3. The Congress finds and declares—

(a) that it is in the national interest that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, be maintained and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area;

(b) that goals and objectives of the Pennsylvania Avenue Plan—1974, as amended, (hereinafter referred to as the Pennsylvania Avenue Plan or the Plan) should remain in effect and the development completed thereunder pursuant to the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. §871, et seq.) should be maintained and use of the Pennsylvania Avenue Area as defined in subsection (f) below) fostered;

(c) that responsibilities for such maintenance and use can best be carried out by vesting the requisite powers in a Federal corporation that can take maximum advantage of the private as well as the public resources that will be necessary;

(d) that the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

(e) that private funds donated to or solicitated by the Corporation are for use in carrying out the purposes of the Act; and

(f) that the area thus to be maintained and used in accordance with the provisions of this Act (hereinafter referred to as the Pennsylvania Avenue Area) shall be the area bounded as follows: Beginning at a point on the southwest corner of the intersection of Fifteenth Street and Pennsylvania Avenue South (formerly E Street Northwest); thence proceeding easterly along the southerly side of Pennsylvania Avenue South (formerly E Street) to the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue Northwest; Street and Pennsylvania Avenue Northwest; thence southerly along the west side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest; thence easterly along the north side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest; thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest; thence northerly along the east side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest; thence westerly along the north side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest; thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest; thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest; thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest; thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest; thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest; thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest; thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest; thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest; thence northerly along the west side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest; thence westerly along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest; thence southerly along the east side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest; thence easterly along the south side of E Street to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

SEC. 4. PENNSYLVANIA AVENUE CORPORATION; ESTABLISHMENT; BOARD OF DIRECTORS; TERM; CHAIRMAN; COMPENSATION; MEETINGS; ADVISORY BOARD.—

(a) There is hereby created a Government corporation in the Executive Branch to be known as the Pennsylvania Avenue Corporation (hereinafter referred to as the "Corporation").

(b) The powers and management of the Corporation shall be vested in a Board of Directors consisting of five members:

(1) The Secretary of the Interior;

(2) The Mayor of the District of Columbia;

(3) Three appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

(c) Each ex-officio member of the Board of Directors specified in paragraph (b) may designate another official to serve on the Board in his stead if unable to serve in person.

(d) Each member of the Board of Directors appointed under paragraph (b)(3) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin on the date of the enactment of this Act and shall expire as designated at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years. A Director may continue to serve until his successor has qualified.

(e) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors chosen from private life.

(f) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia Government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for Executive Level IV, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. §§5703(b)–(d) and 5707) for persons in the Government service employed intermittently.

(g) Officers and employees of the Corporation are officers and employees of the United States.

(h) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the Board of Directors (or their designated alternatives) shall constitute a quorum.

(i) There shall be a nonvoting Advisory Board consisting of representatives of the Department of the Treasury, the General Services Administration, the local arts and cultural community and such other members as the Board of Directors may appoint. The Advisory Board shall meet at least twice annually at the dates and time designated by the Board of Directors, to offer such advice and assistance as may be of benefit to the Board of Directors. The Chairman of the Board of Directors, shall be chairman of the Advisory Board.

SEC. 5. OFFICES AND EMPLOYEES; COMPENSATION.—

(a) The Board of Directors shall have the power to appoint and fix the duties of the Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the rate of pay for the Executive Director shall not exceed Level IV of the Executive Schedule. [5 U.S.C. 5315].

(b) The Board of Directors is authorized to procure the temporary (not in excess of one year) or intermittent services of city planners, architects, engineers, appraisers, and other experts or consultants or organizations thereof in accordance with section 3109 of title 5, United States Code [5 USC §3109], but at rates for individuals not in excess of the rate in effect for Level IV of the Executive Schedule.

(c) Administrative services shall be provided by the General Services Administration on a reimbursable basis.

SEC. 6. CONTINUITY OF THE PENNSYLVANIA AVENUE PLAN; SUBSTANTIAL AND SIGNIFICANT CHANGE.—

(a) The Pennsylvania Avenue Plan for the Pennsylvania Avenue Area approved by Congress in 1975, and as subsequently amended, includes (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the maintenance costs; (4) an estimate of the current values of all properties to be acquired; (5) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 8 of the Pennsylvania Avenue Development Corporation Act of 1972 [40 U.S.C. §877]; (6) an estimate of the cost of land preparation for all properties to be acquired; (7) an estimate of the reuse values of the properties to be acquired; (8) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (9) a determination of the marketability of such development; (10) an estimate of the development costs, both public and private; (11) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as a whole, and the existing business activities within the Pennsylvania Avenue Area; and (12) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the Pennsylvania Avenue Plan. Amendments to the Plan reflect changes brought about by economic and other conditions as development proceeded during the period prior to this legislation.

(b)(1) Development or maintenance activities carried out within the Pennsylvania Avenue Area shall be in accordance with the Pennsylvania Avenue Plan.

(2) The Corporation may alter, revise, or amend the Pennsylvania Avenue Plan, but any such alteration, revision, or amendment which is a substantial change from the Pennsylvania Avenue Plan shall take effect only after publication of the proposed substantial change in the Federal Register, consideration of comments received, and adoption of a resolution of the Board of Directors. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or intensity of an existing or proposed use in the Pennsylvania Avenue Area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a)(10) of section 6 or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

(3) Any alteration, revision, or amendment of the Pennsylvania Avenue Plan and any other action taken by the Corporation which is not a substantial change in the Pennsylvania Avenue Plan within the meaning of paragraph (2) but—

(A) which is a significant change in the Pennsylvania Avenue Plan, or which is another significant action taken by the Corporation, and

(B) which relates to housing, any major structure, historic preservation, parks, office space, or retail uses, within the Pennsylvania Avenue Area

shall not take effect until thirty days after notice of such change or other action has been submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate, unless prior to the expiration of such thirty-day period each of such committees notifies the Corporation in writing that the committee does not object to such change or other action. Such notice by the Corporation to the committees shall include an explanation of the reasons why the change or other action is proposed and a summary of any recommendations received by the Corporation from the Secretary of the Interior, the Mayor of the District of Columbia, or from any other interested agency, organization, or individual.

(f) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, such as the Department of the Interior, the General Services Administration, and the District of Columbia government.

SEC. 7. CORPORATE POWERS AND DUTIES.—In carrying out its power and duties, the Corporation—

(1) shall have all necessary and proper powers for the exercise of the authorities vested in it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name, except that the Directors of the board shall not be personally liable except for gross negligence. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the Pennsylvania Avenue Area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the Pennsylvania Avenue Plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation, or its predecessor, the Pennsylvania Avenue Development Corporation (hereinafter referred to as PADC), has theretofore sold, leased, conveyed, transferred, or otherwise disposed of; Provided, That condemnation proceedings for the acquisition of real property (including interests therein), which may be necessary or appropriate in order to carry out the Pennsylvania Avenue Plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 16 of the District of Columbia Code and the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (94 Stat. 1894) [42 U.S.C. §§4601 et seq.];

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the Pennsylvania Avenue Area) as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(8) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure maintenance and protection of the Pennsylvania Avenue Area in accordance with the Pennsylvania Avenue Plan and such restrictions, standards, and requirements as were established by PADC shall remain in effect unless or until modified or rescinded by the Corporation;

(9) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed existing authorized ceiling amounts. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United

States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest amount so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall remain available without fiscal year limitation. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph;

(10) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government;

(11) may produce insurance against any loss in connection with its property and other assets and operations;

(12) may solicit and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instrumentality thereof, or from any source, for the purpose of carrying out its duties, and comply, subject to the provisions of this Act, with the terms and conditions thereof. The Corporation shall establish written rules setting forth the criteria to be used in determining whether the acceptance of gifts or grants, property, financial or other aid in any form would reflect unfavorably upon the ability of the Corporation or any employee to carry out its responsibilities or official duties in a fair and objective manner or would compromise the integrity of or the appearance of the integrity of its programs or any official or employee involved in those programs;

(13) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly-owned Government corporations;

(14) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, repair, or maintenance of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(15) may acquire, construct, reconstruct, rehabilitate, improve, alter, repair, or maintain or provide for the construction, reconstruction, improvement, alteration, repair, or maintenance of any project;

(16) may grant options to purchase any project or may renew any leases entered into by it (or its predecessor, PADC) in connection with any of its projects, on such terms and conditions as it may deem advisable;

(17) may manage any project, owned or leased by the Corporation, or its predecessor, PADC, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

(18) shall request the Council of the District of the Columbia, when required for implementation of the Pennsylvania Avenue Plan, to close any street, road, highway, alley, or any part thereof in the Pennsylvania Avenue Area. If the title to the street, road, highway, or alley so closed is in the United States, the Mayor of the District of Columbia shall convey the title to the land on behalf of the United States to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative expenses of the action. If the title to the street, road, highway, or alley so closed is not in the United States, the Mayor shall convey title to the land on behalf of the District of Columbia to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative costs of the action: *Provided*, That if the land would have reverted to a private abutting property owner under otherwise applicable law of the District of Columbia, the Corporation shall pay such owner the fair market value of the land that would have reverted to him.

(19) may transfer title to, interests in, or jurisdiction over real property which the Corporation has acquired or which has been acquired by PADC and is to be devoted to public uses to any agency of the United States or the District of Columbia. Agencies of the United States or the District of Columbia may accept such transfers under this paragraph, and shall thereafter administer and maintain the property in accordance with the Pennsylvania Avenue Plan and the terms of any transfer agreement.

(20) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(21) shall publish and disseminate information about the Pennsylvania Avenue Area and the activities and programs of the Corporation;

(22) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to members of the Board of Directors or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation;

(23) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors; and

(24) may conduct development competitions using the Development Policies and Procedures established by PADC for private development of property the Corporation owns or may obtain.

SEC. 8. POWERS OF OTHER FEDERAL AND LOCAL AGENCIES IN THE PENNSYLVANIA AVENUE AREA; CERTIFICATION OF NEW CONSTRUCTION.—

(a) Nothing in this Act shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the Pennsylvania Avenue Area consistent with the Pennsylvania Avenue Plan or the provisions and purposes of this Act; but no such agency or instrumentality shall release, modify, or depart from any feature or detail of the Pennsylvania Avenue Plan without the prior approval of the Corporation.

(b) As provided in the Act to amend the Act of October 27, 1972 (87 Stat. 1266) [enacted Oct. 1, 1974], no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of any existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the Pennsylvania Avenue Area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the Pennsylvania Avenue Plan.

SEC. 9. CORPORATION AS GRANTEE OF PROPERTY AND PARTY TO PROCEEDINGS.—The title to any real property (or interest therein) acquired under the authority of this Act shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

SEC. 10. COMPLIANCE WITH DISTRICT LAWS, ORDINANCES.—

(a) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, rehabilitating, altering, and improving any project: Provided, That the provisions of section 428 of title 5 of the District of Columbia Code shall apply to all the constructing, reconstructing, rehabilitating, altering, and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration, and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations.

(b) For purposes of any District of Columbia law (including laws relating to taxation and building permits and inspections) the Corporation with respect to any project it may construct, rehabilitate, alter, or improve, shall be treated as the General Services Administration is treated with respect to acquisition and construction of a Federal building.

SEC. 11. TAX EXEMPTION.—Since the exercise of the powers granted by this Act will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

SEC. 12. ANNUAL REPORT TO PRESIDENT AND CONGRESS.—The Corporation shall transmit to the President and the Congress, annually each March and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 13. ASSETS AND FUNDS FOR CONDUCT OF BUSINESS.—

(a) Not later than October 1, 1997, all assets, liabilities, and obligations of PADC, including title to any personal and real property owned by PADC, shall be transferred to and become the assets, liabilities, obligations, and property of the Corporation.

(b) The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it.

SEC. 14. VIOLATIONS AND PENALTIES.—

(a) All general penal statutes relating to the larceny, embezzlement, or conversion of

public moneys or property of the United States shall apply to moneys and property of the Corporation.

(b) Any person who, with intend to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Any person who with intend to defraud Corporation (1) received any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

(d) Any person who violates any regulation promulgated hereunder governing the maintenance or use of the Pennsylvania Avenue Area shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $300 or by imprisonment for not more than three months, or by such fine and imprisonment. Such regulations shall be enforceable by the District of Columbia Police Department and the United States Park Police.

SEC. 15. SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstances is held invalid the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

SEC. 16. The Government Corporation Control Act (31 U.S.C. 9101(3)(H) is amended by striking "Pennsylvania Avenue Development Corporation" and substituting "Pennsylvania Avenue Corporation" in lieu thereof.

SEC. 17. This Act shall be effective for a term of ten years unless otherwise extended by Congress.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Corporation such sums as may be necessary to carry out the purposes of this Act.

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION,
Washington, DC, June 30, 1994.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a legislative proposal to authorize the creation of a federal entity to carry out maintenance responsibilities resulting from the federal ownership of the assets created or acquired by the Pennsylvania Avenue Development Corporation, whose operation is to be terminated in three years.

The proposal, if adopted by the Congress, would establish a much smaller successor agency for an initial period of ten years, permit it to solicit funds to help sustain it, and entrust it principally with the maintenance and preservation of all the public improvements and commercial and residential properties developed under the auspices of the Pennsylvania Avenue Development Corporation. All assets and liabilities of the Corporation would be transferred to the successor agency no later than October 1, 1997.

The Office of Management and Budget has advised us that there is no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Thank you.

Sincerely,

RICHARD A. HAUSER,
Chairman.●

By Mr. PRESSLER:

S. 2300. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law; to the Committee on Foreign Relations.

TWENTY YEARS OF TURKISH OCCUPATION IN CYPRUS

Mr. PRESSLER. Mr. President, today I am introducing a bill which would set restrictions on United States foreign aid to Turkey. The bill is the Senate version of H.R. 3475, which conditions United States military and economic assistance on a resolution of the Cyprus issue.

Today marks the 20th anniversary of the illegal division of Cyprus. As ethnic tension between Greek and Turkish Cypriots becomes more entrenched, the United States should lead the way toward a solution to this problem.

Setting a new standard for United States foreign aid to Turkey is not unreasonable. The past 20 years obviously have yielded no solution. Perhaps it is time to utilize the large carrot approach in U.S. foreign policy. The large carrot reward of continuing United States assistance should be well worth whatever sacrifice Turkey may feel it would make in ending the illegal occupation of northern Cyprus.

This bill would eliminate United States military and economic assistance to Turkey until certain provisions are met. The bill specifies the following conditions: the accounting of five Americans who have been missing since the 1974 invasion, the reconversion of churches in occupied Cyprus to their original Christian status, the Turkish authorization of a census of colonists, the withdrawal of all Turkish military forces and illegal colonists, the return of the occupied Famagusta/Varosha area, the continued negotiations toward the establishment of a true democracy in Cyprus, and the compliance of the Government of Turkey with relevant U.N. resolutions.

As I said in a Senate speech last week, Mr. President, the United States bears some responsibility for the continuing illegal occupation of northern Cyprus. United States weapons, purchased with United States military assistance, arm the occupation forces in northern Cyprus. My bill would correct that mistake and provide an incentive to end the violation of Cypriot sovereignty.

Mr. President, I ask unanimous consent that the text of my bill appear in the RECORD following my remarks.

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

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON ASSISTANCE FOR TURKEY UNTIL CERTAIN CONDITIONS MET.

(a) ASSISTANCE TERMINATED UNTIL CONDITIONS MET.—Military and economic assistance may not be provided for Turkey until the President certifies to the Congress that—

(1) the Government of Turkey has released, returned, or accounted for the 5 Americans who were abducted by the Turkish invasion forces in 1974 and the 1,614 Greek Cypriots who have been missing since the Turkish invasion;

(2) the churches in the occupied parts of Cyprus that were illegally converted to mosques in violation of the 1949 Geneva Conventions have been restored to their original condition for Christian worship;

(3) the Government of Turkey has authorized a census of the colonists on Cyprus to be taken under the auspices of the United Nations;

(4) all Turkish military forces, and all illegal Turkish colonists, have been withdrawn from Cyprus;

(5) the Government of Turkey has returned to the Government of Cyprus under the auspices of the United Nations the formerly Greek Cypriot area of Famagusta/Varosha for the immediate resettlement of displaced persons;

(6) the negotiations under United Nations auspices have resulted in significant progress toward establishing a constitutional democracy in Cyprus based on majority rule, the rule of law, and the protection of minority rights;

(7) the Government of Turkey is in compliance with paragraph 4 of Article 2 of the United Nations Charter and with relevant United Nations resolutions on Cyprus, including—

(A) General Assembly Resolution 3212 (XXIX) of 1974 which was endorsed by Security Council Resolution 365 (1974),

(B) Security Council Resolutions 353, 354, 357, 358, and 360 (1974), and

(C) Security Council Resolutions 774 and 789 (1992);

(8) the Government of Turkey is in compliance with the Preamble and Article 1 of the North Atlantic Treaty and with the Helsinki Final Act of the Conference on Security and Cooperation in Europe; and

(9) the Government of Turkey is not engaged in a consistent pattern of gross violations of internationally recognized human rights (within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961).

(b) MILITARY AND ECONOMIC ASSISTANCE DEFINED.—As used in this section, the term "military and economic assistance" means—

(1) any assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including any transfer of excess defense articles under sections 516 through 519;

(2) any assistance under chapter 4 of that part (relating to the economic support fund);

(3) any assistance under chapter 5 of that part (relating to international military education and training); and

(4) any assistance under the Arms Export Control Act.

By Mr. GRAHAM (for himself, Mr. PRESSLER, Mr. MACK, Mrs. BOXER, Mr. AKAKA, Mr. BOND, Mr. COCHRAN, Mr. DASCHLE, Mr.

DECONCINI, Mr. DURENBERGER, Mr. HEFLIN, Mr. KENNEDY, Mr. KERREY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 211. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on the Judiciary.

NATIONAL CHILDREN'S DAY

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to celebrate the children of our Nation by establishing National Children's Day on the second Sunday of October 1994.

Children's Day will enable us to pay tribute to children and to focus on issues that are vital to their health, development, and education. Many children today face crises of grave proportions, especially as they enter adolescent years. It is of particular concern that over 5 million children go hungry at some point each month, and that there has been a 60-percent increase in the number of children needing foster care in the last 10 years. It is also appropriate that adults in the United States have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years.

There are times when Congress can enact simple measures that ensure that the needs of our Nation's children are being recognized. It's the least we can do to celebrate the contributions children make in each of our lives and to all of America.

I urge my colleagues to join me in cosponsorship of National Children's Day.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 211

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans, thus everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1994 is designated as "National Children's Day," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. PRESSLER. Mr. President, we often refer to children as our greatest resource, yet often they are not honored as they should be. We celebrate Mother's Day in May and Father's Day in June. When are children honored in that manner?

Children deserve their own special day of recognition. Today, I am pleased to join in a bipartisan introduction of a resolution declaring the second Sunday in October as "National Children's Day."

Mr. President, some children in our country are experiencing a childhood far from the ideal. A child may want someone to listen to his or her dreams or fears, but no adult is around to listen. A child may want his or her family to be together, but no adults are home all of the time. A child may want help with homework; but none is available. A child may want a bedtime hug; but goes to bed alone.

As the author of the first National Children's Day resolution 5 years ago, I am confident that the traditional day of observance, the second Sunday in October, is the most opportune time to celebrate National Children's Day. Not only is Sunday often reserved as a family day, it also accommodates the many National Children's Day volunteers who now anticipate this particular date.

Mr. President, you may be interested to learn that the first Children's Day was celebrated on the second Sunday in October 46 years ago on the campus of Notre Dame University. Dr. Patrick McCusker and his wife Mary decided it was time to honor their children and other children around them. Both worked tirelessly to honor children. Mary McCusker is now in an Omaha nursing home.

Since my first resolution was passed by Congress, Father Robert J. Fox has been instrumental in furthering the celebration of children. Father Fox, from my home State, now serves as the national chairman of National Children's Day for the Catholic Church. He has kept me informed of the many activities planned in anticipation of the passage of this resolution.

South Dakota experiences beautiful Indian summer days in early October, as do so many other States. Celebrating National Children's Day at this time of the year allows for related activities to be held outdoors. Plans are being finalized for an outdoor event in Alexandria, SD, to celebrate National Children's Day.

Mr. President, National Children's Day is a celebration of America's gratitude for and pride in her children. I am honored to join my colleagues in introducing a resolution that would respect the wishes of the founders of National Children's Day, Mary McCusker and her late husband, in declaring the second Sunday of October as National Children's Day.

ADDITIONAL COSPONSORS

S. 1690

At the request of Mr. PRYOR, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 2062

At the request of Mr. INOUYE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

S. 2073

At the request of Mr. SMITH, the names of the Senator from Missouri [Mr. BOND], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. INOUYE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2073, a bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr.

METZENBAUM] 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. 2136

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2136, a bill to prohibit sponsorship of television violence by agencies of the Federal Government, and for other purposes.

S. 2161

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2161, a bill to amend title XVI of the Social Security Act to improve work incentives for people with disabilities.

S. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] 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. 2246

At the request of Mr. DORGAN, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. LEAHY], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2264

At the request of Mr. DORGAN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 2264, a bill to provide for certain protections in the sale of a short line railroad, and for other purposes.

S. 2283

At the request of Mr. SHELBY, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2283, a bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nevada [Mr. BRYAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. DORGAN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

S.J. RES. 157

At the request of Mr. SASSER, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. PELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. STEVENS], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Utah [Mr. HATCH], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE JOINT RESOLUTION 157

At the request of Mr. SASSER, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. PELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. STEVENS], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Utah [Mr. HATCH], and the Senator from Minnesota [Mr. DURRENBERGER], were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE JOINT RESOLUTION 167

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 167, a bill to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

AMENDMENT NO. 2303

At the request of Mr. HEFLIN, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors 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.

AMENDMENT NO. 2314

At the request of Mr. EXON, his name was added as a cosponsor of Amendment No. 2314 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.

AMENDMENTS SUBMITTED

AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 1995

BROWN AMENDMENT NO. 2318

Mr. BROWN 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 appropriate place, in the committee amendment, insert the following new section:

SEC. . NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

The Agricultural Adjustment Act of 1938 is amended by inserting after section 320C (7 U.S.C. 1314i) the following new section:

"SEC. 320D. NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

"(a) IN GENERAL.—Each domestic producer of tobacco shall remit to the Secretary a nonrefundable no net cost to taxpayers assessment in an amount determined under subsection (b) if the Secretary determines that—

"(1) a tariff-rate quota pursuant to Article XXVIII of the General Agreement on Tariffs and Trade is established with respect to tobacco;

"(b) AMOUNT.—

"(1) IN GENERAL.—In consultation with the Secretary of the Treasury, the Secretary shall determine the amount of the no net cost to taxpayers assessment required to be remitted by each producer under subsection (a) based on—

"(A) the quantity of tobacco produced by the producer; and

"(B) the requirement that the total of the amounts assessed against all producers shall be equal, to the maximum extent practicable, to the cost incurred by the Federal Government as a result of the conditions described in subsection (a), as determined under paragraph (2).

"(2) COST TO THE FEDERAL GOVERNMENT.—The cost to the Federal Government referred to in paragraph (1) shall be equal to—

"(A) in the case of a quota referred to in subsection (a)(1), the dollar value associated with the tariff-rate quota imposed on tobacco imported into the United States by—

"(i) a country with initial negotiating rights status; and

"(ii) a country that imports at least 10 percent of any kind of tobacco into the United States;

"(B) in the case of a quantitative limitation or fee referred to in subsection (a)(2), the dollar value associated with the limitation or fee; and

"(C) the dollar value associated with any additional tariff, fee, or assessment imposed, in response to the establishment or imposition of a quota, limitation, or fee referred to in subsection (a), by a country described in subparagraph (A).

"(c) COLLECTION.—An assessment imposed under this section shall be—

"(1) collected by the Secretary and transmitted to the Secretary of the Treasury for deposit in the general fund of the Treasury; and

"(2) enforced in the same manner as provided in section 320B.".

HATCH (AND FORD) AMENDMENT NO. 2319

Mr. HATCH (for himself and Mr. FORD) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 72, between lines 15 and 16, insert the following:

None of the funds appropriated under this Act may be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except that expenses may be incurred for the service and airtime fees for the use of one cellular telephone). Any funds under this Act that were to be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except expenses with respect to the service and airtime fees for the use of one cellular telephone) shall instead be used for the medical device approval activities of the Center of Devices and Radiological Health.

HELMS AMENDMENT NO. 2320

Mr. HELMS proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, add the following:

SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position."

BUMPERS (AND OTHERS) AMENDMENT NO. 2321

Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. LEVIN, Mr. NUNN, Mr. DOLE, and Mr. COVERDELL) proposed an amendment to the bill H.R. 4554, supra, as follows:

On page 32, strike line 21 and all that follows through the colon on line 10 on page 33, and insert in lieu thereof:

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, Title XXII of Public Law 101-624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That these funds shall be made available upon enactment of this Act:

COCHRAN AMENDMENT NO. 2322

Mr. COCHRAN proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 33, line 10, before the colon, insert: ": *Provided further*, That such funds shall also be available for payments to producers for 1995 through 1998 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994, and March 31, 1994, and Federal Crop Insurance is not available for affected orchard crop producers: Provided further, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act: Provided further, That such funds made available from the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees (regardless of the age of the damaged trees), including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the use of funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act".

COVERDELL (AND NUNN) AMENDMENT NO. 2323

Mr. COCHRAN (for Mr. COVERDELL for himself and Mr. NUNN) proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . REPAYMENT OF DEFICIENCY PAYMENTS.

In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1994 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1994 crop of a commodity prior to January 1, 1995.

BUMPERS AMENDMENT NO. 2324

Mr. BUMPERS proposed an amendment to the bill H.R. 4554, supra; as follows:

In the amendment strike all after "Administration" on line 24 and insert the following: "to remain available until expended, provided that the preceding shall take effect one day after the date of this bill's enactment.

"Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding Departmental policies, or proposed policies,"

BROWN AMENDMENT NO. 2325

Mr. COCHRAN (for Mr. BROWN) proposed an amendment to the bill H.R. 4554, supra; as follows:

Strike line 15, on page 82, through line 5 on page 83, and insert the following:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7. U.S.C. 1446h) and section 405A of such Act (7. U.S.C. 1425A) in excess of zero dollars in the 1994 and 1995 crop years.

MURKOWSKI AMENDMENT NO. 2326

Mr. MURKOWSKI proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 56, line 7, before the period, insert the following: "*Provided further*, That, notwithstanding subsection (a) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)), a loan made, insured, or guaranteed under such subsection may exceed $25,000,000, but may not exceed $50,000,000, in principal amount".

DISTRICT OF COLUMBIA APPROPRIATIONS

GRAMM AMENDMENT NO. 2327

Mr. KOHL (for Mr. GRAMM) proposed an amendment to the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—

(1) PURPOSE.—The purpose of this section is to reduce the employment level of the District of Columbia government by an amount proportional to the reduction of 252,000 Federal employees proposed by the Vice President's Reinventing Government Initiative.

(2) REDUCTION.—The total number of full-time equivalent positions financed from District of Columbia appropriated funds shall not exceed—

(1) 34,875 during fiscal year 1995;

(2) 34,163 during fiscal year 1996;

(3) 33,451 during fiscal year 1997;

(4) 32,739 during fiscal year 1998; and

(5) 32,028 during fiscal year 1999.

(b) MONITORING AND NOTIFICATION.—The Mayor of the District of Columbia shall—

(1) regularly monitor the total number of full-time equivalent positions financed from District of Columbia appropriated funds and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (a) are met; and

(2) notify the appropriate committees of the Congress on the first date of each quarter of each applicable fiscal year of the determinations made under paragraph (1).

MURKOWSKI AMENDMENT NO. 2328

Mr. KOHL (for Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4649, supra; as follows:

On page 10, line 16, before the period insert ": *Provided further*, That the District of Columbia shall provide that the lights at parks and playgrounds equipped with lights be lit at a level sufficient to deter crime from the time beginning one hour before sunset until one hour after sunrise".

WARNER AMENDMENT NO. 2329

Mr. KOHL (for Mr. WARNER) proposed an amendment to the bill H.R. 4649, supra; as follows:

At the appropriate place, insert the following:

LOANS TO MODERNIZE THE WASHINGTON AQUEDUCT

To the extend subsequently authorized, for loans to jurisdictions served by the Washington Aqueduct, such amount of direct loan authority in any of fiscal years 1995 through 2004 as may be necessary to modernize that aqueduct: *Provided*, That the Secretary of the Treasury sets terms and conditions on those loans that will result in an estimated cost to the government of zero.

MODERNIZATION OF THE WASHINGTON AQUEDUCT

To the extent subsequently authorized, the Corps of Engineers may receive payments in any of fiscal years 1995 through 2004 from jurisdictions served by the Washington aqueduct in amounts necessary to fund its modernization and amounts so received are appropriated for that purpose, to remain available until expended.

McCONNELL AMENDMENT NO. 2330

Mr. BURNS (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4649, supra; as follows:

At the appropriate place in the bill, insert the following: "The District of Columbia shall report to the Congress how monies provided under this fund are expended. And a full accounting shall be made to Congress by March 15, 1995."

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Monday, July 25, 1994, on oversight of EPA's implementation of the nonattainment provision of the Clean Air Act in the Lake Michigan region. The hearing will take place at 1:30 p.m. in room 342 of the Dirksen Senate Office Building.

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 Thursday, August 4, 1994, beginning at 9:30 a.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. 399 and H.R. 457, to provide for the conveyance of lands to certain individuals in Butte County, CA;

S. 1250, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado;

S. 1998, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes;

S. 2001, to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes;

S. 2033, to provide for the exchange of certain lands within the State of Montana;

S. 2078, to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; and

H.R. 1716, a bill to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek, and for other purposes.

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 Kira Finkler of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 20, beginning at 10 a.m. to conduct a hearing on the semiannual monetary policy report of the Federal Reserve.

The PRESIDING OFFICER. Without objection, is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KOHL. 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 20, 1994, to consider pending calendar business; please see attached.

The PRESIDING OFFICER. Without objection, is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KOHL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 20, beginning at 2 p.m. to conduct a hearing on proposed reforms to current policies on floodplain management and flood control.

The PRESIDING OFFICER. Without objection, is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. KOHL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 20, 1994, to review the Federal role in improving our child support system.

The PRESIDING OFFICER. Without objection, is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO JERRY FEARING

• Mr. DURENBERGER. Mr. President, when Jerry Fearing, editorial cartoonist for the St. Paul Pioneer Press, puts down his pen on July 29, people in politics who look at newspapers to see how they are perceived will have a hard time measuring that perception outside the editorial pages. In this, the era of 10-second sound bytes, who can say what medium is an accurate gauge of perception, reality or meaning?

But if a picture paints a thousand words, then Jerry spoke volumes to us. Judging from Jerry's work, I could tell when my work made sense and was meaningful to him and to the people I represent. And I could tell when he was

disappointed in me and that hit me the hardest. Jerry accomplished this because he knows the people of Minnesota—and us, as politicians—so well.

Jerry started cartooning at the St. Paul Dispatch in 1957 and is estimated to have drawn 11,000 cartoons since then.

I have watched the character of politicians for nearly 30 years and have known Jerry since I began paying attention to editorial cartoons at the start of my law partner's campaign for Governor in late 1965.

And after Harold Levander left office, I went down and collected all of Jerry's Levander cartoon plates. Like nothing else, they told the story of the man, the times and how they shaped each other.

Over time everything has changed: editorial cartoons and journalism, politics and politicians, and myself.

That Jerry came up with a meaningful statement in all of his works over 29 years is a testament to his knowledge, creativity and insight.

His editor Ron Clark said that it is becoming more and more difficult to draw cartoons that are meaningful without offending someone. He said: "If the thought police insist that cartoons or jokes should offend no one, Fearing predicts the day will come when there will be no humor in the world."

And just as Jerry said he would not encourage young people to pursue careers as political cartoonists, I would not encourage my sons into the world of politics.

I have become a friend of Jerry's over the years and respect him and his judgement enormously. To say I will miss Jerry as both an editorial cartoonist and person is a vast understatement.

On January 2, 1995, perhaps I will collect cartoon plates of my own, just as I did for Harold Levander, and reflect on a career that was touched by the wit, wisdom and talent of Jerry Fearing.●

A TRIBUTE TO GREEN THUMB

● Mr. ROCKEFELLER. Mr. President, today I would like to commend an organization that is promoting worthwhile and notable changes in the lives of our country's older citizens through job training and placement. That organization is called Green Thumb.

The organization was established in 1965, during President Johnson's War on Poverty, to extend to male farmers above the age of 55 the opportunity to continue using and often enhancing their skills in agriculture development. Through a government beautification agenda including grounds maintenance and landscaping, these men were able to use their skills as well as remain self-sufficient beyond the average age of retirement. It was the focus on vegetation and farming that christened the organization Green Thumb.

When the First Lady, Mrs. Johnson, discovered the organization, it became her goal to involve American women in the program. She discovered that there were many women above the age of 55 who, due to the fact that domestic labor goes unpaid, had collected no Social Security and were often left with little or nothing to live on. Most importantly, however, these women had a variety of skills developed over a lifetime of work as well as an ability to adapt and acquire new skills, but lacked an outlet for them. In 1969 an addition to Green Thumb, called Green Light, was formed for women above the age of 55.

Since 1969, Green Light has merged with Green Thumb and the organization has expanded beyond agricultural job training and placement. In West Virginia alone, Green Thumb serves 10 counties and has over 100 trainees, all above the age of 55 and all desiring an outlet for their skills and desire to work. These are people like Evelyn Freeman, a 72-year-old Welch, WV woman. Evelyn worked night shifts as a nurse aide and during the day raised her 12 children and 4 stepchildren. When she suffered a heart attack, she was forced to retire. Not one to rest too long, though, Evelyn consulted the offices of Green Thumb for help getting a new position and was placed in the McDowell County Public Library. A fast learner and terrific addition to the library, Evelyn is now in charge of the children's library where she works with children between the ages of 3 and 5. Thanks to Green Thumb, Evelyn was able to put her motivation and skills to productive and rewarding use.

For many of West Virginia's older citizens, Green Thumb placement supervisor Brenda Richardson fulfills dreams. Once an individual enters Green Thumb's doors, they are trained and placed in a community organization. It is Ms. Richardson's job to find these trainees full time positions. Her rate of outside employment for her trainees has been, in the past, well above 40 percent and is ever increasing. Of the 18,000 Green Thumb workers from 44 States across the country, Ms. Richardson, just this past year, placed 96 West Virginians in private business positions.

Because of Federal funding and leadership, Green Thumb ensures that older Americans get the training and placement they need to work and continue contributing to their local communities. As Carole Kincaid, the State director of Green Thumb for West Virginia and Kentucky, put it so eloquently, "This is the most rewarding work you could possibly do. When you see the look on the faces of these older people who want to work, who don't want hand-outs, well, it's just the most heartwarming feeling you can have."

It is with great honor that I salute the almost 30 years of effort and success of the Green Thumb program.●

TESTING OF F-22

● Mr. D'AMATO. Mr. President, as I noted in my statement Monday, I am very disturbed by the lack of electronic combat effectiveness testing called for in the F-22 Test and Evaluation Master Plan [TEMP]. I, and my colleagues, have shared our concerns with Air Force Secretary Widnall, and I understand that a response will be forthcoming very soon.

Without prejudging the Air Force response, I want to inform my colleagues that I am considering an amendment to fence F-22 funds subject to the completion of the latest update to the F-22 TEMP. The current TEMP is clearly inadequate, and its successor has languished in draft for some time. At present, the Air Force does not intend to conduct electronic effectiveness testing prior to production. Without such testing, it will be impossible to verify whether the F-22's combination of stealth, speed, and integrated avionics actually exploit and/or degrade air defenses, improve mission effectiveness, and increase survivability.

Proper testing of the F-22's avionics does not seem to be too much to ask in exchange for the $2.5 billion we are being called upon to provide in fiscal year 1995.●

LOOK AGAIN AT TAIWAN

● Mr. SIMON. Mr. President, I am pleased the Senate adopted a resolution I introduced asking for reappraisal of our relationship with Taiwan.

The irony is that we are going out of our way to please the People's Republic of China, which is a dictatorship, while thumbing our noses at Taiwan, which has a multiparty democracy and a free press.

The New York Times had an excellent editorial on the Taiwan situation, and I ask that it be placed into the RECORD at the end of my remarks.

I would urge my colleagues, as well as representatives of the administration, to look carefully at the Taiwan editorial, which makes so much sense.

The editorial follows:

LOOK AGAIN AT TAIWAN

If buying $8 billion worth of American products entitles China to flout President Clinton's human rights requirements and still win renewal of its trade privileges, buying twice that amount should entitle Taiwan to a little diplomatic respect.

Taiwan has one of Asia's most developed economies, best armed militaries and most vibrant democracies. Yet Taiwan's President is not allowed to stay overnight on American soil, Taiwanese officials are not allowed to meet their U.S. counterparts in government buildings and Taiwan's diplomatic offices in this country cannot use any name that would identify the country they represent.

This charade reflects the long-held position of both Taipei and Beijing that there is only one China and that it includes both the mainland and Taiwan. Washington abided by this fiction both before and after it switched

U.S. recognition from Nationalist Taiwan to the Communist mainland in 1979.

But in reality two distinct societies, economies and political systems have grown up on either side of the Taiwan Straits. And despite its official "one China policy," Taipei now seeks diplomatic recognition as a separate political entity.

That has prompted the Clinton Administration to undertake a cautious review of U.S. policy. The resulting recommendations await White House approval. They would ease some of the more humiliating diplomatic restrictions now in force. Cabinet-level visits in both directions would be permitted. Meetings could take place on official premises. Taiwan's unofficial representative offices could be renamed. These are useful steps, meant to make it easier for Americans to do business with the country's fifth-largest trading partner.

But recognizing reality should not stop there. Taiwan is too important a factor in East Asian politics, economics and security to be left out of the new post-cold war order now taking shape. It belongs in the new World Trade Organization. It ought to be included in the Asean Regional Forum on security being launched in Bangkok later this month. And ideally, it should be admitted to the U.N.

The main obstacle to Taiwan's inclusion in such organizations is the bellicose opposition of mainland China, which openly asserts the right to invade and annex Taiwan if the Government there acts too independently. Beijing claims that its relations with Taiwan are an internal matter to be resolved by the two sides alone without outside involvement.

It is not in America's interest to provoke China on this score. But shutting Taiwan out of international forums also carries risks for the U.S. Under present arrangements, if China made good on its threats to attack, other Asian countries would look the other way while the United States, alone, would find itself caught in the middle of the fray.

Last year, Washington helped arrange a compromise formula that let Taiwan participate in the Asia-Pacific economic summit meetings in Seattle. Now it should begin exploring ways to involve Taiwan in the new regional security forum as well.•

RECOGNITION OF JOE S. DUSENBURY AS OUTSTANDING VOCATIONAL REHABILITATION LEADER

• Mr. HARKIN. Mr. President, I would like to take this opportunity to recognize one of this Nation's great leaders in the field of vocational rehabilitation. For 18 years, Joe S. Dusenbury has provided leadership as Commissioner of the South Carolina State Agency of Vocational Rehabilitation, quietly building it into one of the strongest programs of its kind.

Finding jobs for those who have mental and physical disabilities on a daily basis is a challenging task because, unfortunately, many employers still believe that people with disabilities are not qualified to work in competitive employment. Yet, the success of the South Carolina VR Agency has continued to grow. Just last year, 8,392 clients were placed in paying jobs, many of them in cooperative partnerships with industry that Joe helped to create. These jobs provided $8.6 million worth of work for South Carolina industries last year. While serving more than 3 times the national average per 100,000 citizens, the agency has kept the cost per case in South Carolina to about half the national average.

While these figures are impressive, they are nothing when compared to the importance of assisting fellow Americans with the opportunities to find new careers, develop self-esteem, and start life over again.

Joe has seen thousands of persons with disabilities come through the doors of his VR agencies. The Cherry Grove citizen who became a quadriplegic after a diving accident, then received VR job assistance to find employment as a commercial fisherman; the Florence man with no arms who found a job as an auctioneer; and the young couple from Columbia who were married in their motorized wheelchairs; each of whom are indebted to the works of Joe Dusenbury and the South Carolina VR Agency.

Now, as Joe ends his tenure as commissioner of the South Carolina Vocational Rehabilitation and begins another stage in his life, we wholeheartedly thank him for his good works and wish him the best in years to come.

Joe began his work in rehabilitation over 30 years ago as the principal of Poyner Junior High School in Florence, SC. There, he discovered that he had a talent for finding students employment who faced extra challenges on the road to success. His victories in this realm and his master's in educational administration from the University of South Carolina provided for a successful transition into vocational rehabilitation counseling.

Joe's successes can be attributed to his close affiliations with the State legislature to develop a concrete agenda for the VR program. He has made VR a bipartisan political program on which everyone can agree. In his own words, Joe states: "Our program cuts across all barriers. It just makes good sense to help people be productive, taxpaying citizens, instead of relying on the taxpayers to support them the rest of their lives."

Always prepared, steadfast, and productive, the South Carolina VR Agency has found innovative ways to fund projects, even as belts have tightened statewide. Over the years, the agency has built its own rehabilitation centers around the State while continuing to place South Carolinians in jobs, thus keeping them off the dole. These achievements have established the agency's reputation for continual improvement in the State legislature and nationwide.

Throughout his career, Joe has been duly recognized for these achievements. Among the many awards for his service, he has received President George Bush's Distinguished Service Award for work in the disabilities field; the South Carolina State Victory Award for "providing the most services to help persons with disabilities in South Carolina"; the Social Security Administration's Outstanding Service Award for "providing Social Security beneficiaries and Supplementing Security Income recipients extensive opportunities to reestablish meaningful and productive lives"; and the Rehabilitation Services Administration Commissioner's Distinguished Service Award, for "historic contributions to the productive independence, equality, and quality of life of people with disabilities."

He has also served as chairman of the National Council on the Handicapped, a member of the Council of State Administrators of Vocational Rehabilitation [CSAVR], and a member of the President's Committee on Employment of People With Disabilities.

These awards come with sincere gratitude of each individual who has found employment through your programs. We congratulate Joe Dusenbury here today for over 30 years of loyal service to persons with physical and mental disabilities and the vocational rehabilitation community and wish him continued success in future endeavors.•

SHORT-LINE RAILROAD SALES—S. 2264

• Mr. BAUCUS. Mr. President, today I asked Senator DORGAN to include me as a cosponsor of S. 2264, a bill to provide certain worker protections in the sale of short-line railroads.

I am an enthusiastic cosponsor of this important bill because it closes an improper and too often used regulatory loophole in the Interstate Commerce Act. The bill is important to many railroad workers in Montana, and throughout the country. I, therefore, urge the Commerce Committee to swiftly act on this measure.

Under existing law, when workers are affected by the abandonment or merger of rail lines, the Interstate Commerce Commission [ICC] requires that those workers are protected during the transaction. In spite of this, when a railroad company sells a short line to nonrailroad entities the ICC requires no such protection. This loophole has encouraged railroad companies to artificially create nonrailroad entities for the sole purpose of avoiding worker protection. This practice must stop.

This legislation has the potential to save hundreds of high-wage rail jobs in Montana. It provides the employee protection these rail workers deserve. The bill would require railroad companies to provide the same degree of protections to workers affected by short-line sales as apply to approved mergers or abandonments. Under this bill, the ICC will prevent railroad companies from

using the existing loophole to avoid labor protections.

Mr. President, I ask that a letter I received from Jim Mular, State legislative director for the Transportation-Communication International Union in Butte, MT, be submitted into the RECORD immediately following my remarks. This thoughtful letter details the uses of this loophole in Montana and its devastating effects on rail workers.

The hardships that have been imposed on workers by railroad companies using this loophole are painfully real. Our ability to correct this abuse with this legislation is equally real. I am proud to be a cosponsor of this legislation and I urge my colleagues to pass it without delay.

The letter follows:

TRANSPORTATION COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO—CLC

May 19, 1994.

To: Senator Max Baucus—Montana, Washington, DC.

Subj: Dear Colleague Letter Senator Byron Dorgan—North Dakota, seeking co-sponsorship to Shortline Sale(s) Employee protection.

FRIEND MAX: Reference is made to the subject matter. As you know Short-Line Railroad sales (pursuant to 49 U.S.C. Sec. 10101) have been side-tracking rail labor contracts during the Reagan/Bush administrations. Conservative ICC appointees have been remiss in enforcing rail labor protection whenever Class I rail carriers spun off rail lines to short-line operators.

Three significant short line sales in Montana imposed hardships on rail employees. Butte Anaconda & Pacific Railroad (BA&P) was sold to the Rarus Railroad. This transaction was before the ICC for years seeking labor protection. The Commission held that employee protection was inherently permissive by the ICC. Sec. 49 U.S.C. 10101 states that the commission MAY impose employee protection arising from a short line sale.

Senator Dorgan's bill would mandate employee protection by striking the word MAY. . . . Rail employee protection is mandated in all other rail transactions affecting employees, ie: Mergers, Branch Line Abandonments, Facility consolidations, joint track operations etc.

Another sale between Burlington Northern (BN) and the (MWR) Montana Western Railroad became an exempt bridge carrier from Butte/Silver Bow to Garrison, Montana. Resulting in the I.C.C. ignoring the severe economic impact to BN and BAP employees. Wages were reduced by 40% and fringe benefits by 50%—without the ICC imposing 49 U.S.C. 10101 labor protection.

Central of Montana Railroad (CMR) between Denton/Lewistown, Montana was sold by BN with the same scenario impacting BN jobs, along with inferior working conditions such as crossing craft lines.

Exempt short lines transactions are usually conditioned under direct control of the selling Class I railroad, ie: Freight rate tariffs, inner-line costs, and rolling stock. A shortline operator is merely an employee of the "biggies"—they are legal images of the mother railroad under the Staggers Act of 1980. The I.C.C. ignors ordering labor protection for the employees who are affected by these exempt transactions.

Senator Dorgan's bill would remedy this unjust ICC action. Moreover it would save hundreds of high paying Montana railroad jobs.

A similar bill has been introduced in the U.S. House of Representatives (HR 3866 Congressman Bernard Sanders D-VT) with over 90 co-sponsors.

Max!! TCU members in Montana would appreciate your co-sponsorship on Senator Dorgan's bill. . . .

During your tenure in the U.S. House and Senate you have always supported Montana Rail Workers. We need you again to maintain high paying railroad jobs in Montana. Thanks!!!

Your friend,

JAMES T. MULAR (BIG JIM!)•

SCHERING-PLOUGH CORP.

• Mr. SIMON. Mr. President, I would like to recognize Schering-Plough for receiving the Environmental Achievement Recognition Certificate by the U.S. Environmental Protection Agency. Schering-Plough was awarded this certificate for voluntarily reducing permitted chemical emissions at its manufacturing facilities.

Schering-Plough has proven itself to be a leader in pollution prevention efforts. In 1991, Schering-Plough agreed to participate in the EPA's "33/50" Program. The program sought to cut releases of targeted chemicals by 33 percent by 1992 and 50 percent by 1995. Schering-Plough pledged to reduce emissions by 70 percent by 1995, but was able to reach this goal 3 years ahead of schedule.

Schering-Plough is a research-based company which develops, manufacturers, and markets pharmaceuticals and health care products worldwide. The company plans to continue its commitment to the environment and achieve further emissions reductions through improved recovery systems, process modifications, and improved materials management.

Mr. President, we are all aware of the importance of protecting our environment. In order to ensure a safe environment for future generations, we must work to implement cost-effective pollution prevention measures now. Schering-Plough has recognized this fact, and I commend them for their dedication to a cleaner environment.•

DEVELOPMENT COMPANY PROGRAM

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4322, a bill to increase the authorization for the Development Company Program within the Small Business Administration, just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; and that any statement relating to this matter appear in the RECORD at the appropriate place as if read.

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

So the bill (H.R. 4322) was deemed read the third time and passed.

HONORING 14 FEDERAL FIREFIGHTERS

Mr. KOHL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 242, a resolution to honor the 14 Federal firefighters who died while fighting a wildfire near Glenwood Springs, CO, and that the Senate then proceed to its immediate consideration; that the resolution be agreed to, the motion to reconsider be laid upon the table, the preamble agreed to; and that any statements relating thereto appear in the RECORD at the appropriate place.

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

So the resolution (S. Res. 242) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

(The resolution was not available for printing. It will appear in a future issue of the RECORD.)

MEASURE DISCHARGED AND REFERRED—H.R. 4598

Mr. KOHL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 4598, a bill making technical corrections to the Coastal Barriers Resource System; and that the measure then be referred to the appropriate committee of jurisdiction, Environment and Public Works.

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

COMMEMORATING MOON LANDING

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 261, a concurrent resolution relating to the Moon landing, just received from the House; that the concurrent resolution be adopted, the preamble agreed to and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place as though read.

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

So the concurrent resolution (H. Con. Res. 261) was agreed to.

The preamble was agreed to.

TIME FOR OBSERVANCE

Mr. KOHL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 172, designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II".

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. J. Res. 172) entitled "Joint Resolution designating May 30, 1994, through June 6, 1994, as a 'Time for the National Observance of the Fiftieth Anniversary of World War II'", do pass with the following amendments:

In the last clause of the preamble, strike ", 1994," each place it appears.

Page 2, line 3, strike "May 30, 1994, through June 6, 1994, and insert: "May 29, 1995, through June 6, 1995,".

Amend the title so as to read: "Joint Resolution designating May 29, 1995, through June 6, 1995, as a 'Time for the National Observance of the Fiftieth Anniversary of World War II'".

Mr. KOHL. Mr. President, I move that the Senate concur en bloc in the amendments of the House to the resolution, preamble and the title.

The motion was agreed to.

ORDERS FOR TOMORROW

Mr. KOHL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Thursday, July 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that 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 following the announcement of the Chair, Senator HEFLIN be recognized for up to 10 minutes, with Senator GRAMM of Texas recognized for up to 10 minutes, and with up to 20 minutes under the control of Senator BREAUX, or his designee, with Senator MURKOWSKI recognized for up to 10 minutes; that upon disposition of H.R. 4649, the Senate proceed to the consideration of calendar No. 519, H.R. 4556, the transportation appropriations bill.

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

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. KOHL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:09 p.m., recessed until Thursday, July 21, 1994, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1994:

DEPARTMENT OF DEFENSE

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE FRANK G. WISNER.

JAN LODAL, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE WALTER BECKER SLOCOMBE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LESTER L. LYLES [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. FREDERICK M. FRANKS, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WILLIAM W. HARTZOG [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. DANIEL W. CHRISTMAN [redacted]

TE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DAVID A. BRAMLETT [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. ROY L. ALSOP [redacted] 4/7/94
MAJ. MICHAEL S. BASSI [redacted] 3/29/94
MAJ. CAROLYN F. BRAY [redacted] 4/10/94
MAJ. MICHAEL G. DONATELLI [redacted] 4/10/94
MAJ. DAVID K. HARRIS [redacted] 4/5/94
MAJ. ROBERT F. LAKE [redacted] 3/16/94
MAJ. JAMES J. LAURIA [redacted] 4/8/94
MAJ. JOHNNY J. MCCORMICK [redacted] 4/9/94
MAJ. EWIN R. SANSOM [redacted] 4/8/94
MAJ. FRANK J. TISCIONE [redacted] 3/6/94
MAJ. DONALD J. WALSLAGER [redacted] 4/10/94

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. KENTON R. GOTTSCHALK [redacted] 4/23/94
MAJ. CHARLES M. SIMMONS [redacted] 4/9/94

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. JIMMIE L. BENTON [redacted] 4/25/94
MAJ. WILLIAM E. ENRIGHT [redacted] 4/9/94
MAJ. THOMAS M. REEVES [redacted] 2/26/94

BIO-MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. CARL R. WILLERT [redacted] 4/16/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. PHILIP E. BAILY [redacted] 3/5/94
MAJ. JIM C. CHOW [redacted] 4/9/94
MAJ. TIMOTHY J. MCCORMICK [redacted] 4/10/94

NURSE CORPS

To be lieutenant colonel

MAJ. MARY W. WEXLER [redacted] 4/10/94

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be lieutenant colonel

RICHARD C. ADAMS* [redacted]
WILLIAM A. BEYERS [redacted]
WILLIAM F. BRUCE I [redacted]
JOHN W. BRYSON I,* [redacted]
CHRISHON S. BURT* [redacted]
JOHN J. BUYER [redacted]
EDWARD R. CHESLA* [redacted]
PAUL CHRISTIANSON* [redacted]
LEMUEL L. COVINGTON* [redacted]
CHARLENE A. CZUSZAK* [redacted]
JIMMY R. DANIELS* [redacted]
JAMES DAVIS JR.* [redacted]
CARLOS O. DELEON [redacted]
MICHAEL G. DORAN* [redacted]
WILLIAM DRAGOLICH [redacted]
STEVEN L. EIKENBERG [redacted]
TRENT C. FILLER [redacted]
JOSEPH P. FRENO [redacted]
CATHLEEN M. GASIOR* [redacted]
JOHN M. GRIFFIES [redacted]
DAVID R. HILL [redacted]
STEVEN D. HOKETT [redacted]
STEVEN L. KENNEY [redacted]
JAMES G. MADISON* [redacted]
MARK E. MCCLARY [redacted]
GEORGE W. MCMILLIAN [redacted]
LAWRENCE W. MEADORS* [redacted]
JAMES S. NORTHERN* [redacted]
PHILLIP H. PATRIDGE* [redacted]
RUSSELL C. PECK* [redacted]
ROBERT ROSENHEIMER* [redacted]
ARTHUR C. SCOTT [redacted]
DAVID J. STORIE* [redacted]
GEOFFREY THOMPSON [redacted]
JAMES L. THOMPSON [redacted]
ROBERT A. TONEY [redacted]
JOHN F. UPHOFF* [redacted]
DEAN S. UYENO [redacted]
JOHN J. WASILEWSKI [redacted]
ALDRED V. WILLIAMS* [redacted]
STEPHEN B. WILLIAMS* [redacted]
PETER ZAGURSKY, JR.* [redacted]

MEDICAL CORPS

To be lieutenant colonel

ROBERT S. ADAMS* [redacted]
KEITH S. ALBERTSON* [redacted]
DEBROAH A. ALTEMUS* [redacted]
JUAN R. AMADOR [redacted]
YVONNE M. ANDEJESKI [redacted]
DANA A. ANDERSEN* [redacted]
CARL J. BASAMANIA* [redacted]
NICHOL BATTAFARANO* [redacted]
REBECCA C. BENT* [redacted]
VINCENT C. BENTLEY* [redacted]
BENJAMIN W. BERG* [redacted]
KENNETH A. BERTRAM [redacted]
MARK G. BLASKIS* [redacted]
TIMOTHY J. BOLEY* [redacted]
MARK D. BRISSETTE* [redacted]
JOHN D. BROPHY* [redacted]
JAMES E. BRUCKART [redacted]
RALF P. BRUECKNER* [redacted]
TERESA M. BUESCHER* [redacted]
MICHAEL J. BUNDA* [redacted]
KEVIN J. CARLIN* [redacted]
ANDREW J. CARTER* [redacted]
BRIAN S. CARTER* [redacted]
JOHN D. CASLER* [redacted]
DAVID M. CHENEY* [redacted]
JUDITH L. CHIGER* [redacted]
DIANNA CHOOLJIAN* [redacted]
JEFFREY B. CLARK [redacted]
DONALD A. COLE* [redacted]
LEO A. CONGER* [redacted]
RALPH D. COOK* [redacted]
ELIZABETH CORRENTI* [redacted]
MARC G. COTE,* [redacted]
TIMOTHY W. CRAINE [redacted]
KATHLEE DAVIDBAJAR* [redacted]
TIMOTHY DEACONSON,* [redacted]
JERRY W. DIXON,* [redacted]
JOSEPH J. DRABICK [redacted]
RICHARD ELLENBOGEN* [redacted]
DAVID C. ELLIOTT,* [redacted]
ROBERT B. ELLIS,* [redacted]
LINDA Y. EVANS [redacted]
WILLIAM S. EVANS [redacted]
MICHAEL E. FARAN,* [redacted]
BRIAN H. FEIGHNER* [redacted]
MARK L. FRANCIS,* [redacted]
RICHARD J. GALLAWAY* [redacted]
WILLIAM B. GAMBLE,* [redacted]
DAN L. GEHLBACH,* [redacted]
RONALD L. GELZER [redacted]
PATRICK L. GOMEZ,* [redacted]
STEVEN R. GRIMES [redacted]
RANDALL R. HAASE,* [redacted]
KEVIN L. HALL [redacted]
ROGER G. HANSEN,* [redacted]
DAVID K. HAYES,* [redacted]
RICHARD D. HEEKIN [redacted]
JAMES D. HELMAN,* [redacted]
KENNETH A. HIRSCH* [redacted]

RAY E. JENSEN, xxx-xx-xx...
JOHN A. JOHNSON, xxx-xx-x...
DAVID L. JONES,* xxx-xx-x...
STEPHEN D. JONES, xxx-xx-xx...
DANIEL S. JORGENSON,* xxx-xx-x...
RICHARD W. KRAMP, xxx-xx-x...
MARGOT R. KRAUSS, xxx-xx-x...
TIMOTHY C. LANDES,* xxx-xx-x...
DANIEL H. LANGE,* xxx-xx-x...
STEVEN B. LARSON, xxx-xx-x...
DOUGLAS S. LAX,* xxx-xx-x...
PAUL H. LEITSCHUH, xxx-xx-x...
JEFFREY L. LENNOX, xxx-xx-xx...
JOHN J. LESICA, xxx-xx-x...
WADE A. LILLEGARD, xxx-xx-x...
JAMES R. MALCOLM, xxx-xx-x...
KIM R. MARLEY, xxx-xx-x...
DAVID W. MARTIN, xxx-xx-x...
ROBERT R. MARTIN, xxx-xx-x...
THOMAS R. MARTIN,* xxx-xx-x...
MIGUEL J. MARTINEZ,* xxx-xx-x...
THOMAS M. MARTINKO, xxx-xx-x...
GEORGE B. MCCLURE, xxx-xx-x...
JOHN T. MCDONALD,* xxx-xx-x...
GORDON B. MILLER, xxx-xx-x...
JULIA A. MORGAN,* xxx-xx-x...
TERRI P. MORRIS, xxx-xx-xx...
DAVID D. MUKAI,* xxx-xx-x...
CRIS P. MYERS, xxx-xx-xx...
PETER J. NAPOLI, xxx-xx-xx...
STEVEN R. NEISH,* xxx-xx-x...
ROBERT K. NOBACK,* xxx-xx-x...
STEVEN A. OLDER,* xxx-xx-x...
ARMANDO OLIVA,* xxx-xx-x...
WILLIAM R. OLIVER,* xxx-xx-x...
ANA B. OSCOS,* xxx-xx-x...
DAN W. PARKINSON, xxx-xx-x...
ANA L. PARODI,* xxx-xx-x...
GREGORY PATTERSON,* xxx-xx-x...
MARTIN G. PAUL,* xxx-xx-x...
JACK T. PEARSON,* xxx-xx-x...
DENNIS S. PEPPAS, xxx-xx-xx...
CAROL E. PILAT,* xxx-xx-x...
JOHN D. PITCHER,* xxx-xx-x...
HOWARD M. PLACE,* xxx-xx-x...
TIMOTHY P. REARDEN,* xxx-xx-x...
PAUL C. REYNOLDS, xxx-xx-x...
MARGARE RICHARDSON,* xxx-xx-x...
JEFFREY R. RIFKIN, xxx-xx-xxxx
ROBERTO RODRIGUEZ,* xxx-xx-x...
JANE E. ROWE,* xxx-xx-x...
THOMAS A. ROZANSKI,* xxx-xx-x...
DOREEN SALTIEL,* xxx-xx-x...
MICHAEL R. SCHAUB, xxx-xx-x...
JAMES K. SCHROEDER,* xxx-xx-xx...
ERIC W. SCOTT,* xxx-xx-x...
STEVEN R. SHANNON, xxx-xx-x...
HOWARD W. SHARF,* xxx-xx-x...
KATHLEEN M. SHEEHAN,* xxx-xx-x...
ROBERT L. SHEFFLER, xxx-xx-xx...
BRADEN A. SHOUPE,* xxx-xx-x...
DONALD L. SINDEN,* xxx-xx-x...
JAMES D. SINGLETON, xxx-xx-xx...
DONALD V. SMITH,* xxx-xx-x...
JEFFREY R. SMITH, xxx-xx-xx...
KARL C. STAJDUHAR,* xxx-xx-x...
WELLINGTON SUN, xxx-xx-x...
JEFFREY D. THOMSON,* xxx-xx-xx...
MICHAEL B. TIERNEY,* xxx-xx-x...
MARTIN H. TIEVA,* xxx-xx-x...
JAMES H. TIMMONS,* xxx-xx-x...
GEORGE C. TSOKOS,* xxx-xx-x...
MARK D. TURNER, xxx-xx-x...
DAVID W. VAUGHN,* xxx-xx-x...
FREDERICK VORWALD,* xxx-xx-x...
SVETISLAVA VUKELJA, xxx-xx-xx...
PAUL G. WELCH, xxx-xx-x...
SHARON A. WEST,* xxx-xx-x...
GREGORY M. WINN,* xxx-xx-x...
KIM J. ZAGORSKI,* xxx-xx-x...
PATRICIA ZIMMERMAN, xxx-xx-x...
ROBERT P. ZURCHER,* xxx-xx-x...

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HOUSE OF REPRESENTATIVES—*Wednesday, July 20, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. TORRES].

DESIGNATION OF SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 20, 1994.

I hereby designate the Honorable ESTEBAN TORRES to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

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

We pray, O God, that our thoughts will be born of a good spirit, that our words will have the ring of truth, our deeds will show forth with courage, our promises will be made with integrity, our motivations will be cleansed by honor, our commitments will be fulfilled and true, and all our aspirations will be marked by strength of character. O gracious God, You have given to each person the marks of humanity and civility, so bless us and keep us in Your truth, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. TORRES). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. MICA] come forward and lead the House in the Pledge of Allegiance.

Mr. MICA 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.

THE FACTS ON THE ECONOMY

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

Mr. SKAGGS. Mr. Speaker, when President Clinton took office in January 1993, the Nation's economy was stagnant, job growth was slow, and despite previous efforts the Federal budget deficit was still headed up.

Now, 18 months later, the picture looks quite different. To those who don't believe it, I ask you to listen to these facts:

Fact: The deficit is down. Measured as a percentage of our national income, our deficit is the second lowest of any advanced economy in the world—and next year it will be the lowest.

Fact: Some 3.8 million new jobs have been created since January 1993. That's more job growth in a year and a half than in the previous 4 years combined. That's 3,000 a day. And, these are all private sector jobs.

Fact: Unemployment has fallen, from 7.7 percent at the end of the Bush administration to 6 percent today.

Fact: The Federal Government is shrinking. Federal spending as a percentage of our national income is lower now than under President Bush or Reagan—the lowest since 1979. By 1999, we will have eliminated 272,000 Federal positions, and we'll have a Federal work force that's smaller than it's been since the Kennedy administration.

Fact: Consumer confidence is up—now at the highest level in about 4 years.

It's time to give credit where credit is due. The economic plan the President and Democrats in Congress passed last year is working. The facts about 18 months of economic progress prove it. Federal Reserve Board Chairman Alan Greenspan has said the economy is in the best shape in decades. His words: "The U.S. economy has recently been experiencing the ideal combination of rising activity, falling unemployment and slowing inflation."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1873. An act 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.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4426. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4426) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2208. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

THE CLANDESTINE CAUCUS

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

Mr. LINDER. Mr. Speaker, here in Congress, we have the Black caucus, the Hispanic caucus, the sportsmens caucus, the rural caucus, the space caucus, the steel caucus, the Sunbelt caucus, and now you can add the clandestine caucus.

The newly formed clandestine caucus is made up of the Democrat leadership and the entrenched committee chairman.

The public need not apply. Their objective is to protect their political agenda and the administration—out of sight of the Republicans, the media, and most importantly, the American people.

It is a busy season for the clandestine caucus, which is currently recrafting the Clinton health care plan behind closed doors and is holding the Whitewater papers under lock and key.

The clandestine caucus is concealing the work of the Congress from the American people. This approach typifies the arrogance of power found here in Washington. The clandestine caucus has forgotten that the American people pay their salary and will not be kept in the dark.

ON BIPARTISANSHIP AND THE D.C. APPROPRIATION

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

Ms. NORTON. Mr. Speaker, in 1991, Congress in votes of extraordinary bipartisan dimensions gave aid to the Capital City. BOB MICHEL, NEWT GINGRICH, JOE MCDADE, TOM BLILEY, and DEAN GALLO stood beside TOM FOLEY, DICK GEPHARDT, JAMIE WHITTEN, RON DELLUMS, and JULIAN DIXON.

In contrast to the overwhelming 1991 vote of 300 to 123, the District's appropriation barely made it out of the House last week. Ironically a much thinner bipartisanship proved essential. I am particularly grateful to the gentleman from Virginia, TOM BLILEY, for his special leadership and to the indefatigably skilled subcommittee chair, the gentleman from California, JULIAN DIXON.

The city needs to get its fiscal house in order quickly to avoid ever being taken to the congressional woodshed again. Yesterday's announcement that the District plans to produce a plan even before the congressionally set deadline is the right response. In turn, Congress must solve its part of the problem, especially the pending pension liability bill to address a prehome rule debt.

Last week was the kind of catastrophe from which a new beginning can be made. I thank my colleagues who helped to rescue the appropriation and make a new beginning possible.

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, after a full year of trying to sell his big government health care takeover, it is clear that President Clinton's plan has fallen and it cannot get up.

It has fallen because the American people know better than to trust their families' health care to Washington bureaucrats. Americans have a gut instinct that clearly tells them Government seldom knows best. That folks ought to be able to choose their own doctors, their own coverage, their own treatments.

Unfortunately, the Democrat leadership and the administration are meeting secretly behind closed doors. You see their idea is to spring their big Government, health care takeover plan on Congress and the American people again at the last minute and then force a vote before anyone really understands the bill. That is the only way they can reach their goal of putting bureaucrats and politicians in charge of Americans' health care. And that is wrong.

□ 1010

GATT REGULATIONS SHOULD NOT SUPERCEDE THE U.S. CONSTITUTION

(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, one bill can turn back the clock and reverse American law. It is called GATT; that is right, GATT. Under GATT, America's environmental laws can be challenged and reversed, and America's consumer laws can be challenged and reversed. In fact, under GATT foreign judges will decide if America's trade laws are legal. Unbelievable. Thomas Jefferson is literally rolling over in his grave.

Mr. Speaker, this is not about GATT, this is not about trade, this is about sovereignty. Any Congress that would allow the World Trade Organization to supercede or sit in judgment of the Constitution of these United States should be impeached. This is unbelievable to me. Think about it.

WAY OVERBOARD

(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, I want to read a quote about health care reform:

> We need to do something about it, but we don't need to go overboard. Repair it, but be sure you don't break it further.

That is the opinion regarding health care of the constituents of one Democratic Member from Louisiana, according to the Washington Post.

Unfortunately, Mr. Speaker, the Clinton health care plan goes way overboard.

Instead of fixing the problems that plague our current system, the Clinton health care plan will create even more problems by mandating that government, control the health care decisions of every American citizen.

Mr. Speaker, the American people are worried about the Clinton health reform plan. They are afraid of what it will do to their health care quality. They are troubled by the long lines, the rationed care and the higher taxes.

For most Americans, the Clinton plan goes way overboard.

I urge my colleagues to listen to the American people. Repair our health care system, but be especially careful that we do not break it further.

HIGH MARKS FOR PRESIDENT CLINTON AND DEMOCRAT SUPPORTERS IN CONGRESS

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

Ms. DELAURO. Mr. Speaker, as we all remember, the 1992 Presidential election turned on one central issue: the economy. Candidate Bill Clinton made the economy the centerpiece of his campaign and promised to make it the centerpiece of his administration.

Last week, 18 months into his Presidency, the President received his first report card on the administration's economic program and it included high marks across the board. The President's budget that Congress passed last year—without the help of a single Republican vote—has put our economy back on track.

We have cut spending and the bureaucracy. Spending is projected to be lower in the Clinton administration than during either the Bush and Reagan administrations. We have lowered the deficit for 3 years running for the first time since Harry Truman was in the White House.

We've created jobs—6,398 private sector jobs a day. And, we have also cut taxes for 15 million Americans through the earned income tax credit.

Yes, there is still work to be done. But, for President Clinton and Democrats in Congress who stood by him, the news is good. The economic program is working. We are creating jobs, lowering the deficit, cutting spending, and cutting taxes. And, we are keeping our pledge to middle-class Americans to make Government work for them again.

THE ADMINISTRATION SHOULD WORK ON BIPARTISANSHIP IN HEALTH CARE REFORM, NOT ON PUBLICITY STUNTS

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

Mr. THOMAS of Wyoming. Mr. Speaker, some time ago, one of my friends from the other side of the aisle came to the well and said, "Let us take politics out of health care." Give me a break. The President and his little band of advisers have handled this issue just like a campaign operation. Now he takes to the country in a series of bus promotions for his federalized health plan.

When the people of Wyoming heard about the promotional parade to come to the State, to Cheyenne, it was labeled the "Phony Express." Mr. Speaker, the people of Wyoming want fundamental change in health care to assist families in having access and keeping costs down, but they want it kept in the private sector. Let us fix it, not federalize it.

Interestingly enough, the Wyoming sector of the caravan has been canceled. I guess the Democrat candidates in the West really are serious about distancing themselves from the President.

Mr. Speaker, the Phony Express is another example of a publicity stunt without giving the folks facts. Instead of $20,000 a bus traveling the country, the administration should spend their free time trying to work out a bipartisan health care plan we can all support.

THE ADMINISTRATION'S WAR WITH ITS OWN PARTY

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

Mr. PAXON. Mr. Speaker, first we had this administration's war on the West. Then we had the administration's war on senior citizens, led by Dr. Joycelyn Elders. Now we seem to have the administration's war with its own party.

Yesterday, as the Democrat leadership in this House were reaffirming their commitment to employer mandates, we had the President apparently retreating, we think. Yesterday, as Mrs. Clinton was on national TV reaffirming the commitment to universal coverage, the President was retreating.

Mr. Speaker, there is no confusion, and there is no retreat among Republicans, and, fortunately, some Democrats in the House who believe in real health care reform based on the Rowland-Bilirakis model. We believe strongly and steadfastly in the cause of health care reform based on bringing prices down, costs down, and bringing greater coverage for the American people, but doing it without a Federal bureaucratic system that was originally proposed by this administration.

Mr. Speaker, we urge the President to look at Rowland-Bilirakis, to look at where Republicans stand united in the House and the Senate, on real health care reform. We urge him to move our way and move in the direction of the American people.

DEFEATING HEALTH CARE FRAUD

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

Mr. HOBSON. Mr. Speaker, last week, Senator BILL COHEN released a new report stating that this country loses $100 billion each year to health care fraud. The blatant offenses against the Medicaid and Medicare systems cited by this report are common and everyday.

Such examples include a supplier overbilling by 600 percent for a diabetic monitor, and doctors billing for treatments they had never performed or had performed on patients who had died.

These are the kinds of thing that go on and on without detection for years. It is costly to taxpayers, and it is compromising our Nation's health care.

In the present system, there is no easy way to catch this abuse. But my colleague from Ohio, TOM SAWYER, and I have introduced a bill that will detect and eliminate much of this abuse and fraud. It is called the Health Information Modernization and Security Act. And it has already been incorporated into three out of four committee bills passed in the House and Senate.

With the time drawing short in this Congress to achieve comprehensive health care reform, there are several provisions worthy of inclusion in any bill that is passed. This is one of them, and I urge my colleagues to ensure its inclusion in any bill that passes this Chamber.

CELEBRATING THE 25TH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING AND THE SUCCESSES OF APOLLO MISSIONS.

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

Mrs. MORELLA. Mr. Speaker, today, we celebrate the 25th anniversary of the *Apollo 11* lunar landing and the victorious successes of our Apollo missions.

The Apollo missions were a triumph and a wave of reassurance for a Nation ill at ease on the battlefield of the cold war. It was a victorious answer in those extraordinary times to the challenge of sending a man to the Moon and returning him safely to Earth. It was a vivid, awe-inspiring testament to the capability and ingenuity of the human spirit.

It was also a glorious adventure in which a great number of Americans took part. During the Apollo era, America's space efforts grew at unprecedented rates. The Government hired the biggest and the best scientific force in history, and colleges and universities swelled with students pursuing science and engineering. In addition, it produced a Golden Age of American technology and advancement—an age that, today, we are attempting to recapture and begin anew as we move our space program into the new millennium.

In the past weeks, a clear message, inspired in part by the Apollo missions, has been sent to Congress—the American people want us in space. The dream is, indeed, still alive. As we commemorate this silver anniversary of the first lunar landing and remain committed to our Nation's space program, we are continuing this dream for our students, for ourselves, and for all humankind.

□ 1020

FLORIDA EVERGLADES THREATENED BY NOXIOUS WEED

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

Mr. SHAW. Mr. Speaker, I would like to address an issue that is destroying the Florida Everglades. As you know the Everglades is a fragile ecosystem. At the present time a noxious weed, melaleuca, is infesting the Everglades. It is turning the Everglades' wetlands into a melaleuca forest. This is an environmental disaster which we must and can stop. By this same time tomorrow, an additional 52 acres will be infested with this horrible pest. Federal assistance in funding a melaleuca quarantine facility is essential.

Fortunately, the building of a melaleuca quarantine facility is well on its way. With the help of Congress, a $1 million appropriation for this facility was included in the fiscal year 1994 energy and water appropriations bill. However, this is not enough. This morning, I am joined by Mr. DEUTSCH and 20 other members of the Florida delegation in asking for an additional $3 million authorization and appropriation for this much needed facility. We are hoping that this legislation will be included in the Water Resources Development Act of 1994.

Today, we are introducing legislation that would authorize and appropriate funds for the melaleuca quarantine facility. The time to act is now. This legislation is vital for the preservation of the Everglades. We urge your support.

ROCK THE PRESIDENT

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

Mr. DREIER. Mr. Speaker, the President yesterday urged young people to get involved in the health care debate. Called Rock the System, it's based on the Rock the Vote get-out-the-vote drive and is promoted by MTV.

But when young folks take a look at Bill Clinton's health care plan, they will want to Rock the President.

That's because the President's plan hits the young the hardest.

By mandating a community rating system, it makes younger people pay more for less, while making the older pay less for more.

The President's plan has many other flaws, as well. The employer mandates will make it even more difficult for younger Americans to get a job. The global budgets will promote rationing. And the price controls will make future innovations in health care delivery more difficult.

I am glad MTV is getting involved in the health care debate. Hopefully, by seeing what the President's plan will do for them, younger Americans will support with Republican efforts to implement real health care reform.

THE WRONG PRESCRIPTION

(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 the latest poll, 86 percent of the American people have health care insurance and are happy with it. When the American people talk about reform, they do not mean radical restructuring. When they speak about universal coverage, they do not mean socialized medicine. And when they see cost containment, they do not want health care rationing.

Mr. Speaker, the Clinton plan is the wrong prescription for the problems of our health care system. I urge the President and the Democratic leadership to listen to the desires of the American people. Work with Republicans to achieve a commonsense health care reform now. Do not try and do it alone, behind closed doors. The American people will reject that at the polls in November.

DO NOT INVADE HAITI

(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, incredibly, the B-team of foreign policy advisors at the White House is still racing headlong toward a dangerous military operation in Haiti. Why? Not because Haiti represents a national security threat to the United States. Not because American interests in Haiti have been threatened. And not because American lives are at stake.

The answer seems to be that domestic political pressures from special interests have convinced the President that invasion may be his only choice. Fully two-thirds of the American people oppose U.S. military intervention, as would a majority of Members of this body if given a chance to express our will. Nevertheless, this morning's Washington Post outlines the ongoing groundwork being laid for an invasion.

Mr. Speaker, there are better solutions for Haiti. I urge my colleagues to join me in cosponsoring House Concurrent Resolution 269. Send the message to the President: Do not invade Haiti.

THE 25TH ANNIVERSARY OF APOLLO MOON LANDING

(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, 25 years ago proving that we could go to the Moon and return safely was our goal.

Today, our ability to explore space is not in question, only our desire. Undoubtedly, the environment in which the U.S. space program thrived in the sixties and seventies is long gone. The cold war is over. The public is wary of tax dollars ending up in black holes.

The question on many people's minds is, "Do we still need a space program?" My answer is an emphatic, "Yes."

While the results of modern day space exploration may not be as fantastic as the high profile Apollo flights, they are no less important in terms of ground-breaking scientific discoveries and spinoff technologies that positively impact our daily lives.

For example, the development of life-saving technologies such as programmable pacemakers and bioreactors for culturing ovarian and breast cancer cells have dramatically improved medical care. And environmental technologies such as water purification systems help us improve our world.

On the 25th anniversary of the greatest technological feat achieved by mankind, we must take pride in the many tangible benefits derived from the U.S. space program and the prospects and the promises of the future.

HEALTH CARE SHOW GOES ON THE ROAD

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

Mr. BOEHNER. Mr. Speaker, the show is about to begin. The President and the First Lady are about to take their health care show on the road. But while they are on the road, they ought to listen to the American people who are making it very clear that they do not want Government running the Nation's health care, that they do not want rationing of their health care.

Instead of going out and huckstering the Clinton health care plan, I hope the President and Mrs. Clinton will listen to the American people and not go out there and act like stories that we used to hear about the snake oil salesman and the medicine man. They ought to listen to the American people.

I would say as this show begins, let the American people beware of those that are promising free lunches and things that they cannot deliver.

FLEXIBLE TO THE POINT OF CONTORTION

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

Mr. SMITH of Texas. Mr. Speaker, today's Washington Post headline reads "President Signals Health Flexibility." You would think by now that the President's flexibility would hardly be news.

This administration has taken flexibility to the level of contortion in every other policy area. Now it seems that even the President's primary policy initiative can join the rest on the back of a milk carton with a caption "Have You Seen This Policy?"

What is the President saying with his new flexibility? He is now saying that "universal" will mean less than everyone.

President Clinton now admits that 95 percent is his coverage goal. However, he is still saying he is willing to rip up America's entire health care system. That means the 85 percent of Americans who have coverage they like will be sacrificed on the altar of a big government program for the ostensible purpose of maybe covering 10 percent more.

The most logical way to improve the Nation's health care would be to help the 10 percent, not endanger the 85 percent, unless your real goal is something else.

President Clinton's new health policy still owes more to ideology than flexibility; the only difference now is that it is more evident.

TAX CUTS, JOBS, AND SPENDING TITLE

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

Mr. KINGSTON. Mr. Speaker, whatever happened to the middle class tax cut? Where is it? Or did candidate Clinton actually promise to end tax cuts as we know them? Because, instead of getting a middle class tax cut, we have got a tax increase on Social Security, a tax increase on gas which affects every single American in this country, and a tax increase on subchapter S corporations and self-employed individuals, which has caused a sluggish recovery and a decrease in the number of new jobs created as compared to the jobs created under the Reagan-Bush administration, which was the largest peacetime expansion in the history of our country, with 18 million new jobs created.

Mr. Speaker, on top of this, we are going to increase spending approximately $400 billion over the next 5 years. Because, you see, in Washington, when we talk about cuts, we actually mean a decrease in the projected increase. We are not talking about spending less money than we did the year before.

□ 1030

That is what a decrease is about, not the games we are playing now.

Mr. Speaker, let us not forget the middle class. They are paying for everything. Let us give them that tax cut. Let us fulfill the President's campaign promise.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. HUTTO). 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 further consideration of the bill, H.R. 4299.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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 Mr. WISE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, July 19, 1994, the amendment offered by the gentleman from New York [Mr. GILMAN] had been disposed of, and the bill was open for amendment at any point.

Are there any further amendments to the bill?

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word to tell my colleagues that there are basically two sets of amendments left. The gentleman from Massachusetts [Mr. FRANK] has an amendment on counternarcotics, and the gentleman from Florida [Mr. GOSS] and myself will have a collection of amendments on the issue of secrecy. Then that is it, and we should be able to finish this bill, hopefully, within the next hour.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment which was printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 4, after line 23, add the following:

SEC. 104. REDUCTION IN COUNTERNARCOTIC AND DRUG INTERDICTION FUNDS.

The amounts authorized to be appropriated under section 101 for counternarcotic activities and drug interdiction, as specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress, are hereby reduced by $100,000,000.

Mr. FRANK of Massachusetts (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 Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just clarify for my colleagues, the chairman of the committee said that he and the ranking Republican had a collection of amendments on secrecy. He could not tell Members exactly how many, because I think that is a secret. But it will become clear later on if Members will look very carefully. We do not want the enemy to find out how many amendments we have because who knows what that might lead to.

Mr. Chairman, what I want to do today is to discuss the urgent need for a change in the way we deal with narcotics. This Congress has spent a great deal of its time and energy concerned about crime, legitimately. It is frustrating because the major instruments in the battle against crime are not wielded from the Federal Capitol, they are State and local entities. But we are trying very hard to do our best to be helpful.

Unfortunately, I think we have in place a national policy regarding drugs which is significantly unhelpful. We have historically spent most of the money we spend dealing with drugs on a futile effort physically to keep various narcotics out of the United States. This is a very free country. We have a great deal of freedom of personal travel. We have people who are secure in their persons and in their possessions from unreasonable searches, and we have an economy that is extraordinarily open.

Given the number of people who come and go from the United States every day, given the amount of goods that are sent into the United States either in the company of individuals or shipped in, it is physically impossible for us substantially to affect the quantity of narcotics shipped into this country.

In fairness to the armed services and to the military auxiliaries and to the police and to all of the other agencies, given the freedom of the United States, if we told them that we wanted them to keep all horses out of the United States they would probably do a very good job and keep most of the horses out. Some would get smuggled in. As the entity gets smaller, particularly when it gets so valuable, it is fruitless. I do not believe that anyone has been able to point to any significant success in our efforts physically to reduce the availability of drugs in America. I want to repeat that, because I do not think there is a policy in the United States that has gotten more rhetorical support and more money and produced less. No one claims that we have made any significant dent in the flow that comes in.

What we do is divert enormous amounts of money from a strapped Government. What we should be doing is putting money into other places. I have proposed a cut of $100 million because this policy is so futile, and I would say it is not my impression that the committee thinks that this policy is very effective insofar as it reduces drugs in America. One suggestion is it may be useful because it will raise the price so people have to steal more.

Mr. Chairman, what I would like to do is cut $100 million and make that available. I cannot under the rules do that here, but there are three other purposes that seem to me much worthy, local law enforcement, deficit reduction, and drug treatment and education. So I would hope we would reduce this $100 million that is being wasted on a futile effort that has been historically unsuccessful, for good reasons, because it cannot succeed, and make that money available for some combination which the House and the Senate would chose for deficit reduction, local law enforcement and drug treatment.

That is the purpose of this amendment and I hope it is adopted.

Mr. SHUSTER. Madam Chairman, I move to strike the last word. I rise in opposition to my good friend's amendment. I would suggest that indeed there are very specific examples of success in our efforts to reduce the quantity of illegal narcotics being sent into the United States.

Madam Chairman, let me be specific. First of all, the Federal Government last year seized 110 metric tons of cocaine, which is about 14 percent of the estimated production. In addition, cooperative Latin American governments seized an additional 130 metric tons of cocaine. These seizures would not have been possible without good intelligence. Intelligence is absolutely crucial, and the last thing we need to do is to reduce our efforts at providing good intelligence aimed at interdiction. This $100 million cut would cripple our ability to interdict.

Let me go further. Total world seizures of cocaine alone last year was 265 metric tons' worth over $40 billion on the street. This lost income to both the Cali and the Medellin cartels has had a significant impact on their operations.

Beyond that, there are other examples of intelligence successes with regard to our battle against the shipment of illegal narcotics into this country. The successful hunt for Pablo Escobar was only possible with the assistance of intelligence to find his pattern of activity and identify his various hiding spots.

In Bolivia, "Meco" Dominguez was captured, and in Peru another drug lord was captured. Suppliers of the Cali cartel were arrested, and this man is now serving a life sentence.

Indeed, the last thing we need to do is to reduce these efforts, and there are many specific examples of success.

My good friend from Massachusetts says that we should spend this money, this $100 million in other ways. One of the ways he suggests we should spend it is more money into drug treatment. I wish drug treatment were successful, but the sad truth, the hard fact is that about 86 percent of all people who go into drug treatment programs end up back on drugs. There is only about a 14-percent or 15-percent success rate.

So as sad as it is, the harsh reality is that drug treatment does not work very well at all. So we should instead of taking money away from interdiction and putting it into programs that do not work very effectively, we should not be throwing up our hands in despair and in effect saying let them ship illegal narcotics into the United States.

□ 1040

Instead we should be intensifying our efforts, because, indeed, the facts are very clear that we have been able to put a significant dent in their efforts, and for that reason, if no other reason, for that reason alone we should reject the amendment.

I urge a vote against this amendment to cripple our drug-fighting efforts.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, there is an interesting statistical quirk we have just seen. The gentleman said this is a very good program because we have seized 14 percent of the drugs which were made, and denigrated drug treatment because it only helps 14 percent of the recipients. So apparently 14 percent can be either a sign of enormous success or an indication of total failure depending on which side of the argument you are on.

Mr. SHUSTER. Reclaiming my time, I would point out to the gentleman the 14-percent figure only represented what our Government alone did, and when you look at what Latin America did, it was about another 15 percent you add on top of this worldwide, so the total figure is a higher figure, but beyond the statistics even more importantly is, in my view, the U.S. position should be that we are not going to throw up our hands and simply let the narcotraffickers ship their product into this country.

We should have an effort, a war, if you will, against these narcotraffickers, and we should do it because it is effective. It is not as effective as it should be. I would like it to be more effective, but we certainly should not throw up our hands in despair.

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

Madam Chairman, I do rise in opposition to this specific amendment.

Yet, at the same time, I think it is important for us to concede that a lot of us have been unsure about all of the dollars and where they have gone and resources we have used in the overall war on drugs, and I know that many of my colleagues on both sides of the aisle have said if we are going to have a war on drugs, we ought to at least declare it.

I know the total number of dollars we have spent has been questioned. Indeed, I should tell my colleague from Massachusetts that the Committee on Intelligence, the full committee, in its final hearing did question it and, indeed, we are demanding a report back from specific sectors of the Department of Defense with respect to the total allocation here.

It is not a matter of saying that we are going to rubberstamp in this legislation everything that someone has in terms of an idea about how we will utilize our funding. Nonetheless, I fought very hard not to cut the drug interdiction dollars, because I happen to represent a district through which many drugs are disseminated, and representing a district such as I do, we recognize the vast importance of providing dollars as the gentleman from Massachusetts suggests in the treatment, in education, and certainly in terms of the whole policing, because we think, many of us believe, that is a key component of it.

I should tell you Joint Task Force 6, which is also in my legislative district, certainly provides much of that kind of assistance. In fact, the El Paso intelligence community itself does well, EPIC, in providing resources, assets, and information to local law enforcement and throughout the entire United States. All 50 States now fully participate with the exchange of that kind of information.

It is not just a simple problem of saying we can only do one thing or the other. I am one of those that have always believed, like many of you, that we cannot just fight this war on drugs or this battle in only one place. It kind of reminds me of a football team, when you say, "Well, we are going to field a great football team. Oh, by the way, we are missing a guard, a tight end, a tackle. We cannot do those; we cannot afford those players. What we are going to do is just try to fight this contest with what we have and what is left." I do not think we can do that. I think we have got to do it all across the front. I think we have got to do it with education.

I share the concern of my colleague from Massachusetts about perhaps some of the lack of direction and funding that we have gone through, but I must say we should not give up the idea we can interdict drugs, as tough as that is, and I share his concern about the telling statistics about some of our failures. Yet, at the same time, I think were we not doing what we have done in the area of interdiction and law enforcement, the problem would be much, much greater than it is.

So I am proud of those people who have been out there on the front lines. I happen to represent a lot of them. I, for one, think a cut of this magnitude is not the appropriate thing to do. I would hope that my colleague and those who will join him in voting for this amendment would only help us and provide us with the kind of follow-up procedures throughout the course of this year and stay with us on this issue, because I fought some of these cuts, and sometimes in a fairly lonely battle.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I thank the gentleman for the very thoughtful proposal. I would just say, since we are dealing with drugs and to some extent cocaine, to carry out his football analogy, maybe we need more nose guards.

The fundamental point I would make is I am glad to hear he and others on the committee intend to hold people accountable.

I remember when it was first proposed to put the military heavily into this issue, the military resisted. They did not want to do it. Frankly, I am a little suspicious that some of their enthusiasm came from the fact that back then in the early 1980's they did not need it for budgetary purposes; now they do.

I am glad to hear what the gentleman said. I just wanted to say I will be glad to work with him in establishing criteria for success as to what we think is working, and its impact should be measured by what happens in the United States. I welcome that, and I will be available to cooperate with my friends, and I thank the gentleman.

Mr. COLEMAN. I will continue to urge, of course, my colleagues to vote against this amendment.

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

Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Massachusetts to cut our Nation's vital drug intelligence and interdiction efforts. This amendment will cripple these vital functions in the battle against the scourge of drugs.

Drugs, I might add, are related to more than one-third of the violent crime, one-half of the murders in the United States, while adding billions to our health care costs, and destroying much of our inner cities and large numbers of our youth today. Our drug war cannot afford this cut and purported savings.

Any battle against drugs, or any other enemy for that matter, requires sound intelligence to be effective. We need eyes and ears in the front lines of this war against sophisticated drug cartels which do not operate in the open, or play by anyone's rules. Intelligence provides the much needed eyes and ears to combat those drug traffickers.

Sadly, we have already seen disastrous cuts, and unbelievable bungling by this administration in our overseas interdiction, and counternarcotics intelligence efforts. We cannot stand by,

and permit further erosion of our vital efforts against the international narcotics trade.

The amendment before us does just that, make no mistake about that.

The critics of our counternarcotics efforts continuously state that nothing works, the drugs pour in, and our drug problem just doesn't get any better. Those critics are wrong. We have made significant progress over the recent years.

But, let us examine the critics' arguments. I ask these critics, What would the impact be of tons of additional cocaine—for example, fiscal year 1992, 137 metric tons seized—on our city streets, schools, and to our young, if we did not get a handle on these narcotics overseas, before they reach the United States?

By the time drugs have reached the nickel and dime bags on our city streets and in our schools, we have in many ways already lost the battle. That is why our overseas counternarcotics and interdiction efforts are so important.

In fiscal year 1991 the total U.S.-foreign seizures amounted to 140 metric tons of cocaine, or 14.6 percent of worldwide cocaine production. In fiscal year 1992 we seized 137 metric tons of cocaine, or 14.1 percent of the world's production. Those impressive results didn't come from random luck, but they flowed from hard intelligence work, needed to defeat the traffickers.

Actions have consequences as you can see, and to the benefit of the traffickers clearly if we were to cut our successful interdiction and counternarcotics efforts.

We can only guess at the added costs in violent crime, health care, drug treatment, and loss of lives in American society today from more cocaine from Colombia or heroin from Burma and onto our streets, and in our schools, from this precipitous act of cutting our drug intelligence efforts.

Let us not further weaken our Nation's war against drugs by this severe cut in our counternarcotics intelligence and interdiction efforts. I urge my colleagues to defeat the amendment before us.

□ 1050

Mr. MICA. Madam Chairman, I move to strike the last word.

Madam Chairman and my colleagues, I rise today in opposition to this amendment. My colleagues, the House Committee on Foreign Affairs recently held joint hearings on United States drug policy in the western hemisphere. I had the opportunity to attend these hearings, and I wish that many of our other colleagues could have been there. Let me say that testimony that I heard revealed a drug policy of the United States which is in total chaos. What was revealed was shocking for the Nation and also for my State of Florida.

Cocaine air trafficking is up 20 percent. The heroin supply has increased 44 percent, other illegal drugs and narcotics are not far behind.

Now, we have before us today a proposal to gut our drug enforcement intelligence capability. At this time I really cannot think of anything that could be more ill-conceived or ill-thought-out by this congress than to go forward with the proposal advocated by the gentleman from Massachusetts.

I believe that we are on the verge, quite frankly, of an onslaught of illegal narcotics unlike anything this country has ever witnessed. And I am not one to stand here and say that I have not tried to do something about this situation.

Recently this spring I asked Chairman CONYERS of the House Committee on government Operations to conduct an oversight hearing on the administration's drug policy. Over 130 Members, bipartisan Members, signed that request. To date there still has not been a total oversight hearing On the U.S. policy, which continues to be a disaster.

A step today, in adopting this amendment, would be another disaster. Let us look at what has happened. On May 1 this administration suddenly reversed its practice of sharing our intelligence and radar equipment to attack the planes of narco-terrorists. With just this one small step, Colombia, Peru, and Bolivia, where nearly 100 percent of the world's cocaine is produced, were kicked in the face and betrayed by a reversal of U.S. policy. This was another one of these twists and turns in our disorganized U.S. drug policy. Fortunately, the administration, after this hearing, did reverse itself and has decided again to continue its past policy of sharing this intelligence information.

We see from just this one incident the importance of sharing intelligence.

Now we have before us an amendment to cut $100 million from our counter-narcotics and drug interdiction programs. My colleagues, with our international drug policy in disarray, with wholesale cutbacks in drug interdiction and enforcement mechanisms, with a genocide of young male African-Americans in this country, with mixed signals being sent to our children by this administration, with crime so closely linked to illegal drugs and narcotics—I ask is this really the time to consider a proposal like this, to cut our drug enforcement funds and our intelligence capability? I urge my colleagues today to defeat this amendment. I urge you to look at this whole drug policy, this disorganized policy, this sad message that is being sent to our country, and this bad message that would be sent by adoption of this amendment.

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

I rise in vigorous opposition to the amendment. We have been going through now a period of time in which we are talking about the cold war ending and whether or not additional funds are necessary. We do this in defense, now we are doing it in intelligence. But what is underlying here in this particular amendment has nothing to do with any of that. It has to do with a war that we are continually waging on the streets of every city of this country, every town, every rural and urban area.

No one is spared the scourge of the increase in drugs in this country. There are areas, though, that we can point to to say that we have had great success. We have had great success in our interdiction efforts. There is no question about it.

Just in my home district of south Florida, along the southeastern Atlantic coast of this country, flying out of Key West we have had a tremendous successful effort. Yet we are finding that we are having to every day get up and in some way defend what is working in this country.

Our interdiction efforts right now, we are getting $20 of drugs off the street for every dollar that we invest. The intelligence effort is a vital, a vital part of this overall network in reducing the amount of drugs that are coming here to the United States.

With this vote it is not about defense contractors, it is not about saving military hardware, military machines; what we are talking about is investing in the young people of this country.

My colleagues from Florida mentioned the young African-Americans; we are talking about the people who are mostly impacted by drugs in this country, particularly cocaine. We have found that in inner cities the youth of this country, people who are having the hardest time to get up the American economic ladder and share in the American dream, their future is being dashed and it is being dashed because of the fact that the drugs are out there. It impacts not only in the drug use but it impacts in crime, in the future ability to go forward.

Let us not give up something that is working.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The problem is this: Everyone who has spoken against the amendment—and I think there are still two or three people from Florida who did not manage to get up yet—but everybody who has spoken against this amendment has talked about the amount of drugs we have seized. No one has talked about less drugs out on the streets, because there is a disconnect.

Now let me give an analogy: If we put out a lot of rain barrels, the next time it rained real hard we would collect a lot of rain. But no one would be made dry by that. We would then talk about our anti-rain policy because we collected all this rainwater. But the amount of rainwater that fell on people would not be affected.

Yes, we collect a lot of drugs, but given substitutability, given their flexibility, unfortunately I have seen no evidence that that has reduced the supply of drugs on the street.

What I am talking about is in fact trying to put money into programs that will be more effective, both law enforcement and treatment and education, than what we now do. The problem is not that we are not catching drugs out there, but that because it then comes up in another country and another country, people increase their efforts, that has not, in all this time, had a salutary impact on the situation in America.

Mr. SHAW. Madam Chairman, reclaiming my time, the gentleman from Massachusetts is certainly one of the more intelligent and articulate Members of this House, but he is not using his head on this one. What the gentleman is saying is, "Let us allow more drugs to come into the country." The gentleman from New York just a few minutes ago gave you a statistic about the amount of drugs that we are indeed taking off of the streets.

We are reducing the supply of drugs in this country by the efforts that we are undertaking here. And we are just talking about what we are taking out; what would be actually out there, grown and produced in addition to what we have taken out is anyone's guess. But we know, except for our intelligence effort that we would not only be interdicting the supply coming into the country but we would be encouraging others to produce more drugs, which would again increase the supply even more. It is unthinkable.

Mr. HYDE. Madam Chairman, will the gentleman yield to me?

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding. I just think this is an interesting variation of the Joycelyn Elders school of fighting the drug scourge by defining it out of existence, turning our back on it, it will just go away.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman once again.

Madam Chairman, the gap between what the gentleman from Illinois just said and reality is very great. I know he sort of strolled in late. No one is talking about that. That really demeans the whole debate. If in fact we are going to talk seriously, as others have done, that is one thing. What the gentleman from Illinois has just said has no relation to anything. No one is talking about ignoring it, no one is talking about defining it out of existence. What I was talking about was more law enforcement——

The CHAIRMAN. The time of the gentleman from Florida [Mr. SHAW] has expired.

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

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman continue to yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

Madam Chairman, the fact is that nothing in what I said remotely resembles what the gentleman from Illinois was talking about. The fact is that I was talking about more law enforcement, more education, more treatment. The problem is not ignoring drugs but how effectively to fight it.

□ 1100

I do not think that physically catching them overseas, unfortunately, has had any effect here. I think that I have not yet had anybody say to me, "Hey, we're in great shape in this city or that city, the other city because our interdiction has worked to the point that they cannot buy any drugs." Unfortunately that does not work. But that is the rational level——

Mr. SHAW. In reclaiming my time, Madam Chairman, I say to the gentleman, "You're misguiding this debate. We are not talking about putting more money into police protection. We are not talking about putting more money into education."

Mr. FRANK of Massachusetts. I am.

Mr. SHAW. The gentleman is, but that is not what the gentleman's amendment is saying. The gentleman is talking about let us cut what is working, and I think what the gentleman from Illinois [Mr. HYDE] is talking about is there are certain things in the previous administration in the drug war that are working. Let us not try to dismantle what is working. It is out there, and it is working, and I think it is tremendously important that we continue that.

Now we can go ahead and talk about appropriating money for the different things that the gentleman is talking about, and I would support him on many of those. But let us not take it out of something that is working. It is like going into an AA meeting with a case of whiskey. One does not do that. What one does is try to reduce the supply and continue the education. That is important. But do not continue the supply and make drugs more plentiful on the streets, make drugs greater in volume at a reduced price so that more people are getting hooked and more people are getting caught up in this terrible trap.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield just for 10 seconds?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, the gentleman is correct. My amendment does not in itself provide more law enforcement and treatment money, but I believe in the current budget situation, if we do not make cuts somewhere, we do not have the ability to do that, and my intention would be to free up money to fight drugs in what I think is a more effective way.

Mr. SHAW. Madam Chairman, I fail to find logic in the gentleman's argument as far as decreasing the amount of moneys that we are spending here in interdiction and in intelligence. It is vitally important we reject this amendment.

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

Madam Chairman, let me just say that the gentleman from Massachusetts raises an amendment which I will oppose today, but I do think that he raises some important subjects that need to be talked about.

Now first, the reasons for opposing it are, one, funding for intelligence support in counternarcotics activities is coming down radically now. The amounts recommended by the committee are $600 million less than what was authorized 4 years ago. Within the amounts recommended this year, Madam Chairman, more than $50 million is fenced until a plan for making better use of radar in the detection and monitoring mission is received, so these moneys are coming down, and the amendment offered by the gentleman from Massachusetts [Mr. FRANK] would bring them down so significantly that, I think, they would have a profound effect on interdiction.

However, saying that, I do want to say that the committee's report reflects frustration with the management of and inability to measure success in the past counterdrug strategy which was centered on detection and monitoring of cocaine shipments in the transit zones. The funds recommended now are for a new strategy which places less emphasis on the transit zones and more focus on working cooperatively with governments and nations, particularly in the Andean region which are sources to identify traffickers and disrupt their organization.

Further, significant reduction will curtail ongoing activities which support the source-nation strategy of the Clinton administration, and further significant reductions will terminate intelligence collection programs focused on heroin and the development of

interagency efforts against heroin at a time when there are indications that heroin abuse is a growing problem in the United States.

So, I urge the rejection of the amendment, however, if my colleagues look in the committee report on pages 36 and 37, there is a long discussion about the inappropriate management of counternarcotics in recent years. One particular case involved counternarcotics strategy in Venezuela where, because of lack of cooperation between the DEA and the Central Intelligence Agency, large amounts of uncontrolled cocaine came into the United States, and what we found is, over the years, that there has not been the kind of management of counternarcotics programs which would prevent this kind of thing from happening, and it is very embarrassing when it happens—"60 Minutes" got hold of that particular one. But the fact of the matter is it is probably not the only one where there has been imperfect management.

The problem with counternarcotics is we are not dealing with saints or angels in terms of the relationships we have with people who are in the narcotics struggle, so I understand that we will sometimes have problems, and I also believe that the CIA has taken some response to the Venezuelan case to ensure that the DEA will have full access to operational information that is developed, and this is another example of better cooperation that is needed between the CIA, the DIA, and the FBI. But the fact of the matter is that there has been very serious management of the interagency narcotics problems, particularly in Latin America, and much improvement needs to be made.

So, Madam Chairman, notwithstanding the fact that the committee opposes this amendment, the committee does put the Central Intelligence Agency, the DEA, and the folks involved in the Defense Department on notice that we expect them to improve their management of these kinds of programs or in future years we are going to look less sympathetically on their budget request.

Finally, Madam Chairman, I would say this. The gentleman from Massachusetts [Mr. FRANK] indicates the programs do not work, and then there has been some discussion that there is a 14-percent efficiency factor in these kinds of things. Well, the fact of the matter is that the programs are needed, I believe, in order to let the cartels know that we are not going to give them carte blanche, open access, into this country. I mean the real problem, obviously, has to do with domestic usage, and interdiction probably will not stop very much when it is so profitable to bring in and sell illegal drugs into this country.

But do we just give up because we do not interdict very much of the narcotics coming in? Do we give up particularly when countries like the Colombians, and the Peruvians, and the Ecuadorians, and the Bolivians are risking life and limb to try to stop the narcotics traffickers in their countries? I say, no, we cannot give up, and, if we do give up, we open the doors even further to the Cali cartel and the other cartels that want to bring drugs into this country. So, I think it would be a mistake to say it is not worth the effort. It is worth the effort. But I also think it is a mistake to think that the counternarcotics programs are being managed as well as they can be managed in the future.

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

Madam Chairman, if I were someone who did not know the author of the amendment better, I would say this is an irresponsible amendment, $100 million out of our efforts to interdict drugs that are coming into this country. That, in my estimation is something that is literally indefensible. As a matter of fact, it is interesting that, as far as I know, only the author of the amendment has spoken in favor of the amendment and appears to have no support on his side of the aisle or ours.

The fact is that over the last few months, Madam Chairman, the white flag of surrender has been raised on the drug war from the cutting of the drug czar's office by some 85 percent, to the cuts in the personnel at DEA and FBI, to the authorization for foreign affairs in which we made severe cuts in the efforts of international drug interdiction, and now this amendment offered by the gentleman from Massachusetts [Mr. FRANK] certainly sends, I think, the wrong signal, not only to the American public, but, even more importantly perhaps, to the world at large, and particularly to the drug lords who prey on people in our country and others in selling their poisonous product.

It does not always have to be that way. As a matter of fact, when we had testimony recently from former DEA Administrator Judge Bonner, he pointed out some interesting statistics to indicate that the policy of a strong interdiction effort coupled with strong law enforcement can bring some very good results and can, in fact, show that we can cut down the use of illegal drugs. For example, from 1985 to 1992, Madam Chairman, the number of cocaine users in this country, according to the National Institute of Drug Abuse, was reduced from 5.5 million in 1985 to 1.3 million in 1992. Drops in other drug use besides cocaine happened as well. On other drugs we saw half a million users in 1990, a drop down to 300,000 users in 1992. In marijuana the use is down from 20 million users in 1990 to 9 million in 1992. We also saw the destruction of the Medellin cartel. Some people said that the Medellin cartel would go on forever, and it has essentially been destroyed.

□ 1110

Why? Because we have had the courage to work with other countries to consider interdiction as part of the overall law enforcement effort.

My friend, the gentleman from Massachusetts, says that he wants to strike the law enforcement. Can anyone name one law enforcement agency that supports his amendment? Is there one law enforcement agency in this country that supports the Frank amendment to cut $100 million from our efforts to interdict drugs?

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. OXLEY. Yes, I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, I have spoken to a number of police officials, police chiefs, who support this. I do not have the list with me, but I will get it for the gentleman. I have found a lot of people who are in the local law enforcement business who would very much prefer to have resources made available to them rather than have this. I will have the list available for the gentleman.

Mr. OXLEY. That is interesting because I have not talked to one serious law enforcement official who does not believe that the interdiction effort is part and parcel of a strong antidrug policy in this country. No one is saying that it is the total answer, but as the chairman of the committee indicated, it is certainly part of a very important element in keeping drugs out of this country and providing the kind of support to the countries that are on the line fighting drugs.

Will the gentleman concede that if his amendment were to pass and our interdiction efforts were lessened, more drugs, not less drugs, would come into this country?

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes. I would, and I would say, if I may finish my answer completely, that that would make unfortunately no difference in our drug problem. And I quote from the committee's report on page 37:

> Others, however, believe that progress should be measured by reductions in the amount of drugs flowing into the United States and increases in the street price of the drugs that result. If the latter is used as a measure, then the war on drugs might be considered a failure.

I would say this is the conclusion in the committee report from which the minority members expressed no dissent in this report that I have.

So the point I am making is that unfortunately the amount of drugs that is

available in the street appears to be unaffected by these efforts. That is why I want to focus on efforts to deal with the problems in the street. I do not think that the interdiction would be considered a failure, and I think the committee has said that.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. OXLEY] has expired.

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

Mr. OXLEY. Madam Chairman, taking back my time, if the gentleman were to concede that there would be a 14-percent increase, if we believe the 14-percent figure, in the amount of drugs on the street, then clearly law enforcement would have an even more difficult problem if the gentleman's amendment were to pass than before.

My only point is that it makes it even more difficult because the street price would decrease and it would be easier for people to secure drugs, and we are going to have that many more people out there using illegal drugs and, by the way, committing at least half of the crime out there that we consider to be street crime.

We have a multibillion dollar crime bill that is in the conference committee, the President is trying to get us off the dime to pass it, we look at half of the crime being committed because of drugs, and then we are arguing about cutting $100 million out of interdiction efforts if the gentleman from Massachusetts were to have his way.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. OXLEY. Yes, I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. But I say that actually that $100 million is wasted because with all of this, it is not affecting drug use in this country.

And, by the way, on the argument that by substantially lowering the price we have made a big difference, if in fact it is available, raising the price so people steal more is not necessarily, it seems to me, a mark of success. I agree that the real problem here is the crime that is generated by drugs, but it is the American drug policy that exacerbates this because this does not allow us to fight crime as successfully as we should.

The point is, as the committee report says, that the interdiction efforts are not having any significant effect on drug availability in the street.

That is why I would take that money and put it into other programs, law enforcement and education and treatment, that deal better with the consequences of its being here.

Mr. OXLEY. Madam Chairman, I would suggest simply that if a Member were to support the Frank amendment and really conclude that interdiction has been a failure and they are willing to completely abandon our interdiction efforts, it would be a low point in the debate in this House. I am fully confident that the Frank amendment, should we have a rollcall vote, would be defeated, and I ask for its defeat.

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

Madam Chairman, I rise in strong opposition to the Frank amendment. Nothing in my mind could be more foolhardy than to cut our efforts to reduce the flow of drugs into the United States. There has been no abatement in the drug cartel's efforts to thwart U.S. supply reduction programs. I recently traveled to Panama and Colombia to review our counternarcotics programs, and the intelligence we provide to host nations in Latin America to facilitate their counternarcotics operations. I learned that they rely heavily on U.S. intelligence assets to provide them early warning and assist in their interdiction programs. Our assistance is critical; yet, Mr. FRANK wants to deny this assistance by reducing counternarcotics intelligence dollars.

Intelligence is vital to interdiction successes. Without early warning intelligence, we are looking for needles in a haystack among the thousands of cars, ships, and planes coming to the United States. With intelligence we know where to concentrate resources to improve the probability of interdiction. Federal Government and Latin American cocaine seizures totaled 240 metric tons last year. This number will surely drop if we cut drug intelligence spending.

What we need in the war on drugs is not a cut in funding, but better leadership. This has been clearest in the administration's most recent self-inflicted wound. On May 1, without prior consultation with other Federal agencies or departments, the Department of Defense terminated the passage of radar tracking intelligence to the governments of Peru and Colombia. This had the immediate effect of undermining the close working relationship between these governments and the United States. Equally important, these countries had begun effective air interdiction campaigns designed to stop the shipment of raw cocaine from Peru to Colombia, which relied upon our information to make their programs work. These programs had reduced the flow of cocaine, dislocated the traffickers, and raised their operating expenses. But because of an arguable legal interpretation, DOD ceased to pass tracking data on the flights.

At no time during the discussion of this problem did a senior administration official step in to address the issue and make a decision. The problem with counternarcotics programs is not counternarcotics intelligence, it is that, too often, no one is in charge and will make policy decisions. Indeed, as Mr. FRANK knows since he read the classified annex to this year's authorization bill, the committee took very specific and direct action to address shortfalls in leadership arising from the radar incident.

Because this program is classified, we must discuss the effects of the proposed cut largely in generalities without detailing how specific counternarcotics programs will be endangered. Let me assure you, however, if this amendment passes, we will see an upsurge in drugs on our streets.

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

Mr. GLICKMAN. Madam Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 15 minutes.

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

Mr. COMBEST. Reserving the right to object, Madam Chairman, let me ask, how would we divide the time? Would the time begin after the gentleman from New Jersey [Mr. HUGHES] has finished, or before?

Mr. GLICKMAN. Madam Chairman, I would give the gentleman from New Jersey his full 5 minutes, and I would ask that all debate on this amendment end in 20 minutes. I would take 15 minutes, the gentleman from Massachusetts [Mr. FRANK] would take 5 minutes, and I would yield time to the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. YOUNG].

Mr. COMBEST. Madam Chairman, would we have time on this side?

Mr. GLICKMAN. Madam Chairman, let me amend my request. I ask unanimous consent that House debate end in 20 minutes after the gentleman from New Jersey has completed, with the gentleman from Texas [Mr. COMBEST] to have 10 minutes, the gentleman from Massachusetts [Mr. FRANK] to have 5 minutes, and I would retain 5 minutes.

The CHAIRMAN. The Chair understands the request relates to this amendment and all amendments thereto?

Mr. GLICKMAN. That is correct.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. HUGHES] for 5 minutes.

□ 1120

Mr. HUGHES. Madam Chairman, let me first of all congratulate our distinguished colleague, the gentleman from Massachusetts [Mr. FRANK], for his

amendment. I am not going to support it, but I think he does us a great service, because I think the gentleman is partially right about many of his observations.

I think part of the problem with intelligence gathering in the counternarcotics area is like so many other aspects of our law enforcement component in this country, and that is we have so many agencies that are involved in the activity, few of whom speak to one another, share information, and basically try to reduce the kind of waste we see in this area, intelligence gathering, and in so many other areas.

My greatest regret over the years is that the so-called drug czar has never worked very effectively. They have never attempted to, unfortunately, eliminate the overlap and the duplication that exists in almost all of our enforcement agencies.

A few years ago when we developed the new center for intelligence gathering in the intelligence community, I think we made one of the biggest mistakes, although it has not been funded and has not been staffed like originally envisioned. Because again I think we are moving in the direction of balkanization of intelligence gathering. Hey, folks, they do not talk to one another. In the some 10 years I chaired the Subcommittee on Crime, throughout all the oversight hearings, I was amazed at how little cooperation there is among agencies. I think there is a little more than we have today, but it is certainly not what it should be. And I want to congratulate the distinguished chairman from Kansas of the Permanent Select Committee on Intelligence for the oversight hearings I am informed they have conducted.

I refer you to page 37 of the committee report, where they talk about the lack of coordination, and I read from the committee report:

> The committee is concerned that coordination of counternarcotics intelligence efforts involve too many personnel spread among too many "centers." Although the CIA created a counternarcotics center a number of years ago, it is a center in name only. For example, the CIA center only has one detailee from the Defense Intelligence Agency. There are over 200 personnel in CIA's counternarcotics center, and a lesser number working at the DIA's Counterdrug Joint Intelligence Center. In addition, there are personnel in the Department of Defense joint task force centers spread around the country and defense department personnel at the Southern Command in Panama. These intelligence community resources do not include DEA, Coast Guard, Customs, and other associated agencies. The El Paso Intelligence Center, EPIC, which is supposed to comprise most of the law enforcement agencies in the El Paso center, "or the newly established National Drug Intelligence Center."

The fact of the matter is that we have basically balkanized the intelligence gathering in this country. Instead of attempting to bring all those resources together in El Paso, as once envisioned, where we could bring all the agencies to one location, where they would have to feed that kind of intelligence, basically collate, disseminate it, not just to our domestic intelligence agencies, but throughout the world, what we are doing is collecting all that data, and each one basically hordes that data in many instances because it is their work product. They want to work those cases. And we have contributed to that, and we continue to contribute to that.

I hope that we reach the day when we understand that we can do a far better job than we have done. There has got to be one lead agency, in my judgment, and we should have one center for collecting that data and disseminating it.

I understand why the intelligence communities come across that information, but in many instances, the CIA, for instance, has different human resources. They have to create new resources. They are, I think, because of the nature of security, themselves compartmentalized and balkanized, and I think it is an absolute mistake.

So I think while the gentleman, I think, is not doing what I would like to see us do, I think he has pointed up the fact that there is a lot of waste in this program and that we can do a far better job than we have done. And intelligence gathering should be strengthened, not weakened. We need to invest more resources in the Foreign Cooperative Program, because the more information we can collect around the world at the source, I think the more we can disseminate, and prevent it from coming to this country and other countries.

Mr. GLICKMAN. Madam Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Madam Chairman, I think the gentleman raises an excellent point. The recent example with these ground-based radars in the Andean nations is a classic example of the kind of bureaucratic redtape that afflicts the drug war. This was at a higher level, but we ended the sharing of information overnight to countries which were fighting the drug war because of legal problems in this country, but without the kind of coordination that was necessary to effectively deal with the problem. That mistake at a high level has filtered down to much lower levels as well.

Mr. HUGHES. Madam Chairman, reclaiming my time, I would reject the amendment of the gentleman from Massachusetts [Mr. FRANK], but I think we need to get on with the business of getting our act together.

Mr. COMBEST. Madam Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, my problem with the amendment offered by the gentleman from Massachusetts, which I do understand, is that it raises the white flag on one aspect of the drug war, and that is on interdiction. We have to deal with supply as well as demand. I will concede, if there were not a demand, there would not be a supply. But there are many fronts in this war. And to just surrender on interdiction and say look, we are only stopping 14 percent of it, therefore let us give up the game and let us put the money on law enforcement and rehabilitation, frankly, and parenthetically I might add, rehabilitation has not been all that stellar an accomplishment, and for very good reasons. But I do not say give up on rehabilitation. I do not say give up on interdiction. But if we can stop this poison at its source, or in transit, before it gets distributed in this country, you will not need as much rehabilitation as evidently we do.

Now, the gentleman from Massachusetts [Mr. FRANK] has said the interdiction has failed miserably, or there have been no significant interdictions. And we have heard the opposite in terms of statistics from the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Texas [Mr. COMBEST], who have talked about this.

Mr. FRANK of Massachusetts. Madam Chairman will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Brief correction, since the gentleman got one of my sentences wrong: I did not say there has been no significant interdictions. I said the interdictions have had no significant effect in reducing the availability of drugs on the street.

Mr. HYDE. Reclaiming my time, if that is the posture of the gentleman, I think it is even more illogical, because what is interdicted does not get distributed on the street. It does not get cut, it does not get sold or given away. It remains in the government warehouses for destruction.

So I just think there is a logical fallacy in what the gentleman says.

The drug war has been faltering, and the problems with it have been well illustrated by the gentleman from New Jersey [Mr. HUGHES] and others. But what is required is leadership, a seriousness on the part of government to forget the turf wars and to get on the ball, to get with it, and to get serious. This has to be done, because we are dealing with enormous amounts of money, we are dealing with murder on the installment plan for our young people and for older people who are addicted. We need to spend more money learning how to rehabilitate people. Because, frankly, once you come out of this treatment, you are thrown right back into the environment that encouraged the addiction or the incentives for the addiction, and you have not really solved a problem.

But we need all of these means of attacking this terrible scourge. But do not surrender on interdiction. Make it work better, rather than just walking away and saying we will spend the money elsewhere better. We need to spend more money in many directions, but do not surrender on interdiction.

Mr. COMBEST. Madam Chairman, I yield 5 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the Frank amendment.

Madam Chairman, this is not a mere across-the-board cut such as we deal with so often here in the House on appropriations bills. This is a major cut. It is a cut that the country cannot afford to make.

While we debate about spending money for intelligence activities related to the drug effort, the drug lords do not have to worry about this. They do not have to sit around with competing agencies deciding what to do or when, or where to get the money. The drug lords do not have to go to a Committee on Appropriations to get an appropriation. They do not have to go to the House of Representatives or to the Senate. They do not have to go to a President to sign a bill.

□ 1130

The leader of the cartel makes a decision and that is the way it is. That makes them a very formidable enemy and a formidable target. It is important that we maintain our ability to the best of our ability to combat those who would infest this Nation and this world with illegal drugs.

They have their own intelligence capabilities, believe me. The drug lords, the drug cartels have intelligence that in some cases is more effective than ours because they are not handcuffed with the rules and the regulations that our drug enforcement agents are.

In addition, part of intelligence is technology. We have good technology in our intelligence community, but the drug lords have good technology as well and they do not have to get somebody's permission to buy it. They buy it because they have plenty of money, the money that comes from the poor individuals who put all of the money they earn or steal into purchasing these drugs.

The drug lords do not have those handcuffs. And they do have effective intelligence operations.

We cannot afford to let down our guard. We have got to continue this war against drugs. Maybe it is not easy. Some of the targets are difficult to work with because they are not fettered by the rules and regulations that our folks are.

We have heard some complaints and criticisms today about the effectiveness of this program. Yesterday during the debate on the major part of the intelligence authorization bill, we also had complaints about the intelligence community not doing as good a job as it could.

I think we could concede that. None of us is doing as good a job as we would like or as good a job as maybe we could. But here is what has been forgotten in this whole debate, whether it deals with dollars for drug enforcement or collecting intelligence against drug cartels or whether it is against a hostile military target. The truth of the matter is, Madam Chairman, while we hear about the mistakes and we hear about a failure from time to time, the truth is, because of the nature of the intelligence business, because of the necessity for secrecy, because of the importance of having these operations clandestine in order for them to work, the general public very seldom ever hears about the successes.

I would like to say here today, Madam Chairman, and to my colleagues, there are many successes in the intelligence work against the drug cartels. There are many successes in the intelligence activities in other areas of interest to our national security. And so we should not be lulled to sleep by a few errors or a few mistakes. We should continue aggressively to correct those errors and to prevent those mistakes, but let us not overlook the real honest fact that our intelligence community has done a pretty good job. The Nation is still free.

But because of the necessity for secrecy and clandestine operations, the general public seldom hears about those successes. And I say again, there are many.

Let us defeat this Frank amendment.

Let me add a couple of more points, why I think we should defeat this amendment.

A reduction of $100 million in the NFIP and TIARA fiscal year 1995 counternarcotics budgets will prevent us from making the programmatic investments necessary to support the President's counternarcotics policy as specifically directed and laid out in the National Drug Control Strategy and Presidential Directives. Specifically, this reduction will force us to severely curtail highly successful counternarcotics interagency and regional efforts developed over the past 3 years to disrupt and dismantle major cocaine organizations which pose a threat to the United States.

This reduction will terminate essential human intelligence and technical collection programs to counter the heroin threat at a time when all indications point to an escalation of the heroin problem in the United States.

This reduction would terminate the development of interagency efforts similar to those used for cocaine to attack major heroin targets.

This reduction would eliminate effective support to the U.S. interdiction coordinator and the national interdiction command and control structure at a time when more precise intelligence is required to direct scarce interdiction assets in the transit zones.

It would severely curtail our efforts to detect and assess emerging areas of coca and poppy production in support of policy decisionmaking.

The Frank amendment would severely diminish CIA's capability to assess the destabilizing effect of narcotics trafficking organizations on the political and social structures of countries.

This reduction would prevent critical research and development efforts and the application of sophisticated technology to support counternarcotics operations and analysis.

And it would disrupt the community coordination process currently in place between various Government agencies to use available resources efficiently and achieve cost savings. For example, the counternarcotics community has established interagency working groups in Imagery, HUMINT, SIGINT, and Open Source, which coordinate collection priorities and activities, as well as the Resource Task Force, which coordinates interagency resource planning as a subcommittee of the Committee on Narcotics Intelligence Issues [CNII].

The Frank amendment would be a major retreat in our battles against the sinister drug lords and must be defeated.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself the balance of my time.

I want again to read from the committee report, because the question is not whether or not we have succeeded in interdicting. We have. The question is whether the fact that some percentage of drugs grown or shipped is interindicted has any significant beneficial effect within the United States.

The fact is that some of my market economy friends have lost track of the power of the market economy.

Unfortunately, in this case, market forces sometimes work whether they are legal or illegal. We get substitution. We get a powerful drive to sell something that is very profitable. The problem with interdiction is not that it does not work on its own terms but that the success of interdiction has very little, if any, physical effect within the United States. And because resources are limited, the billions we spend on interdiction prevent us from putting more money into law enforcement, treatment, and education. These are the three separate issues.

We are not simply talking about treatment. That is very important. But so is education, which does seem to have significant effects and, I believe, is more responsible for the decline in the use of drugs than anything else, certainly more than interdiction.

The committee report itself says, this is the public committee report,

There are differing views on how progress in the war on drugs ought to be measured. If you measure by physical quantities interindicted or overseas drug people arrested, it succeeds. Others believe that progress should be measured by reductions in the amount of drugs flowing into the United States and increases in the street prices of the drugs that result. If the latter is used as a measure, then the war on drugs might be considered a failure.

That is the point. If one batch is interdicted, another batch replaces it. If it is shut down in one country, this is a big world, they will grow it in Myanmar. They will grow it here; they will grow it there. The problem with interdiction is that for a free society, with the free movement of people and goods that we fortunately have and do not want to give up, it is physically impossible significantly to reduce the availability of that very small and, sadly, very valuable quantity.

Therefore, we are wasting that money. I am not talking about cutting out all the money. We cannot get into specifics. Intelligence help and cooperation with countries that want to help would still be here. But the physical emphasis on interdicting is a mistake.

When this was first offered to the Defense Department in the early 1980's, as I remember, they did not want to do it. They said, this is not for us. This is not useful.

That was at a time when they were getting all the money they needed from Congress. Now that they are in a budget crunch, the Defense Department looks more favorably on this because it helps them support some of their arguments. But it is not the way to fight drugs. It is not effective.

The problem is that given that overwhelming demand that tragically exists, we get it in here. We stop it in one country, it comes through another. We stop this shipment, another shipment comes in.

That is the problem. The problem is practicality.

The power of market forces, even though in an illegal market, overwhelm the ability of law enforcement in the freest society in the world with the greatest exchange of goods that comes in and out to stop it.

Therefore, I believe we ought to begin the process of shifting resources. We will then decide among ourselves, there is deficit reduction. There is local law enforcement. There is education and there is treatment. All four of those seem to me to be preferable to the time wasting and money wasting policy that we now have.

Madam Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of my time.

I do oppose the amendment. The President has proposed a new policy which focuses less on interdiction and more on disruption in the growing countries, the Andean region countries. I think that is an appropriate change in policy.

I think this cut would be very disruptive at a time when we are going after the regions of Colombia and Bolivia, Peru, Ecuador, and remaining countries.

□ 1140

I also want to note to my colleagues that we have had in the committee serious problems with the management of intelligence-sharing relationships with other intelligence agencies and law enforcement agencies in the whole counter-narcotics area. We have requested that the Office of National Drug Control Policy. Mr. Brown's group, report no later than September 1 the details of the administration's supply reduction strategy. They have come up with a good strategy in generic terms. We want to see some meat on the bones of that policy.

Madam Chairman, we have asked them, No. 1, to provide how the United States will help build resolve to attack the drug problem in narcotics-producing countries and what each department and agency of the U.S. Government will contribute in terms of personnel and fiscal resources to achieve overall supply reduction goals.

No. 2, we have asked them the specific role of the U.S. Southern Command and how it will support U.S. goals and objectives.

No. 3, we have asked them for an assessment of the advisability of integrating cocaine eradication as part of a supply reduction plan.

No. 4, and most important to us, we have asked them the policy of the United States in providing intelligence support to narcotics-producing nations, particularly as it relates to providing U.S.-generated radar tracking data.

Madam Chairman, my concern is that our Government, both this administration and the past administration, has not conducted an evaluation for cost-effectiveness on the whole issue of intelligence support in the counter-narcotics effort. The new directive will help, at least on paper. We want to see the specifics. It is incumbent upon the intelligence community to implement measures of effectiveness for both national and tactical problems to do so quickly.

This would be hurt of the Frank amendment is adopted. For that reason I urge its rejection, but I do want to warn this administration and the agencies of the intelligence part of our Government, as well as the law enforcement part of our Government, that we do expect more effectiveness and better coordination in the operation of these programs.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes 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 18, noes 406, not voting 15, as follows:

[Roll No. 335]

AYES—18

Conyers	McDermott	Penny
DeFazio	Murphy	Schroeder
Edwards (CA)	Nadler	Synar
Frank (MA)	Norton (DC)	Velazquez
Jacobs	Obey	Visclosky
Kanjorski	Olver	Yates

NOES—406

Abercrombie	Coleman	Gekas
Ackerman	Collins (GA)	Gephardt
Allard	Collins (IL)	Geren
Andrews (ME)	Collins (MI)	Gibbons
Andrews (NJ)	Combest	Gilchrest
Andrews (TX)	Condit	Gillmor
Applegate	Cooper	Gilman
Archer	Coppersmith	Gingrich
Armey	Costello	Glickman
Bacchus (FL)	Cox	Gonzalez
Bachus (AL)	Coyne	Goodlatte
Baesler	Cramer	Goodling
Baker (CA)	Crane	Gordon
Baker (LA)	Crapo	Goss
Ballenger	Cunningham	Grams
Barca	Danner	Grandy
Barcia	Darden	Green
Barlow	de la Garza	Greenwood
Barrett (NE)	de Lugo (VI)	Gunderson
Barrett (WI)	Deal	Hall (OH)
Bartlett	DeLauro	Hall (TX)
Barton	DeLay	Hamburg
Becerra	Dellums	Hamilton
Beilenson	Derrick	Hancock
Bentley	Deutsch	Hansen
Bereuter	Diaz-Balart	Harman
Berman	Dickey	Hastert
Bevill	Dicks	Hastings
Bilbray	Dingell	Hayes
Bilirakis	Dixon	Hefley
Bishop	Dooley	Hefner
Blackwell	Doolittle	Herger
Bliley	Dornan	Hilliard
Blute	Dreier	Hinchey
Boehlert	Duncan	Hoagland
Boehner	Dunn	Hobson
Bonilla	Durbin	Hochbrueckner
Bonior	Edwards (TX)	Hoekstra
Borski	Ehlers	Hoke
Boucher	Emerson	Holden
Brewster	Engel	Horn
Brooks	English	Houghton
Browder	Eshoo	Hoyer
Brown (CA)	Evans	Huffington
Brown (FL)	Everett	Hughes
Brown (OH)	Ewing	Hunter
Bryant	Farr	Hutchinson
Bunning	Fawell	Hutto
Burton	Fazio	Hyde
Buyer	Fields (LA)	Inglis
Byrne	Fields (TX)	Inslee
Callahan	Filner	Istook
Calvert	Fingerhut	Jefferson
Camp	Fish	Johnson (CT)
Canady	Flake	Johnson (GA)
Cantwell	Foglietta	Johnson (SD)
Cardin	Ford (MI)	Johnson, E. B.
Carr	Ford (TN)	Johnson, Sam
Castle	Fowler	Johnston
Chapman	Franks (CT)	Kaptur
Clay	Franks (NJ)	Kasich
Clayton	Frost	Kennedy
Clement	Furse	Kennelly
Clinger	Gallegly	Kildee
Coble	Gejdenson	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
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Bateman
Clyburn
Faleomavaega (AS)
Gallo
Gutierrez
Inhofe
McDade
Owens
Pickett
Ros-Lehtinen
Sisisky
Stark
Stokes
Underwood (GU)
Washington

□ 1203

Mr. BAESLER changed his vote from "aye" to "no."

Mr. OBEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GOSS

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

The clerk read as follows:

Amendment offered by Mr. GOSS: At the end of Title III (page 5, after line 23), add the following:

SEC. 303. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence related activities of any such element to a Member of the House of Representatives unless and until a copy of the following oath of secrecy has been signed by that Member and has been published in the CONGRESSIONAL RECORD.

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of the United States House of Representatives, except pursuant to the Rules and Procedures of the House."

Mr. GOSS. Mr. Chairman, I am going to abbreviate this very quickly and then yield to my distinguished friend, the chairman of the Permanent Select Committee on Intelligence. But before I do, I just want to point out that this is a very simple amendment. We did it last year. It passed.

It merely requires that Members of Congress, the House of Representatives, who wish to have access to classified information, take an oath that they will not willfully and knowingly disclose classified information. It is that simple. We have been over this ground.

I am prepared to yield briefly to the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. Chairman, almost everyone who is given access to classified information must take an oath of secrecy and publicly affirm a commitment to keeping privileged information privileged. The notable exception, a fact that has perplexed me since I first came to the Hill, is Members of Congress. In fact, until recently, Members had to go through more channels to have access to information regarding the contents of cigarettes than for accessing the most sensitive information this country collects. Now we find that some Members, who in the past have not seemed overly concerned about protecting classified national security-related information, have jumped on board an agreement to require that Members seeking access to Whitewater investigation papers sign a confidentiality agreement and treat those documents as classified information. There is clearly something wrong with our priorities if providing cover for the White House is placed on a higher level than protecting matters of national security.

I would certainly hope that these same Members will today support an amendment designed to safeguard properly classified documents as well. The Goss-Hyde oath of secrecy amendment is simply designed to elevate Members' awareness of these points and underscore the importance of keeping America's secrets secret. It requires each Member wishing to receive transfers of classified information on an ongoing basis to sign and submit into the RECORD an oath that they will not willfully disclose classified information. This is so simple, but vitally important. When today's classified briefing becomes tomorrow's headlines it has far-reaching impact—impeding future efforts at information gathering, endangering those who put themselves at risk to collect that information, even compromising our national security.

Last year the Goss-Hyde amendment was adopted by a vote of 341 to 86, but only after being given the kiss of death with an amendment by my colleague, Mr. GLICKMAN. Mr. GLICKMAN's amendment would go beyond the purview of the House to alter the rules of the other body. The Goss-Hyde amendment deliberately and appropriately leaves rulemaking for the other body to its own Members. The Glickman amendment would also expand the simple oath of secrecy for House Members into an unworkable, unnecessary, and redundant provision for the executive branch. As a former executive branch employee, I can say from experience that executive branch employees accessing classified information are already required to sign disclosures and oaths in the process of receiving such material. Additionally, the Glickman language leaves open the question of logistics and important questions; like how those individuals in sensitive covert executive branch positions could fulfill the publishing requirement without blowing their cover.

I urge my colleagues to support the Goss-Hyde amendment; a simple but powerful measure designed to ensure that the responsibility House Members take on when they access classified information is at least placed on the same higher level as shielding cigarette companies or the White House from public embarrassment.

There is no need for the Glickman poison pill—the other body is responsible for its own accountability, obviously.

There is no excuse to exempt this body of Congress from laws and procedures we ask others to follow, especially in matters involving national security.

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

Mr. GOSS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, this amendment of course requires before a House Member could attain access to classified information he would have to sign basically a secrecy oath which would be placed in the CONGRESSIONAL RECORD. The gentleman offered this last year. I amended it last year by including the Senate and the executive branch as well. The germaneness rules do not allow me to amend the gentleman's amendment.

As the gentleman knows, my amendment was accepted by the House by a vote of 262 to 171. So last year the House voted requiring parity between executive and legislative branches when it comes to mandating an oath of secrecy and publishing the fact that such an oath has been executed. I am going to go ahead and accept the gentleman's amendment this time because I will then offer a subsequent amendment which will cover the Senate and

the executive branch, which I understand both the gentleman from Florida and my colleague from Texas [Mr. COMBEST] have no objection to.

Mr. GOSS. The gentleman is correct.

Mr. GLICKMAN. That will be a separate section in the bill. That will do what I want, which is to bring parity so that it will not only be the House, but it will be the Senate and the executive branch who are covered as well. And based on the understanding that the gentleman does not object to that amendment, I accept his amendment.

Mr. GOSS. That is my understanding.

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

Mr. GOSS. I yield to the distinguished gentleman from Texas, ranking member on the committee.

Mr. COMBEST. Mr. Chairman, I rise in strong support of the Goss amendment. The amendment offered by my good friend from Florida [Mr. GOSS] complements action we took during consideration of the fiscal year 1992 Intelligence Authorization Act which led to adoption of a House Intelligence Committee rule requiring Members and staff to sign an oath of secrecy.

I believe that this amendment is very appropriate. When a Member signs this oath of secrecy, he or she is reminded that they may not disclose to any unauthorized person any classified information received from any Department or agency of the Government that is funded by this bill. This will be a positive step to heighten and acknowledge our resolve to prevent the unauthorized disclosure of classified information from the House.

Will this amendment completely prevent leaks from the House? Probably not, but it will ensure that every Member knowingly recognizes that he or she is breaking a solemn oath if classified intelligence information is disclosed other than in conformity with House rules. This will sensitize those who are not members of the Intelligence Committee to be careful about discussion of intelligence information raised during closed meetings.

I urge each of my colleagues to support the Goss amendment. It is good security and will demonstrate to those in the executive branch who provide information to the Congress that we are aware of their legitimate concerns that classified intelligence information be protected.

The CHAIRMAN pro tempore (Mr. PETERSON of Florida.) The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

Mr. GLICKMAN. Mr. Chairman, I offer an amendment which was printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN:

At the end of title III (page 5, after line 23), add the following:

SEC. 303. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS AND EXECUTIVE BRANCH OFFICERS AND EMPLOYEES.

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived for the intelligence or intelligence-related activities of such element of a Member of Congress or an officer or employee of the executive branch of the United States Government unless and until a copy of the following oath of secrecy has been signed by the Member, or officer or employee, as the case may be, and has been published, in an appropriate manner, in the CONGRESSIONAL RECORD:

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal year 1995 in the course of my duties as a Member of Congress (except pursuant to the rules and procedures of the appropriate House of the Congress), or as an officer or employee in the executive branch of the Government, as the case may be.".

As used in this section, the term "Member of Congress" means a Member of the Senate or a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

Mr. GLICKMAN (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 the objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment is the same language that was adopted by the House last year to include both the Senate and the executive branch. The amendment which we just passed by the gentleman from Florida [Mr. GOSS] includes the House. I see no reason why the House should take a different position on this issue than it took last year. I urge my amendment be adopted.

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

Mr. GLICKMAN. I yield to my colleague, the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding. As was indicated, the amendment would certainly be acceptable on this side.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

Mr. MANZULLO. Madam Chairman, the gentleman from Massachusetts is 100 percent wrong in his effort to strip $100 million from the interdiction budget of our intelligence agencies.

I represent the 16th Congressional District of Illinois, which includes the city of Rockford. Last year, Rockford gained the unfortunate distinction of leading the State of Illinois in per capita crime rate. This can be directly laid at the feet of the growth of gangs from larger urban areas expanding their territory to smaller and medium-size cities such as Rockford in the American heartland. These gangs are the tentacles of drug distribution networks that originate to a large degree from Latin America. These drugs are killing our children. Congress should vehemently oppose any attempt to diminish efforts to keep these murderers with their bags full of drugs away from our children.

Last month, the Foreign Affairs Committee held a hearing on the suspension of counternarcotics intelligence sharing with our friends in South America because of a dispute of what these countries might do with the information. Some in the Clinton administration believe that an U.S. Air Force airman could be sued by someone because he shared information with the Columbian or Peruvian military that stopped a shipment of drugs leaving their country by air. If that is our biggest problem, then we're in good shape.

Our counternarcotics policy must be an integrated, comprehensive strategy. We need drug eradication and interdiction outside our borders; tough law enforcement and swift prosecution inside the United States, and drug rehabilitation and education. Subtract resources from any one of these components and that's like sounding retreat on the drug war.

For all the talk by this administration about fighting crime, the President sends mixed signals to Congress. One minute we loudly hear of the immediate need for 100,000 cops on the beat. However, the next day I read buried in huge budget documents a request to cut the Drug Enforcement Agency by nearly $2 million. No new agents have been hired since 1992. One of those agents could have been assigned to help Rockford with its growing drug problem. Fortunately, the Appropriations Committee last month added $22 million to the President's meager request, including $5 million for 132 new DEA agents.

Totaled together, the President's 1995 budget request for international antidrug programs is $428 million, which is $96 million cut from last year. That's not good. And, now the gentleman from Massachusetts wants to cut another $100 million. I urge my colleagues to oppose this counterproductive amendment.

Madam Chairman, the drug war has not filed. We haven't really even begun to fight. Now is not the time to withdraw from the battle. It is time to give the DEA, the intelligence agencies, and our friends in counternarcotics operations in Latin America the support they need to complete the job. You can't fight a war without good intelligence. Let us fight the war on all fronts both at home and abroad. Oppose the Frank amendment.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORRES) having assumed the chair, Mr. PETERSON of Florida, 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 U.S.

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 468, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

□ 1210

The SPEAKER pro tempore (Mr. TORRES). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GLICKMAN. 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 410, nays 16, not voting 8, as follows:

[Roll No. 336]

YEAS—410

Abercrombie
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
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
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
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
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
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—16

Brown (CA)
DeFazio
Dellums
Duncan
Ehlers
Frank (MA)
Hamburg
Johnston
Minge
Owens
Penny
Sanders
Schroeder
Sensenbrenner
Stark
Williams

NOT VOTING—8

Gallo
Kingston
McDade
Moorhead
Pickett
Ros-Lehtinen
Sisisky
Washington

□ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 4299, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4299, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Kansas?

There was no objection.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include therein extraneous material, on H.R. 4299, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from 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. BONILLA. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I announce to the House that I intend to make the following motion tomorrow relative to the House conferees on this 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. BONILLA 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 HR 3355 be instructed not to agree to any provision having the effect of diminishing the amount of money made available to the United States Border Patrol Service from the amount provided in the House amendment.

ANTIREDLINING IN INSURANCE DISCLOSURE ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 475

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. 1188) to provide for disclosures for insurance in interstate commerce. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. 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 Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. 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.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], 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 475 is an open rule which provides for the consideration of H.R. 1188, the Antiredlining in Insurance Disclosure Act.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Energy and Commerce Committee.

The rule makes in order the Energy and Commerce Committee amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment. The substitute shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1188 is an important piece of legislation. Everyone needs access to insurance—whether it be homeowners, automobile, renters, or business.

H.R. 1188 addresses concerns regarding insurance premium disparities which prevent some from having affordable access to insurance. The legislation requires insurance companies to disclose their insurance related activities in the country's 25 largest urban areas based on 5-digit ZIP Codes.

The information generated by the requirements of H.R. 1188 will help determine the extent of insurance availability in large metropolitan areas and will help determine what changes can and should be made to increase access.

Mr. Speaker, this is an open rule. Any Member with an amendment which is germane and does not violate House rules may offer it. I urge my colleagues to adopt this resolution.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for having yielded this time to me.

Mr. Speaker, it took a while for us in the Committee on Rules. We anguished over it for a long period of time. But to the surprise of many of our colleagues, Mr. Speaker, we finally got it right. This is an open rule that does not require a preprinting of the amendments in the CONGRESSIONAL RECORD. It does not waive points of order against any part of H.R. 1188 or any prospective amendment at all.

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Mr. Speaker, I would like to commend our friend, the gentleman from Michigan [Mr. DINGELL], and the ranking Republican member, the gentleman from California [Mr. MOORHEAD], for requesting a relatively clean rule. I also want to commend my colleagues on the Rules Committee who in a bipartisan way agreed not to impose a preprinting requirement for amendments. As Chairman DINGELL said in his comments before the Rules Committee a week ago Tuesday, this is a bill that has been out there for a long period of time, so it is unlikely that there will be any surprise amendments, at least from our side of the aisle.

Mr. Speaker, while the rule we are discussing is not controversial, the bill it makes in order, H.R. 1188, is very controversial. It is controversial not only because of the onerous reporting mandates it seeks to impose on the insurance industry but also because it illustrates the degree to which our committee system is in disarray.

Nowhere in rule X of the rules of the House is the jurisdiction of insurance clearly defined. The United States has one of the most archaic financial systems among the developed nations. A major reason for this is due to the ancient jurisdictional tug of war that has gone on between the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

While the distinctions between commercial banks, investment banks, and insurance companies have been blurred by an evolving financial services market, the House is operating under a committee system that was developed at a time when the sale of war bonds was the principal function of our financial system.

Mr. Speaker, the House leadership should stop putting obstacles in the way of congressional reform proposals that could modernize the committee system and address these jurisdictional disputes. But if the leadership insists on being obstructionists, the least we should do is amend rule X to better define the responsibilities of the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

Mr. Speaker, I insert the following information:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 19, 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: Nat 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	PQ: 240–185 A: Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	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. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY], the chairman of the Subcommittee on Consumer Credit and Insurance.

Mr. KENNEDY. Mr. Speaker, I rise in strong support of the rule that the Committee on Rules put out on this important issue.

Insurance redlining in America is a very serious problem. Our committee had the first hearings in this Congress pertaining to this issue, going back a year last February when we heard from a number of insurance commissioners throughout the country on the terrible scourge of insurance redlining that takes place around the United States. In fact, we were provided testimony by Mr. Garimendi from the State of California who actually provided us with maps he had obtained from insurance companies where crayons were used to outline black, brown, yellow, and gray areas, parts of the State of California, where major insurance companies had told their agents not to write insurance policies.

We have heard insurance agents testify time and time again over several hearings indicating in fact that they have been told by their companies not to write to blacks, that blacks do not pay back their policies and blacks are bad policy risks. We have an ACORN study indicating that this is a wide-scale problem all across America.

The fact of the matter is that everyone who is familiar with how upward mobility works in America understands very clearly that one of the sad facts of American life in our American cities, in our poor and black and minority neighborhoods, is that there is a

much less percentage of home ownership and small business ownership that exists in those communities than exists in other neighborhoods.

People ask, why? They say that the blacks cannot pay back their bills, that they are bad credit risks. The fact of the matter is that we cannot find a bank and we cannot find an insurance company in many of the black neighborhoods in America. Yet every major study by both the banking industry and the insurance industry indicates that minorities actually pay back their loans and poor people pay back their loans at better rates than wealthier people do. That leads us to the conclusion that the only viable reason why people do not in fact write insurance policies and make bank loans in these communities is because of racial prejudice.

Now, what we are trying to do in this legislation is get to the cause of that racial prejudice and have the insurance companies tell us what in fact is going on and where they write insurance. This is modeled directly after the Home Mortgage Disclosure Act which comes out of the Banking Committee, legislation that I got passed in this body 5 or 6 years ago that has done an enormous amount of good at leveraging bank funding of small business ownership and home ownership in the minority community.

That legislation was lost at the subcommittee level and lost at the full committee level, but it came out here on the floor and with Republican support we were enabled to gain the kind of evidence that allows us to ask the banks very simply where they are making their loans. That is what is necessary in the insurance industry.

The bankers are the first to tell us that one of the major problems they have in this country is that they cannot write a bank loan to an individual unless that individual has insurance. If there are no insurance companies that are writing policies in the minority neighborhoods, the blacks cannot get bank loans, brown people cannot get bank loans, and people with yellow skin cannot get bank loans in America, and the reason for that is because insurance companies are not writing policies in those neighborhoods.

All this bill does is ask for information. It asks for information that tells us in a very specific way where these insurance policies are being written. It asks the American people and the American insurance industry to tell us very clearly whether or not policies are being written in specific neighborhoods. The legislation that the Banking Committee proposes is very different than the legislation coming out of the Energy and Commerce Committee. It is different in several ways. First of all, the Committee on Energy and Commerce probably said in front of the Rules Committee the other day that their information does not ask questions about race and gender. Well, if they do not ask questions about race and gender, I pose the question, how the heck are you ever going to find out whether or not racial discrimination takes place?

They ask for information on a ZIP Code basis. But anybody who looks at ZIP Codes in America understands that there can be ZIP Codes that include poor black neighborhoods in the inner city as well as wealthier white suburbs. So if all the insurance companies have to do is tell us whether or not they are writing policies with certain ZIP Codes, that will never tell us whether in fact racial discrimination takes place.

We ask for it on ZIP Code+4, which is on a much smaller neighborhood level or on a census track basis. We ask for lost data. We have heard testimony from a range of different insurance commissioners around the country that came before us and told us that despite the fact that insurance companies will tell the American public and anybody that asks that the reason that they do not write policies in these neighborhoods is because the blacks are poor risks, that their homes get robbed more often and they have greater losses, if we look at the actual information that is collected by several States around the country right at the moment, the exact opposite is the truth.

The Banking Committee version asked for that information. The Energy and Commerce Committee version does not ask for lost data. If we do not get lost data, we will get information from the insurance companies indicating that they are not writing these polices because these people are bad risks.

Fundamentally, the reason why we have to get at this is to find out whether or not we are really serious about seeing upward mobility in America. We have all sorts of policies that say we are going to invest in the Third World all across this planet, but we have a Third World in America that we turn our backs on. What we are trying to do is to get our major institutions to take a step forward, end racial prejudice, and invest in these communities. That is what this is all about. We need the help of this body. We need people to take a moral stand on this issue. Certainly we can pass a bill around here that does not ask for any of the detailed information that is required and necessary in order to draw the proper conclusions.

□ 1250

But if you are serious about getting at whether or not this kind of racial prejudice exists, you have to get the detailed information that the Committee on Banking, Finance and Urban Affairs' version asks for.

Finally, I would submit that there is a major question before the body as to whether or not this information would be housed at the HUD agency or housed at Commerce. This is a jurisdictional question between the Committee on Energy and Commerce and the Committee on Banking, Finance and Urban Affairs. I think it is a critical question.

The HUD agency, Housing and Urban Development, has run several programs, including the programs that pertain to flood insurance and housing insurance and mortgage insurance and homeowner's insurance. They are in charge of determining whether or not that kind of racial prejudice takes place in our housing industry. They have housing inspectors that go out and make these determinations.

The Commerce Department has none of these provisions. Certainly they collect some information on foreign insurance companies. It has nothing to do with racial prejudice or the kinds of issues we are discussing in this bill.

The Secretary of HUD has asked for this to be a priority of his tenure at HUD. He has reorganized that agency in a way that has allowed him to make this a priority of his, and he has talked to me on several occasions, including testimony before our committee, which the Energy and Commerce version never got from Ron Brown, asking that this information be given to HUD, that he wants to make this a front and center piece of his administration's attack on racial discrimination in the housing industry.

Mr. Speaker, please give this issue serious thought. If you rally wanted to end racial discrimination in the insurance industry, we need to collect this data, and we need to have the data housed at the HUD agency. If we get these data housed at HUD, if we get the detailed information, we can go a long way toward ending racial discrimination in the housing policy and small business lending that currently exists in this country.

Mr. DREIER. Mr. Speaker, I yield 7 minutes to the gentleman from Appleton, WI [Mr. ROTH], a hard-working member of the Committee on Banking, Finance and Urban Affairs.

Mr. ROTH. Mr. Speaker, the legislation before us will, if passed, drive up consumer insurance costs. That is the bottom line.

The bill would begin an unnecessary Federal takeover of regulating the Nation's property an casualty insurance business.

This legislation is premised on bad public policy. Why? Evidence of widespread redlining in insurance is anecdotal only.

Testimony presented to the committee by Eric Englund, president of the Wisconsin Insurance Alliance, said:

> Stripped naked, the insurance industry exists to sell and service insurance.
>
> Old or young. Rich or poor. White or black. Urban or rural. We'll take your money. We'll cover your risk. We'll pay your claim. . . .

Redlining is not the problem. The problem is the way in which the verbiage of racism impedes the evolution of additional practical solutions to problems inherent in urban living.

I urge my colleagues to vote against this bill. The best that may be said about this bill is that it could be a lot worse.

As reported, H.R. 1188 would require insurance companies doing business in 25 of our largest cities to report annually to the U.S. Government the total number of policies written, earned premium, and total number of new policies, cancellations, and nonrenewals. It would require companies to disclose the number and location of agents in each city. All this mass of data would be reported by ZIP Code. Others in the Congress would require the reporting by census tract—far more costly to insurance companies—and consumers. This is government regulation gone wild.

In fact, some well-intentioned insurance leaders have been persuaded to support this bad bill as reported for fear that the even more obnoxious version might be enacted.

Even the bill before us, however, would lead to escalation of consumer insurance costs, more-not less-regulation, more Federal bureaucracy, unnecessary Federal spending, duplication of State antidiscrimination laws, and duplication of State data collection.

My State, Wisconsin, is in the forefront of States who require reporting detailed homeowners and automobile insurance sales data as to location of customers as to cancellations.

For more than a year, the National Association of Insurance Commissioners has been collecting similar data from every State. Its first, interim report on urban insurance availability and affordability will be available at the end of 1994.

If you review the bill you'll see that the bill is so defective it will cause legal chaos in the field of civil rights litigation. It fails to define redlining satisfactorily. It fails to define what is and is not legal behavior. And it fails to give direction for use of the data once it is collected.

This legislation is just plain unnecessary at this time. The Nation has far greater priorities.

The bill would lead to an unwarranted dual Federal-State system of insurance regulation. It would be imposed on top of the present effective State system.

So, once more, the Congress would arrogantly stick its nose into our State-regulated property and casualty insurance industry. State regulation for this industry is basically effective and appropriate. Federal supervision is not needed.

This bill would unnecessarily make the Federal Government bigger and more costly—and the facts are that this government already is too big and costs far too much.

To be sure, the federal insurance program that would be provided here might start small. But history teaches us that over time it would grow and never die.

Its laudable goal is to eliminate perceived rate, geographic, and racial discrimination in the sale of property and casualty insurance, especially homeowners' insurance.

This legislation, however, epitomizes everything that is bad about current legislative practice and policy in Congress today. The bill mandates needless spending of additional millions of dollars of federal money—up to $4 million a year—that we don't have. It imposes unnecessary costs on insurance providers that are certain to be passed on to consumers. It tries to address a possibly imaginary national problem.

While the committee heard anecdotal testimony, including witnesses at a field hearing in Milwaukee, no case has been made that the insurance industry is guilty of widespread redlining as a form of racial discrimination. The committee reviewed several studies ostensibly designed to prove whether widespread redlining exists in urban areas. The studies, all flawed, failed to do so.

The industry has been unfairly indicted by anecdote. It is like Justice Potter Stewart's definition of obscenity: "I know it when I see it."

The facts are that one study presented to the committee clearly shows that property insurance is widely available in urban markets. Furthermore, the States already outlaw discrimination in the marketplace, including redlining. This new Federal legislation would be redundant.

This bill would do to insurance companies what Congress already has done to banks through the infamous Home Mortgage Disclosure Act, known informally as the HMDA Act. We all know HMDA has produced a zillion pieces of paper for the Federal Reserve to take care of and analyze endlessly with mostly inconclusive and controversial results.

But we do not seem to learn anything from the past. This bill simply lacks definition of what behavior is and is not legal. This legislation would amount to welfare for lawyers in terms of litigation that would be almost certain to result from misuse of collected data.

Data collected under this bill could be used to involve insurance companies in costly legal battles defending every marketing and underwriting decision made in the inner-city.

Insurance companies could be accused of redlining when they either have a poor risk history in a certain area or just are not doing a very good job of marketing.

Every company would be tempted to establish a legal defense fund—even the White House has one these days. Legal costs, of course, would be passed on to the consumers.

My information is that the data that would be collected and disclosed by this legislation has already been requested by the National Association of Insurance Commissioners, an organization of State officials.

There is no need to rush enactment of this legislation when the States at their own expense already are investigating urban insurance underwriting practices.

I urge the House to summarily reject this faulty, costly bill until better evidence justifies its enactment.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I rise on this measure as a member of the Subcommittee on Consumer Credit and Insurance. It is a subcommittee of the Committee on Banking, Financing and Urban Affairs, and it is that subcommittee which has traditionally had jurisdiction in this area.

□ 1300

I believe that what we are talking about here is very basic and fundamental. The jurisdiction of the Committee on Banking, Finance and Urban Affairs in the area of property and casualty insurance has never really been challenged. The committee has historically overseen efforts to monitor and ensure the availability of property and casualty insurance. The urban property insurance program of the 1960's and early 1970's were run out of HUD and overseen solely by banking.

What we are attempting to do here today is to monitor information which is critical to the issue of redlining. This body has made substantial progress on the issue of redlining with regard to the banking industry and how loans are made into various communities. But until now the issue of redlining in the insurance industry has never been clearly brought into focus, and it is time that it be brought into focus.

That is what we are attempting to do here, to ensure that people have available to them loans that will provide them with the ability to improve property and to acquire property. And as the chairman of the subcommittee made clear just a few moments ago, their ability to do that is seriously impaired, in fact it is made impossible in many instances, as a result of the unavailability of insurance.

In order to correct this problem, we need to have very simple and fundamental data. We need to know where insurance is being provided, in which communities it is being provided so that we can clearly determine in what communities conversely it is not being provided.

The only way to do that in a meaningful way is to collect the data in a way that it will be usable. If we collect it on the basis of ZIP Codes, it is not usable, because the ZIP Code covers an area that is too large. ZIP Codes cross neighborhoods, and they make the data relatively unimportant and not usable.

But if we collect it on the basis of census tracts, as we would like to do, then that data becomes usable in a very meaningful way.

Fundamentally that data ought to be available through HUD. HUD is the agency which traditionally collects this data with regard to banking and in every other area it is the agency that has jurisdiction over housing, the agency that has jurisdiction over property and casualty insurance now, currently. And the data ought to be housed there.

If we put the data into the Commerce Department, the Commerce Department is not equipped to deal with it. And we will then be collecting the data in a way that does not make any sense and will not have any real meaning or any significance.

So this information ought to go to HUD. It ought to be collected in a meaningful way on the basis of census tracts rather than ZIP Codes, and it ought to be done in a way that will make some real sense so that we can develop this information to determine where redlining is taking place in this society.

It is taking place in this country now; we know that. But in order to counteract those efforts, we need to know where exactly it is taking place.

So it makes sense to collect this data in that way and put it into HUD so it can be used in a responsible and meaningful fashion.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I encourage my colleagues to support this amendment because it will mean a much fairer and more effective insurance redlining law.

This legislation is crafted to bring the marketing practices of the insurance companies into the open so we can see whether redlining actually occurs. Unfortunately, the bill as currently written would not provide us with enough information.

The loss data reporting requirements are particularly important to a redlining law. Anyone who has followed the redlining debate over the years knows that insurance companies claim their rates are higher in certain areas because losses are greater there. But studies have shown just the opposite, that loss rates are actually lower in areas where premiums are the highest.

The only way to resolve this debate is to have the insurance companies provide their loss data. If indeed the companies' claims that losses are higher in central cities are true, then they should be tripping over themselves trying to provide us with the loss data. What have they got to hide?

This amendment is also important because it will expand the number of metropolitan areas covered by the law from 25 to 75. This is a compromise between the bills passed by the Energy and Commerce and Banking committees. The banking bill would have included the largest 150 metropolitan areas, plus 50 rural areas.

According to the lists that I have seen, the area I represent—the Milwaukee area—has been ranked either 24th or 26th. I can tell you that redlining is a huge concern in my area. If it is a major concern in the 24th or 26th largest metro area, then it must be a concern in the 40th, 60th, and 75th largest areas as well. There is no reason why the law should not apply for the people who live in these areas.

The voluntary census tract and "ZIP+4" provisions are also a compromise between the Energy and Commerce and Banking bills. The Banking Committee bill would have required census tract reporting in all areas. This amendment would simply give the secretary charged with administering the bill the flexibility to require census tract or ZIP+4 reporting in areas where five-digit ZIP Codes do not provide an accurate picture of a community's neighborhoods.

As someone who represents a very diverse area, I know that one ZIP Code can include a predominantly white, upper middle class neighborhood and a predominantly African-American, poor neighborhood. In cases like this, reporting by five-digit ZIP Code is simply inadequate.

The amendment would also provide us with valuable information on race and gender. These provisions are no different from those in the Home Mortgage Disclosure Act [HMDA]. Any information disclosed would be completely voluntary on the part of consumers.

Let us pass as redlining bill that will truly make a difference. Insurance redlining is a serious problem that deserves to be dealt with seriously. Please join me in supporting this amendment.

Mr. DREIER. Mr. Speaker, I have no further requests for time. As I said earlier, this rule is a marvelous model for our Committee on Rules to follow. It is an open rule, which I think should be the pattern used for other legislation that comes forward.

I urge a "yes" vote on this rule. The legislation itself is terrible. I oppose that, but I do support an open amendment process.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 475 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. 1188.

□ 1307

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. 1188) to provide for disclosures for insurance in interstate commerce, with Ms. DELAURO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, and the gentleman from Florida [Mr. STEARNS] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 1188, the Antiredlining in Insurance Disclosure Act. This is landmark legislation, which is supported by a diverse coalition including the NAACP, the American Insurance Association, Citizen Action, the Economic Empowerment Foundation, the Independent Insurance Agents of America, the Coalition of Bar Associations of Color, and the Council of Insurance Agents and Brokers.

This bill is a truly bipartisan bill. It was reported by the Committee on Energy and Commerce by a voice vote with strong support on both sides of the aisle. I particularly want to thank the hard efforts of our full committee chairman, JOHN DINGELL, and the work of the ranking minority member of our subcommittee, Mr. STEARNS, and the ranking minority member of the full committee, Mr. MOORHEAD. I also want to express my appreciation to the former ranking minority member of our subcommittee, Mr. MCMILLAN, who has been extremely helpful in moving this bill forward. I firmly believe that this bipartisan effort has immeasurably helped to make passage of this bill possible.

I have been listening to the debate on the rule, and I think it confirms that this bill is a compromise. We heard some Members say that the reporting requirements should be increased, and others who want to do nothing. In fact, the bill has the broad support because we found the middle ground.

Over the last year, the Commerce Subcommittee has examined redlining practices of insurance companies. At the subcommittee's two hearings, we heard very disturbing reports about a variety of practices insurance companies use to deny access to insurance to the residents of our urban areas.

For example, Illinois Public Action testified that there are 52 State Farm offices and 32 Allstate offices in a predominantly white congressional district in Chicago. But in the Chicago portion of my district, according to Public Action, there are only six State Farm offices and two Allstate offices outside the downtown area, but there are several in the suburban portions.

Beyond anything we heard at our hearings, I can tell you about insurance redlining. It is an evil practice. It is nasty. As Ben Chavis, executive director of the NAACP, put it in his letter endorsing H.R. 1188, "Insurance redlining is a pernicious practice that must be stamped out."

Believe me, despite the remarks of some Members, who during debate on the bill, said redlining does not exist, I can assure you that insurance redlining is alive, well, and thriving. Many of my constituents must live with it every day. One need only drive through certain low-income areas and see residential communities that have deteriorated, areas that can't get insurance. They have been allowed to deteriorate not only because they have become economically and socially deprived, but to a large degree because accidents and hazards that most of us can be insured against were not covered by homeowners and/or automobile insurance which was denied them solely because of their location. Without insurance, there is no hope.

Redlining is a vicious circle. When you are denied the right to buy insurance, real property and businesses begin to deteriorate. When that occurs insurance becomes even harder to get. Residents and jobs flee, contributing to a vicious circle of despair. Fair access to affordable insurance is a keystone in our efforts at community quality control and urban revitalization.

Regrettably, many of my constituents are too poor to own their own home. Homeownership is the great American dream, but for them, it is a far off and often unattainable desire, so they must rent. However, whether they are homeowners or renters, they want to work, they want to be economically independent, they want jobs. Many jobs that were once found in major cities have been fleeing to the suburbs. Folks wanting to work, and able to work, need access to the job. Now you may be of the opinion that mass transit can solve this problem, but I stand here to tell you that mass transit is often not available or adequate to the locations or at the optimum schedule for getting the workers to and from these jobs. They need an automobile.

While many Americans may be unable to afford to own a home, but they can afford to own a car. It is their lifeblood. It is their access to a job. It is their access to a better way of life. It is their only access to the American dream. But if you own a car, you need insurance. Access to affordable auto insurance is a major problem in many urban areas of our country, including Chicago. That is why I included reporting of auto insurance as an essential part of H.R. 1188. That is why I am at a loss to understand the effort by some to strike auto insurance from the bill. To do so simply does not make any sense—particularly now, when everyone is talking about welfare reform encouraging people to work rather than to remain on the public dole. The ability to obtain automobile insurance goes to the heart of accessibility to job opportunities.

There is plenty of evidence of redlining behavior by insurance companies. For example, the NAACP has a lawsuit pending against American Family Mutual Insurance Company. That is the case where the sales manager was recorded as telling an agent, "I think you write too many blacks. You gotta sell good, solid premium paying white people." Do you know how offensive that statement is? How insulting?

To combat redlining, I introduced legislation H.R. 1188, the Anti Redlining in Insurance Disclosure Act. As amended by the Committee on Energy and Commerce, this act will require insurance companies to disclose information about their insurance activities in the 25 largest urban areas, such as the breakdown of policies sold and agent location by ZIP Code. These disclosure requirements would apply to automobile and homeowners insurance, and would last for 5 years, extendable by the Secretary of Commerce for 2 additional years. In addition, the Secretary of Commerce would conduct a 2-year pilot project to collect information on small business commercial insurance in the five largest cities.

The information generated by this legislation would help determine the true nature and extent of redlining, but more importantly, the public disclosure of this information would also serve as a powerful disincentive against discriminatory behavior.

At the subcommittee markup last July 28, the bill was amended to meet industry objections. I was not thrilled with all these amendments, but they attracted broader and bipartisan support to the bill and enabled the legislation to move forward. At the same time, I believe the bill, even in its amended form, is a tremendous step forward. It will provide a significant amount of data that is simply not publicly available today—data that will help us determine the true nature and extent of redlining. The bill was improved at the full Committee, when I successfully offered an amendment to establish a pilot project for the collection of information on commercial insurance.

During the legislative process, we worked and consulted with all sides in fashioning this bill. There was extensive consultation with consumer and community groups, the insurance industry, the National Association of Insurance Commissioners, and relevant Federal agencies. We worked with Members on both sides of the aisle. Nobody is completely satisfied with this bill, but most can support it. As the consumer group Citizen Action put it, the bill "is a significant improvement over the status quo."

Now this bill is no panacea. It is not going to solve all insurance redlining problems overnight. No bill will, but it is an important step forward. It will help those charged with enforcing insurance laws by highlighting areas where insurance is most difficult to get. It will enable a more thorough investigation of possible redlining.

Now some may say this bill is not good enough. Let us wait until next year, or let us leave it to the States.

I am not optimistic that we would do any better by leaving it to the States. There are a few State insurance departments which are really concerned about redlining, and this bill does not preempt those States from taking action. Thus while this bill does not interfere with what States may do, it ensures a baseline level of disclosure nationwide.

My constituents and yours suffer daily the indignities of insurance redlining. They want to start seeing some relief now. We here in Washington can argue about the perfect bill, but our constituents want results. We can wait forever for State legislatures to pass the perfect bill—or even any bill, but our congressional districts want results.

Madam Chairman, I must also point out that, when this bill is considered for amendments, I will have to oppose all amendments.

If I had my druthers, I would like to have been able to strengthen this bill, but, my first priority must be to pass this much needed legislation. The bill in its current form reflects a broad, pragmatic consensus. Unfortunately, the kinds of changes that some of my colleagues might want to make would produce a bill that would destroy that consensus and could not be enacted.

□ 1310

The bill in its current form can be enacted and should be enacted. It would provide a lot of information about insurance practices that is simply not available today. If we attempt to improve this bill in a manner that it is not passable, none of this information will become available. We would have shot ourselves in the foot and the perfect would have become the enemy of the good.

Madam Chairman, let me expand on one point. The bill requires data reporting on insurance activities with respect to the 25 largest metropolitan areas, and establishes a pilot project of

reporting with respect to commercial insurance in the 5 largest metropolitan areas. In determining either the 25 largest or the 5 largest metropolitan areas, as applicable, the Secretary of Commerce should use population figures from the 1990 census. Thus, the Secretary should designate either the 25 largest or the 5 largest metropolitan areas, as applicable, in rank order based on the 1990 census. For purposes of determining the rank order, the ranking of metropolitan areas should be based on metropolitan areas as defined by the Office of Management and Budget as of December 31, 1992.

Let me also note that section 6 of the legislation directs the Secretary to promulgate implementing regulations. Those regulations may provide for adjustments and exceptions for classes of transactions where necessary and proper to effectuate the purposes of the reporting and disclosure requirements and to prevent circumvention or evasion or to facilitate compliance.

There may be some limited situations where the reporting requirements of this legislation are not necessary, in light of the purposes of the legislation, with respect to certain specialized types of insurance policies. For example, some insurance companies offer specialized insurance policies to cover antique or specialty automobiles that are not used for general transportation purposes. Since the reporting of data on these particular types of specialized insurance policies does not appear necessary to effectuate the purposes of this legislation, this may be one area where the Secretary may want to consider using the exemption authority of section 6.

Madam Chairman, I urge support of this legislation and I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I yield myself 7 minutes.

Madam Chairman, I rise today to discuss H.R. 1188, the Antiredlining in Insurance Disclosure Act. In the context of insurance sales, redlining is, unfortunately, a term tossed around without much thought to its meaning. The most common, and most realistic definition of redlining in insurance sales is the practice of routinely and deliberately denying certain classes of individuals insurance coverage simply because of their race, gender, ethnic origin, or socioeconomic status. It is important that anyone who might be engaged in this practice be absolutely clear on one point—redlining is a violation of both Federal civil rights laws and State insurance laws and it will not be tolerated. Any corporation or individual found engaging in racial discrimination of any kind should be prosecuted to the fullest extent of the law.

Madam Chairman, you will hear many Members come to the floor today and describe why the House must approve strengthening amendments to this legislation, so that it will be an effective civil rights enforcement bill. As well-intentioned as my distinguished colleagues may be, I think they are missing the point—H.R. 1188 is not a civil rights enforcement bill.

Arguably, H.R. 1257, the Banking Committee's redlining bill was designed to provide information for civil rights enforcement. However, the Banking Committee's bill is not the one on the floor today, and even if it was, it reached its conclusion by presupposing an answer to the question asked by H.R. 1188; namely, whether or not individuals are discriminated against in insurance sales simply due to their race or where they live.

The Energy and Commerce Committee decided to structure H.R. 1188 in the manner before the House today because none of the evidence submitted to the committee, or even any of the evidence or testimony printed in the Banking Committee's hearings, was sufficient to warrant large-scale intervention. Much of the evidence was anecdotal in nature, which any public policy expert will tell you is dubious at best, and the vast majority of those studies purporting to be scientific in nature were grievously flawed.

For instance, the Commerce Subcommittee, on which I serve as ranking Republican member, heard almost half-a-dozen stories of individuals who alleged that they were denied insurance because of their race, ethnic background, or gender. Two different consumer groups submitted different studies alleging widespread discrimination in the sales of insurance. However, another study received by the subcommittee showed that among minority homeowners in the inner-city, an average of 98 percent carried either basic or comprehensive homeowners' insurance policies and 86 percent said that it was either very or somewhat easy to obtain insurance. All of these studies cannot be correct.

That is why a coalition of subcommittee Republicans and Democrats joined together to ensure that H.R. 1188 answered the question posed by the subcommittee's hearings—does redlining in insurance sales exist? To focus the bill on this question, we modified the bill in four simply ways:

First, we reduced the number of urban areas included in the study from 150 to 25. That still represents almost two-thirds of the Nation's metropolitan population, which is a sample far larger than needed to see if a problem exists.

Second, we only required reporting on the basis of 5-digit ZIP Codes instead of census tracts. Currently, no insurer uses census tracts for any of their activities. Requiring reporting by census tracts, of 9-digit ZIP Codes which are later converted into census tracts by the Government, would be extremely costly to either insurers or the Government, meaning that insurers would have to raise premiums or the Government would have to raise taxes.

Third, we eliminated requirements that insurers report unnecessary data, such as demographic information or loss data. Demographic information about geographic areas, like racial and gender composition, is already widely available—we can even get it on our own computers through House Information Systems. And lost data represents highly proprietary information, the release of which could represent the loss of trade secrets for insurers. Loss information reported on a 5-digit ZIP Code basis or smaller also represents too small a sample to be statistically significant.

Finally, and perhaps most importantly, we ensured that this was indeed a study, and not a data gathering exercise that would continue in perpetuity. We added a 5-year sunset provision, ending the study unless the Secretary of Commerce decided that more data was needed, in which case the program would definitely end after a total of 7 years. We believed that this, like any other program, should be subject to the normal authorization and appropriation process, and Congress should have an opportunity to review the study's findings to determine whether there is a need for continued data collection.

H.R. 1188 and the proposals by some of my former Banking Committee colleagues will provide roughly the same information. So what do we gain with the approach taken by H.R. 1188? The short answer is about $21 million.

As you can see from the chart, the Congressional Budget Office had strikingly different estimates for the cost to the Government of H.R. 1188 and the Banking Committee's redlining provisions. Even under CBO's worst case scenario, the Banking Committee's proposal was $21 million more expensive than H.R. 1188. If you ask why, the CBO best answered that question in their cost analysis of the Banking Committee bill: "Most of the estimated cost associated with—the redlining portion of the bill—would be attributable to the large amount of information that would be collected, analyzed, and made available to the public." That is the same information that members of the Banking Committee will be seeking to require through their amendments.

In these times of fiscal austerity, we need to be even more conscious than usual about the cost of what we do in this House. H.R. 1188 represents a bipartisan compromise that will answer the same questions answered by the data that Democratic members of the Banking Committee want to collect. And it does it more effectively and at a lower cost than anything proposed by the Banking Committee, either in their bill or through their amendments.

I believe that H.R. 1188 as it stands before the House represents the best

possible compromise for everyone. Changing too much in either direction will cause Members to loose their already strained enthusiasm for this legislation. I urge my colleagues to oppose all amendments to H.R. 1188 and to support its final passage only if it remains intact.

□ 1320

Madam Chairman, I include the chart referred to in my remarks, as follows:

OFFICIAL CBO COST ESTIMATES FOR H.R. 1188 AND TITLE II OF H.R. 1257

[Budget authority in millions]

	Fiscal year					Total
	1994	1995	1996	1997	1998	
H.R. 1188 (high estimate)	$4.0	$4.0	$3.0	$3.0	$3.0	$17.0
H.R. 1188 (low estimate)	3.0	3.0	1.0	1.0	1.0	9.0
H.R. 1257 (Title II)	0.7	3.2	3.1	15.0	16.0	38.0

Source: Official CBO cost estimates included in the respective committee reports.

Madam Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY], the former insurance commissioner of North Dakota and former president of the National Association of Insurance Commissioners.

Mr. POMEROY. I thank the distinguished gentlewoman for yielding me the time.

Madam Chairman, I have served as an insurance regulator. For 8 years I was elected by the people in North Dakota to regulate the business of insurance as conducted in that State. During that period of time I was elected by my regulatory colleagues to serve as president of the National Association of Insurance Commissioners, the umbrella organization closely coordinating the regulatory initiatives of the State. My brother was elected to the position of insurance commissioner succeeding me in that post giving me an ongoing, close view of regulatory issues as seen by State regulators. Frankly, I have a great deal of confidence in State regulation and in the National Association of State Insurance Commissioners which coordinates carefully State regulation of this important national commerce.

In that light, I have typically been very skeptical of Federal initiatives on insurance regulatory issues, believing that they were well-intentioned but ill-considered, they did not work well, they were duplicative of activity taking place at the States or worse yet a jurisdictional grab from something better controlled at a State level. I do not find H.R. 1188, however, to fall within that realm of traditional objections I have had to Federal initiatives. I believe H.R. 1188 is a balanced, careful approach to a serious public policy issue.

Frankly, I wish more data was presently available. I wish the State commissioners had generated, had taken the initiative and given us more data so we might evaluate the very serious allegations attendant to the redlining issue. I think the approach taken by the Committee on Energy and Commerce is an appropriate course, and I mark it in stark contrast to the initiatives urged by the Committee on Banking, Housing and Urban Affairs.

The Committee on Energy and Commerce does not presume guilt, does not foist upon the industry and ultimately upon the insurance consumers of this country increased costs for exhaustive data collection efforts based on some anecdotal reports. Rather, it takes a careful, studied, balanced view certainly designed to give us the type of data that we will need to evaluate the seriousness of the issue and formulate appropriate public policy in the future should it come to that.

□ 1330

As we look at those who just say all we want is information, all we want is information, we have got to understand that regulatory burdens upon an industry add costs to consumers, every consumer in this country. There is no allegation of red-lining in North Dakota but you can bet North Dakota consumers are going to pay higher premiums if the farflung regulatory objectives of the Banking Committee are amended into this legislation.

So I would close by urging my colleagues, support H.R. 1188, a balanced approach, and oppose the amendments offered this afternoon to the bill.

Mr. STEARNS. Madam Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. MOORHEAD], ranking member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Madam Chairman, I rise today in support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act, and urge my colleagues to oppose all amendments. This legislation is the product of months of hard work by Chairwoman COLLINS, Chairman DINGELL, Congressman STEARNS, and others. It represents a bipartisan compromise to find an efficient and cost effective approach to the troubling issue of redlining. It is a bill that is supported by both consumer groups and businesses.

There is a great deal of confusion over the extent of redlining in the inner-city. Some studies indicate that redlining is a localized problem that can be amply prosecuted under current law. Other studies suggest that redlining is more widespread. There is enough confusion about this issue that the NAIC has recently issued a data call to learn more about this problem.

H.R. 1188 creates the least intrusive means of collecting data relevant to the question. Insurance companies already collect policy information based on ZIP Codes. By matching up policy information from the Nation's largest metropolitan areas with existing census data, the Department of Commerce can determine whether there are any significantly underserved population areas. This collection effort will end after 5 years, to insure that no permanent government bureaucracy is created.

Some of my colleagues would like to upset the fragile coalition supporting this legislation by imposing additional mandates. For example, an amendment will be offered to force insurance companies to gather information by census tract. This amendment is unnecessary, burdensome, and expensive. According to the Congressional Budget Office, data collection by census tract would increase the cost of this legislation by as much as $29 million. I believe that we have a duty to the taxpayers to minimize all new regulations and expenditures.

In closing, I would like to commend my colleagues who have worked so hard to craft this legislation. In particular, my thanks go to Chairwoman CARDISS COLLINS and ranking Republican member CLIFF STEARNS who has pulled everyone together to forge an effective compromise. Congressmen SLATTERY, ROWLAND, MCMILLAN, and GREENWOOD, as well as the full committee chairman, Mr. DINGELL, have all made critical contributions.

H.R. 1188 is the least intrusive, cost-effective approach to understanding redlining. Adoption of any amendments will tear apart the fabric that holds this bill together. I urge my colleagues to oppose all amendments and to pass the bill as it stands.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 3 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Madam Chairman, I rise today in support of H.R. 1188. This bill strikes an equitable balance between the needs of the Federal Government and the needs of insurance companies across the United States.

H.R. 1188 requires insurers to report specific information regarding homeowners, automobile, and fire insurance policies, by 5-digit ZIP Code. These are the most common policies in force in our country today, with virtually every household in the Nation maintaining at least one of these policies and many households maintaining multiple policies.

H.R. 1188 requires insurers to report this data for the 25 largest metropolitan statistical areas, which represent 58 percent of the urban population of our country and 46 percent of the total U.S. population.

The bill also calls for the Department of Commerce to conduct a study of small business insurance availability. Because of the differences between small businesses and their insurance needs, no one policy fits all. The Secretary will be charged with the duty of

first determining an appropriate definition of small business for insurance purposes and the kinds of coverage most common among small businesses and then completing the study with a comprehensive examination of small businesses in the five largest MSA's.

An important element of the bill requires the data to be reported in the aggregate as opposed to an individual policy basis. This will prevent the disclosure of individual policyholders' names. Aggregate data reporting will also assist the data collectors by reducing the volume of computer space needed to process and analyze the materials.

Furthermore, requiring insurance companies to gather and report data on 50 additional cities, will not provide better evidence that redlining is or is not occurring, but it will sharply increase the costs that insurance companies must incur—a cost which will inevitably be passed on to the consumer.

Last, this legislation will sunset after 5 years unless the Secretary reports to the Congress that further study is necessary. This is an important element of the bill for all taxpayers. If insurance companies are redlining, 5 years of data will certainly tell us so. If they are not, the American taxpayer does not need to perpetuate another Government bureaucracy.

Madam Chairman, this bill collects more than ample data needed in order to determine if a redlining problem exists. I rise in support of H.R. 1188 and I urge my colleagues to reject all amendments to this bill.

Mr. STEARNS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary.

Mr. FISH. Madam Chairman, as many Members of this House know, I have long been a supporter of State regulation of insurance. At the same time, during my many years in the Congress, I have been a strong supporter of civil rights legislation. In this context, I rise in support of H.R. 1188, the Antiredlining in Insurance Disclosure Act, sponsored by Congresswoman CARDISS COLLINS.

The gentle chairlady has worked with her subcommittee to carefully design a bill which will provide the Federal Government with adequate data to determine if a redlining problem exists in this country's urban communities. Some have made allegations that insurers are refusing to sell their products in minority or low-income neighborhoods. The Collins bill will collect data from the 25 largest metropolitan statistical areas [MSA's] which represent 59 percent of the urban population of this country. The Department of Commerce will then analyze that data and report back to the Congress.

There are some issues that require action at the Federal level—a Federal perspective. H.R. 1188 will help us determine if there is a national redlining problem with respect to sales of insurance in urban America. Redlining is a serious issue, particularly if it is done because of race or economic status. For decades, insurers have not been permitted to collect any information regarding policyholders' race or ethnicity. The data collected as a result of this bill when coupled with data collected by the U.S. Census Bureau will allow us to determine if there is an insurance availability problem in urban communities. It is proper that information regarding an individual's race or ethnicity be collected by the Federal Government such as is done by the Census Bureau.

However, it would not be proper for insurance companies to ask their policyholders, or potential policyholders, to identify their race or ethnicity, even on a voluntary basis as one amendment seeks to do. Many policyholders would be offended by such a question and would refuse to answer. It would most probably make policyholders believe race information was being used to determine their premium charge or insurability. Mrs. COLLINS and her subcommittee realized that requiring insurers to ask for race information was not the appropriate approach. That data is best collected by the Federal Government and is currently available through the Department of Commerce.

In conclusion, Madam Chairman, H.R. 1188 is a fair and balanced measure. It will provide the necessary data at the least cost to insurers and at the least cost to consumers of insurance products. I urge my colleagues to support this bill and reject all amendments.

□ 1340

Mr. STEARNS. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], who serves with me on the committee.

Mr. GREENWOOD. Madam Chairman, the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness, on which I serve, held two public hearings last year to determine whether redlining on a racial or an ethnic basis is occurring in the United States. I was not able to attend the field hearing in Chicago, but did participate in the hearing in Washington.

Frankly, I was not convinced that redlining is in fact occurring to any significant degree. What the evidence did seem to suggest was that, not surprisingly, insurers were basing their marketing strategies on the basis of profitability, not ethnicity. But the advocates of this legislation believe redlining occurs regularly, so they have devised a bill to collect massive amounts of data for analysis and study to root it out.

If redlining is occurring, we ought to find out about it. We ought to put an end to it, because it is wrong. It seems to make the most sense to limit data collection to places where there are actually allegations of redlining. I offered such an amendment, but it was defeated in the Commerce subcommittee and in the full committee.

The bill before us now collects data from 25 metropolitan statistical areas. That means records must be submitted to Washington for every auto, homeowner and fire insurance policy sold to virtually half of the population of the country, a very large sample, indeed.

Now, in my mind, that puts the needle of redlining in a haystack of paperwork where it will never be found. Certainly sampling half of the Nation's insurance sales ought to be enough to discover if redlining is occurring. What we must do today is to resist amendments soon to be offered that would extend this data collection even further from the 25 metropolitan statistical areas in the bill to 75. That proposal takes the needle from the haystack and puts it in the hayfield.

H.R. 1188 represents a compromise, Madam Chairman, and I urge Members to resist amendments that would make it even more burdensome, costly, and impossible to administer.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY], a distinguished Member of the Subcommittee on Commerce, Consumer Protection, and Competitiveness.

Mr. SLATTERY. Madam Chairwoman, I rise in support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act.

I have been actively involved in this legislation on the Committee on Energy and Commerce, and I am pleased it is receiving the attention it is today on the floor of the House. I commend the gentlewoman who chairs the subcommittee and ranking minority member on the subcommittee also for their hard work on this legislation.

During the subcommittee consideration of this legislation, I worked with several of my colleagues to develop a bipartisan compromise that can pass Congress this year. The en bloc amendment I offered, which gained unanimous support by the subcommittee, cleared up many of the outstanding concerns of the industry.

H.R. 1188 would require insurers selling policies in large urban areas to report statistical data to the Department of Commerce in order to determine the extent of so-called redlining practices. Let me just say I believe this legislation is very important, because there are serious and legitimate allegations about redlining practices across this country. I am convinced that the five-digit ZIP Code is the best geographical unit for this type of data collection. ZIP Codes are universal. Insurance companies do not currently organize data by census tracts, and many small

companies do not compile data with nine-digit ZIP Codes. Use of five-digit ZIP Codes is the most sensible approach and will not cause undue financial burden on the industry.

I am pleased this measure does not require companies to report loss data. It is important that we do not legislate in a manner which would require companies' trade secrets to be revealed to competitors. By requiring data reporting in the 25 largest metropolitan statistical areas, we will be able to ascertain the extent of redlining. I believe these MSA's, which comprise 58 percent of the Nation's metropolitan population, will provide a more than adequate sample.

Small insurance companies, those with less than 1 percent market share per line statewide, which write primarily rural policies would not be required to report more than summary data. Insurance companies will be allowed to report data on an aggregate basis, which will maintain the policyholders' confidentiality.

The measure includes a provision to sunset the act after 5 years, but allows the Secretary of Commerce to extend it for one 2-year period. After that time has expired, Congress can review the studies and then determine whether the legislation should be reauthorized.

This may not be perfect legislation. It is like all other compromises that we deal with in this body, but the fact of the matter is this is the best legislation that we can put on the President's desk this year.

I happen to believe very strongly this is a serious problem that needs to be dealt with. I believe the data we are collecting with this legislation will give us a clear picture as to the dimension of this problem, and if it is as serious as some suggest that it is and as I believe that it is in some areas of this country, then we will have the data to document it and be able to move forward with the vigorous action that this Congress and State legislatures across the country could deal with.

So I commend the Committee on Energy and Commerce for bringing this legislation to the floor today and urge my colleagues to support it.

Mrs. COLLINS of Illinois. Madam Chairwoman, I yield 5 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Chairwoman, I thank the gentlewoman for yielding me this time.

Madam Chairman, I would like to point out that it has been basically a one-sided debate that has occurred on the House floor over the course of the last 45 minutes or so, because the Committee on Banking, Finance and Urban Affairs has not been allowed on the House floor to be able to make its case in terms of the alternatives that have been supported in the Committee on Banking, Finance and Urban Affairs to deal with the very serious problem of insurance relining.

First and foremost, I have heard Members mention that we cannot go from ZIP Code to census tract because of the cost. The fact of the matter is that many of the insurance companies around the country already use the ZIP Code+4 category which suffices to get the information that is required to make the determination.

It is very clear that you cannot make the determination as to whether or not redlining exists if you only take zip codes. ZIP Codes in many cities around the country involve urban areas that are in many cases very, very poor that extend out to wealthy suburbs, and therefore simply because an insurance company happens to write policies in a ZIP Code does not tell you whether or not racial discrimination is taking place. Certainly you can get bipartisan support for such a bill, because it does not do a darn thing.

If we are really interested in finding out whether or not racial discrimination exists in the insurance industry, you have got to take it to a point where you are finding out whether the prejudice exists.

In terms of the cost, the fact of the matter is the cost of these programs, if you buy the CD-ROM, is a very, very inexpensive proposition. In many cases, first of all, I should point out, the banking industry already does this at the census-tract level.

Second, the fact is that the information that we have gotten from both software companies at our committee hearings as well as from the industry itself indicate the cost to this industry will be minimal, and it basically requires a computer programmer to punch a button on a computer screen to convert it from census tract to ZIP Code.

I appreciate the fact that there is not a lot of racial discrimination in the State of North Dakota, and the fact is we had a Member here who mentioned the fact that this was not something that he felt was particularly a big problem. But North Dakota does not have the same kind of problems that we have in Boston or in Philadelphia, Chicago, or Detroit or in places like Los Angeles where the problem of insurance redlining exists. Obviously, there may be costs to straightening out an industry that has been racially prejudiced in terms of how it is writing its policies.

That might, in fact, mean some discomfort for the insurance industry in North Dakota. I am sorry for that discomfort. The fact of the matter is the insurance commissioner in North Dakota currently has changed since the gentleman from North Dakota [Mr. POMEROY] has left North Dakota, and now requires the information we are asking for in this bill.

So I am pointing out that if we are really interested in getting the kind of information that will allow us to make these determinations, we need to have census tract versus ZIP Code. We need to ask for information on race and gender. Of course, if you do not ask for information on race and gender, certainly you get bipartisan support, because it does not tell you anything.

If you want to find out whether or not it exists, you have got to ask for information about race and gender.

If a minority or someone, or a woman, does not want to tell you or a man does not want to tell you their race or gender, fine, then they can exempt themselves from having to write the information, but it allows us to ask the question. If we are serious about getting to the point whether there is discrimination, we need to have information on loss data.

□ 1350

The insurance industry is obviously going to tell us that the reason why they do not write policies is because the blacks are bad risks. Well, my goodness, let us at least find out whether the information we have gotten from the various insurance regulators who have come before our committee are telling us the truth when they tell us that in fact the minority community gets charged higher rates and has less losses.

I also would like to point out that in the amendment that the Committee on Banking, Finance and Urban Affairs is offering in order to deal with some of the paperwork burdens, we exempt many of the small companies. That does not exist in terms of the Committee on Energy and Commerce version.

This is fundamentally, when all is said and done, a question of whether or not we are going to get at the root cause of racial discrimination in the policy-writing of insurance companies in America and whether or not, in your opinion, if you think that the Energy and Commerce Committee has taken enough of your committee's jurisdiction, then I would suggest you vote for the Energy and Commerce version. If you think they have had enough, then vote for the Banking Committee's version.

Mr. STEARNS. Madam Chairwoman, I yield myself such time as I may consume.

I have just a few comments in reference to the gentleman from Massachusetts' [Mr. KENNEDY's] comments. I think the question is, if the Members want a more intrusive Government program, then they would vote for the Kennedy bill. But if they want less Government intrusion and they want a bill that costs less for what at the moment appears to be an imaginary problem, they should vote for H.R. 1188. It is not clear to us that a lot of the investment that has been put into a lot of the cities and is not in certain areas is not because of any discrimination

but perhaps is because of the risk involved or because of the status of the situation in terms of the real estate and many other factors. But I think H.R. 1188 starts to proceed with a very concrete study, with less Government intrusion, and has bipartisan support.

So at this point we have heard from both sides of the aisle and we have bipartisan support for a bill that is less intrusive, costs less, and at this point would bring to bear all the information we need within a 5-year sunset.

I must point out that the bill that Mr. KENNEDY supports does not have the 5-year sunset, and I think that most Members of Congress who have had any experience in dealing with the Federal Government would like to have at least a sunset provision.

Madam Chairwoman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. I thank the gentlewoman for yielding this time to me.

Madam Chairman, let me just say that I have heard the discussion here about the fact that this bill does not do anything, that this bill is too weak and this bill does not answer the questions.

Let me just say that all of us probably have or would have liked to have gotten some things into the bill, but this was the strongest bill that we could get at the time and passed in the House.

I think this bill is not weak, it is not useless, as some people have said. It requires insurance companies to provide the Department of Commerce with certain information about the car, about the homeowner, fire and allied profit insurance. They provide it in the 20 largest metropolitan areas around. That to me is extremely important. I hope that the calmer colleagues will look at this and recognize that the time has come that we need to do something about discrimination.

This bill addresses that issue. This is a bill that has bipartisan support. I do not think we should sit around and talk about what could be done. I think the thing we should do now is to vote this bill out.

The CHAIRMAN. The time of the gentleman from New York [Mr. TOWNS] has expired.

Mr. STEARNS. Madam Chairman, I yield an additional minute to the gentleman from New York.

Mr. TOWNS. I thank the gentleman for yielding this time to me.

I would like to say that I have listened to all of the discussions over the past few months, people saying that this is not strong enough, that we should do more, we should go further. But I think we have to be realistic. If we can pass this bill, I think we should. It has bipartisan support. I think we should move ahead with it. I think it answers a lot of the questions. I am very concerned about discrimination.

When I listen to people in my area, as I have also listened to people going around this country, they are saying to us we should do something. They do not want us to twiddle our thumbs and talk about things to do down the road; they are talking about things we should do now.

We are prepared to go forward with this today. The bipartisan support is very important. I thank the gentlewoman from Illinois [Mrs. COLLINS] and the gentleman from Florida [Mr. STEARNS] and the members of the full committee for the work they have done, as well as the staff.

This bill makes a lot of sense.

Mr. STEARNS. Madam Chairman, I thank the distinguished gentleman for his comments. And to show the bipartisanship here for this bill, it is my willingness at this time to yield 4 minutes from our side to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Madam Chairman, I thank the gentleman from Florida for yielding this time to me.

Madam Chairman, after long labor, much delay, and, quite frankly, a fair amount of externally induced obfuscation, the Committee on Energy and Commerce has brought before this body H.R. 1188.

Madam Chairman, I want to begin by commending the distinguished gentlewoman from Illinois [Mrs. COLLINS], the chairman of the subcommittee, for her leadership on this matter. She is the first to author this legislation. She has long been working against redlining and against racial discrimination in housing and in all other matters. She deserves the commendation and the support of this body for the fact that she has brought this legislation to the floor and has achieved the success which she has.

Madam Chairman, her accomplishment is all the more remarkable in that it is bipartisan, that this legislation has come out of the committee with the strong support of the membership on both sides. It is still more important in that this is legislation which can pass and which can become law. It is supported by a wide diversity of groups including the NAACP, the Citizen Action, the Economic Empowerment Foundation, and the Coalition of Bar Associations of Color. It is also supported by large and responsible segments of the insurance industry as well as many individual insurance companies, such as the National Association of Mutual Insurance Companies, Alliance of American Insurers, American Insurance Association, Independent Insurance Agents of America, Professional Insurance Agents of America, and a number of other industry groups.

Madam President, this bill is an extraordinary accomplishment. It shows the support, because of the diligent effort of the distinguished gentlewoman from Illinois [Mrs. COLLINS], of both industry, civil rights groups and community groups. It is a piece of legislation which is supported on both sides of the aisle. It is unique in that it builds upon the reporting requirements which we have traditionally had with regard to reporting to the Department of Commerce, which is the traditional agency which receives economic and business information so that the judgments of this Government can be bottomed on a solid informational base.

□ 1400

The distinguished gentlewoman from Illinois [Mrs. COLLINS] has also come up with a package which enables this country for the first time to get adequate information with regard to redlining, how extensive the practice is, how pervasive it is, and how it has impacted upon every part of the country. She has achieved a large enough data sample, and she does it on the basis of the traditional reporting methods which are used by the insurance industry, so that the insurance industry can without excessive costs transmit to the Government the information which this body and the Government as a whole will need to arrive at necessary judgments as to what action should be taken.

This legislation enables the Congress and the Government of the United States to achieve the information which is needed to commence the attack upon redlining if there is a finding on the basis of intelligently-achieved information that this is a practice that needs particularly corrective action. And it also helps us to define the information in a way which will enable us to begin to address the crafting of a proper relief for the wrongdoing, if such there be. It also enables this country to achieve it at the lowest cost, not only to the industry but also to the Government of the United States.

I believe that this is responsible legislation. It can become law. It can begin to address a problem which has long been a matter of concern to every decent American.

That the gentlewoman from Illinois [Mrs. COLLINS] has achieved the extraordinary accomplishment of achieving the support of the Government, of the agencies downtown, of the industry, of civil rights communities and groups, and others. This shows that she has performed an extraordinary accomplishment in the public interest. She deserves the commendation and support of this body.

Mr. STEARNS. Madam Chairman, may we be informed as to how much time remains?

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] has 9 minutes remaining, and the gentlewoman from Illinois [Mrs. COLLINS] has 4 minutes remaining.

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

Mrs. COLLINS of Illinois. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Madam Chairman, I rise today in strong support of H.R. 1188. This measure will provide reliable data from the property and casualty insurance industry in a timely manner. In turn, this data can be used to determine whether there is a problem with insurance cost and availability in our Nation's largest urban areas.

This legislation is designed to disclose what insurance is being sold, where it is being sold, who is selling it, and how much it costs the consumer. All of this information will help us determine whether or not insurance is being made available to all consumers.

H.R. 1188 also provides for the public disclosure of the data collected. The Secretary of Commerce would annually compile aggregate data by ZIP Code, and would include tables showing aggregate insurance patterns.

It requires studies of the more complex issues of commercial insurance, agent appointments and terminations, insurance applicants, and the effectiveness of the data collection.

I would like to commend my colleagues, Congresswoman COLLINS and Chairman DINGELL, for their efforts on this legislation and I urge my colleagues to support its passage.

Mr. STEARNS. Madam Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Connecticut [Mr. FRANKS], who also serves on the subcommittee with us.

Mr. FRANKS of Connecticut. Madam Chairman, I thank the gentleman for yielding this time to me.

Does insurance redlining exist in our inner cities in 1994? Let us hope that the answer to that question is no, but Madam Chairman, we need to know.

I have been an outspoken critic of initiatives that would make race a significant factor in measures perceived as favoring African-Americans, that is, racial gerrymandering of districts and quotas for the death penalty, but Madam Chairman, I will be quick to point out potential instances when people of color are being placed at a total disadvantage.

Insurance redlining could be one of those dreadful examples. I trust, Madam Chairman, that it is not a problem in our society, but we need to explore the possibility that it does exist, and, if so, eradicate it.

Potential redlining would hurt economic development where it is needed the most, in our inner cities. If insurance rates are unreasonably high, people will not do business in these areas.

H.R. 1188 is a way of putting in place a system of checks and balances to make sure that insurance is readily available to all Americans at a reasonable rate. This will keep our citizens gainfully employed and American goods and services competitive.

Mr. STEARNS. Madam Chairman, I yield myself 6 minutes for my closing statement.

Madam Chairman, I feel it is important to take the floor again to discuss what is probably the most common question I get about H.R. 1188 from my fellow Republicans: Why is H.R. 1188 worth supporting? It is a very good question.

I have made no secret of the fact that I am not nearly as convinced as some of my colleagues that redlining is the problem that some believe it to be. I vehemently oppose any effort to impose some kind of enforcement mechanism that would prevent redlining because it is premature to enact some enforcement mechanism before we even know if there is a problem.

That is not what H.R. 1188 does. I know that because when the Commerce Subcommittee Republicans joined with subcommittee Democrats to work with Chairwoman COLLINS to amend this legislation, we firmly believed that enforcement was not the route to take. It was too expensive and entirely unjustified.

H.R. 1188 is a 5- to 7-year long study period. For all of the talk of census tracts and zip codes and MSA's, H.R. 1188 is really only a study. It is complex and difficult to understand at times, but it is just a study.

Energy and Commerce Republicans were willing to work with Democratic proponents and opponents of the legislation to craft this limited study because we were told that it was something that most of the insurance industry was willing to live with, that it would be supported by the original sponsor of redlining legislation in the House, Chairwoman COLLINS, and that it would answer the questions that many of us had about redlining. And, we understood that the alternative, Mr. KENNEDY's bill, was highly intrusive, and would have cost the Government, the taxpayers, and consumers far too much in the way of increased taxes and premiums.

I feel the need to emphasize just how fragile this coalition is. The Republicans who support H.R. 1188 regard the bill as reported out of the Energy and Commerce Committee as the outer limit of what is acceptable. In order to maintain our coalition, we made a nonnegotiable demand of our Democrats—accept no amendments or the Republicans will walk away from this bill. Our Democrats agreed and in return we agreed that we would also oppose any and all amendments—technical, substantive, or otherwise.

I would urge all of my colleagues to oppose all amendments to this legislation. No amendment can change this bill for the better in a way that would be acceptable to both Democrats and Republicans.

Before closing, I would like to acknowledge the help of a number of people who enabled us to get to this point. As I said before, Chairwoman COLLINS has been extremely gracious in her dealings with the members of the subcommittee, and she should be applauded for her dedication to this issue. None of this would have been possible without the help of Democrats like Mr. SLATTERY, Dr. ROWLAND, and Chairman DINGELL. On the Republican side, CARLOS MOORHEAD, the ranking Republican of the full Energy and Commerce Committee, ALEX MCMILLAN, and JIM GREENWOOD all deserve a great deal of thanks for their help. Staff were also instrumental in doing the legwork on this legislation, particularly Richard Huberman of Mrs. COLLINS' staff and Janet Potts of Mr. DINGELL's staff, as well as our own minority committee staff, Doug Bennett, Hugh Halpern, and Mary Moore Hamrick, who, unfortunately, is no longer with the committee.

In closing, I would just like to reiterate the importance of opposing amendments to this legislation. If so much as a single amendment is approved by the House, I can assure those who would like to see this legislation pass that Republican votes in favor of H.R. 1188 will be virtually nonexistent.

Madam Chairman, I yield back the remainder of my time.

□ 1410

Mrs. COLLINS of Illinois. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Madam Chairman, I rise today to express my strong support for H.R. 1188, the Anti Redlining in Insurance Disclosure Act. I would like to commend Chairman DINGELL and Chairman COLLINS for their leadership and hard work on this important bill, as well as the gentleman from Florida [Mr. STEARNS] and the gentleman from California [Mr. MOORHEAD].

As a member of the Energy and Commerce Committee, which has jurisdiction over this issue, I strongly encourage my colleagues to support H.R. 1188. This legislation will help determine the nature and extent of insurance availability and whether insurers discriminate on the basis of race, income, or ethnic origin.

The bill requires insurers to disclose information on the sales of automobiles and property insurance policies in 25 large urban areas. H.R. 1188, unlike the Roybal-Alard amendment, has been carefully crafted by the Energy and Commerce Committee in a manner that will not compromise consumer confidentiality.

H.R. 1188 is a balanced approach that deserves the support of this body. If you are serious about combating redlining in America, support H.R. 1188 and oppose all amendments.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. ROWLAND], a distinguished member of our subcommittee.

Mr. ROWLAND. Madam Chairman, I rise in support of the Anti Redlining and Insurance Disclosure Act, H.R. 1188.

The Committee on Energy and Commerce has worked hard to craft a balanced and cost-effective solution to study and address the problem of redlining in insurance. This solution, which is before us today, has support from both sides of the aisle. It is a bipartisan bill.

H.R. 1188 requires the disclosure of information about every substantial insurance transaction of nearly half of the U.S. population. In doing so, it will draw a broad enough picture of industry practices for us to determine if insurance is being denied to people on the basis of discrimination. And, if we find such discrimination, it will allow us to design remedial measures to address the types of discrimination this information reveals.

The reporting requirements of H.R. 1188 are extensive, and compliance with these requirements will be expensive for insurance companies. But the benefits to the American people, in the form of greater protection for civil rights and greater protection from abusive industry practices, will be well worth it.

Today's bill, H.R. 1188, is an important step forward for all Americans, and I urge my colleagues to support it.

Mrs. COLLINS of Illinois. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, let me say to the Members that H.R. 1188 is a well-crafted, well-balanced piece of legislation that we have considered. All persons, groups, organizations, civil rights, insurance companies, everybody who is concerned about insurance matters, have worked with them and fashioned this piece of legislation that is extremely well balanced. I do hope that every Member of this body will support this legislation.

Ms. NORTON. Madam Chairman, I want to commend Representative CARDISS COLLINS, chair of the Subcommittee on Commerce, Consumer Protection and Competitiveness, and Representative JOHN DINGELL, chair of the Committee on Energy and Commerce, for their leadership in reporting H.R. 1188 to the floor so expeditiously. This is a vital bill for this country. To illustrate the point, I want to discuss a recent episode of alleged insurance redlining in the District of Columbia and how H.R. 1188 would address the problem.

On November 28, 1993, the Washington Post published a report on alleged insurance redlining in the District of Columbia and Maryland by the GEICO Insurance Co. The article highlighted allegations made by several GEICO employees that the insurance company screened out blacks for auto and home insurance, gave preferential treatment to customers from white neighborhoods, and retaliated against employees who complained about such practices. Employees further alleged that, in violation of District of Columbia law, GEICO used District residents' job status in deciding what premiums to charge for auto insurance, the result being that a low-wage employee with a clean driving record would be given a worse rate than a professional employee with violations on his or her record.

The District's insurance commissioner will soon begin a market conduct study of GEICO's insuring practices in the District of Columbia. It is anticipated that the study will focus on whether GEICO's underwriting practices are discriminatory, whether the application of these guidelines has discriminatory effects, and whether the rates of insurance applications, cancellations, rejections, and nonrenewal are substantially disproportionate across certain minority ZIP codes.

This data will begin to allow the District to get a more accurate picture of the scope of redlining problems in the metropolitan area. Insurance redlining, however, is not just a problem in the District of Columbia, but is a problem in major metropolitan areas across the Nation. H.R. 1188, the Antiredlining in Insurance Disclosure Act, would require annual reporting by large insurers like GEICO of the number of households and vehicles insured, policies issued, premiums earned, insurance agents employed, policies canceled, and policies not renewed by the company. The collection of such data nationally is the only way to comprehensively address this problem, and must be done if we are to fulfill our responsibility to fight racial discrimination in all its forms and guarantee equal opportunity to all citizens.

The passage of this bill is critically important to my constituents and to minorities nationwide, and I voice my strong support for the bill.

Ms. PRYCE of Ohio. Madam Chairman, today we are here to debate whether or not to amend H.R. 1188. First, let me begin by saying that H.R. 1188 already goes well beyond what is necessary to combat alleged redlining in insurance underwriting. I can say this, as I have something of a passing knowledge on insurance issues, having started my legal career as a hearing officer for the Ohio Department of Insurance.

To begin with, what is it that the legislation seeks to accomplish? If it wants to eradicate discrimination along the lines of race, religion, or national origin, there are already adequate civil rights and unfair claims practices laws, both Federal and State, to combat cases of classic redlining. These laws guarantee everyone equal opportunity. Nothing guarantees equal outcomes. Besides, it is well documented that insurance is available to virtually everyone who wants to purchase it. Recent studies indicate that over 97 percent of urban property owners have insurance.

Regarding the purpose of this legislation, proponents say we need this bill to gather data to determine, through a number of studies, whether discrimination exists in insurance underwriting. Basically, Congress wants to see if a problem exists. However, has anyone asked what will be the likely result of the study, once it is completed, or how we will remedy the problem?

Does creating a system that does not correlate risk to cost make sense? Would stripping personal behavior and responsibility from the insurance underwriting process force most Americans to subsidize, through higher premiums, the risky lifestyles or behavior of the very few? I believe it would. I also do not believe that this will solve the real problem.

What the proponents of this type of legislation really want is to community rate property and casualty insurance. By that I mean that they want everyone to pay the same price for the same coverage, regardless of risk, geographic or otherwise.

Community rated property and casualty insurance would be a bad deal for the vast majority of Americans. The ultimate result would be that the cost of most people's auto and homeowner's policies would increase substantially in order to subsidize those who were at a greater risk for loss.

However, even if I could be convinced of H.R. 1188's merits, these amendments certainly go beyond what is necessary, and truly cause me to question the real purpose of this legislation. For example, one of these amendments would make insurers report loss data to the Federal Government.

This bill should not require reporting of company-specific loss data. These data are irrelevant to the purpose of the bill, which is ostensibly to combat facial discrimination along the lines of race, religion, and national origin in insurance underwriting practices.

Additionally, loss data would only be available on the basis of a rating territory, which is, at best, based on a group of five digit ZIP Codes. Also, loss data on a census tract basis, which is sought by many supporters of this legislation, is unavailable and would be statistically meaningless. Furthermore, loss data are irrelevant to determine whether insurers are in fact writing policies in urban areas, which is, at least on the surface, what proponents of antiredling legislation say is their main concern.

Currently, individual insurers are required to provide loss data to State regulators only on the basis of a rating territory, and only when necessary to justify rate changes, not as a routine matter. Loss information is relevant only if the Federal Government is going to begin second-guessing insurance rates; a matter which Congress has already delegated to State insurance departments. Maybe I misunderstood the purpose of the legislation, but I did not understand it to create a costly and duplicative Federal insurance regulatory bureaucracy.

Madam Chairman, the bottom line is insurers are not statistical agencies. As a routine matter, statistical reports are submitted to regulators in the aggregate, combining the data of many insurers. Additionally, it should be noted that loss data are valuable competitive information and constitute trade secrets. The disclosure of loss data could seriously undermine competition in the insurance market. A breakdown in competition would only harm consumers by increasing the cost of insurance. Madam Chairman, I urge my colleagues to vote against any amendments to H.R. 1188 and vote no on final passage.

Mr. FOGLIETTA. Madam Chairman, I rise in strong support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act.

As chairman of the Congressional Urban Caucus, I support this bill which will erase the red lines that cut through the heart of many inner-city communities.

In far too many cities, homeowners who need property insurance are being ripped off and turned down by insurance agents because they live on the wrong block or in the wrong neighborhood or have the wrong skin color or speak with an accent.

But the impact of these red lines is devastating. Without access to insurance, people cannot buy a home.

Without insurance, new businesses cannot be opened, and existing businesses are endangered.

Without insurance, housing cannot be built and critical repairs cannot be made.

We talk about empowerment but we need practical resources, like insurance, to turn this talk into reality.

Let's walk the walk by ending discrimination and allow all neighborhoods to attain the American dream of home ownership.

I urge my colleagues to support H.R. 1188.

Mr. GENE GREEN of Texas. Madam Chairman, I rise today in support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act. This bill will help to solve some of the problems experienced by residents of our Nation's inner cities who have for too long paid higher premiums for insurance or have not been able to obtain coverage.

This legislation will require the annual disclosure of insurance practices of the largest insurance companies in our Nation's 25 largest metropolitan areas. Smaller insurance companies would not be required to file comprehensive reports, rather they would simply have to furnish a summary of their services.

As a Representative from Houston, I have many constituents who have experienced difficulty in obtaining insurance and many suspect that certain neighborhoods are denied coverage based on the demographics of the residents who live there. While some disagree with the idea that racism may be to blame for the difficulty in obtaining insurance, we must at the very least collect the data necessary to determine the reasons behind this problem. H.R. 1188 will require this information to be furnished to the Secretary of Commerce so that we can determine once and for all the reasons behind disparities in coverage for some neighborhoods.

Our Government can tell where automobiles are sold or which drugstores specific lots of prescription drugs go yet we cannot currently tell which neighborhoods have adequate insurance. This bill simply allows us to look at the facts and make a determination based on those facts. The issue of redlining falls under the same philosophy as "out of sight, out of mind." As long as we are able to turn a blind eye to these underinsured neighborhoods they will continue to be out of the minds of the authorities whose job it is to correct the social and economic problems facing our Nation.

I urge my colleagues to support this important legislation because it will allow our inner-city neighborhoods to obtain the same type of insurance coverage enjoyed by the suburbs. This is one step toward real urban revitalization since the insurance of property results in that property being better maintained and thus sustaining its value. By voting for this bill you can vote to give families the tools they need to ensure their continued success and eliminate the risk of loss that inevitably results in the decay of our inner-city neighborhoods.

Mr. ROSTENKOWSKI. Madam Chairman, I rise in support of H.R. 1188, the Anti Redlining In Insurance Disclosure Act, and I commend my colleague from Chicago, Mrs. COLLINS, for her leadership in determining whether the serious problem of redlining exists in major metropolitan areas.

The term redlining dates back to a time when insurance companies literally draw red lines on a map to indicate areas where they would not sell insurance. These areas often tended to be low-income, inner-city areas.

Madam Chairman, without access to affordable insurance, small businesses in urban areas cannot continue to exist and provide needed jobs. Access to affordable insurance is an important protection that should be available to all Americans.

H.R. 1188 is a balanced approach to this problem and will help to determine whether allegations of redlining are accurate. The bill requires disclosure by insurance companies of their insurance activities in the 25 largest urban areas. It also requires the reporting of agent locations. This information will help to determine insurance availability in a number of urban areas across the country.

Madam Chairman, I urge my colleagues to join me in supporting H.R. 1188. It is an important step toward ensuring that no American is discriminated against by being denied access to insurance, simply because of where they live.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1188

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 "Anti Redlining in Insurance Disclosure Act".

SEC. 2. FINDINGS AND CONSTRUCTION.

(a) FINDINGS.—The Congress finds that—

(1) disparities in property and casualty insurance coverage provided by insurers engaged in interstate commerce between areas of different incomes and racial composition could adversely affect interstate commerce and the cost and availability of insurance for consumers, and

(2) appropriate disclosures of information by insurers would benefit consumers and insurance regulators.

(b) CONSTRUCTION.—Nothing in this Act is intended to, nor shall it be construed to, encourage unsound underwriting practices.

SEC. 3. MAINTENANCE OF INFORMATION AND PUBLIC DISCLOSURE.

(a) GENERAL RULE.—

(1) DESIGNATED INSURERS.—

(A) IN GENERAL.—Except as provided by subsection (b)(7), each designated insurer shall, in accordance with subsection (b), annually compile, submit to the Secretary, and make available to the public for each calendar year and for designated lines of insurance in a designated MSA—

(i) the total number of policies, total exposure units (in car years and house years), and total earned premium of insurance policies by designated line which were issued by such insurer and the new written exposure units, exposure units canceled, and the exposure units not renewed by such insurer, and

(ii) the number of licensed agents of such insurer whose principal place of business is located in such designated MSA and the number within each 5-digit zip code in such designated MSA and with respect to each such agent, whether such agent is an employee, independent contractor working exclusively for such insurer, or an independent contractor appointed to represent such insurer on a non-exclusive basis.

(B) SUBMISSIONS AND AVAILABILITY.—The information described in subparagraph (A) shall be—

(i) submitted to the Secretary in accordance with subsection (d), and

(ii) made available to the public, in accordance with subsection (b)(2), for inspection and copying, at cost, at the home office of the insurer and at a central depository, established under subsection (c), by the Secretary.

(2) NON-DESIGNATED INSURERS.—Except as provided in subsection (b)(7), every insurer which sells an insurance policy in a designated line of insurance in a designated MSA and which is not a designated insurer in such MSA shall submit to the Secretary for each calendar year in accordance with subsection (d) and regulations of the Secretary the total exposure units (in car years and house years) of insurance policies in a designated line sold in such MSA. With respect to such policies, the insurer shall report the designated MSA where the insured risks are located for which such insurance is issued and within such MSA report the 5-digit zip code where the risk is located.

(b) REQUIREMENTS.—

(1) CONTENT.—The information required to be maintained and made available under subsection (a)(1) shall be itemized in order to clearly and conspicuously disclose the policies, the exposure units, and the premium amount for each line of insurance for which information is required and be itemized by the 5-digit zip code where the risks are located.

(2) AVAILABILITY TO THE PUBLIC.—The information required to be maintained and made available under subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the calendar year following the calendar year for which the information is required to be made available, except that such information shall not be made available to the public until it is available in its entirety but it shall be made available if not all the information required to be reported is available on such October 1 or on the date determined by the Secretary.

(3) SPECIFICATION OF DATA.—

(A) IN GENERAL.—With respect to information which is required to be maintained and made available under subsection (a)(1), the Secretary shall by regulation establish specifications for the collection and public reporting of such information with respect to the following lines of insurance: private passenger automobile, homeowners, and dwelling fire and allied lines. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) detail what data elements should be collected,

(iv) provide for the collection of information on an individual insurer basis,

(v) minimize burdens on insurance agents, including independent insurance agents,

(vi) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers,

(vii) take into account the types of data collected under the Home Mortgage Disclosure Act of 1975,

(viii) take into account existing statistical reporting systems in the insurance industry,

(ix) require itemization by 5-digit zip code, and

(x) include information on policies written in a residual market.

(B) CONSULTATIONS.—In developing the specifications in subparagraph (A), the Secretary shall consult with—

(i) other Federal agencies with appropriate expertise,

(ii) State insurance regulators,

(iii) representatives of the insurance industry, including statistical agents,

(iv) representatives of insurance producers, including minority insurance producers, and

(v) consumer, community, and civil rights groups who are representative of a diversity of geographic locations.

(C) EFFECTIVE DATE.—The regulation under subparagraph (A) shall be issued no later than 270 days after the date of the enactment of this Act.

(4) COMMERCIAL INSURANCE STUDY AND PILOT PROJECT.—

(A) STUDY.—The Secretary shall conduct a study regarding the availability of commercial insurance (other than professional liability insurance, workers compensation insurance, and title insurance) with special emphasis on the availability of commercial insurance for small business. The study shall focus on—

(i) an appropriate definition for small business; and

(ii) preliminary views regarding the availability, cost, and type of insurance coverage for small business, which may be based on surveys of members of the small business community.

In conducting the study, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a report detailing the findings of the study to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(B) PROPOSAL OF PILOT PROJECT.—Concurrent with the conduct of the study under subparagraph (A), the Secretary shall develop a proposed data collection pilot project in the 5 largest MSA's to help determine the need for any further data collection requirements to evaluate the availability, cost, and type of insurance coverage for small business. In developing the proposed pilot project, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a specific proposal for a pilot project to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(C) SPECIFICATIONS FOR PILOT PROJECT.—Immediately following the submission of the proposal for a pilot project, the Secretary shall, by regulation, establish specifications for the collection and public reporting of information with respect to commercial insurance for the proposed pilot project. As part of the specifications, the Secretary shall designate the 5 largest MSA's for purposes of the pilot project. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) provide for the collection of information on an individual insurer basis,

(iv) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers, and insurance agents, including independent insurance agents,

(v) take into account existing statistical reporting systems in the insurance industry and use existing data sources to the maximum practical extent,

(vi) include information on policies written in a residual market,

(vii) detail what data elements should be collected,

(viii) detail what insurers should be designated insurers for purposes of the pilot project,

(ix) detail what lines of commercial insurance should be designated for purposes of the pilot project, with particular consideration given to commercial fire and business owners lines,

(x) include an appropriate definition of small business, if necessary,

(xi) provide data representative of at least 2 years of experience and provide that the pilot project will terminate no later than 2 years after its inception, and

(xii) provide adequate lead time to insurers designated under clause (viii) for the reporting to begin.

The regulation shall be issued within 2 years of the date of enactment of this Act.

(D) REPORTING UNDER PILOT PROJECT.—Insurers designated under subparagraph (C)(viii) shall report to the Secretary with respect to lines of insurance designated under subparagraph (C)(ix) in the 5 largest MSA's, pursuant to the regulation issued by the Secretary in subparagraph (C).

(E) ANALYSIS OF DATA UNDER PILOT PROJECT.—At the conclusion of the pilot project, the Secretary shall analyze the data collected. Within 1 year of the conclusion of the pilot project, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate on—

(i) any conclusions of the Secretary regarding the data collected under the pilot project, particularly regarding the availability, cost, and type of commercial insurance for small business, and

(ii) the need for further data collection requirements to evaluate the availability, cost, and type of such coverage or to help ensure the availability of such coverage.

(5) PERIOD OF MAINTENANCE.—Any information required to be compiled and made available under subsection (a) shall be maintained and made available for a period of 3 years after the close of the first year during which such information is required to be maintained and made available.

(6) FORMAT FOR DISCLOSURES.—Subject to subsection (c), the Secretary shall prescribe a standard format for making information available as required by subsection (a). Such format shall encourage the submission of information in a form readable by a computer.

(7) EXEMPTION.—

(A) SECRETARIAL ACTION.—If the Secretary determines that a State has enacted a law, or otherwise implemented a requirement under which—

(i) insurers operating in that State are subject to disclosure requirements on a 5-digit zip code basis substantially similar to those of subsection (a),

(ii) there are adequate provisions for enforcement, and

(iii) the information disclosed under the State law or requirement is made available to the Secretary and the public in a manner similar to other information disclosed under subsection (a),

then the Secretary shall by regulation exempt insurers operating in that State from complying with the requirements of subsection (a) with respect to that State's portions of the designated MSA's. If the Secretary determines that the State law or requirement no longer meets the criteria of clauses (i) through (iii) or is no longer in effect, the Secretary shall by regulation revoke the exemption.

(B) UNITED STATES PROGRAM.—Reporting shall not be required under subsection (a) with respect to insurance provided by a program underwritten or administered by the United States.

(c) PUBLIC ACCESS SYSTEM.—The Secretary shall implement a system to facilitate public access to information required to be made available to the public under subsection (a). Such system shall include arrangements for a central depository of information in each designated MSA and for a telephone number which can be used by the public, at cost, to request such information. Statements shall be made available to the public for inspection and copying at such central depository of information for all designated insurers within such MSA. The Secretary shall also make copies of such statements available in forms readable by widely used personal computers, such as in disc format. The Secretary may charge a fee for such information, which may not exceed the amount, determined by the Secretary, that is equal to the cost of reproducing the information.

(d) SUBMISSION TO SECRETARY.—With respect to the information required to be submitted under subsection (a) to the Secretary, the Secretary shall develop regulations prescribing the format and method for submitting such information. Such regulations shall ensure uniformity among insurers, to the extent practicable, in the format used for reporting, including the definitions of data elements. Any reporting insurer may submit in writing to the Secretary such additional data or explanations as it deems relevant to the decision by such insurer to sell insurance.

SEC. 4. DESIGNATIONS.

(a) DESIGNATIONS BY THE SECRETARY.—

(1) DESIGNATIONS OF MSA'S.—The Secretary shall designate the MSA's for which reporting is required under section 3(a). The Secretary shall designate the 25 MSA's having the largest population.

(2) DESIGNATION OF INSURERS.—For each MSA designated under paragraph (1), the Secretary shall take the following actions:

(A) The Secretary shall designate the insurers transacting insurance business in such MSA for which reporting is required under section 3(a). At a minimum, the Secretary shall designate the 25 insurers in such MSA having the largest premium volume in the designated lines of insurance in each State in which such MSA is located.

(B) In addition to the insurers designated under subparagraph (A), the Secretary shall also designate any entity primarily providing insurance in a designated line of insurance as part of a residual market established by State law.

(C) The Secretary shall also designate, in addition to the insurers designated under subparagraphs (A) and (B), insurers who specialize in selling insurance in urban areas, including surplus lines insurers.

(D) The Secretary shall also designate, in addition to the insurers designated under subparagraph (A), (B), and (C) insurers such that insurers representing at least 80 percent of the

premium volume in each State in which such MSA is located in the designated line of insurance are designated in such MSA. The Secretary may not designate additional insurers under this subparagraph if their market share in the designated line of insurance in the applicable States, as measured by premium volume in each State in which such MSA is located, is under 1 percent.

(E) In addition to the insurers designated under subparagraph (A), (B), (C), and (D) the Secretary may by regulation designate additional insurers in a MSA if the designation of additional insurers is necessary to provide valid data with respect to the availability, cost, and type of insurance in the MSA.

(F) The Secretary shall revoke the designation of an insurer designated under subparagraph (A) as follows: If such designated insurer has a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent, the Secretary shall revoke the designation of such insurer beginning with the insurer with the smallest market share of such insurance if the remainder of the designated insurers have a market share of at least 75 percent of such insurance as measured by premium volume in each State in which such MSA is located. In addition, the Secretary may revoke the designation of any insurer designated under subparagraph (A) with a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent if such designation has not been revoked under this subparagraph and if such insurer primarily sells insurance in rural areas of such MSA.

(G) For purposes of this paragraph, insurers which are affiliated or are members of the same group shall be considered together as one insurer.

(3) DESIGNATION OF LINES OF INSURANCE.—For each MSA designated under paragraph (1) the following are the designated lines of property and casualty insurance for which reporting is required under section 3:

(A) Private passenger automobile insurance.

(B) Homeowners insurance.

(C) Dwelling fire and allied lines of insurance.

(4) TIMING OF DESIGNATIONS.—

(A) INITIAL DESIGNATIONS.—The Secretary shall make initial designations required by paragraphs (1), (2), and (3) no later than July 1 of the year preceding the first year for which reporting is required under section 3. Such initial designations shall be effective for 5 calendar years from the date of designation.

(B) SUBSEQUENT DESIGNATIONS.—Not later than July 1 of the year preceding the fifth year after a designation under subparagraph (A) or this subparagraph, the Secretary shall make another designation to be effective upon the expiration of such 5 years and such designation shall be effective for 5 calendar years from the date of designation.

(C) NOTICE.—The Secretary shall notify persons involved in the designations no later than the July 15 which follows the designation.

(b) OBTAINING INFORMATION.—The Secretary may obtain from insurers such information as the Secretary may require to make designations under subsection (a).

SEC. 5. TASK FORCE ON AGENCY APPOINTMENTS.

(a) ESTABLISHMENT.—Within 90 days of the date of the enactment of this Act, the Secretary shall establish a task force on insurance agency appointments. The task force shall—

(1) consist of representatives of appropriate Federal agencies, property and casualty insurance agents, including specifically minority insurance agents, property and casualty insurance companies, State insurance regulators, and public interest groups,

(2) have a significant representation from minority insurance agents, and

(3) be chaired by the Secretary or the Secretary's designee.

(b) FUNCTION.— The task force shall—

(1) review the problems inner city and minority agents may have in receiving appointments to represent property and casualty insurance companies,

(2) review the practices of insurers in terminating agents and consider the effect such practices have on the availability or cost of insurance, especially in underserved areas, and

(3) recommend solutions to improve the ability of inner city and minority insurance agents to market property and casualty insurance products, including steps property and casualty insurance companies should take to increase their appointments of such agents.

(c) REPORT AND TERMINATION.—The task force shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate its findings under paragraphs (1) and (2) of subsection (b) and its recommendations under paragraph (3) of subsection (b) within 2 years after the date of the enactment of this Act. The task force shall terminate when the report is submitted to the Committees.

SEC. 6. IMPLEMENTATION OF SECTION 3.

(a) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out section 3. Such regulations may—

(1) contain such classifications, differentiations, or other provisions, and

(2) may provide for such adjustments and exceptions for any class of transactions,

as in the judgment of the Secretary are necessary and proper to effectuate the purposes of such section and to prevent circumvention or evasion thereof or to facilitate compliance therewith.

(b) DATA COLLECTION CONTRACTOR.—The Secretary may contract with a data collection contractor to carry out the Secretary's responsibilities under section 3 if the contractor agrees to collect and make available the data pursuant to the terms and conditions of such section. A statistical agent may also be a data contractor.

(c) ROLE OF STATISTICAL AGENTS.—

(1) ACCEPTANCE OF DATA.—The Secretary and, if applicable, the contractor under the subsection (b) contract may accept data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if—

(A) the statistical plan used by the statistical agent for the reporting of data on insurance provides for the reporting of data in a manner compatible with section 3(a),

(B) the statistical agent reports such data on an individual insurer basis, and, at the discretion of the Secretary, on an aggregate basis,

(C) the statistical agent provides adequate procedures to protect the integrity of the data reported,

(D) the statistical agent has procedures in place which ensure that data reported under the statistical plan in connection with reporting under this Act and submitted to the Secretary are not subject to adjustment by the statistical agent or an insurer for reasons other than technical accuracy and conformance to the statistical plan,

(E) the statistical agent ensures that the data of one insurer is not subject to review by other insurers before public availability, and

(F) the statistical agent provides for the reporting of data in a manner compatible with the format prescribed by the Secretary under section 3(d).

(2) DISCONTINUANCE OF DATA ACCEPTANCE.—The Secretary may, after providing an opportunity for a hearing, discontinue accepting data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if the Secretary determines the requirements for acceptance of data in paragraph (1) are no longer met.

(d) ROLE OF GAO.—The Comptroller General shall have the authority to review and audit any data collection and reporting performed under section 3, whether by the Secretary, the contractor under the subsection (b) contract, or a statistical agent, to ensure that the integrity of the data collected and reported is protected.

(e) BURDENS ON INSURANCE AGENTS.—In prescribing regulations under this Act, the Secretary shall take into consideration the administrative, paperwork, and other burdens on insurance agents, including independent insurance agents, involved in complying with the requirements of this Act and shall minimize the burdens imposed by such requirements with respect to such agents.

SEC. 7. RELATION TO STATE LAWS.

This Act does not annul, alter, or affect, or exempt the obligation of any insurer subject to this Act to comply with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping.

SEC. 8. COMPILATION OF AGGREGATE DATA.

(a) SCOPE OF DATA AND TABLES.—The Secretary shall compile each year, for each MSA, data aggregated by 5-digit zip code for all insurers who are subject to section 3 or who are exempt from section 3 under subsection (b)(7)(A) of such section. The Secretary shall also produce tables indicating, for each MSA, insurance policies aggregated for various categories of 5-digit zip codes grouped according to location, age of property, income level, and racial characteristics of neighborhood.

(b) AGGREGATION OF INFORMATION.—Statistical agents may aggregate the data of insurers that report to them and may provide such information to the Secretary. The Secretary may also provide the individual company data submitted by insurers to statistical agents for aggregation.

(c) AVAILABILITY TO PUBLIC.—The data compiled and the tables produced pursuant to subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the year following the calendar year on which the data and tables are based.

SEC. 9. ENFORCEMENT.

(a) CIVIL PENALTIES.—Any insurer who is determined by the Secretary, after providing opportunity for a hearing on the record, to have violated the requirements of section 3 shall be subject to a civil penalty of not to exceed $5,000 for each day during which such violation continues.

(b) INJUNCTION.—The Secretary may bring an action in an appropriate United States district court for appropriate declaratory and injunctive relief against any insurer who violates the requirements of section 3.

(c) INSURER LIABILITY.—An insurer shall be responsible under subsections (a) and (b) for any violation of a statistical agent acting on behalf of the insurer.

SEC. 10. SUNSET.

(a) EXPIRATION.—Except as provided in subsection (b), this Act shall not be in effect after the expiration of 5 years from its effective date. Prior to the expiration of 4 years from such date, the Secretary shall report to the Energy and Commerce Committee of the House of Representatives and the appropriate committee of the Senate—

(1) the quality of data received under section 3 and the effectiveness of the data requirement, including the relation between the cost of such data gathering and the benefits from having such data available,

(2) the appropriateness of the geographic data reporting units,

(3) the need for continued reporting by the designated insurers in urban areas,

(4) the efforts of insurers to meet the insurance needs of minority and low-income neighborhoods, and

(5) such other information as the Secretary determines will assist in considering an extension of this Act.

(b) EXTENSION.—Based on the Secretary's report on the need described in subsection (a)(3) and the information described in subsection (a)(5), the Secretary may extend this Act for one period of 2 years.

SEC. 11. STUDIES.

(a) STUDY OF INFORMATION ON INSURANCE APPLICANTS.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility and utility of the collection of information with respect to the characteristics of applicants for insurance and reasons for rejection of applicants. The study shall examine the extent to which—

(A) oral applications or representations are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(B) written applications are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(C) written applications are submitted after the insurer or agent has already made a determination to provide insurance to a prospective insured or has determined that the prospective insured is eligible for insurance, and

(D) prospective insureds are discouraged from submitting applications for insurance based, in whole or in part, on—

(i) the location of the risk to be insured,

(ii) the race or ethnicity of the prospective insured,

(iii) the racial or ethnic composition of the neighborhood in which the risk to be insured is located, and

(iv) in the case of residential property insurance, the age and value of the risk to be insured.

(2) REPORT.—The Secretary shall report the results of the study under paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate within 18 months of the date of the enactment of this Act.

(b) STUDY OF INSURER ACTIONS TO MEET INSURANCE NEEDS OF CERTAIN NEIGHBORHOODS.—The Secretary shall conduct a study of various practices, actions, programs, and methods undertaken by insurers to meet the property and casualty insurance needs of residents of low- and moderate-income neighborhoods, minority neighborhoods, and small businesses located in such neighborhoods. The Secretary may establish a task force of interested parties, including representatives of insurance companies, insurance agents, including minority agents, and consumer representatives to discuss additional practices, actions, programs, and methods to meet these needs. The Secretary shall report the results of the study, including any recommendations, to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate no later than 2 years after the date of the enactment of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "commercial insurance" means any line of property and casualty insurance, except private passenger automobile and homeowner's insurance.

(2) The term "designated insurer" means an insurer designated by the Secretary pursuant to section 4(a)(2).

(3) The term "designated line" means a line of insurance specified in section 4(a)(3).

(4) The term "exposure units" means units insured against risk of loss by an insurer and the term "units" means an automobile or the number of units in a building.

(5) The term "insurer" means any corporation, association, society, order, firm, company, partnership, individual, or aggregation of individuals which is subject to examination or supervision by any State insurance regulator, or which is doing or represents an insurance business. Such term does not include an individual or entity which represents an insurer as agent for the purpose of selling or which represents a consumer as a broker for the purpose of buying insurance.

(6) The term "MSA" means a Metropolitan Statistical Area or a Consolidated Metropolitan Statistical Area and the term "designated MSA" means an MSA designated by the Secretary pursuant to section 4(a)(1).

(7) The term "property and casualty insurance" means insurance against loss of or damage to property, insurance against loss of income or extra expense incurred because of loss of, or damage to, property, and insurance against third party liability claims caused by negligence or imposed by statute or contract.

(8) The term "residual market" means an assigned risk plan, joint underwriting association, or any similar mechanism designed to make insurance available to those unable to obtain it in the voluntary market.

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

SEC. 13. EFFECTIVE DATE.

The requirements of this Act shall take effect with respect to information on insurance described in section 3 and developed in and after calendar year 1995.

Mr. CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. KENNEDY

Mr. KENNEDY. Madam Chairman, I offer an amendment, and I ask unanimous consent that it be considered as read and printed in the RECORD.

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

Mrs. COLLINS of Illinois. Madam Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY:

Page 25, line 24, strike "Energy and Commerce Committee" and insert "Committee on Banking; Finance and Urban Affairs".

Page 30, lines 20 and 21, strike "Secretary of Commerce" and insert "Secretary of Housing and Urban Development".

Strike "Committee on Energy and Commerce" each place it appeals in the bill and insert "Committee on Banking, Finance and Urban Affairs".

Mr. KENNEDY. Madam Chairman, I rise in support of the amendment which the Committee on Banking, Finance and Urban Affairs has offered to this bill that deals with the question of jurisdiction. It deals with the question of whether or not the information that is asked for in the bill should be contained at HUD or should be contained at the Commerce Department.

The reason why this is important is because there are two separate agencies. One agency deals with whether or not there is racial discrimination in housing, whether or not there are a series of programs that HUD has always been in charge of the pertain to flood insurance, that pertain to private mortgage insurance, that pertain to the Federal Housing Administration insurance, the private deposit insurance, and, last but not least, the insurance redlining, because HUD enforces the Fair Housing Act insurance program.

The fact is that HUD is the agency that this information ought to be contained with.

Now, if we look at what has actually occurred with this bill, I initially wrote this legislation and went to the Parliamentarian. We asked the Parliamentarian's judgment on how to make certain that the information would come directly to the Committee on Banking, Finance and Urban Affairs. We were given certain assurances about why this would come to the Committee on Banking, Finance and Urban Affairs.

The fundamental fact is after this passed, with those assurances, the subcommittee, after it passed the full committee, another Member of this body went to that committee and got the ruling changed so that our bill was then referred to the Committee on Energy and Commerce and their bill was not referred to our committee.

It was patently wrong, patently unfair. Our committee went and saw the Speaker of the House about that kind of shoddy treatment. Since that time, we have tried very hard to try to find some way of working out our differences. There was no attempt to work out our differences. What we found was in fact with this legislation, there have been attempts after attempts to undercut any ability to get this information at the agency where it is proper to be housed.

What I am trying to suggest is that if we look at the history of why insurance is not designated for a particular committee, it seems to me it is pretty clear. Insurance has always been regulated by the States. It is the one major industry of our land that is not designated by some committee in the Congress. And what happens is under the rule X, it is unclear. But despite the fact that the Committee on Banking, Finance and Urban Affairs runs all of these insurance programs, because of the overarching concern that somehow insurance is interstate commerce, Energy and Commerce automatically gets it.

When the Committee on Banking, Finance and Urban Affairs was initially formed in this country, we controlled 80 percent of the credit in America, controlled the vast majority of all the credit around the world. Today the mutual fund industry has more deposits

than the banking industry. It is controlled by Energy and Commerce. The securities industry controls more deposits than the banking industry. It is controlled by Energy and Commerce. Energy and Commerce controls our health. If they could get a bill through, it would be interesting. They control the transportation. They control our energy policy. They control our railroads. They control our interstate commerce.

Enough is enough. At some point the fact is that this is nothing more than a further power grab by that committee on the Committee on Banking, Finance and Urban Affairs' jurisdiction, and it is time to stop getting bullied around by the Committee on Energy and Commerce. Time and time again, whether it is legislation pertaining to how we are going to come together as a land and have financial institutions that can go out and compete with the Germans and Japanese and other foreigners, as long as it treads on the Committee on Energy and Commerce jurisdiction, it cannot pass the Congress of the United States.

What I am trying to suggest is that we allow an honest to goodness debate on the specific issues of whether or not it makes more sense to house this information at HUD, where the Secretary has requested it, where the Secretary has indicated that he wants to make this a priority of his in this administration.

□ 1420

It is true that an Inspector General's report on Jack Kemp's HUD indicated that HUD could not handle any new programs. But the fact is that Henry Cisneros has come in and reorganized HUD. I talked to his office this morning. They indicated to me that they are entirely capable and very much want to have this information contained at HUD.

Madam Chairman, I would urge the Members to support the legislation offered by the gentleman from Texas [Mr. GONZALEZ] and myself to contain this information at the Housing and Urban Development Agency where it is necessary to get the job done. If Members think that the Committee on Energy and Commerce has taken enough of their committees' jurisdictions, then vote yes on the Kennedy-Gonzalez amendment.

Mr. GONZALEZ. Madam Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. KENNEDY] be allowed to proceed for 5 additional minutes.

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

Mr. STEARNS. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STEARNS. Madam Chairman, I move to strike the last word, and I rise in opposition to the Kennedy-Gonzalez amendment to H.R. 1188.

I rise in strong opposition to the Kennedy-Gonzalez amendment to H.R. 1188 because I believe that it is little more than a thinly veiled attempt to expand their committee jurisdiction, and, in the end, would do more harm than good to this legislation and the Nation's consumers of insurance.

This amendment has really only a single purpose—to change the implementing agency to an agency primarily within the jurisdiction of the Banking Committee. The agency they chose was the Department of Housing and Urban Development. This amendment would give the Department of Housing and Urban Development broad new authority to collect this data in spite of all the evidence demonstrating that HUD needs to better address its current responsibilities before it receives new ones.

I could provide a litany of examples of HUD scandals and mismanagement, but the HUD inspector general put it best in a letter to the Banking Committee. Commenting on the Banking Committee's redlining proposal, she explained succinctly that "Historically, HUD has not developed and maintained data systems in an effective and efficient manner." She went on to explain how HUD initially suffered from incomplete, untimely, and erroneous data reporting when it tried to implement its responsibilities under the Home Mortgage Disclosure Act.

Even Chairman GONZALEZ and the rest of the Banking Committee acknowledged HUD's limitations in the recent committee report on the Housing and Community Development Act. The committee reiterated findings by the HUD inspector general that "HUD is a 'troubled' Federal agency with 10 material weaknesses in its basic operations," and that troubles arising in the mid-1980's "has left a decimated workforce with the wrong skills mix, inadequate computer data systems, and the inability to administer properly the programs currently authorized."

Clearly, HUD has a poor track record in implementing the kinds of data systems that would be required under H.R. 1188. It would be conceivable that by the time HUD managed to out work the problems, the program would be ready to expire.

I was somewhat surprised to hear that Chairman KENNEDY told the Rules Committee that the Department of Commerce had no experience gathering large amounts of data. This could almost be true, if it were not for one small fact—the Department of Commerce houses the Bureau of the Census, arguably the largest data gathering organization in the world.

Why should we give new authority to an overburdened and ineffective bureaucracy at HUD when the Bureau of the Census routinely gathers large amounts of information about every man, woman, and child in the United States? Further, the Department of Commerce already gathers some insurance data, including data on affordability and availability. Clearly, the original agency authorized under H.R. 1188 is the best agency for the task on the merits.

I urge my colleagues to oppose this cynical amendment based on a petty jurisdictional squabble. Members should look at this issue on its merits, and I am convinced that anyone who does will agree that the House should reject the Kennedy-Gonzalez amendment.

Mr. GONZALEZ. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the Kennedy amendment.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALES] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Chairman, I ask unanimous consent that I be granted an additional 5 minutes.

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

Mr. STEARNS. Madam Chairman, I object to 5 minutes. Having served 4 years on the Committee on Banking, Finance and Urban Affairs, and having a lot of respect for the chairman, I would grant him another 2 minutes.

Mr. GONZALEZ. Madam Chairman, I withdraw my request.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Chairman, I think the gentleman here is——

Mr. STEARNS. Madam Chairman, I demand that the gentleman's words be taken down.

□ 1430

The Clerk will report the words objected to.

The Clerk read as follows:

Madam Chairman, I think the gentleman here is, to say the least, hypocritical, inasmuch as he has distorted an attribution to me.

The CHAIRMAN. Does the gentleman from Texas [Mr. GONZALEZ] seek recognition?

Mr. GONZALEZ. Madam Chairman, I failed to hear the Chairman's statement. Would you repeat it?

The CHAIRMAN. Does the gentleman want the words read again?

Mr. GONZALEZ. Yes.

The CHAIRMAN. The Clerk will report the words.

The Clerk read as follows:

Madam Chairman, I think the gentleman here is, to say the least, hypocritical, inasmuch as he has distorted an attribution to me.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. I have a parliamentary inquiry, Madam Chairman.

The CHAIRMAN. Does the gentleman seek recognition?

Mr. GONZALEZ. Yes, I do, Madam Chairman. My understanding is that the allegation is that the words used were unparliamentary.

The CHAIRMAN. That was the point of order.

Mr. GONZALEZ. Madam Chairman, in obedience to that, let me revise the words by saying that the gentleman's remarks——

Mr. STEARNS. Regular order, Madam Chairman.

The CHAIRMAN. Does the gentleman from Texas [Mr. GONZALEZ] ask unanimous consent to withdraw his remarks?

Mr. GONZALEZ. Yes, Madam Chairman, I ask unanimous consent to withdraw my remarks.

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

There was no objection.

The CHAIRMAN. The gentleman may proceed in order.

Mr. GONZALEZ. Madam Chairman, let me say that I take not only gross but personal exception to the gentleman's attributing to me statements and positions that I have never taken by reading out of context from an inspector general's report of HUD with respect to the other administration, the prior administration's consistent pattern of mismanagement and failure to address it, and failing to point out that the current administration of HUD has reached the point where, with the additional help of the legislation that we have perfected, is getting an extra help in their managerial problems which they have inherited.

Therefore, I very much resent that this statement would have been made to imply that HUD is incapable of doing that which, in our bill, as passed by the House Committee on Banking, Finance and Urban Affairs, through the Subcommittee on Housing and Community Development, would empower HUD to undertake in its fact-gathering.

In the first place, Madam Chairman, what the gentleman fails to state is that the Kennedy amendment would remove from the bill the onus of placing this responsibility on the Department of Commerce that has no track record in this kind of fact-gathering. If that is the case, it would make as much logic to put it over in the Nuclear Energy Commission. Why not have them do it? It would make just as much sense, if not, perhaps, more.

Madam Chairman, we have developed separate banking legislation in the committee to address the problems that homeowners presently face in many areas of our country with respect to the gross, unjust redlining by insurance companies. What we are asking in our legislation, Madam Chairman, and in the Kennedy amendment is for the same fact-gathering that we now compel banks to provide, but what this represents is a wholesale abasement before this powerful, monstrous lobby known as the insurance industry. No wonder they have no complaints, because they have kowtowed completely in the Committee on Energy and Commerce to those vested interests that are hellbent in persisting in redlining, to the gross injustice of many of our fellow Americans.

The ironfisted tactics of the chairman of the Committee on Energy and Commerce——

Mr. DINGELL. Madam Chairman, I demand that the words of the gentleman from Texas [Mr. GONZALEZ] be taken down.

□ 1440

Madam Chairman, as an act of comity to my dear friend, the gentleman from Texas, who I know gets much overwrought in matters of concern and sometimes speaks in tones that he might not choose to do, and out of the good will I feel for my friend, the gentleman from Texas, with whom I have served so long, the great personal affection which I have for him, I will withdraw my request, in the hope that my dear friend from Texas will proceed in a more parliamentary and gentlemanly fashion.

The CHAIRMAN. The gentleman withdraws his demand. The gentleman may proceed.

Mr. GONZALEZ. Madam Chairman, I thank my colleague, the gentleman from Michigan and appreciate his complimentary words. I was merely using a phrase that I thought would reflect the very strong tactics employed by the chairman of this distinguished committee.

Let me point out that this is a matter that the courts have interpreted. That is, we have court decisions in which the Fair Housing Act as administered by HUD have interpreted redlining by insurance companies to be within HUD's proper jurisdiction in attempting to control and eliminate by insurance companies, not banks, not S&Ls, but insurance companies.

Of course I feel strongly. When I see members of my committee who merely because they have had the courage, as the chairman of the subcommittee that has responsibility in this area, to pursue and be punished because of bills they are having in the other committee on other matters, I would be very much abdicating my responsibilities out of fear of displeasing my colleagues whom I equally esteem by shouting defiance to tyrannical and very revengeful tactics to the detriment of good legislation in another area, clean air.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

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

Mr. GONZALEZ. Madam Chairman, I think it is reasonable. What are we afraid of? What are we afraid in this Chamber of debate to hear a member speak 5 minutes additionally? Wherein is the fear? What is the basis for it? If the position is so correct by those that fear and oppose that their position is correct and true and valid, why fear any talk, any amount of talk?

Let me continue addressing the issue. This is a gut issue. And maybe and maybe not it involves committee jurisdictions. I will show to anybody's examination freely and truly my record as chairman since 1989, January 3, of the Committee on Banking, Finance and Urban Affairs, wherein at any time any other committee has felt hurt by an improper invasion on our part of their jurisdiction. Not one time. And it is not our desire to do that. We have enough to take care of within the very clearly prescribed jurisdiction of the committee.

In this area of insurance, there is a gray area as reflected by the quandary and the contradiction by the very Parliamentarians themselves, the very Parliamentarians. There is a gray area. But there is no gray area as to the jurisdiction on all credit-extending activities in our country being under the jurisdiction of the Committee on Banking, Finance and Urban Affairs.

We have formed this new subcommittee in contracting a number of committees and streamlining our operations in the Committee on Banking, Finance and Urban Affairs, of which the gentleman from Massachusetts [Mr. KENNEDY], is chairman and the title of that subcommittee is Credit and other matters such as coinage and insurance. We are not trying to invade the proper scope of the Committee on Energy and Commerce at any time, never has a charge been made to my knowledge, and we certainly do not seek it now. But we think that it would be remiss on our part, even if the odds are against us, even if we fail to speak forth on what is the proper jurisdiction of this committee and the Department that we wish to charge with the responsibility of searching out and rooting out this very violative, discriminatory practice of redlining for homeowners. We are talking about homeowners. So that the Secretary, as the gentleman from Massachusetts [Mr. KENNEDY] has brought out, not only he, his predecessor, have brought out their desire to have this kind of an aspect of activity under their jurisdiction.

The authority to test discriminatory insurance practices would mesh with the substantial experience that the Fair Housing Enforcement Office has acquired in conducting testing under the Fair Housing Initiatives Program.

Point 3. HUD's new oversight responsibilities relating to the second mortgage market, Fannie Mae and Freddie Mac, the Federal Housing Finance Board, and the Resolution Trust Corporation closely relate to the insurance redlining issue.

We must conclude by saying that this function provides an excellent fit with our existing fair housing and other programmatic responsibilities.

I will provide the sufficient jurisdictional FHEO/HUD resources, whatever is necessary to achieve these additional responsibilities and we do so in our Housing and Comprehensive Community Development Act. There is certainly no other agency in Government, much less the Commerce Department, the Commerce Department will be asked to do something it has never done before. Notwithstanding the fact it may have the Census Bureau within its jurisdiction. That is beside the point. The Nuclear Regulatory Commission also has vast technological and computer facilities for gathering, computing and relating information. But we are talking about the proper agency already equipped and experienced in this area to be handling this matter.

Mrs. COLLINS of Illinois. Madam Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

I have heard a lot of talk about the Parliamentarian and the Speaker, but they have already ruled on this issue, so I want to go on with the merits or demerits as I see it of this amendment.

Madam Chairman, this amendment makes no sense on the merits. The Department of Commerce is the most appropriate agency to collect this insurance data. The Department has past involvement in insurance issues, particularly issues of availability and affordability on insurance, such as its experience in monitoring and reviewing the Risk Retention Act. It collects data on foreign insurers and reinsurers. The Department's responsibility for conducting the U.S. Census indicates that it is the data collection expert in the Federal Government.

In contrast, the Department of Housing and Urban Development has little expertise with respect to the private insurance industry. While HUD is charged with enforcing the Fair Housing Act, this legislation is broader than just homeowners insurance.

Furthermore, HUD's own inspector general has raised serious questions about HUD's capability to handle insurance data collection. According to the inspector general, "Historically, HUD has not developed and maintained data systems in an effective and efficient manner." The IG notes that the relevant HUD staff "readily admit they have little or no experience in designing data systems." The inspector general also advises "that HUD's limited funding for data systems integration should not be diluted for new activities." The HUD IG concludes, with respect to the Kennedy bill, "we are concerned about HUD's ability to implement the [legislation] in an effective, timely, and efficient manner."

The legislation also requires the collection of data with respect to auto insurance. The Department of Housing and Urban Development has absolutely no expertise with respect to auto insurance. Why doesn't the gentleman offer an amendment to shift data collection to the Department of Transportation? The answer is obvious. The Banking Committee has no jurisdiction over the Department of Transportation.

The legislation also establishes a pilot project for the collection of data on commercial insurance. Here again, HUD has absolutely no expertise.

The choice is between the Department of Commerce—an agency with clear expertise—and HUD—an agency where even the relevant staff admit little or no relevant experience. It is important for the best possible data collection to be done under the bill. Commerce is the agency to do this and it can then share the results with HUD, the Department of Justice, and any other agency charged with fighting discrimination.

Accordingly, I must strongly oppose this amendment.

Mr. GREENWOOD. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in opposition to this amendment. I am a new Member of the Congress and while it is somewhat fascinating to see what may or may not be a struggle between two powerful chairmen over jurisdiction, I really have no interest in that. I have not been around here long enough, I suppose, that I would have such a loyalty to my committee that I would insist that my committee have jurisdiction. I simply want to evaluate the issue on its merits. I have made an effort to do that.

What I see, looking at the difference between the Department of Commerce and the Department of Housing and Urban Development [HUD], is pretty clear. HUD has some experience operating government-run insurance programs, but those same insurance programs are not covered by this bill. We have eliminated them from coverage under this bill. HUD has no experience with the private insurance industry, and absolutely no experience at all with the small business insurance market.

Let us look at Commerce by contrast. Commerce houses the Bureau of the Census. It collects extensive information on every man, woman, and child in the United States, which is almost what we are going to do with this legislation.

Mr. STEARNS. Madam Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I would like to make it a part of the RECORD and announce my intention for clarification to include sections from the Housing and Community Development Act of 1994, specifically page 75, all the information that I quoted in my speech, as follows:

While many of the new programs proposed by the Administration may have merit, the Committee concluded that virtually all of them in some way duplicated current HUD programs. The Committee is mindful of the repeated findings of the HUD Inspector General that HUD is a "troubled" federal agency which has 10 material weaknesses in its basic operations. The IG has warned that the proliferation of new programs requiring rulemaking, grants decisions, technical assistance, and monitoring coupled with the brain drain of expertise from the Department during the 1980s has left a decimated workforce with the wrong skills mix, inadequate computer data systems, and the inability to administer properly the programs currently authorized. These warnings prompted the Committee to incorporate the new programs proposed by the Department as eligible uses within current HUD programs.

□ 1450

I make my intensions known and I thank my colleague for allowing me the opportunity.

Mr. GREENWOOD. Madam Chairwoman, to conclude, as I mentioned, the Department of Commerce already conducts the census. We are with this legislation, which I consider to be overreaching, practically gathering information about every man, woman, and child in the United States when it comes down to insurance. So it is natural for the Department of Commerce to handle this function. Commerce already collects insurance data, and Commence already has the expertise on issues regarding the affordability and availability of insurance.

I think the Department of Commerce is the appropriate entity to collect this information, and I would urge a no vote on the amendment.

Ms. ROYBAL-ALLARD. Madam Chairman, I move to strike the requisite number of words. And, I rise in support of the Kennedy-Gonzalez amendment to H.R. 1188.

The Banking Committee has historically overseen the monitoring and enforcement of property and casualty insurance, flood insurance, and private mortgage insurance. The Kennedy-Gonzalez amendment protects the House Banking Committee's jurisdiction over these insurance issues and avoids unnecessary and potentially disruptive jurisdictional conflicts.

The Kennedy-Gonzalez amendment also promotes the antiredlining objectives of H.R. 1188 by requiring that data collected under the bill be submitted to the Department of Housing and Urban Development, rather than the Department of Commerce. HUD's new experience in the collection of mortgage data places it in the best position to most effectively collect the information required under H.R. 1188.

Equally important is HUD's experience in successfully utilizing data for fair housing enforcement and compliance purposes under the Fair Housing Act.

Furthermore, HUD Secretary Henry Cisneros has made it clear that access

to this information will greatly enhance HUD's ability to enforce our Nation's fair housing laws.

In comparison, the Department of Commerce lacks the necessary experience and administrative capacity to properly administer the program.

I urge my colleagues to vote yes on the Kennedy-Gonzalez amendment.

Ms. SCHENK. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, let me just start by saying as a freshman it is somewhat distressing to observe that an important issue of substance can digress into a jurisdictional debate that for most Americans has no meaning.

Madam Chairman, let me say as a member of the Committee on Energy and Commerce I do not think there is any dispute that the Committee on Banking, Finance and Urban Affairs does indeed have some jurisdiction over some insurance issues such as Federal flood insurance. But as to the private sector, the Speaker, under the House rules, written by Thomas Jefferson, referred the bill of the gentlewoman from Illinois [Mrs. COLLINS] to the Committee on Energy and Commerce. And under the rules of this body that was the appropriate referral.

As to the substance, H.R. 1188 designates the Department of Commerce as the data collection agency. Why the Department of Commerce? Because it is the data collection expert of the Federal Government, pure and simple. Commerce currently collects insurance data. Commerce does have the expertise in issues involving the availability and affordability of insurance.

Why not HUD? HUD's own inspector general has questioned HUD's capability and involvement in insurance redlining data collection. I quote,

> Historically, HUD has not developed and maintained data systems in an effective and efficient manner. HUD has little expertise in the private insurance industry and no familiarity or involvement with automobile or small business insurance. The relevant HUD staff has little or no experience in designing data systems.

There is no policy rationale for this amendment. There is no good reason why the Department of Housing and Urban Development is in a better place to use the information than the Department of Commerce.

This amendment is all about politics, pure and simple, and I urge Members to oppose the amendment. It is bad policy, and it is bad procedure.

Mr. MOORHEAD. Madam Chairwoman, I move to strike the requisite number of words.

Madam Chairwoman, I know we are in what amounts to a jurisdictional dispute, but I think this issue can be decided on public policy. The best agency for purposes of conducting this particular study certainly has been well established over a long period of time as the Commerce Department.

The issue of committee jurisdiction has already been settled by the committee referral. The Committee on Banking, Finance and Urban Affairs' bill was subsequently referred to the Committee on Energy and Commerce, but the bill of the Committee on Energy and Commerce was not referred to the Committee on Banking, Finance and Urban Affairs.

Madam Chairwoman, even if the amendment were successful, it would not be dispositive on the question of jurisdiction. Even if HUD were designated as the agency responsible for administering this program, so long as they were responsible for regulation of insurers involved in interstate commerce, jurisdiction over this issue would fall to the Committee on Energy and Commerce.

Madam Chairwoman, I know we talked earlier about the state of operations in HUD. But I think it is very clear to everyone that most of the employees have been at HUD for many years; they are still there, just as most of the employees that have been at the Department of Commerce are still there. Only the leadership has changed from administration to administration. This program of data collection is something that will be done by the people that have long been in one of these departments. I think that the Department of Commerce has a far better record of data collection for purposes of the census as well as issues relating to insurance. This Department already has expertise on issues involving the availability and affordability of insurance.

We have had some problems with HUD in the past. I hope we do not continue to have any such problems in the future. It is a very important department of government. But it is not the department to which this issue should be given.

Let us authorize the Department of Commerce, with their long-established record, as the agency that has the job of collecting data as required in this legislation.

Mr. FIELDS of Louisiana. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Madam Chairman, first let me make it emphatically clear that rule X does give to the Committee on Energy and Commerce exclusive jurisdiction over this subject matter. The amendment is important, and as important as it is, we must clearly define its jurisdiction, and the jurisdiction of private property insurance is, in my opinion, in the hands of the Committee on Banking, Finance and Urban Affairs.

This amendment requires HUD, not the Department of Commerce, to administer the programs under H.R. 1188. HUD should run these programs because they have the experience. Contrary to what many have said here today, HUD has the experience because they have administered a program of this nature for over 20 years. HUD is solely responsible for making sure homeowners comply, for example, with the Fair Housing Act. HUD has the ability to collect this data and we should rely on them to administer this program.

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Chairman, I thank the gentleman for yielding.

Think about it, ladies and gentlemen, securities, the power industry including electric and natural gas, mutual funds, health insurance, the Clean Air Act, the Clean Water Act, the telecommunications industry, all are controlled by one committee due to the overarching mandate that says if anything is interstate commerce it goes directly to the Committee on Energy and Commerce. I tell my colleagues that the Committee on Banking, Finance and Urban Affairs runs every major insurance program that comes out of this Congress. We have a claim because this is an insurance industry issue. They have a claim because they say it is interstate commerce. It is up in the air. It is up to the membership of this body to determine who will do the best job.

Madam Chairman, the only people in the world that I have ever met that think that the Census Bureau does a good job happen to be the members of the Committee on Energy and Commerce.

□ 1500

I have never heard anybody think the Census Bureau does a good job. Be that as it may, you may think it does such a good job out there. That is your business. I happen to think both of these agencies leave a lot to be desired.

The agency that has the proper jurisdiction, that currently is responsible for dealing with redlining issues, for dealing with racial discrimination is HUD. That is what they do. Part of their mandate is to go out and find out where racial discrimination and redlining take place in the housing industry.

We are asking them to expand into a couple of other areas in addition to housing insurance.

The fact is that if we look at how this whole thing got going, it got going out of an extension of the Home Mortgage Disclosure Act. You take either Energy and Commerce base text or Banking Committee's base text, they are both based on the HMDA Act, the Home Mortgage Disclosure Act, which came out of the Banking Committee. I got it passed with the chairman, the gentleman from Texas [Mr. GONZALEZ], 6 years ago on this House floor. That is the base text. That is where this legislation finds its roots, and that is why it

deserves to be housed in the Committee on Banking, Finance and Urban Affairs.

Mrs. MALONEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise to urge my colleagues to support the amendment.

The Kennedy-Gonzalez amendment makes the process better by making HUD the agency that receives data instead of the Commerce Department. Giving HUD the responsibility to collect data makes sense on the merits. In fact, it makes so much sense one is left with the feeling that the selection of Commerce was based more on internal jurisdictional battles than on the most capable agency.

HUD has ample experience administering and overseeing the collection of data that will be generated by this legislation. Currently HUD enforces the Fair Housing Act including provisions prohibiting discrimination in homeowners' insurance.

Does it not make sense, therefore, for HUD to receive data from insurance companies about their homeowners' and other property insurance data? HUD has been collecting data from the Home Mortgage Disclosure Act for 20 years. This data is extremely similar to the data that will be provided under the provisions of this bill.

Again, does it not make sense for this information to go to the agency that has, even with all its flaws, the most experience? Why, as we reinvent Government, do we want to reinvent the Commerce Department by having them do the work that HUD has already been doing for 20 years?

No matter how you look at this amendment, whether it is to prevent one committee from accumulating too much power or whether it is simply what Federal agency can best accumulate this important data, the vote should be "yes."

Mr. BROWN of Ohio. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to this amendment.

This amendment would designate Housing and Urban Development rather than Commerce as the agency responsible for data collection, for analysis, for study, and for reporting under the bill. This is truly the most cynical amendment we are likely to face today.

Under the guise of helping those who suffer from discrimination, it is simply a grab at committee jurisdiction in the House, period.

The Department of Commerce is the data-collecting arm of the Federal Government. It has broad and long experience in designing and carrying out data collection responsibilities. This is, of course, most evident in its responsibilities as to the census, but it is also evident in many other areas such as its Bureau of Economic Analysis and the International Trade Commission.

In addition, the Department of Commerce is the sole Federal agency with substantive experience in insurance. The Department of Commerce, for example, is responsible for implementation of the Risk Retention Act, and the Department of Commerce conducts an annual and complete analysis of foreign reinsurance markets in the United States. The Department of Commerce acts as the substantive expert on all trade negotiations regarding insurance.

HUD has no expertise in property casualty insurance, the type of insurance covered by this bill. It has no genuine expertise in designing and implementing data systems. These are the province of Commerce.

Keep in mind when Commerce does carry out its data collection and analysis responsibilities under H.R. 1188, this information will be available to all Federal agencies including HUD for fair housing purposes, including Justice for discrimination purposes, and any other agency in the Federal Government for any other valid purpose.

We must be sure that this data is the most accurate, most usable, most complete data that a well-designed system can produce. Commerce is the obvious agency to carry out that task.

There is really, Madam Chairman, no contest that Commerce is the proper agency to implement 1188, except for the jurisdictional grab in this amendment.

I urge the defeat of the amendment.

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

I rise in support of the Kennedy-Gonzalez amendment.

Madam Chairman, the issue here obviously is an important one. I think that both of the committees, Banking and Commerce, have worked hard on this issue.

But I am obviously concerned that the agency that has demonstrated the leadership, HUD [Housing and Urban Development], in terms of discrimination and problems that face our Government under most of the Secretaries that have led the agency, whether Jack Kemp or today, under Henry Cisneros, that they be given the principal responsibility, for this information and action.

Clearly there is no dispute regarding the need to address the problem of insurance redlining. It is a serious problem that is adversely affecting our urban areas, intimately related to the chief responsibilities of HUD, and I think that if we look at the history of the track record here of which Federal departments and agencies has been at these urban hot spots over the years, it has been the Secretary of Housing and Urban Development, today, of course, with Henry Cisneros. They have a deep stake in this issue and the welfare of urban America.

HUD have the area offices in most regions. They are working within the census tracts. They can use that data effectively.

The fact is I heard earlier, and I think it is regrettable, that the inspector general and others have suggested that HUD is not doing the job that it should do. Today, it has nearly an impossible task, the Housing and Urban Development Department has, in terms of trying to catch up with the serious problems in our urban areas.

I do not think that is any reason to deny them one of the essential tools they need for what has been a serious and emerging problem with regard to redlining. They need such tools to address their mission. I hope that they would have it. HUD has the presence. They have, I think, the ability to use the resource.

But clearly HUD is overloaded with some of substantial responsibilities that they now exercise.

The pending bill, of course, would provide the authority to the Department of Commerce, to Ron Brown, and I have no argument with Mr. Brown. I just think that it is clear on the face that the Housing and Urban Development is the Department that is in these urban areas that is providing the leadership in terms of where our Nation is going in terms of policies that affect areas which are today the object of redlining.

I think that Commerce is simply the wrong choice. The Department of Commerce has no infrastructure in place to handle this matter effectively or efficiently.

The information would simply go into a void and not provide the type of utility that all of us anticipate from maintaining such information.

The Kennedy amendment, supported by the chairman and other members of the committee, included myself, and would turn over this information to a more appropriate source, to the Department of Housing and Urban Development.

Some are seeking to make the focus of this debate on the size of each Department's computer or the efficiency. I think probably both would have a long way to go to deal effectively with software.

What should be the issue, in my view, the debate should be based on the ability of each Department to analyze and determine the discrimination. In this, I do not think that HUD is second to anyone with regard to this process. They have had a working relationship, an effective working relationship, with the Justice Department. They have the serious problems that face us, that face their communities, and they are in the forefront fighting for people, whether it is home purchase and the insurance or discrimination practices that are occurring.

□ 1310

They are intimately related with the community development activities that are vital to these areas. They need to have the tools to do this job.

This information on redlining is actually one of the tools that would permit them to enhance the ability of the Housing and Urban Development Department to do the job. This is their portfolio. It is the portfolio of the Housing and Urban Development Department to provide the leadership, to be the Federal repository, interface with our local and State governments at these areas. I think we ought to give them this new task.

The Commerce Department is involved in a different way, a different task in terms of commerce and trade and other activities. I think to deny this to HUD—it may be full of good intention; I do not question the author's good intentions or those of the other committee—but the fact is this tool ought to go into the portfolio of HUD to achieve their mission.

Now, Housing and Urban Development is controversial. There is no question about it. The reason they are is because they are in the forefront of speaking up for people of color. They are in the forefront of dealing with discrimination in this country. HUD is pushing the issues.

That is why we should give them the resource to accomplish the task. you are denying them that. Sending this information off over in the Department of Commerce is not controversial. But I say we need controversy in this instance. We need to address this issue of discrimination, we need to confront this matter. We have to be able to convince the people who live in the urban areas that they have a stake and that they are being treated fairly. The Housing and Urban Development Department has that responsibility, and could effectively use such data and charge.

I plead with you today to support the Kennedy-Gonzalez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 343, not voting 8, as follows:

[Roll No. 337]

AYES—88

Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Blackwell
Brooks
Brown (CA)
Coleman
Coyne
de la Garza
de Lugo (VI)
DeFazio
Dellums
Diaz-Balart
Dooley
Durbin
Edwards (CA)
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Gutierrez
Hinchey
Hughes
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Klein
Klink
Kopetski
LaFalce
Lantos
LaRocco
Maloney
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Neal (MA)
Neal (NC)
Olver
Orton
Owens
Pastor
Pelosi
Pickle
Reed
Roth
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Serrano
Stark
Stupak
Torres
Torricelli
Unsoeld
Velazquez
Vento
Waters
Watt
Wynn
Yates

NOES—343

Abercrombie
Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Engel
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
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
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Nadler
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Towns
Traficant
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Bentley
Faleomavaega (AS)
Gallo
McCurdy
Ros-Lehtinen
Underwood (GU)
Washington
Whitten

□ 1532

Messrs. REGULA, THOMAS of Wyoming, and TEJEDA changed their vote from "aye" to "no."

Ms. FURSE, Mr. ROTH, and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MS. ROYBAL-ALLARD

Ms. ROYBAL-ALLARD. Madam Chairwoman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ROYBAL-ALLARD:

Page 3, line 13, strike "and".

Page 3, line 23, strike the period and insert ", and".

Page 3, after line 23, insert the following new clause:

(iii) information that will enable the Secretary to assess the aggregate loss experience for such insurer for such designated MSA and each 5-digit zip code in such designated MSA within which insured risks of the insurer are located.

Page 4, strike lines 12 through 25.

Page 5, line 4, strike "(a)(1)" and insert "(a)".

Page 5, line 24, strike "(a)(1)" and insert "(a)".

Page 6, after line 25, insert the following new clause:

(viii) provide for the submission of information on the racial characteristics or national origin of policyholders and on the gender of policyholders, at the level of detail comparable to that required by the Home Mortgage Disclosure Act of 1975 (and the regulations issued thereunder),

Page 7, line 1, strike "(viii)" and insert "(ix)".

Page 7, line 4, strike "(ix)" and insert "(x)".

Page 7, line 6, strike "(x)" and insert "(xi)".

Page 7, after line 7, insert the following new subparagraph:

(B) RULES REGARDING OBTAINING RACIAL AND NATIONAL ORIGIN INFORMATION.—With respect to the information specified in subparagraph (A)(viii), applicants for, and policyholders of, insurance may be asked their racial characteristics or national origin only in writing. Any such written question shall clearly indicate that a response to the question is voluntary on the part of the applicant or policyholder, but encouraged, and that the information is being requested by the Federal Government to monitor the availability and affordability of insurance. If an applicant for, or policyholder of, insurance declines to provide such information, the agent or insurer for such insurance may provide such information.

Page 7, line 8, strike "(B) and insert "(C)".

Page 7, line 22, strike "(C)" and insert "(D)".

Page 11, after line 18, insert the following new clause:

(x) provide for the collection of information that will enable the Secretary to assess the aggregate loss experience, by each line of insurance designated under clause (ix), for insurers designated under clause (viii) for each MSA for which reporting is required under subparagraph (D),

Page 11, line 19, strike "(x)" and insert "(xi)".

Page 11, line 21, strike "(xi)" and insert "(xii)".

Page 12, line 1, strike "(xii)" and insert "(xiii)".

Page 13, line 24, after "basis" insert "(or a 9-digit zip code or census tract basis)".

Page 16, line 2, strike "25" and insert "75".

Page 24, after line 4, insert the following new subsection:

(f) REPORTING BY OTHER GEOGRAPHIC AREAS.—

(1) INSURER OPTION.—The Secretary shall provide that any insurer who is required by section 3 to compile, submit, maintain, and make available information may, at the discretion of the insurer, comply with the requirements of such section by compiling, submitting, maintaining, and making such information available on the basis of census tracts or 9-digit zip codes rather than on the basis of 5-digit zip codes.

(2) REQUIREMENT BY SECRETARY.—The Secretary may at any time, for any insurers, for any designated lines of insurance, and with respect to any geographical areas, require that information to be compiled, submitted, maintained, and made available under section 3 shall be compiled, submitted, maintained, and made available on a basis of census tracts (which shall include any basis that is convertible to the basis of census tracts) rather than on the basis of 5-digit zip codes, but only to the extent that the Secretary determines that availability of information on the basis of census tracts is necessary to assess the availability, affordability, or quality of type of insurance coverage.

(3) ADDRESS CONVERSION SOFTWARE.—The Secretary shall make available, to any insurer required to provide information to the Secretary under section 3, computer software that can be used to convert addresses from 5-digit zip code to census tracts. The software shall be made available in forms that provide such conversion for MSA's designated under section 4(a) on a nationwide basis and on a State-by-State basis and shall be updated annually. The software shall be made available without charge, except for an amount, determined by the Secretary, which shall not exceed the actual cost of reproducing the software.

Page 24, line 12, after "data" insert ", including loss ratios,".

Page 24, line 13, after "zip code" insert "(or by 9-digit zip code or census tract, to the extent information is submitted to the Secretary on such basis pursuant to section 6(f))",

Page 24, line 16, after "insurance policies" insert "and loss ratios".

Page 24, line 17, after "zip codes" insert "(or for categories of 9-digit zip codes or census tracts, to the extent information is submitted to the Secretary on such basis pursuant to section 6(f))".

Page 25, after line 5, insert the following new subsection:

(d) PROTECTIONS REGARDING LOSS INFORMATION.—

(1) PROHIBITION OF DISCLOSURE OF LOSS INFORMATION.—Notwithstanding any other provision of this Act, the Secretary may not make available to the public or otherwise disclose any information submitted under this act regarding the amount or number of claims paid by any insurer, the amount of losses of any insurer, or the loss experience for any insurer, except (A) in the form of a loss ratio (expressing the relationship of claims paid to premiums) made available or disclosed in compliance with the provisions of paragraph (2), or (B) as provided in paragraph (3).

(2) PROTECTION OF IDENTITY OF INSURER.—In making available to the public or otherwise disclosing a loss ratio for an insurer—

(A) the Secretary may not identify the insurer to which the loss ratio relates; and

(B) the Secretary may disclose the loss ratio only in a manner that does not allow any party to determine the identity of the specific insurer to which the loss ratio relates, except parties having access to information under paragraph (3).

(3) CONFIDENTIALITY OF INFORMATION DISCLOSED TO GOVERNMENTAL AGENCIES.—The Secretary may make information referred to in paragraph (1) and the identity of the specific insurer to which such information relates available to any Federal entity and any State agency responsible for regulating insurance in a State and may otherwise disclose such information to any such entity or agency, but only to the extent such entity or agency agrees not to make any such information available or disclose such information to any other person.

Ms. ROYBAL-ALLARD (during the reading). Madam Chairwoman, 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 gentlewoman from California?

There was no objection.

Ms. ROYBAL-ALLARD. Madam Chairwoman, I rise to offer the Roybal-Allard Velázquez-Barrett-Kennedy amendment to H.R. 1188, the Anti-Redlining in Insurance Disclosure Act.

The leadership of the Federal Government in eliminating the discriminatory practices of insurance companies is long overdue.

Insurance redlining is a real and pervasive problem throughout this Nation with devastating results in low- and moderate-income communities, particularly in minority neighborhoods.

Clearly, the time has come for Congress to address this issue squarely and to undertake the steps necessary to protect the civil rights of all Americans in this regard.

Historically, low-income, minority communities such as the Los Angeles district I represent have not had equal opportunities to acquire adequate insurance coverage at affordable rates. The systematic denial of this basic, fundamental right has severely limited the ability of families to purchase homes, drive cars, and has made coverage for small business owners in these areas prohibitively expensive.

Truly, my distinguished colleague from Illinois, Congresswoman CARDISS COLLINS, has taken a courageous stance on this issue. I commend her leadership in fashioning H.R. 1188, a bill that represents a significant step forward in addressing insurance redlining. However, the bill in its current form will not require the data necessary to determine whether discrimination exists in a given community.

The Roybal-Allard Velázquez-Barrett-Kennedy amendment will supplement the disclosure requirements set forth in H.R. 1188 through five key provisions:

First, in an effort to protect small insurance companies, the amendment exempts them from the provisions of this bill. Although small insurers comprise 82 percent of the industry, valid data will be collected from the remaining insurers who write more than 80 percent of the insurance policies in the United States.

Second, insurance companies will be required to provide data on race, ethnicity, and gender voluntarily supplied by policy applicants and holders.

□ 1540

This information is identical to the information currently provided by financial lending institutions that has proven to be vital in efforts to enforce antidiscrimination laws in mortgage lending and housing.

In addition, the amendment will allow insurance companies the option to report data by census tract, and will permit the Secretary of the authorized agency to request census-tract data as necessary. Census-tract information will provide more reliable demographic data to determine better the characteristics of neighborhoods whose residents may be victims of redlining.

Fourth, while protecting insurance companies against the disclosure of proprietary information, the amendment requires the collection of loss

data. This data will help document whether the higher premiums typically paid in redlined neighborhoods are truly justified. For example, recent studies in St. Louis and Kansas City found that minorities pay higher insurance premiums than whites with the same income for comparable coverage, even though their claim rates were lower.

Lastly, the amendment increases from 25 to 75 the number of cities from which data will be compiled. This means that cities with large minority populations such as Birmingham, San Antonio, New Orleans, and Toledo will also be assessed.

Madam Chairwoman, my colleagues and I worked very hard to craft a compromise measure which increases the value of information collected and reported under H.R. 1188, while also providing important exemptions for small insurance companies. As such, the amendment strengthens the states objectives of H.R. 1188 to combat insurance redlining practices

It is a win-win situation for the supporters of H.R. 1188 and for consumers who will be provided enhanced protection against arbitrary and discriminatory insurance practices.

I ask for the support of my colleagues for this important amendment.

Mrs. COLLINS of Illinois. Madam Chairman, I rise in opposition to the amendment.

Madam Chairwoman, I must oppose this amendment. While this amendment is portrayed as a strengthening amendment, and has strengthening features, it also substantially weakens the bill.

This bill has broad bipartisan support. A diverse array of groups support this legislation. It is a very delicate political balance. I understand the intentions of the gentlewoman, and I know she is trying to help this bill, but this amendment would destroy the delicate balance of H.R. 1188. It is, in effect, a killer amendment.

In a perfect world, I would like to strengthen this bill. But, my first priority must be to pass this bill. Unfortunately, the adoption of this and other amendments would produce a bill that could not pass. Even if such a bill could pass the House, it would be that much more difficult to move it in the other body in the short time remaining in this Congress.

The bill in its current form is not perfect. But it is passable. And it is a tremendous step forward. It would provide a lot of information about insurance practices that is simply not available today. If we adopt killer amendments, no matter how well-intentioned, then none of this information will become available. We would have shot ourselves in the foot. The perfect would have become the enemy of the good.

Let me make a few substantive points. First, it is no secret that I preferred the use of census tracts in the beginning. But the use of five digit ZIP Codes will produce a great deal of valuable information. Even the supporters of this amendment recognize that. For example, the community group ACORN described a ZIP Code based data call recently issued by the National Association of Insurance Commissioners as allowing "the most comprehensive analysis yet of the extent of insurance redlining."

Furthermore, the top 25 metropolitan areas represent about 58 percent of the total metropolitan population of the United States and about 46 percent of the total population. That is a lot of data about a lot of people.

This amendment also significantly weakens the bill. By exempting certain insurers from any reporting under the bill, the amendment means the collected data will fail to include information on about 20 percent of the policies in a metropolitan area. This seriously lowers the quality of the data. In fact, while H.R. 1188 will cover 46 percent of the Nation's population, the amendment only increases the percentage of coverage to 51 percent. So you get a small increase in coverage at the expense of less complete data and a killer amendment. It is a risk not worth taking.

Accordingly, I must urge opposition to the amendment.

Mr. STEARNS. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong opposition to the Roybal-Allard amendment to H.R. 1188, because this amendment would reverse almost all of the changes made to the bill in a bipartisan manner within the full committee, and would greatly increase the cost of this legislation to both policyholders and taxpayers.

This amendment is supposed to make all of the changes necessary to make H.R. 1188 more effective in fighting redlining. However, if one really reads the amendment, it requires a lot more reporting on not very many more people than H.R. 1188. And even though you have all of this extra reporting, the information you get is not necessary to determine if there is a problem with redlining and would greatly add to the cost of this bill.

The first major provision of this amendment is that it adds 50 new cities in which reporting is required. As this chart shows, under H.R. 1188, roughly 58 percent of the Nation's metropolitan population and 46 percent of the Nation's population as a whole is covered under the bill. The proponents of this amendment would have you believe that you will add 22 percent more of the metropolitan population if you approve their amendment.

Unfortunately, that really is not the case. This amendment also eliminates the minimal reporting requirements for the small, nondesignated insurers. Aside from the statistical validity problem this creates, it also affects the number of policyholders who would be covered by this legislation. Since the non-designated insurers cover approximately 20 percent of the policyholders, that means that the percentage of the population that would be covered under this amendment must be reduced by 20 percent. That means that the Roybal-Allard amendment really would only cover about 64 percent of the metropolitan population and 51.2 percent of the Nation's population as a whole. That really is only a 6-percent increase in the metropolitan population and a 5.2 percent increase in the national population over what H.R. 1188 already has.

In summary, Madam Chairman, we are going to spend $21 million more money to get only a small fraction of increase in information. Madam Chairman, this small increase in the covered population would not be so troubling if it were not for the other requirements of this amendment, and this is important. This amendment would also require the reporting of loss data, data about the race and gender of individual policyholders, and would permit the Secretary to require census tract reporting of any insurer, anywhere, at any time. Are Members prepared to have the Government mandate on businesses that they report their loss information?

Each of these provisions has its own pitfalls, Madam Chairman, but all of us should keep in mind the simple thought expressed by the Congressional Budget Office in the Banking Committee's redlining cost estimate: The more data that you collect, analyze, and distribute to the public, the more expensive the program.

It does not take a rocket scientist to figure out that if the Secretary has absolute discretion on collecting census tract data regardless of whether or not the insurer is in a designated MSA, must collect race and gender information on a so-called voluntary basis, and must collect loss data, regardless of the effects on the insurer's ability to compete, this legislation is going to cost more—a lot more. In fact, since this amendment adds most of what was in the Banking Committee's bill to H.R. 1188, the cost is going to be a lot closer to the Banking Committee's $38 million CBO estimate than the $9 million estimate for H.R. 1188 as it currently stands.

While my other colleagues are going to discuss the intricacies of some of the other provisions, it is important to note that you are not getting much more for the extra cost. First, as I demonstrated, you really are not covering that many more people. Second, getting race and gender information is not necessary because the census department already maintains that information for all geographic areas. Third,

census tract reporting is not necessary because it really will not provide much better data than ZIP Codes.

I ask my colleagues to reject the Roybal-Allard amendment for what it is—a costly, ineffective series of changes designed to meet the desires of certain consumer organizations. Maintain the low-cost effectiveness of H.R. 1188 as it is. Vote "no" on this amendment.

Ms. VELÁZQUEZ. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise to urge my colleagues to support this amendment, which I have cosponsored with Ms. ROYBAL-ALLARD, Mr. KENNEDY, and Mr. BARRETT.

Although I commend my colleague from Illinois, Mrs. COLLINS, for the initiative she has taken on insurance redlining, the bill that was reported out of committee is plainly inadequate. It simply does not require the reporting of critical information that we need in order to tell whether or not insurance companies are discriminating against poor and minority communities. Only with this amendment "will we have the data to determine the scope and degree of redlining".

H.R. 1188 also imposes unnecessary burdens on small insurers, companies with the least impact upon the insurance market. Our amendment will exempt small insurance companies from any reporting requirements.

Evidence of unfair and discriminatory insurance practices has been reported in a number of areas. In Kansas City and St. Louis, homeowners in poor and minority neighborhoods have been paying higher premiums for less insurance coverage, yet insurance companies are losing less money there. In Atlanta, Chicago, Milwaukee, and Toledo, testers identifying themselves as residents of middle-class Latino and African-American neighborhoods were either denied insurance outright or offered insurance on terms worse than were white phone callers.

If my colleagues want to know whether these practices are going on across the country, and whether there is any justifiable explanation for them, then we must adopt this amendment. Only this amendment would accurately inform the public as to how many quality insurance policies are going out to women and racial and ethnic minorities, and whether it is high losses that are scaring insurers away from lower-income and minority neighborhoods.

First, this amendment provides for the collection and disclosure of data on race, national origin, and gender. It would encourage insurance applicants and policyholders to report this data on their insurance forms, and require that insurance companies then report the information to the Secretary.

This is the same type of information that has been collected for years under the Home Mortgage Disclosure Act, and by Federal, State and private entities. It is essential to assist HUD and the Justice Department in the enforcement of State and Federal laws prohibiting discrimination in the provision of insurance.

This amendment also requires insurers to disclose how much they are paying out in insurance claims in each geographic area. This information is critical to determine whether minority neighborhoods are being treated fairly.

When questions are raised as to why high-quality, affordable insurance policies are not available in these communities, some insurance companies cite the higher cost of doing business there. While that reasoning may be valid in some instances, for others it provides little explanation. As illustrated in the chart behind me, insurance companies lose more in insurance claims in low-income, white areas of St. Louis than they do in comparable minority neighborhoods. Nevertheless, it is the minority community that pays more in premiums, and receives less in insurance coverage.

Are insurance companies using objective factors to decide where they write policies, and how much they charge for them—or do they instead assume that they will lose more money in inner-city neighborhoods? With the information collected under this amendment, we will be able to answer that question once and for all.

My cosponsors and I would also provide regulatory relief to small businesses. Our amendment exempts 82 percent of the Nation's insurance companies from any reporting requirement. Without this amendment, the bill would unnecessarily require many insurers who do not have much impact on the market to collect and report information. With this change, the big insurance companies would still be covered. The 18 percent who are not exempted write 80 percent of the policies in this country. These companies, who can afford to buy armies of high-priced lobbyists to defeat health care reform, can surely afford to report on insurance practices which are so important to low-income and minority communities, like those that I represent.

The lack of adequate and affordable insurance has a direct and negative impact upon the economic viability of poorer, minority communities. Why is it that some pay more for less? Are there sound, objective, business-related reasons, or are some companies instead resorting to discriminatory practices? The public, and this body, must be able to answer these questions. Mr. Speaker, with this amendment we will have those answers. Without it, we will be left guessing. I say that we do this right the first time. Let us adopt this amendment so that we adopt a genuine insurance redlining bill this Congress.

□ 1550

Mr. MCMILLAN. Madam Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Madam Chairman, I want to start by commending the efforts of both the Energy and Commerce Committee and Banking Committee for focusing attention on the availability of insurance in urban America. We should all take allegations of discrimination by insurance companies seriously. Redlining is already illegal and must not be tolerated in any case. But after hearing the debate on jurisdiction, I think the public might well conclude that nobody is qualified to deal with the problem.

In considering the banking amendment to H.R. 1188, I have a number of concerns about the proposed amendment's disclosure requirements. I think the requirements are unnecessarily broad and costly to the insurance industry—and will reduce the availability and affordability of insurance in urban areas.

For example, the banking amendment requires insurers to collect data on the basis of census tracts. H.R. 1188 uses zip codes instead which are much more cost effective and user-friendly units because they are normal classifications that are large enough to lend statistical credibility to any redlining analysis.

Second, the banking amendment requires insurers to disclose loss data. Loss data is not necessary to determine who is served or not served in urban markets. It only creates expensive disclosures that could potentially reveal trade secrets concerning the marketing practices of insurers.

Third, the banking amendment increases the number of MSA's from 25 to 75. To require 75 areas to make these disclosures imposes an unfair burden on insurers in cities, like my own Charlotte, where redlining was shown not to exist in a statewide market conduct study completed last year.

These are just some of the differences between the Banking Committee amendment and H.R. 1188. While I am concerned that H.R. 1188 duplicates the antiredlining regulatory efforts of the States, I do think its provisions are more sensible and less expensive for the industry than are the requirements of the Banking Committee amendment.

I urge my colleagues to vote against the amendment and for H.R. 1188.

Mr. BARRETT of Wisconsin. Madam Chairman, I rise in support of the amendment.

Madam Chairman, I have spoken before on this issue but I think it is important to clarify for our colleagues what we are talking about here and why the amendment that has been offered by myself and several others from the Committee on Banking, Finance and Urban Affairs will take this bill, which I think is a good bill in its intent, and I applaud the gentlewoman

from Illinois and the chairman of the Committee on Energy and Commerce for the work that they have done on it, but I think we can take this good bill and make it an even better bill.

The reason why I think it is important for us to do that is it is important for us to look at what is really going on in the real world here and why using ZIP codes alone is not enough to help us reach our goal, and our goal, I think we all agree, is to determine whether or not redlining exists in our Nation. By using the ZIP codes you are going to get a smaller pool than you currently get, because right now we have no reporting requirements at all. But ZIP codes in and of themselves many times are geographically quite large and many times demographically quite diverse.

Just as an example, let us look at Toledo, OH, ZIP code 43606. You have several different census tracts in that one ZIP code. Census tract 14 has a median value home of $26,600. In that census tract, the African-American population is 81 percent. In sharp contrast to that is census tract 1301 where the median value of the home is $102,000 but only 1 percent of the population is African-American.

□ 1600

So if we are using only the ZIP code criteria, we are never going to see whether redlining exists in this ZIP code. So if your goal is to determine whether ZIP codes or whether redlining occurs, we have to look at data beyond just the 5-digit ZIP code. I think by going to the 9-digit ZIP code we are really moving in the right direction. The argument we hear against that is it is too expensive, it adds too much administrative cost. I find that hard to believe. This is an industry that wants to collect actual data until the cows come home. It wants to collect data on whether you are a smoker, it wants to collect data on whether you are a good driver, it wants to collect data depending on whether there is a fire department close to your home or not. The insurance industry is built on collecting data. So by asking the insurance companies simply to use 9-digit ZIP codes, certainly not a foreign concept, and one that I venture to guess most if not all of large insurance companies currently use, it will not add any cost to the developing of this information.

So we can get the information we need to determine whether redlining exists in this country, and we can do it at no additional cost to either the taxpayers or to the industry.

I urge my colleagues to support this amendment.

Mr. KNOLLENBERG. Madam Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Madam Chairman, the amendment before us would essentially make a flawed bill worse. The ZIP+4 or the census tracks, as I see them here, those provisions would make data collection more onerous. The exemptions for small insurers would skew the data to make it look like redlining is happening when it really is not. And the lost data reporting requirement would force insurers to make their trade secrets public.

But beyond that, I am disturbed by the direction that we are taking here. Some of my colleagues honestly believe, and I believe that they honestly believe that property insurance underwriting is a business where rates are fixed, regardless of individual circumstances or personal needs. Nothing could be further from the truth. The process of underwriting is extremely client-intensive, and even to suggest otherwise is just a reflection of a lack of information on the part of that individual.

What we are voting on is not just a collection of data. It is the first step toward Government-mandated community rating for property and casualty insurance, and ultimately the socialization of the entire underwriting structure.

This may sound drastic, but consider the history.

The classical definition of redlining is a denial of insurance based solely on the applicant's geographical location. In fact, in the past some agents would literally place a map on the office wall and block off areas with a red pen denoting areas to avoid, thus the term redlining. But that is not what we are talking about today.

Redlining in this sense has pretty much been relegated to the trash bin. Redlining is illegal; 96 to 98½ percent—and I have studies for anybody who want them—of all inner city households have some form of homeowners insurance.

In the 1990's what has happened is redlining has taken on a new definition, a wholly new definition. Consider the explanation of Ms. Ernestine Whitting of Acorn. She says, "The industry practice of refusing to write policies, charging differential rates, offering substandard coverage, discouraging applications, or imposing differential requirements as a condition of coverage based on the geographic location of a property or individual seeking coverage."

Let me interpret that. Under her definition, if I am an insurance agent, and I was one for over 30 years, and I never refused anybody insurance because of geography, if I charge a higher rate to an applicant because his neighbor's historical data points to a higher risk factor, I am engaged in redlining. Or if I require an applicant to make improvements designed to increase the security of that home, I am engaged in redlining. Or if I require an applicant to make improvements to remedy some structural flaws, maybe just some steps up to the house because of liability claims, I am engaged in redlining.

Ladies and gentlemen, that is ridiculous. It would be great if risk did not change from community to community. It would definitely make it a lot easier, but it is just not reality. The reality is that every community has a different risk profile, and if we extend the definition of redlining to cover price differentials, we are really talking about instituting community rating.

That may be great for some people in high risk communities whose policies would be subsidized, but it would mean higher premiums for the rest of the Nation.

I would ask my colleagues how would their district fare if the logical conclusions of this legislation became a reality? I think the answer for most would be worse.

Do not misunderstand me. I believe that homeowners insurance should be subject to fair and sound underwriting principles. I believe it should be available to all Americans, free from discriminatory practices.

But this amendment is more about cross subsidization than simple fairness. So I would encourage my colleagues to benefit to some extent from my experience of 30-plus years in the business, and also the comments I have made and please vote no on the amendment.

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

Madam Chairman, I rise today in strong support of the Roybal-Allard Velázquez-Barrett-Kennedy amendment to H.R. 1188, the Anti Redlining in Insurance Disclosure Act. This amendment will make a number of key improvements to legislation that is sorely needed in the battle to end insurance discrimination.

Unfortunately, this is not a new issue. The practice of refusing to sell insurance policies or selling inferior ones in minority and inner city neighborhoods is pervasive. Evidence collected over the last 25 years suggests that insurers are discriminating based on certain unwarranted factors, including race. As Representative ROYBAL-ALLARD cited, this insidious practice denies individuals the ability to purchase homes and cars and to establish businesses, leading to decaying minority and low-income neighborhoods and economically deprived communities.

Clearly, reform in this area is needed. However, the current version of H.R. 1188 does not go far enough to make the reform effective and meaningful. This is not a killer amendment, far from it. The amendment offered by my colleagues will add critically important provisions that are needed to determine the extent of redlining.

First, the reporting of loss data is necessary to verify whether higher premiums paid in some neighborhoods are

justified. Second, voluntary reporting by census tract or ZIP+4 allows more explicit differentiation of neighborhoods composed of disparate racial and income characteristics, as Chairman KENNEDY pointed out. Third, the expanded geographic scope from 25 to 75 metropolitan statistical areas will increase coverage of many cities where insurance discrimination may be pervasive.

Also important is the amendment's call for voluntary reporting of race, national origin and gender. This information is essential for civil rights purposes. This information is regularly collected under a variety of other Federal laws, the best known of which is the Home Mortgage Disclosure Act.

I believe this compromise amendment will significantly strengthen the bill without unduly burdening the insurance industry. The gravity of the redlining situation merits a reasonable but forceful response. That response is contained in the provisions of the Roybal-Allard Velázquez-Barrett-Kennedy amendment. I commend my colleagues on the Banking Committee under the leadership of Mr. KENNEDY for their vision and sense of justice for consumers, and I urge my colleagues to support this important amendment.

□ 1610

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

Madam Chairman, I rise in strong opposition to the amendment.

H.R. 1188, as reported by the Committee on Energy and Commerce, is a carefully crafted, fair and balanced measure that mandates the collection of data in order to determine whether insurance redlining exists in our Nation's largest cities.

The Roybal-Allard amendment would dramatically expand the type and amount of data mandated for collection, far beyond what is necessary to determine whether redlining exists, and without regard for the additional costs it would impose upon the industry and consumers.

First, the amendment would require insurance companies to provide data for the 75 largest metropolitan areas, instead of the 25 required by the bill. The top 25 MSA's comprise more than 58 percent of the Nation's total metropolitan population.

An analysis of more than half of the Nation's urban population will be more than significant to determine the availability or insurance in major U.S. cities.

Second, the amendment would require companies to provide data on the race, ethnicity and gender of policy applicants and holders. Requiring insurance companies to provide this data assumes that they collect and use this data for some purpose. But nothing could be further from the truth. Insurance companies do not collect this data, and have no need for this data because it is irrelevant to underwriting decisions.

The Roybal-Allard amendment would require insurers to ask questions about race and ethnicity that they do not now ask, engendering hostility and raising suspicions without furthering the purpose of the underlying bill: that is, to determine the availability of insurance in our Nation's cities.

This amendment is well-intentioned, but it does not strengthen the bill in any way whatsoever, and, if adopted, would lead to the defeat of the measure. Let us reject the amendment and pass the bill.

Mr. MOORHEAD. Madam Chairwoman, I move to strike the requisite number of words.

Madam Chairwoman, in looking at the effectiveness of the two proposals, the proposal in this legislation would require reporting from the largest 25 MSA's in the country. When you add an additional 50 MSA's, you only add about 18 percent of the Nation's population to that.

Under this bill, the largest MSA's that are required to report include almost all insurers. The amendment, however, would exempt nondesignated insurers which represent approximately 20 percent of the premium volume, bringing them down to 51.2 percent of the population that would be covered. This is only about 5 percent more than the original bill.

But there is a serious problem under this amendment because it exempts an entire category of insurers. This not only changes the total composition of the report but, more importantly, it also seriously undermines the accuracy of the report. Many of these insurers are niche marketers who work specifically with groups that may have had difficulty in obtaining insurance. Without the data collected from nondesignated insurers, the number of individuals insured in certain areas could look abnormally low; by comparison, one bill's provisions already assure that number will not be abnormally low.

I think it is important that we get a report from almost all insurers so that we know exactly how many people are able to get insurance when they apply for it.

The new proposal is not sound because the accuracy of the resulting report will suffer.

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

Madam Chairman, I rise today to express my strong support for this amendment.

As it currently stands, H.R. 1188 lacks crucial provisions needed to determine the extent of redlining in the insurance industry.

Insurance industry discrimination is a profound problem that Congress can no longer overlook.

Residents of neighborhoods afflicted by redlining need Congress for relief.

Without affordable insurance people cannot buy a house, start a small business or drive their own car.

Without affordable insurance, revitalization of our cities will be seriously thwarted.

Without this amendment, many minority homeowners will either do without insurance or continue to pay inflated premiums.

We need basic information to determine insurance company practices and to ascertain the breadth of redlining.

This amendment will provide us with the necessary information by requiring adequate reporting.

Federal disclosure of information in the areas where insurance policies are written will help to combat discrimination, just as the Home Mortgage Disclosure Act helped reduce redlining and other discriminatory practices in the mortgage lending industry.

As with the Home Mortgage Disclosure Act this amendment will provide the option of voluntary reporting of race, gender and national origin, and of data by census tract.

It is in everyone's interest, from the poorest to the most affluent, to quickly end any vestiges of discrimination.

In my district, the local chapter of ACORN did a test.

The result showed that over half the callers from minority households, mostly Latino callers, were refused quotes over the phone, while no callers from the white areas were refused quotes; callers from minority neighborhoods were consistently offered quotes that were two to three times higher than callers from white areas; callers from minority areas were subjected to more stringent requirements than callers from other areas, such as onsite inspections and credit checks; and callers from minority areas had great difficulty getting coverage for theft.

ACORN members say they routinely experience significant difficulty getting insurance, and are subject to arbitrary cancellation and nonrenewal of insurance policies.

All members complain about paying exorbitant rates for coverage and about credit checks.

Several members have had their mortgage processing delayed because they could not get homeowners insurance coverage.

One member could not get coverage in time to close on a house, and thereby lost a mortgage.

We must not shrink from our duty to protect those whose voice is weak.

That is our collective responsibility.

I urge my colleagues to vote "yes" on this amendment.

Ms. LAMBERT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the Roybal-Allard amendment

and encourage my colleagues to vote in opposition to it.

I would first like to thank my colleague, the gentlewoman from Illinois [Mrs. COLLINS], the chairwoman of the subcommittee, for her hard work and initiative on this very, very serious and important issue.

I think she has taken a great deal of time and energy, worked hard to bring to the floor a bill that will do a tremendous amount in decreasing prejudice and bringing available insurance to all people.

One of the issues about the amendment here is the fact that it is a costly amendment; the amendment would greatly increase the burdens of insurance data collection by increasing the number of metropolitan areas and requiring loss data reporting, census tract reporting. I think we can find basically that the census tracts are not consistent with the ZIP Code tracking.

We have seen some of that in our economic zones and empowerment zone proposals that we have been working with in our districts.

The amendment massively expands potential reporting requirements by giving the Secretary power to require census tract reporting by any insurers anywhere in the United States no matter how small the insurer and regardless of whether the insurer operates in a designated MSA.

The amendment basically or significantly weakens the bill. By exempting certain insurers from any reporting under the bill, the amendment means the collected data will fail to include information on about 20 percent of the policies in the metropolitan area.

□ 1620

This seriously lowers the quality of the data. We obviously have a great deal of current laws and regulations that are complicated. The gentlewoman from Illinois [Mrs. COLLINS] has done a great job in bringing forth a bill that minimizes that complication but provides the adequate and necessary protection in this industry.

The amendment destroys the balance in the bill, possibly destroying the consensus necessary for passage and enactment.

I encourage my colleagues to defeat the amendment.

Mr. ORTON. Madam Chairman, I move to strike the last word and reluctantly rise to state my opposition to the Roybal-Allard amendment to the insurance bill, H.R. 1188. I appreciate the concerns of the authors of this legislation, which is to try to determine whether redlining occurs in conjunction with homeowner and casualty insurance. I commend the efforts of the gentlewoman from Illinois [Mrs. COLLINS] and also the authors of this amendment. I believe we all share the goals of preventing improper discrimination in insurance access. I respect my colleagues on the House Committee on Banking, Finance and Urban Affairs who are offering this amendment, sponsored by Representative ROYBAL-ALLARD. However, I am very concerned about the breadth of the provisions in this amendment.

I would like to briefly state my concerns and reasons for opposing this amendment. First, the amendment would require the insurers to disclose data on their losses. This provision raises very serious questions in my mind about the confidentiality of this information and that it could in fact be used detrimentally by insurance competitors. I frankly fail to see any value of this information being reported under this bill. In my opinion, the only plausible use of this information would be on the part of the insurance companies to defend themselves against other information which might indicate discrimination.

It seems to me that if the insurers want to collect this information voluntarily for this purpose, that should be their choice, but not necessarily a requirement.

Second, the amendment would expand the number of MSA's from 25 to 75. I believe this is unnecessary to meet the goal of determining whether and to what extent redlining actually exists; 25 MSA's identified in the bill would cover actually 60 percent of the metropolitan areas of the United States. This is a broad enough sample to make this determination.

Third, the amendment would require insurers to collect and report information about race. This could raise more questions about, and provide more opportunity for, discrimination that it could ever resolve.

Finally, the amendment expands reporting from a zip code to a census tract basis. I understand there are reasonable arguments on both sides of this issue as well. However, it is my belief that the very substantial added burden of this requirement is not offset by the potential increased value of this information.

I believe that the bill before us is a good bill. I believe that it will in fact move us toward determining whether such redlining exists, to what extent it exists, and help to eliminate such redlining.

Again, I commend the work of both the committees. I serve on the Committee on Banking, Finance and Urban Affairs; we have taken up legislation. I support the bill but oppose this amendment, and I would therefore urge defeat of the Roybal-Allard amendment but urge passage of the final bill.

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

Madam Chairman, I rise this afternoon to speak in support of the Roybal-Allard Velázquez amendment. Let me begin, however, by commending the gentlewoman from Illinois [Mrs. COLLINS] for her long and outstanding work in bringing this bill to the floor. It is a meritorious bill, but I support the amendment because I believe it is essential to make this a better bill.

The problem of redlining goes right to the heart of the American dream, the right to own a home, to pay fair rates for insurance, to be able to enjoy the same things that people of all other races enjoy. The evidence, however, has documented very clearly that we have a problem of discrimination with regard to insurance rate-setting.

Let me suggest a study from the Missouri department of insurance, which found that Kansas City homeowners in four minority communities paid $6.32 per thousand versus those in low-income white communities who paid only $5.45 per thousand.

The loss ratio or amount of premium dollars paid out in claims, however was lower, in fact, in the minority communities, at 60 percent as opposed to the higher loss ratios in the white communities at 84 percent.

Thus, we see that there is a significant disparity in the rates paid in minority communities compared as with nonminority communities.

Now, why is this a good amendment? Why does this amendment address these concerns? Because, notably this amendment requires the collection of loss data. I heard a gentleman from the other side say, "What does loss data have to do with rate-setting?" The fact is he also said that what we really look at is risk. Well, risk is determined based upon loss experience.

So if the insurance companies are going to suggest that these disparities that we see between blacks and other minorities and nonminorities are based on risk for justifiable reasons, then they ought to be willing to disclose their loss experience, what in fact has been the case. They are unwilling to do that.

I think it is very significant that in this amendment, by requiring the collection of loss data, we are able to determine if in fact the insurance company explanations are legitimate or whether in fact they are discriminating based upon race. Because this measure is so significant, we cannot say that we are serious about dealing with redlining if we refuse to collect the loss data that is so essential in determining whether or not there are these disparities.

The amendment is good for another reason. It expands the number of MSA's that are included in the bill. Under the current language, only 25 MSA's are included. Under the amendment, 75 MSA's are included.

Can you imagine that you would have a national study that did not include Toledo, Louisville, Birmingham, New Orleans, San Antonio, Memphis, or Little Rock? It would not be much

of a study. In fact, the opponents of this amendment would have it both ways. They say, "Your amendment is not right because it only gets 80 percent of the premiums."

Yet they would only use 25 of the MSA's in this country. I do not believe that that is an accurate analysis.

It seems to me the amendment makes good sense because it collects essential data to determine whether there are legitimate reasons for the disparities and it conducts a study of sufficient breadth so that many communities that are potentially adversely affected by discrimination can be examined.

Madam Chairman, I urge adoption of the amendment.

Mr. GREENWOOD. Madam Chairwoman, I move to strike the requisite number of words, and I rise in opposition to the amendment. In order to understand why there is so much bipartisan opposition to this amendment, I think it is important to understand what this bill was designed to do in the first place and what it was not designed it do.

What it was not designed to do is to create a perpetual program to regulate the sale of insurance in the United States. What it is intended to do is to collect enough data to understand the problem, to analyze the problem, and then do something about it probably, with further legislation.

What the bill does is collect the data that has been described on page 8. It directs the Secretary to conduct a study regarding the availability of commercial insurance. On page 9, it sets up a pilot project for data collection in the five largest SMA's. On page 12, it goes into an analysis of that data. We collect enough data from half the country to understand and analyze what the problem is. On page 20, there is the creation of a task force on agency appointments, to review the problems that inner city and minority agents may have in receiving appointments to represent property and casualty insurance companies. So that is accomplished.

Then on page 25, the bill sunsets after 5 years. We have collected the information, analyzed it, created our task forces, and the bill sunsets.

Then finally on page 28, there is a study of insurer actions. What can we do about this problem?

The Secretary shall conduct a study of various practices, actions, programs, methods undertaken by insurers to meet the property and casualty insurance needs of low- and moderate-income neighborhoods.

Then there is a report back to the Energy and Commerce Committee so that we can decide if there is need for further legislation.

That is what the bill is intended to do, to collect data, analyze it, study it, create task forces, and then go forward with solutions. We do not need to collect more data from more SMA's all over the country in order to do the analysis and the study this bill calls for.

□ 1630

The amendment should be defeated because it simply creates more burdensome requirements for collecting data that is unnecessary for a statistically accurate analysis of whether or not, and to what extent, there is a problem with redlining in this country. It adds nothing which would lead us to a solution of the problem.

For that reason and for others, Madam Chairwoman, I oppose the amendment.

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

Madam chairman, the issue here is very simply whether or not we want window dressing, redlining legislation, or whether or not we want real redlining legislation. If we want to find out what is going on in our country, we have got to ask the questions that can only be answered by the facts. If we want to get broad generalizations about whether or not insurance companies are writing information in some large geographic area, as large as a ZIP Code that would include inner city areas as well as wealthy suburbs, than certainly we can endorse the version of the legislation that is before the Committee on Energy and Commerce. But if we are truly interested in finding out what is going on in our country, we have to have more detailed information. It is more detailed; that is what our purposes are.

The fact is that, if it is still unclear, as I have heard a number of people say over the course of the last hour or so, that racial discrimination in writing of insurance policies exists, let me remind people of some of the testimony given before our committee. The California insurance group gave us maps which were given to agents which covered in yellow ink the Afro-American, Hispanic, and gay neighborhoods of San Francisco. The company deemed those areas off limits for the purposes of writing policies. California's insurance commissioner, John Garamendi, sued the company for unlawful discrimination, and ultimately he reached a $500,000 settlement and won a commitment from the company to increase its business in minority and gay communities by $3 to $4 million over the next few years.

In Wisconsin, where the subcommittee held a hearing earlier this year, the NAACP recently filed a suit against the American Insurance Co., the American Family Insurance Co., that State's largest underwriters for homeowners insurance, for redlining minority areas in Milwaukee. One of the company's sales managers was caught on tape making the following statement, and I quote:

Very honestly, I think you write too many blacks * * * you gotta sell good, premium-paying white people * * * very honestly, black people will buy anything that looks good right now * * * But when it comes to pay for it next time * * * You're not going to get your money out of them. * * * The only way you're going to correct your [performance] is get away from the blacks.

The agent who was the focus of those comments was subsequently fired.

In Brooklyn, we had an agent that gave testimony before our committee in which he used words that I will not repeat on this House floor to describe the attitude toward his parent company toward the Afro-American community.

Now the fact of the matter is this is anecdotal information. We have heard from a number of State commissioners that they need to have this detailed information. I have heard on the floor that the NAACP supports the underlying bill. It is not true. The NAACP has sent out a letter today that says that the legislation needs to have the provisions that are contained in the Roybal-Allard Velázquez amendment in order to receive its support.

Now, if we are serious about getting information about whether or not this kind of racial discrimination takes place, we are not in favor of overburdening the insurance industry, this is not going to cost the insurance industry a lot of money. It is going to take a computer programmer all the time it takes to punch a button to have the information kicked out by ZIP Code and plus four or census track versus the current Zip Code. Many of the insurance companies already use ZIP Code plus four in order to categorize their information. It is not excessively burdensome.

Finally, I would say to not even ask the question whether or not we are going to contain information regarding race and gender is unbelievable to me in a bill that is supposed to be designed to extract information about whether or not racial discrimination takes place. How can we not ask race and gender questions and expect to get information on whether or not racial discrimination takes place? This is plain and simple whether or not certainly we can get a lot of votes for bills that do nothing. But if the country is determined to get to whether or not there is discrimination, we need to have the specific information as to whether or not that kind of discrimination exists. The Roybal-Allard Velázquez amendment will get us that information.

Madam Chairman, I urge the Members of this House to vote in support of the Velázquez Roybal-Allard amendment and find out whether or not discrimination takes place in the insurance industry.

Mr. BACHUS of Alabama. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment, and I do so reluctantly in saying that I am a member of the Subcommittee on Consumer Credit and Insurance chaired by the gentleman from Massachusetts [Mr. KENNEDY], and I know that his intentions are honorable and that this bill, along with his amendment, attempts to determine if there is racial discrimination, something that we all oppose, I would hope, and something that we would all like this legislation to address this issue, and in fact I think the legislation before us; he spoke of San Francisco and Milwaukee, and I would point out to the Members that the legislation in its present form will address both of those concerns.

Now I wanted to compliment the gentleman from Massachusetts [Mr. KENNEDY] because I know that he and I share a concern, and that is a concern for the small regional carriers. From time to time these small, sometimes family business, sometimes minority owned, small regional carriers, are having to go out of business. Many of them are threatened today, and, as each one goes out of business, it has a tremendous impact in their home town, their home town insurance company. Some of them have been there over 100 years, and many of them, with each one going out of business, it means more market share concentrated in only a few large national concerns. And I think the gentleman from Massachusetts [Mr. KENNEDY], because of his concern for small regional insurance companies, he exempts them from many of the reporting requirements in this bill, and I think his intention is to see that we do not place any more undue regulations on those small insurance companies, and we do not force them out of business, and many of them, as I said, minority insurance companies and regional carriers.

But at the same time this amendment has an unintentional result, and this is something that we all want to guard against. We have an intention to accomplish a purpose, but in fact we end up with something quite different, and one reason I oppose this amendment is I believe it will have a detrimental effect on our small regional insurance companies.

Now why do I say that? Because when we expand from 25 to 75 metropolitan areas, we are catching in this regulatory net many of those small regional companies, and my home town will do that. We will catch insurance companies in that net, and we are going to have insurance companies, because they are not—they are major factors in a small market, and I say, when you expand to some of those smaller cities, you are going to catch those insurance companies, and that's a concern of mine. I know that there is what you have argued is a benefit. But I would point that out, and I would point our particularly, and as you said in all truth, the gentleman from Massachusetts, several insurance companies today are reporting by nine-numbered ZIP Codes, and they are already doing that.

□ 1640

They are already doing that. But I would remind Members that some of the small regional carriers are not. Those are the very people that are not reporting and do not have that data and are going to have to go to great expense. Quite frankly, to some of these small regional carriers, they are important to that hometown economy in that smaller city. But it is going to be a tremendous cost to them.

The gentleman from North Carolina I think has pointed out other problems that we have when we go to a nine digit number and census track. But another problem is you are going to have some small regional carriers that are going to have to go through and make a very expensive process to comply with this. And in these two ways, unintended as they are, I think this is an unfriendly amendment to small regional insurance carriers in this country.

I say unintended. I have heard the gentleman say many times that he is concerned about this trend toward concentration of market share and only a few insurers.

Mr. KENNEDY. Madam Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. BACHUS] be allowed to proceed for 2 additional minutes, so that I might enter into a dialog regarding some of the facts just mentioned.

The CHAIRMAN. Does the gentleman from Alabama [Mr. BACHUS] seek additional time?

Mr. BACHUS. I do not require additional time, Madam Chairman.

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

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

Mrs. COLLINS of Illinois. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Chairman, I wanted to deal with some of the factual inaccuracies just mentioned. The fact of the matter is under the amendment before us, 82 percent of the insurance companies in this country are going to be exempted. Eighty-two percent will be exempted. What we are talking about are the small insurance companies. The big insurance companies are going to have to report it. As the gentleman himself pointed out, the major insurance companies in the United States in most cases are already going to ZIP Code plus 4. For any of the smaller companies that are included, we have offered under the Kanjorski amendment in the committee to pay for it.

Most of the insurance companies will have to pay something in the order of $200 for the software to get this converted, the current data they collect, to ZIP Code plus 4 or census track. The cost argument is completely specious. The fundamental fact is even for the largest companies in the United States, the estimate that we have been given in our committee is that a cost of under $3,000 would meet the total expenses they will incur under this bill. So I just do not believe that the cost argument holds any water with regard to the information that is going to be required under the amendment.

Mr. WATT. Madam Chairman, reclaiming my time, there are some of us in this body who do not need the statistical information, who already know that redlining exists. I think if you stop the regular guy on the street and ask him is there redlining taking place in this country, 80 to 90 percent of the people would tell you yes.

We started out hoping we would have a bill which addressed redlining. We were told, no, you cannot do that, because you need the statistical basis to document that redlining exists.

This amendment gives us the framework to do that. I want to address two parts of it.

One would require that the information that is collected be collected on the basis of race and gender. I do not know how you can document racial redlining in this country without having race data in the base.

The second part of the amendment that I want to address is this five-digit or nine-digit ZIP Code or census track issue. All of us know that five-digit ZIP Codes, as opposed to census tracks, cover high income areas, low income areas, black areas, white areas. And without this kind of information on a census track basis, how are we going to develop the statistical backdrop for addressing the redlining which we are told does not exist?

If the insurance companies insist that redlining does not exist, it would seem to me they would want us to have this information to document that fact. But if we are going to collect this information for the purpose of addressing or determining whether we need to address the problem, at least we ought to have the information that is necessary to document that redlining is going on in this country. And without race information, we cannot do that. I would submit to you without doing it on the census track basis, we cannot do it.

Madam Chairman, I would strongly encourage my colleagues to make this bill have some meaning in terms of its ultimate outcome, in terms of collecting the data that is necessary to document that redlining either does or does not exist in this country, by given the proper information. We cannot document it without race, sex, and we cannot document it without census. And those who would have it otherwise, I would submit, do not really want it to be documented in the first place.

Ms. WATERS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Roybal-Allard Velázquez-Kennedy amendment to strengthen H.R. 1188. I am from Los Angeles, and we have been wrestling with this issue for many, many years. I live in a redlined community. It is very difficult to turn our communities around and to do economic development and to have home ownership when we are attacked from every direction. It is very difficult for people to be able to pull themselves out of this despair and hopelessness, when in fact we cannot get the insurance we need, whether we are talking about home mortgages, automobile insurance, business loans. We are redlined. We are excluded. We cannot get the insurance, and we are simply trying to get the data to prove what is going on in these communities, in the community that I live in and communities such as mine across this country.

Why would anyone want to protest against getting this information? I truly do not understand. We have exempted all of the small business because an argument was made that somehow this would be burdensome, this would be costly. So they have been exempted.

Now what is the argument? We know it is not costly to get the information. The gentleman from Massachusetts [Mr. KENNEDY] and others have talked about how they can access this information through sophisticated computerization. So I do not know what this defense is that is being mounted.

We simply need data. I would ask my colleagues to vote on the side of the consumer, to support consumers in this Congress. Help us to remove the barriers that exist in these communities such as mine, so that we can get the insurance that is needed to help move us forward and help us to be in this mainstream and have a decent quality of life.

Madam Chairman, I would simply ask us to get off the side of the big insurance companies and take a chance. Take a chance. They cannot do anything to you. If you vote to support this amendment, your constituents will love you for this, whether it is in my community or other like communities where they desperately need to be protected.

Mr. SERRANO. Madam Chairman, I rise in strong support of the strengthening amendment offered by Representatives ROYBAL-ALLARD, VELÁZQUEZ, and KENNEDY to the Anti Redlining in Insurance Disclosure Act.

As an early cosponsor of this legislation, I have long recognized the need for legislation to prevent the all-too-frequent, illegal, race-based discriminatory practices of some insurance companies.

Since H.R. 1188 was introduced on March 3 of last year, there has been a spate of cases around the country—in Missouri, Texas, New York, California, and Washington, among many others—in which insurers have been implicated in charging high premiums or denying policies to customers not on the basis of valid assessments of the individual's risk, but on the basis of his or her neighborhood, race, or income.

Opponents of anti redlining efforts may be inclined to note that an implication of illegal activity is not a determination of guilt, and that few of the redlining suits raised against insurers have resulted in convictions.

Far from a defense of the practices of some insurers, this reality constitutes the most powerful argument for a strong Anti Redlining in Insurance Disclosure Act.

The fact of the matter is that while available data is in many instances very highly suggestive of discriminatory practices, the loss data that this amendment would require, and the race, national origin, and gender reporting that it would call upon insurers to provide, are essential components of a national searchlight to clearly expose—and, hopefully, deter—discriminatory practices in the insurance industry.

Madam Chairman, over the last several decades our Nation has made great strides in erecting a legal system that outlaws the denial of the civil rights of the American people. Most unfortunately, however, although they are less visible now than in the days of Jim Crow, violations of civil rights continue.

As Members of Congress it is our duty to enact such laws as are necessary to eradicate these violations and establish a just society. I call upon my colleagues to help pass this important amendment.

□ 1650

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California Ms. ROYBAL-ALLARD.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. ROYBAL-ALLARD. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 333, not voting 9, as follows:

[Roll No. 338]

AYES—97

Abercrombie
Andrews (ME)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (FL)
Cardin
Carr
Clayton
Clyburn
Collins (MI)
Coyne
de la Garza
de Lugo (VI)
DeFazio
Dellums
Diaz-Balart
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gonzalez
Green
Gutierrez
Hamburg
Hinchey
Jacobs
Johnson, E. B.
Johnston
Kennedy
Kildee
Kleczka
Kopetski
LaFalce
Lantos
LaRocco
Lowey
Maloney
Martinez
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Norton (DC)
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Romero-Barcelo (PR)
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shepherd
Stark
Swett
Synar
Torres
Torricelli
Traficant
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Woolsey
Wynn
Yates

NOES—333

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clay
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis

McKeon	Quinn	Spence
McMillan	Rahall	Spratt
McNulty	Ramstad	Stearns
Meek	Rangel	Stenholm
Meyers	Ravenel	Stokes
Mica	Reed	Strickland
Michel	Regula	Studds
Miller (FL)	Reynolds	Stump
Minge	Richardson	Stupak
Molinari	Ridge	Sundquist
Mollohan	Roberts	Swift
Montgomery	Roemer	Talent
Moorhead	Rogers	Tanner
Moran	Rohrabacher	Tauzin
Morella	Rostenkowski	Taylor (MS)
Murphy	Roth	Taylor (NC)
Murtha	Roukema	Tejeda
Myers	Rowland	Thomas (CA)
Neal (MA)	Royce	Thomas (WY)
Neal (NC)	Sangmeister	Thompson
Nussle	Santorum	Thornton
Oberstar	Sarpalius	Thurman
Obey	Saxton	Torkildsen
Ortiz	Schaefer	Towns
Orton	Schenk	Tucker
Oxley	Schiff	Upton
Packard	Scott	Valentine
Pallone	Sensenbrenner	Visclosky
Parker	Sharp	Volkmer
Paxon	Shaw	Vucanovich
Payne (VA)	Shays	Walker
Penny	Shuster	Walsh
Peterson (FL)	Sisisky	Weldon
Peterson (MN)	Skaggs	Wheat
Petri	Skeen	Williams
Pickett	Skelton	Wilson
Pickle	Slattery	Wise
Pombo	Slaughter	Wolf
Pomeroy	Smith (IA)	Wyden
Porter	Smith (MI)	Young (AK)
Portman	Smith (NJ)	Young (FL)
Poshard	Smith (OR)	Zeliff
Price (NC)	Smith (TX)	Zimmer
Pryce (OH)	Snowe	
Quillen	Solomon	

NOT VOTING—9

Bentley	Gallo	Washington
Faleomavaega (AS)	McCurdy	Whitten
Frost	Ros-Lehtinen	
	Underwood (GU)	

□ 1715

Ms. SLAUGHTER and Messrs. RANGEL, HILLIARD, PORTMAN, ROSTENKOWSKI, and NEAL of Massachusetts changed their vote from "aye" to "no."

Mr. ROSE and Mr. PAYNE of New Jersey 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. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Louisiana: Page 3, line 10, strike "and" and insert a comma.

Page 3, line 13, strike "and" and insert "an explanation of each of the reasons for which exposure units were canceled or not renewed by such insurer, and the total exposure units canceled and not renewed for each such reason,".

Page 3, line 23, strike the period and insert ", and".

Page 3, after line 23, insert the following new clause:

(iii) the total number of written applications or written requests to issue an insurance policy submitted to such insurer (or any agent or broker of the insurer) that were declined, an explanation of each of the reasons for which such applications or requests were declined, and the total number of declinations for each such reason.

Page 24, line 16, after "insurance policies" insert ", exposure units cancelled or not renewed, and written applications or requests to issue and insurance policy declined.".

Mr. FIELDS of Louisiana (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 Louisiana?

There was no objection.

Mrs. COLLINS of Illinois. Madam Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Madam Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 20 minutes, to be followed immediately by a vote on this amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois.

There was no objection.

Mr. FIELDS of Louisiana. Madam Chairman, I thank the gentlewoman from Illinois for working so hard to bring a bill of this nature to the floor, but we must be mindful of the fact that we can always make legislation better. This amendment certainly reaches the core of the redlining problem we have in this country.

Madam Chairman, this amendment provides for something very basic, that is, consumer protection.

Madam Chairman, whenever we deal with the issue of redlining, it is a nasty and somewhat unconscionable event to deal with in the first place, because it is already illegal. This amendment gets at the core of redlining in our country. It is a consumer information, right-to-know amendment.

This amendment is very simple. It provides that whenever a person is denied insurance, then that information ought to be given to the Secretary of Commerce.

□ 1720

That is very basic.

We have people all across this country—there are 46 States in this country that do not have any requirement whatsoever when a person is denied insurance.

First of all, in order to drive an automobile in this country many States require that you have automobile insurance. In order to buy a house for a first time homeowner you have to have mortgage insurance before you can get the mortgage for that particular home.

The problem we have in this country is we have so many people who are being denied insurance and for no legitimate reason whatsoever. So if we are going to address the redlining problem in this country, we must adopt this amendment.

This amendment is very simple. When a person applies in writing for insurance, be it automobile insurance or be it mortgage insurance, then that company who denies that individual insurance must report that information to the Secretary of Commerce. There is nothing wrong with that. That is very basic. Anybody who is denied insurance in this country ought to know why they are being denied. How can you correct a problem if you do not know the problem exists in the first place? One cannot correct a problem, Madam Chairman, if they do not know the problem exists.

For example, Madam Chairman, this is a very serious problem that we have in this country. We have people who go to the bank to get a loan to buy their first home and they cannot buy because they cannot get insurance. Banks will not give them money unless they have insurance. What do they do? They go to the insurance company and they say please give me insurance, and they deny them; they do not have to give them any reason whatsoever for that denial, and they have no government protection.

This amendment goes to the core of the problem in terms of redlining. This amendment says when you deny a person insurance in this country you ought to give a reason why, and these reasons ought to be legitimate, because they have to be reported to the Secretary of Commerce.

What is wrong with that, Madam Chairman? Many will lead Members to believe that there is some cost factor involved in this amendment, that it is going to cost the industry millions upon millions of dollars. Let me say if an insurance company denies or chooses not to renew a person's insurance policy, I would hope that they send them a communication through the mail in the first place. If you are not going to have your insurance policy renewed, then it is just decency, and as matter of fact in many States it is the law to send the individual a letter denying him renewal. So what additional costs will it cost the insurance companies?

Madam Chairman, all we are simply going to say is when they deny a person insurance, when they send that letter of denial or refuse to renew, then they must also include in that letter the reasons why they have denied that person insurance once they file that information with the Federal Government. It is a very simple matter. I certainly ask all of my colleagues to vote for this amendment. It is so simple. If Members are for an individual receiving a reason why he or she is denied insurance, then vote for this amendment. If they feel that a consumer in this country has no right whatsoever to receive the reason why he or she is denied insurance, then vote against the amendment.

Madam Chairman, that is the amendment. It is as simple as that. It does not ask for any additional burden on insurance companies. It is already illegal to redline in this country. In order for us to find out how insurance companies are redlining, and if they are in fact redlining in this country, we are going to have to have these vital statistics; we are going to have to have this information. How can we even have the thought of passing an insurance redlining bill in this Congress and not have an amendment in the legislation that provides that an insurance company ought to give the reason why the individual was denied? That is no more than right. That is no more than fair. Even a child, Madam Chairman, when you have a child, a good parent will not tell a child not to touch a hot stove and not tell them why they ought not touch the hot stove, because the minute you walk out of the room that child is probably going to touch the stove. You say, "Child, do not touch the stove because it is hot and you can get burned."

Now we have insurance companies saying you cannot get insurance and we are not going to tell you why.

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

Madam Chairman, let me say that we have just this afternoon had two amendments to H.R. 1188 and they were defeated overwhelmingly. We now have a third amendment on the House floor, and all it does basically is add more paperwork, extra costs, and more bureaucracy.

I think the House has spoken, Madam Chairman, pretty clearly on the other two amendments, I say to my colleagues we have already spoken on this. All this amendment does is go ahead and ask for more information when the basic bill, H.R. 1188, already provides the necessary information to determine the extent of redlining, for declination, which is what the gentleman has asked for. So we already have existing in the bill the information that is necessary, and there is no need for additional reporting.

The CBO, as I mentioned earlier, noted in their cost estimates of the Committee on Banking, Finance, and Urban Affairs that the more data you collect and analyze and make available to the public, the higher the cost to the Federal Government. I think we have here a bill that has bipartisan support. When we talk about consumer protection, I think the chairwoman of the Subcommittee on Energy and Commerce has done an extraordinary job in all of her efforts here in Congress to protect consumers, and she is fully supportive of this bill. So I would say to my colleagues, with her background of consumer protection and what we have seen in the prior votes here, we do not need to add any more reporting to H.R. 1188. So I call on the Members to vote "no."

Mr. POMEROY. Madam Chairman, will the gentleman yield?

Mr. STEARNS. I am glad to yield to the gentleman from North Dakota.

Mr. POMEROY. Madam Chairman, the amendment at issue really departs from redlining and a study of redlining for which the collection of data and the evaluation of it is required. The amendment is actually a regulatory requirement.

Is it not the gentleman's understanding that the business of insurance is regulated at the State level?

Mr. STEARNS. The gentleman is correct. I think the gentleman with his background in this is concise in that, and the gentleman is right on the matter, and I am glad he pointed it out.

Mr. POMEROY. Madam Chairman, in the 8 years that I was the commissioner of insurance in North Dakota, consumers had the right of exactly the type of disclosure the gentleman is seeking in this amendment, except it was provided under State law. I believe if the distinguished gentleman from Louisiana would have checked, States routinely provide exactly this type of disclosure protection to consumers. It is provided by State law as a regulatory matter and has no business in this redlining bill.

Mr. STEARNS. I compliment the gentleman for his critique on this. He basically states the issue, and it is regulatory.

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

Madam Chairman, I will be very brief on this. I have already laid out my opinions about this bill and the amendments to it in my previous statement on the prior amendment. But I want to confess one additional motivation on this, and that is just a human nature motivation.

My objective, and I think the objective that we have here is to get insurance companies, if they are engaging in redlining, to stop doing it. When people have to report the reasons for denying insurance, human nature kicks in, the urge to be honest kicks in. And I think people will be more inclined, insurance companies will be more inclined to write the insurance policy rather than give an honest reason for denying the insurance.

□ 1730

I think that in and of itself, in addition to the arguments that I have previously submitted on the earlier amendment, justify this amendment, and I would urge my colleagues to support the amendment.

Mrs. COLLINS of Illinois. Madam Chairman, I move to strike the requisite number of words.

Let me commend the gentleman from Louisiana [Mr. FIELDS] for his hard work in this area. He is a very able Member of this body and a great friend of consumers.

This amendment is very well intentioned. Let me say three things about the Fields amendment. First, unlike earlier versions, this amendment will not directly help individual consumers. The earlier versions required insurance companies to report to individual consumers, and in contrast, this amendment calls for more reporting to the Secretary.

Second, this amendment is premature and jumps the gun.

My original bill sought to get information like this, but we found some practical problems with it. In particular, while insurance companies maintain standard information in their data bases about actual policies, they did not maintain the information about applications. There were other questions raised, too, like how to define an application.

As a result, the bill includes a study by the Secretary of the feasibility and utility of collecting information on the characteristics of insurance applicants and the reasons for rejection of applicants.

Let us wait for the Secretary's study to assess the feasibility and utility of this. Let us not jump the gun.

Third, throughout the process, we tried to minimize the burdens on insurance agents. There are many of these small independent businessmen and women throughout the Nation. I am pleased that the major agency organizations support the bill, and unfortunately, this amendment would add a burden to those agents.

I would urge the defeat of this amendment.

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

Madam Chairman, you know, it is not in the Constitution, but in modern-day America there are two things you have to have: credit and insurance.

We found in the application of credit that it is absolutely fundamental that the consumer have the right to know why he is being denied. And you know what, it worked. It was not too burdensome. It was not too onerous. It did help the consumer in one of two ways: He found out what he had to do to get his credit in shape, or we were able to find out somebody was discriminating.

I would submit to my colleagues this is exactly what we are trying to do, find out what the consumer needs to do to get insurance, or have the Secretary be in a position to find out that somebody is discriminating.

Now, you hear that this is so burdensome. Madam Chairman, ladies and gentleman, we are not asking the insurance industry to submit an essay exam. They simply check the box, lapsed insurance, failure to pay, poor credit, whatever the reason is. That way we can make some evaluation whether they are giving legitimate reasons and whether certain communities

seem to have a disproportionate amount of lapsed policies, terminated policies, denied policies. This is basic common sense in modern-day America.

This amendment is supported by ACORN, the National League of Cities, the NAACP, the Consumer Federation of America, and Public Citizen.

I would like to commend the gentleman from Louisiana for a very sensible, reasonable, rational, and certainly not burdensome amendment.

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Chairman, I want to very much support the efforts of the gentleman from Louisiana [Mr. FIELDS] to require the insurance industry of America to at least, at a bare minimum, tell the customer why they are turned down, if a potential customer asks for an insurance policy.

We have watched on the floor of this House any attempt to get real information regarding racial discrimination or redlining eliminated from this bill. Make no mistake about it, the way this bill is structured today, it does not meet the NAACP test. It does not meet the consumers' test. It does not meet any of the organizations that have the best interests of the ordinary people of America at heart.

Does it have the support of the insurance industry? You bet it does.

Does it have the support of the other side of the aisle? You bet it does, and all too often it has the support of Members that are interested not so much in necessarily how we are going to look out for the interests of the consumers of America but how we are going to look out for the interests of the biggest industries.

What I say is that this attempt by the gentleman from Louisiana [Mr. FIELDS] to simply ask that industry to tell us whether or not the information that they are denying people access to credit on is going to be made available to those individuals, is just basically fair, and a very reasonable amount of information to require.

It is not going to be overly burdensome. It will not get in the way of the insurance industry to make money. It will only give recourse to those individuals that are denied the opportunity to get those insurance policies a reason for that denial.

Mr. FIELDS of Louisiana. Madam Chairman, will the gentleman yield?

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

Mr. FIELDS of Louisiana. Madam Chairman, the gentleman from North Dakota mentioned earlier that the States are regulated, that this issue is regulated through the States, and the States mandate they give written reasons why they are denied, individuals are denied insurance.

According to the CRS report, only four States in the entire Nation require that the insurance companies give reasons why they deny consumers insurance in this country.

Mr. KENNEDY. If the gentleman will yield further, the gentleman is exactly correct. There are three or four States that have passed this enlightened legislation. The vast majority of the States do not require anything along these lines, and it is those States, States like New York and California and Illinois where we have the problem of insurance redlining in the major cities of America, in the urban areas of America, where this problem is so rampant that we need to have this basic disclosure. If we are not going to require census tract, if we are not going to require MSA's, if we are not going to require all the provisions that were in the Velázquez and Roybal-Allard amendment, at least at the very minimum tell the individual American people why they are being denied. If it is not for racial reasons, tell them why they are denied access to insurance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FIELDS of Louisiana. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 305, not voting 11, as follows:

[Roll No. 339]

AYES—123

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blackwell
Bonior
Brooks
Brown (CA)
Brown (FL)
Carr
Clay
Clayton
Clement
Clyburn
Collins (MI)
Conyers
Costello
Coyne
de la Garza
de Lugo (VI)
Dellums
Diaz-Balart
Dicks
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Gutierrez
Hastings
Hayes
Hefley
Hefner
Hinchey
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Lantos
LaRocco
Lewis (GA)
Lowey
Maloney
McCloskey
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Montgomery
Nadler
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reynolds
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Schumer
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Swett
Synar
Tauzin
Thompson
Torres
Torricelli
Traficant
Tucker
Unsoeld
Velazquez
Vento
Watt
Waxman
Wheat
Wyden
Wynn
Yates

NOES—305

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Herger
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
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swift
Talent
Tanner

Taylor (MS)	Upton	Wise
Taylor (NC)	Valentine	Wolf
Tejeda	Visclosky	Woolsey
Thomas (CA)	Volkmer	Young (AK)
Thomas (WY)	Vucanovich	Young (FL)
Thornton	Walker	Zeliff
Thurman	Walsh	Zimmer
Torkildsen	Weldon	
Towns	Williams	

NOT VOTING—11

Faleomavaega (AS)	McCurdy	Washington
Gallo	Neal (NC)	Waters
Hilliard	Ros-Lehtinen	Whitten
	Underwood (GU)	Wilson

□ 1758

Mrs. BYRNE changed her vote from "aye" to "no."

Messrs. ROSE, FORD of Tennessee, and STOKES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORRES) having assumed the chair, Ms. DELAURO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1188) to provide for disclosures for insurance in interstate commerce, pursuant to House Resolution 475, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1800

The SPEAKER pro tempore (Mr. TORRES). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid upon the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. MCCOLLUM. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of their community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MCCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to 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.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. HUGHES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to explain this motion to instruct conferees. What I am offering today is a motion to instruct conferees on the crime bill, on a portion of the bill that is in the Senate, the other body's bill, and is not in the House bill, one that we were not allowed to have the opportunity to vote on on the floor by our Committee on Rules, even though I requested the opportunity to be given to us. I think this is a very important motion to instruct.

Mr. Speaker, I want to express what this does in as succinct terms as I know how. First of all, it deals with the question of somebody who is committing a State crime of violence or a State drug trafficking offense, not a Federal crime as the underlying crime, and who does that crime either in possession of or with the use of a gun.

This particular provision, if we were to adopt it and it becomes law, that this motion to instruct goes to, would mean that there would be a new Federal crime, in addition to the State conviction for the underlying crime of violence or drug trafficking, a new Federal crime for the simple possession or use of a firearm in the commission of that underlying crime, and that new Federal crime would carry with it minimum mandatory sentences in given circumstances that could not be reduced for any reason whatsoever, not for good time, not for any reason.

The minimum mandatory prison terms for the first offense would be 10 years for knowingly possessing a firearm during the commission of one of these State crimes of violence or drug trafficking, 20 years for discharging such a firearm with intent to injure such a person, or 30 years for knowingly possessing a firearm that is a machine gun or destructive device or one that has a silencer or muffler on it. It does not federalize at all the State crime. It simply adds a new Federal crime.

All you have to do to prove the new Federal crime is to show that there is an underlying conviction or a crime of violence or a drug trafficking offense as is defined in that State court, and that there was the possession or the requisite use and the technical nature to get the particular minimum mandatory sentence.

If somebody does this twice, it would simply double the minimum mandatories for the first and second mandatories, of possession to 20 years, for discharge—actually to 30, it doesn't quite double it in that case, and it goes to life imprisonment if you are using a machine gun or destructive device or silencer, and for the third offense, a mandatory life sentence.

This would send a very powerful deterrent message against anybody trying to use a gun in the commission of any crime in this country.

I would add to my colleagues who think this goes overboard, I do not think this does at all. I think this gets to the very heart of the problem we have been needing to get at for a long time in this country. It gets to the problem that too many people are using guns today, and it gets to the problem of the repeat violent offender, violence being the No. 1 problem in crime today. Six percent of those who commit crimes out there today are committing 70 percent of the crimes of violence, and they are repeat offenders. They are serving only about 38 percent of their sentences.

What we need to do is lock these folks up for long periods of time, and we need to send a message of deterrence. Local police officers around the country in many forums where I have been this past year have told me that among those committing these types of crimes, primarily our younger people, there is a regular chain of communication. They know the score. The first thing they ask when they are arrested is, if they are arrested at all for any of these crimes, is this a Federal crime or is it a State crime? They know if it is a Federal crime, they are going to do the time, because we have right now the 85 percent rule. You have truth in sentencing at the Federal level. We have been trying to achieve that in this crime bill for the States for repeat violent offenders.

This particular provision would allow us to extend existing Federal law in firearms cases to cover all cases where firearms are being used in felonies, in violent felonies and drug trafficking offenses.

Let me give you an example of what existing Federal law would do and does when this is properly utilized. In the previous administration we had what is called operation trigger lock using it.

At the present time, if you are a convicted felon, whether it is a State court conviction or a Federal court conviction, it matters not. If you are a convicted felon and then you are convicted of a crime again with a gun, even if you are in possession of a gun and are not convicted of a separate crime, you will

have committed a new Federal crime for the similar possession of the firearm.

Operation trigger lock, with some minimum mandatory sentences that are on the books for that particular Federal crime, was a provision that the Justice Department in the previous administration had been using for several months before the new one came in to take some of these folks off the streets, out of the State systems where they had been convicted, throw the book at them in selected cases, lock them up and throw away the keys, do what we wanted to do to send that deterrent message.

□ 1810

All this provision does is to extend that option to the Justice Department. I do not think that the present administration is right. They would kill that operation trigger lock idea. They said, we do not have time to fiddle with that.

I would submit to everybody out there that this is indeed exactly what should be being done now. If we are going to stop the crime of violence problem we have in this Nation, the crisis we currently face, we have to begin getting serious about taking the violent criminals who are using guns off the streets, locking them up, and throwing away the keys.

No, we cannot lock everybody up in the Federal Prison System. No, this proposal would not do that. But it would give the Justice Department and the local State's U.S. attorneys the option of being able to do it when they selectively felt it was important. And it would give the message, if it is utilized on a selective basis out there, to the guy on the street that "if you commit a crime with a gun, you are really going to risk doing some very serious time in jail, minimum mandatory sentences being possible, in addition to your underlying crime."

So I encourage the adoption of this motion to instruct today to send our conferees on the crime bill the message, we want them to accept this Senate provision. Get tough on these repeat offenders and allow the U.S. attorneys around the country to have this additional tool to get at those who commit crimes of violence and drug trafficking, who are convicted in State courts using a gun, the opportunity to prosecute them in addition to the State offense for this new Federal offense of using or possessing the gun.

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

Mr. HUGHES. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to the McCollum motion to instruct conferees to accept that portion of H.R. 3355 that basically would federalize the carrying of a weapon during the commission of the State offense involving an act of violence or a State drug crime.

It is probably one of the worst motions to instruct that one could offer because it would federalize State offenses involving a firearm, and there are literally hundreds of thousands of State offenses involving a firearm.

It covers the possession of a firearm, the use of a firearm or carrying of a firearm. As I understand it, it would require a separate Federal prosecution in every case.

I understand that it would require not just the State prosecution but a Federal prosecution.

Mr. Speaker, I would like to yield to the gentleman from Florida, maybe he can respond to me as to what he envisions would be the role of Federal prosecution. Is it his understanding it would require a Federal prosecution besides a State prosecution?

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

Mr. HUGHES. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, what would be required, as I interpret this and the way I helped craft it, is that we would have an underlying State crime and once the State conviction occurred that was the prerequisite to this, then there would have to be a separate Federal prosecution for the Federal crime which would involve a simple prosecution because we would have to prove only two things: First, the underlying State conviction of the crime that was the prerequisite and, second, that there was a possession or use of the firearm in that crime.

Mr. HUGHES. The gentleman has answered my question. This is D'Amato basically revisited in many respects because it would federalize State offenses, once again.

I am not sure what is going to be just a State crime. Even though the States prosecute 95 percent of street crime, we are more and more federalizing all kinds of State offenses.

That particular motion to instruct and the provisions of the Senate bill is opposed by the Department of Justice. And I have a letter from the Attorney General, and I will read just a portion of it.

The administration strongly opposes the Senate provisions which would largely obliterate the distinction between Federal and State criminal jurisdiction. These provisions represent a false promise of action in fighting violent crime, a promise that will not be realized given limited Federal resources. At best these provisions,

I am reading from another section of the letter,

at best these provisions would be ineffectual; at worst, they would divert Federal resources from dealing with distinctively Federal matters in interstate crime, activities that Federal law enforcement is uniquely competent to handle.

It is opposed by the Administrative Office of the Courts. The administrative office indicates that it would put 200,000 new cases in the Federal system. It is opposed by the Sentencing Commission.

The Sentencing Commission indicates that over the next 9 years, if we were to adopt this motion to instruct in the conference, it would increase our Federal prison population by 383.9 percent, 383.9 percent.

Look, I am under no illusion about whether this amendment is going to pass. Because if it sounds tough around here, it will pass whether it makes sense or not. But I tell Members, this particular amendment, if we adopt it in conference, would create chaos in the Federal courts. We are not reaching civil cases today. And we are not processing the Federal cases as rapidly as we can because we do not have the resources to do it.

How in the world one could argue that by basically federalizing State offenses we are going to advance the cause of criminal justice is beyond me. It may sound tough, but it is not going to do a thing except to blur that distinction between Federal and State offenses.

Moreover, it would catch the following kind of offenses: A mother is taking messages for her son ordering all kinds of drugs, cocaine, marijuana, whatever. The mother is taking those messages from customers for her son. In the house the son has a weapon. Because the mother is in the house she is deemed to be in possession of a weapon and she is going to get a mandatory minimum of 10 years under this amendment.

Now, frankly, she ought to be punished. But do we want to say to the States, do we want to say that we want to impose a mandatory offense of 10 years in prison for that kind of criminal conduct? It is criminal conduct. But is that what we want to load the prisons with, those types of offenses?

A roofer at night steals from a roof, carrying with him an unloaded weapon. Under this amendment treating a violation of that offense would trigger a mandatory minimum of 10 years.

Somebody carrying a weapon in their trunk, the trunk of their car, who is also dealing in drugs would receive as a first time offender a 1-year mandatory minimum.

I am not condoning the carrying of weapons in the trunk, but do we want to impose a 1-year mandatory minimum? I say to my colleagues, if they want to tell the States the kind of criminal laws they should have in the various States, the 50 States, they ought to resign from Congress and go back and run for the State legislatures again, if that is what they want to do.

That is precisely what we are doing. We are basically saying to the States, we are going to federalize their State offenses.

We do not have the resources to federalize these crimes. It is a sham. It is

not going to do a thing. It is going to be counterproductive. I urge my colleagues to reject the motion to instruct conferees.

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

Mr. McCOLLUM. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first of all, I have great respect for the gentleman from New Jersey. I have worked on many pieces of crime legislation. I just want to advise him that there are a couple of things that he may have a misapprehension about with regard to this. The underlying crime, the State crime which is the one that is operable here, is not federalized in any way. They are still tried in State court. It is the choice of local officials whether if somebody has committed murder or whatever it is to prosecute them or not prosecute them. That is entirely within the realm of the States.

□ 1820

We are really not federalizing any State crimes. What we are doing in this process is, we are giving the option to the Federal prosecutors to be able to, in addition to that State conviction, come in and say, "If there is a gun involved, we are going to prosecute a separate crime," and I want to emphasize it is an option. This is not a requirement that the prosecutors do it. We are not going to flood the Federal System. This is simply going to give another tool to the U.S. attorneys, and I think it is a very important tool to send a message of deterrence in this area.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHIFF. I thank the gentleman for yielding time to me.

Mr. Speaker, I think the gentleman from Florida [Mr. McCOLLUM], the sponsor of this motion to instruct, has laid out the arguments very cogently. I cannot imagine a better subject for the House of Representatives of the United States, in discussing anticrime legislation, than to target the most violent of criminals, those individuals who are using firearms in the commission of offenses. Those are the criminals in particular that the American people want to get off the street and keep off the street for as long as possible.

This bill would add another tool in crime fighting to accomplish that. This bill would give the option to the U.S. attorneys to follow up with a prosecution if they felt that, in the case of a particular defendant committing a particular crime, more time in prison to keep that criminal off the street is warranted.

The answer to the gentleman from New Jersey [Mr. HUGHES], the chairman of our subcommittee in the Committee on the Judiciary, he speaks as if, if this bill were passed, every possible offense that could be covered under this bill would be prosecuted in Federal court, but this is not the case. Right now the U.S. attorneys exercise a great deal of discretion over what to prosecute under existing Federal offenses.

Not every allegation of violation of a Federal offense results in a prosecution by a U.S. attorney. They pick and choose on the criteria they think is best in terms of fighting crime. This would give them another tool. This would give them another option. This would give them the power as U.S. attorneys to decide, "This is someone we want to keep off the street even longer," and this would give them the means to do it. For that reason, I urge my colleagues to support the McCOLLUM motion to instruct conferees.

Mr. HUGHES. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we cannot have it both ways, then. On the one hand we say we are going to give the U.S. attorneys an option, going to give them an option. On the other hand, if the U.S. attorney exercises these options and prosecutes all these cases, we are going to have 200,000 additional cases before the Federal courts and our prisons are going to swell by 383.9 percent over a 9-year period.

My colleague, the gentleman from New Mexico [Mr. SCHIFF] knows that we have a difficult time today funding the Federal Bureau of Prisons. We just opened up some new prisons around the country after some potential delays, because we did not have the resources to staff the Federal prisons to open them up. We are going to have to open up, at the present trend, about one Federal prison every month before the end of this decade, every month one new 500-bed Federal prison.

We have a hard time getting the resources to fund for staff today. We cannot staff the medical sections of our present prison system because we do not have the resources. We do not offer the health care providers sufficient money to attract them into the system, and the gentleman is talking about increasing the Federal prison population by another 383.9 percent?

Mr. Speaker, the States are not in favor of this. We received a letter from the Police Executive Research Forum. These are some of the top chiefs of police in the larger cities. They are opposed to this. They do not see this as helping them. So there are the States that are opposed to it, there is the Attorney General opposed to it. The Administrative Office of the Courts is opposed to it, and the Sentencing Commission is opposed to it, because they understand the impact it is going to have on the Federal System.

We are going to turn the Federal System upside down by this type of loading down of the Federal courts without accomplishing anything.

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

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I rise in support of the McCollum motion to instruct conferees on H.R. 3355.

Earlier this session, I authored and introduced the Violence With Firearms Protection Act. The bill made it a Federal crime to transport a firearm across State lines for the purpose of committing a violent felony. My bill went a bit further than the Senate language that is the subject of Mr. McCOLLUM's motion in that it carried the death penalty in some cases.

After my bill went nowhere in the Judiciary Committee, and as H.R. 3355 approached action on this floor, I attempted to add my proposal to the crime bill as an amendment. For reasons known only to the members of the Rules Committee, the amendment was ruled nongermane.

Mr. Speaker, Federal law prohibits the interstate transportation of explosives for illegal purposes. In fact, Mr. Speaker, it is a violation of Federal law to transport false teeth, in some circumstances, from one State to another. But you can carry a gun from State to State—and use it to kill people—with impunity under Federal law.

Let me illustrate how ridiculous the current state of our law is.

Last December, on a night that most of my constituents will remember, a man in New York City boarded a commuter train bound for Long Island. When the train reached my district, he pulled a firearm and began shooting. The gun, by the way, was purchased legally in California, waiting period and all.

When the firing ended, six people were dead. Others were wounded.

In the wake of what has become known as the Long Island Railroad Massacre, and because New York's law doesn't treat violent criminals very seriously, I presented the facts of the case to the Justice Department. Their evaluation determined that the gunman violated no Federal law.

Imagine that. Had the gunman come from California to New York with illegally manufactured dentures we'd have fined him and maybe sent him to jail. But he killed six people and we can do nothing.

Support the McCollum motion to instruct. Make it a Federal crime to transport firearms across State lines for the purpose of using them as instruments of violence.

Mr. McCOLLUM. Mr. Speaker, I want to thank the gentleman from New York [Mr. LEVY], because he has made a very valuable contribution to this debate in the introduction of his legislation and in the points he made today.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, my situation is somewhat similar to that of the gentleman from New York. I am a sponsor of legislation to substantially increase the Federal penalties for the illegal use of firearms, particularly in the commission of a crime. I submitted an amendment adding that language to the crime bill to the Committee on Rules, and, as in the case of the gentleman from New York [Mr. LEVY], the Committee on Rules denied the right of this House to vote on this sensible legislation. That is why I rise in support of the motion to instruct.

Mr. Speaker, I agree with my friend, the gentleman from New Jersey [Mr. HUGHES], that our prisons are at capacity and we are hard-pressed to house the prisoners who are there. I support building new prisons and I support putting the people who commit violent crime with firearms into those prisons. So do our constituents. The best way to curb the incidence of crime committed with firearms is to make criminals realize that they face severe penalties if they use a gun to break the law.

A study by the Department of Justice has shown that, while the average sentence meted out for violent offenders is about 8 years, actual time served behind bars averages less than 3 years. That means that more than half of the violent offenders are free and back on the streets within 3 years.

The study also found that, once these violent felons are released, they get busy committing more crimes. Sixty-three percent are rearrested within 3 years of their release, fully a third of them for committing another violent crime.

The only way to be sure these people do not commit more violent crimes with guns is to send a very clear signal to criminals: "If you commit the crime, you are going to do the time." Under the Senate's crime bill that time is a mandatory minimum sentence of 10 years behind bars for carrying a firearms during the commission of a violent crime or drug felony.

□ 1830

Discharge that firearm with the intent of injuring another person and you get 20 years in prison, minimum. If that firearm is a machinegun or is equipped with a silencer, you serve 30 years, minimum.

The penalties are even steeper for repeat offenders in each of those categories, increasing to 20 years, 30 years, and life, respectively.

Mr. Speaker, if we are serious about reducing violent crime, we must put the word out on the street: "If you use a gun to commit a violent crime, you risk going to jail for 10 years, minimum. Go to Jail. Do not pass Go." That is the message we have got to send and that is why I urge my colleagues to support the McCollum motion to instruct.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Florida [Mr. HASTINGS] is recognized for 3 minutes.

Mr. HASTINGS. Mr. Speaker, I rise in opposition to the motion to instruct. I have sat very quietly listening to the debate. I have immense respect for the parties on both sides and their understanding of these issues.

Mr. Speaker, I ask my colleague, the gentleman from Florida [Mr. MCCOLLUM], on the other side, when we talk about unfunded mandates, does the gentleman take into consideration the fact that when we pass a law of this kind and it impacts on the Federal judiciary, that no additional money travels with these kinds of measures. In Florida, we are minus a significant number of Federal judges because, among the other reasons, they are not being made at this time. There would be no money for additional prosecutors, for additional public defenders, or court personnel. Let met tell the gentleman what happens, and I am talking from personal experience.

With an added number of Federal cases, the lessening of the handling of civil cases is undertaken. We then wind up with criminal cases being tried rather repeatedly. there is no one in this House who would not want to get rid of any violent criminal that we can and cause them to be put away.

The example that the gentleman from New York [Mr. LEVY] gave, that person is going to be in jail for the rest of his life and everybody knows that. So what do we want to do, put him in two jails, a State jail and a Federal jail?

The linchpin of this country will come undone unless Federal judges can address civil cases at some point in time. Add Federal jurisdiction for criminal cases and lessen the opportunity to try civil cases.

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

Mr. HASTINGS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Speaker, I have a great respect for the gentleman from Florida [Mr. HASTINGS]. In fact, he and I agree on the point he is trying to make. We need more resources for the Federal judiciary. We need to free up Federal judges to be able to do some civil cases. In fact, the bill in the other body, the Senate bill, has $300 million for additional judiciary. Our House bill does not. I hope when the conference comes out, they will do that.

I would like to make the point to the gentleman, while we agree on that, that this is very optional. While operation trigger lock was being imposed by the previous administration to do an additional system in this area, this administration has chosen not to, probably because of resources. I do not agree with that allocation, but I understand what the gentleman is talking about.

Mr. HASTINGS. If I may, the Attorney General opposed it, the Administrator of Courts opposes it, and the reason that they do is because of a lack of resources.

Mr. Speaker, I agree with the gentleman that it is optional, but I have seen the results of what becomes optional. We have a local State attorney that determines, hey, this is an opportunity for me to get rid of it. Let me call the U.S. Attorney who says, "I will take it."

What we have is an overloaded Federal system. The Federal system cannot handle the cases that we are sending them criminally unless we give them more judges, more prosecutors, and more public defenders which I am in favor of doing.

Mr. MCCOLLUM. Let the gentleman and I work on getting those resources.

Mr. HASTINGS. All right.

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there is nothing in the world I hate more than disagreeing with my friend, the gentleman from Florida [Mr. MCCOLLUM] whom I look up to as the premier expert on criminal law on our side of the aisle. But I am having real trouble buying this concept that every time a gun is used, a Federal crime is created.

I am persuaded by what the gentleman from Florida [Mr. HASTINGS] has said down there about the overloading of the Federal courts and the response of the gentleman from Florida [Mr. MCCOLLUM] seems to be that it is only an option. But a Federal law, a criminal law that is only optionally enforced, it seems to me, erodes the whole fabric of the law. If it is a Federal law and if it is a crime, it ought to be prosecuted. But I do not think we have the need, first of all, because what about the State courts? What about the State criminal system? Are we saying they are so bereft of resources or the will to enforce the law that we must federalize the enforcement of gun legislation? I abhor the use of a gun in a violent crime. That person ought to be severely punished, and they are not severely punished, and we have to add more resources to the State system, help them with grant money and matching funds. But to create a new Federal crime every time a gun is used and then to say it only has to be enforced optionally it seems to me is an oxymoron. It is a contradiction in terms. I do not think we are being weak on crime to say, let us not abuse

the Federal system by thrusting on it a whole plethora of criminal actions that cannot possibly be enforced. I just have those misgivings.

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

Mr. HYDE. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, let me say in response that I have the utmost respect for the gentleman from Illinois, and I usually share, as he says, the same viewpoint. However, I would say to him that as he well knows, all Federal criminal law involves a degree of discretion on the part of the U.S. attorneys and the prosecutors. I do not wish to say nor did I intend to that I do not believe this should ever, or not be used. I believe that the reason why we want to put this into law is so that it will be used, but used selectively, used in cases that will send a message which is the underlying reason here, and there needs to be a national message that is sent to criminals who would use guns that if they are going to do it, they are really going to serve time and they are going to serve Federal time because the very fact it is Federal is a very important deterrent and many police officers, many of them, have told us that again and again.

While I have great respect for the gentleman from Illinois, he and I would differ over this, I also do not think we are really federalizing. We are not federalizing the underlying crime, we are simply saying, we are extending an additional Federal law that exists on the books today that says that if you have committed a felony and you possess a firearm, whether it is a State felony or not, it is a Federal crime. But I would like to extend that to send a message to a lot more people, that is all.

Mr. HYDE. Mr. Speaker, if the gentleman will continue to yield, the gentleman is creating thousands of defendants in the Federal system. Cannot they be dealt with adequately in the State courts?

Mr. McCOLLUM. No; they cannot be. I do not believe they are being. I believe we need to provide the resources necessary, because this is important. This is more important than a lot of other places we are putting Federal money right now. That is my conclusion. We may differ on that.

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

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois is right on target. We are talking about federalizing State offenses. Think about it for a minute. We are telling the States that we do not agree with State legislatures throughout the country in meting out particular sentences. It is the ultimate in arrogance.

I say to my colleagues again, "if you want to tell the States how to run the criminal justice system, leave here, go back to the State legislatures and run for the legislature."

□ 1840

And change the laws in the various States if that is what you want to do.

In addition to the fact that there seems to be a misperception around here about the Federal courts, they are courts of limited jurisdiction. We do not prosecute street crime. That was never intended. The framers of the Constitution never envisioned that. They are not structured to handle street crime.

In fact, if U.S. attorneys exercised the right to prosecute and to federalize basically a State offense, we would have disparate sentences again throughout the country.

Sometimes just across State borders we would have disparate sentences again, depending upon how the U.S. attorney exercised that authority.

We set up a whole new sentencing structure called the Sentencing Commission to try to limit disparity. We are going to create more disparity. That is terrible policy.

The Judicial Conference of the United States pointed out, I think aptly, that in the State of California there are more superior court judges than we have on the Federal benches around the country. There are more superior court judges in California alone than all of the Federal judges in our system.

In some parts of the country they are not trying civil cases at all, because they cannot reach them because of the present criminal backlog, and we want to federalize basically all gun offenses which are prosecuted at the State level. It is a flawed motion to instruct. It is opposed by the States. It is opposed by the Attorney General. It is opposed by the administrative office of the courts, and it is opposed by the Sentencing Commission because it does not make sense.

I urge my colleagues to reject the motion to instruct conferees.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. I yield myself the balance of my time.

Mr. Speaker, I would like to respond to several of the critics who have talked about this. Just to summarize what we are doing, in closing, this is a motion to instruct conferees that directs them, our wish is at least that they would accept a Senate provision that provides for a portion of the law to be changed that deals with the situation where we have a State crime that is a violent crime or a drug trafficking offense and we have a gun that is being used in that State crime, that violent crime, or that drug trafficking offense, or at least possessed in it, and in that situation while you leave alone the underlying crime you do not federalize it, it is still a State crime whether it is murder or whatever it is, which is tried in the State court, and you create under this provision a new Federal crime for the simple use or possession of the firearm in that underlying crime.

Mr. HUGHES. Mr. Speaker, will the gentleman yield on that point?

Mr. McCOLLUM. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. So, Mr. Speaker, we are going to have two prosecutions instead of one. Is that what the gentleman is saying?

Mr. McCOLLUM. If I may reclaim my time, I am saying we are going to have a second prosection if the Federal prosecutor chooses, not on the underlying crime, a second prosecution only for the gun crime after the State conviction. The only thing required to be proved will be the underlying conviction and the fact that a gun was used or possessed in it.

I think it is important to note that is simple to prove, very simple to prove. It is very much patterned after the existing Federal law as an extension of it which says that if you are a convicted felon today, whether you are convicted in a State court or a Federal court, just any convicted felon and you possess a firearm, you have committed a new, separate Federal crime for which there is a mandatory minimum sentence. I think that is a very important concept that exists already, and that is the precedent for this. This is a Federal law because it reaches interstate transportation of firearms, and it is there for the same reason we want to put this in law, because it is there to discourage people from the use of firearms who are the bad guys out there doing these crimes, and we already have a precedent of the State felon being convicted of committing a Federal crime which is just simple possession on the books. What we want to put on the books is an additional new crime, if you are out there for the first time committing a felony or drug trafficking offense, which is undoubtedly also a felony, if it is violent or drug trafficking, you can, in that situation, even if you do not have the additional sentence, you can get the additional punishment that goes with it.

I would like to address the concern that suddenly we are going to flood the Federal system. We have had this other one on the books for a long time and we have not flooded the Federal system. We have minimum Federal sentencing out there for using a firearm as a separate punishment, and we have not flooded the system. We would like to see more convictions. I would like to see more sentences in this area of minimum mandatory at the Federal level, but this is a discretionary tool for selective use by U.S. attorneys around the country. No 383 percent or 384 percent increase in Federal prison populations is going to occur because it is not going to be used that consistently.

There is disparity in sentences because these are minimum mandatory sentences in a given stated statutory crime. If you commit the crime and are prosecuted and convicted for it, you are going to do the amount of time, in fact. That is the important part.

We need to put certainty and swiftness of punishment back into our criminal justice system if we are ever going to have deterrents in there today for violent crime, and this would go an enormous way toward putting certainty and swiftness back into sentencing and sending a message. The very fact it is on the books would give a plea bargaining tool at the very least for Federal and State prosecutors in dealing with the hardened criminals and those out there who would commit crimes with guns. I can see that message sent today if we adopt this and it becomes law. If you use a gun anywhere in the country in the commission of a violent crime or a drug offense, boy are you in trouble. It is long overdue that we send that message. That is the ultimate control of guns in the way they should be, by locking up the person who uses them and not trying to control what is uncontrollable, and that is the gun itself. This is a way to deal with the violent crime problem in America, one of the ways, one of the critical ways. By passing my motion to instruct tonight, we go a long way toward sending that message, asking our conferees to bring some reason into this debate over violent crime and some resolution to it by giving our prosecutors the tools that they need.

Again, it is a very important message and I urge my colleagues to vote yes on the McCollum motion to instruct to send this that message to the criminals: "Don't use the guns or you are going to do the time."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida, [Mr. MCCOLLUM].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCCOLLUM. 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 291, nays 128, answered "present', not voting 15, as follows:

[Roll No. 340]

YEAS—291

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Houghton
Huffington
Hunter
Hutchinson
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Neal (MA)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—128

Abercrombie
Andrews (ME)
Bacchus (FL)
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Cox
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Doolittle
Edwards (CA)
Eshoo
Evans
Farr
Fields (LA)
Flake
Foglietta
Ford (TN)
Frank (MA)
Gephardt
Glickman
Gonzalez
Gutierrez
Hamburg
Hastings
Hefner
Hilliard
Hinchey
Hoke
Horn
Hoyer
Hughes
Hyde
Inglis
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kopetski
LaFalce
Laughlin
Lewis (GA)
Lipinski
Martinez
McCloskey
McDermott
McKinney
Meek
Miller (CA)
Mineta
Mink
Mollohan
Morella
Nadler
Neal (NC)
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price (NC)
Rangel
Reed
Rohrabacher
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Smith (MI)
Stokes
Studds
Swift
Synar
Thompson
Thornton
Towns
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Bateman
de la Garza
Dicks
Ford (MI)
Gallo
Hutto
Livingston
McCurdy
McMillan
Michel
Ros-Lehtinen
Sharp
Stark
Washington
Whitten

□ 1909

Ms. VELÁZQUEZ and Messrs. ROHRABACHER, HOKE, SCHUMER, and WISE changed their vote from "yea" to "nay."

Mr. TORRES, Ms. FURSE, and Mr. MOAKLEY 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.

□ 1910

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3838, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-612) on the resolution (H. Res. 482) providing for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes; which was referred to the

House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3870, ENVIRONMENTAL TECHNOLOGIES ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-613) on the resolution (H. Res. 483) providing for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4604, BUDGET CONTROL ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-614) on the resolution (H. Res. 484) providing for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. HOAGLAND. Mr. Speaker, pursuant to rule XXVIII, clause 1(b), I offer a privileged motion on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Mr. TORRES). The Clerk will report the motion.

The Clerk read as follows:

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.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. HOAGLAND] will be recognized for 30 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by congratulating Chairman BROOKS and members of the Judiciary Committee, and Chairman SCHUMER and members of the Crime and Criminal Justice Subcommittee, for their very fine work in connection with House bill 3355, the Violent Crime Control and Law Enforcement Act of 1994. It is truly an excellent bill which incorporates the latest of concepts and practices, the latest knowledge we have, on how to punish and prevent crime in America.

As we all know, over 95 percent of all crime is prosecuted at the local level. Most anticrime laws and resources are in the hands of the State legislators, county boards, and city councils around the country.

But there are some things we can do here at the Federal level to assist their efforts. This crime bill helps substantially.

Every community in this country is plagued by violent crime and it's time to break the gridlock. It's time to send a message, we're serious about fighting crime.

It's time we enact the "3 strikes and you're out" provision identifying the relatively small percentage of all criminals who commit the most serious crimes. We must identify those people and put them away for long periods of time. States with such provisions report excellent results.

It's time to put more police officers on the street. We have 600,000 police officers on the street already. This bill would add up to another 100,000. Experiences in Houston and elsewhere show that more blue uniforms involved in community policing really does work.

It's time to enact a ban on assault weapons. I have yet to hear any good reason as to why 19 specified assault weapons should be available for anyone to purchase over the counter in America for as little as $300.

It's time to target funding for programs like Byrne grants. These funds go to cooperative law enforcement efforts like the Metropolitan Drug Task Force in Nebraska which has resulted in 2,000 arrests and confiscated 600 guns from drug dealers.

It's time to set up regional prisons to take the load off State penitentiaries and place violent criminals in appropriate confinements.

It's time to enact a whole range of preventive measures such as midnight basketball and counseling for dysfunctional families which can help prevent youngsters from starting down the path of violent crime to begin with.

So you see, ladies and gentleman, this crime bill contains many important provisions which will help deter crime in America. The crime bill passed the Senate on November 19, 1993. Our crime bill here in the House passed April 21, 1994. Two weeks after that on May 5, 1994, the assault weapons ban passed the House.

Since then we have heard nothing.

Has the bill gone into a black hole?

Did the collision on Jupiter take it out?

What happened?

Between April 21 and now:

The House Ways and Means Committee has reported a health care bill of over 1,200 pages.

The Education and Labor Committee has marked up and reported a health care bill of over 1,000 pages.

The House has considered and passed most of 13 appropriations bills. Yet we have no crime bill.

In the meantime the criminals haven't stopped. Every day that goes by is another day without an assault weapons ban, without more police officers on the street, and without three strikes and you're out.

Just in the past week in my community, the violence has continued. There was a fatal drive-by shooting, and a robbery at a local convenience store that resulted in one young man's death. In the last few months, an elderly woman was attacked and beaten to death with a board by a young man who lived nearby, and a 13-year-old was caught with a handgun and 500 rounds of ammunition at an area middle school. This crime bill is not a panacea, but it's a start.

The criminals in America are not concerned about differences of opinion among the conferees. Every day, there are:

Another 3,927 violent crimes committed; 28,800 property crimes committed; 65 murders; 288 women are raped; and 4,320 cars are stolen—some weeks in Omaha it is over 100 cars are stolen.

And the crime conference continues to dither.

The only thing the criminals will understand is: three strikes and your out; more police officers on the street; limits on their ability to purchase assault weapons; regional prisons; and a lot of other things we have in this bill.

The criminals don't care about the progress of the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment or the Senate amendment to the House amendment.

We have to speak their language, not the language of the conferees. That means passing this bill.

That means providing funds for military-style boot camps for young offenders. That means providing money to build regional prisons so we can put violent criminals behind bars and keep them there. That means banning assault weapons. There is no reason that weapons designed for war should be readily available on the streets of Nebraska endangering our police officers and our families.

The Parliamentarian told me that I could not file a motion to instruct conferees to report the bill by the end of this week, or the middle of next week because that would be out of order.

The closest I could come to a motion to instruct is to meet promptly.

But make no mistake about it, this motion should be construed as a motion to return the bill promptly—by

the end of this week or the middle of next week.

That is what this vote means, and Mr. Speaker, there is no reason the conferees can't meet tonight, tomorrow, tomorrow afternoon, and tomorrow night until they finish their work and get the bill to us by Friday or by midweek of next week.

Other committees are doing it. What's the delay.

Mr. Speaker, get us a crime bill promptly so we can get it passed and into effect—now.

□ 1920

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

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

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Nebraska for yielding and thank him for his speech.

Mr. Speaker, I wanted to assure the gentleman from Nebraska, and indeed all the Members of the House, that although the conference has only had one formal meeting, we are meeting constantly with Members of the Senate and with ourselves to promptly resolve the conference. This is a 1,100 page bill that changes a lot of things in America insofar as criminal justice is concerned.

We are, and our obligation as conferees is, to support the will of the House, and we are trying to do that. And we are trying very, very hard. We are being aided by our Speaker, by Senator BIDEN, and by the President of the United States, and by the Chief of Staff, Leon Panetta.

I want to assure the gentleman from Nebraska and everybody else that we are not delaying this conference. We expect it to move ahead. We are asking for the conference to meet tomorrow or the next day, but I am confident that we will begin meeting on Monday. If we do, as I think we are well on the road to be doing, we will have resolved in these private meetings most of the tough issues, and we will have a bipartisan bill that can pass overwhelmingly.

So I am certainly in favor of the gentleman's motion to instruct the conferees, and I am going to vote for it. I urge an "aye" vote, and we go home.

Mr. HOAGLAND. Mr. Speaker, reclaiming my time, I appreciate those assurances.

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

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly support the gentleman's proposal tonight, the motion to instruct to get the conferees to act on the crime bill. But I find there is a lot of irony in this.

First of all, I heard the gentleman from California, whom I respect greatly, one of five senior members of the Committee on the Judiciary, comment there were meetings constantly going on privately, but we have not had the public meetings. I would say those meetings are all on the other side of the aisle. I do not know a single House Republican who has been included in any of those meetings.

In fact, it is the problems of the other side and their gridlock over, I presume, the Racial Justice Act or so-called Racial Justice Act that would, according to the attorneys general of the 50 States and our district attorneys around the country, effectively end the death penalty in the United States if it were to become law, and it is in our House bill. It is that proposal that has got the Democrat Party hung up, unable to resolve this.

They are meeting privately. I do not know any Republican that has been meeting. We have been going on and on like the gentleman form Nebraska [Mr. HOAGLAND] has been saying. The Senate passed its bill in November. We passed our bill in April. We had conferees appointed in May. We had one meeting on June 16 that was public where the conferees did get to give speeches, but we never had a chance to get out and get with the business.

I hope when we have a conference, that we are going to find it is bipartisan, that we will actually be able to do what the Committee on Banking, Finance and Urban Affairs did yesterday on a couple of bills in conference, is walk them through and let each Member have an input into it and have the discussions and the debates and the amendments that you normally associate with a conference, that we did not have last Congress when we had a crime bill that unfortunately did not become law.

I would note one other irony in here of particular concern to me. While I have a lot of respect for the gentleman from Nebraska, who has brought this proposal today, I have to note that he twice voted for the Racial Justice Act that last got them hung up on the other side in his own party. I gave him the opportunity twice. One time his vote was the decisive vote. It only passed this House by one vote. It is nonsense. It should have not been passed in the first place. If it had not been passed and he had not voted for it then, it would be a problem today and we would have gotten on with this conference and long been meeting. That seems to be the problem.

I must say the American public is tired of our messing around. They are concerned with violent crime in this country. They are very concerned with the fact that 6 percent of the criminals are committing better than 70 percent of the violent crimes, and those 6 percent are not serving but about a third of their sentences. They want to see us enact laws that will help the States to incarcerate those criminals, and get to truth in sentencing, and provide the funding for the prisons. And they would like to see us do what is not in our crime bill even. They would like to see us end the endless appeals that death row inmates have, that the other side of the aisle, the gentleman from Nebraska who is offering this side, his side is hung up on and never been able to let us get a good provision out of here that indeed allow us to continue to have the death penalty in the United States.

They would like to see us have something we did not get a chance to vote on this year, because his party and the Committee on Rules did not allow us to have that, which is the opportunity to change the rules of evidence on searches and seizures, so local law enforcement can get more evidence in to get convictions in a lot of these crimes where people are getting off, the so-called exclusionary rule to the good faith exception.

So I find while they definitely want to see us act and we all want to see the conference act, that anybody standing here tonight on the other side calling for us to act promptly on a matter that they produced the problem on in the first place, and their party is hung up in, really has a lot of ironic questions that have been raised, even though we are going to support this motion.

I think, appropriately, it has given the Republicans the opportunity, as we are taking tonight to say wait a minute now, where is the bipartisanship? Where is the opportunity for us to get in there in the room? Where is the opportunity for us to be in those so-called private meetings, hammering out some of these things.

Our staff have not even been involved. At least on the other major committees I am involved with, Republican and Democratic staff on both the House and Senate are getting together to work out these details so we have an agreement.

In this particular bill, the history of the Committee on the Judiciary is for them to work it out on the Democrat side in some secret meeting somewhere. It looks like it is happening again this time. I am saddened by that fact.

But yes, I want us to meet promptly. There is a violent crime every 22 seconds. The gentleman is right. There are 476,370 people who have been victims of violent crime in the 90 days that have elapsed since the crime bill was passed by this House; 277,830 have been victims of aggravated assault; 26,820, according to the time clock, have been victims of rape in those 90 days. And 5,850 Americans have been murdered since the House passed a crime bill that we have not been able to get a conference on, because the other side is hung up trying to come to some resolution internally to please one of its factions on the issue that is spurious

about the question of so-called racial justice.

I am for equal justice in sentencing and fairness, and I do not want race to be a part of any sentencing. But let me tell you, I do not want to abolish the death penalty in this country, and that is what the AG's and district attorneys say that provision would do. That is what is causing this bill to be hung up, I am told. I am not in the room, but I am told that there is a big fight over there on your side.

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

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise to urge the conferees on H.R. 4092, the Violent Crime Control and Law Enforcement Act, to report this vital measure immediately. We simply cannot afford to hold the safety of our streets hostage to political haranguing any longer.

Over 3 months ago, an overwhelming majority of the House passed this legislation, which represents the largest Federal anticrime commitment in American history. The legislation passed by the Senate is similar to the House legislation on the major issues. However we cannot seem to come to agreement long enough to take the first step in taking back our communities. This is what they mean by politics as usual.

We cannot afford to wait any longer. Each day that passes without a report from the conferees, is another day without three strikes and you're out, another day without more police officers on the street, and another day with military-style assault weapons freely available to kill innocent persons.

Our communities desperately need the conferees to report this bill and we in Congress need to pass it. Not only do we need this bill passed to ban military-style assault weapons, but passage of our anticrime bill is necessary to prohibit the transfer of guns and ammunition of juveniles.

Among the most important reasons we must pass this bill is to authorize between $1.8 and $6.9 billion for crime prevention programs to provide education, treatment, recreation, and job opportunities for at-risk youth.

Every day without a crime bill in my district is a day in which the Broward County Juvenile Justice Program goes without the essential funds it needs. Funds that would be used to keep our children in school. Funds that would be used to evaluate the many problems of juvenile offenders and give them the treatment they so desperately need. This is just one example among many from my congressional district of how our delay in getting a report from the crime bill conferees is shortchanging our constituents and our society.

Today is yet another day in which the crime bill will not be passed. Today and every day we delay reporting this bill is a day in which thousands of new cops will not be put on the street. Consider all of the prison beds which will not be constructed today. Think about the drug kingpins who will be allowed to kill without fear of the death penalty today. Think of the assault weapons which will not be taken off the street today, and most importantly think of the lives which may be lost due to our lack of action on this critical piece of legislation.

Today the House and Senate will not ensure that criminals receive swift and sure punishment. Today we will not extend the death penalty to crimes like trafficking in large amounts of drugs, killings by drug kingpins of police officers, drive-by shootings which result in death, espionage, treason, murder of law enforcement officials, and intentional killing of witnesses which results in death. And, the States will have to wait until we can act before having access to between $6.5 and $14.1 billion for building new prisons.

Mr. Speaker, the conferees have had 3 months to work out the differences between the two measures. Every day that they continue to confer, the law-abiding citizens of America suffer from random gun violence, lack of police protection, and a fear that crime will go unpunished.

Therefore, it is time to report the anticrime bill so that we can send it to the President and put the Federal Government back on the side of America's law-abiding citizens.

□ 1930

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HYDE], a member of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I want to take this opportunity to salute the gentleman from Nebraska who has shown great courage and inventiveness in bringing this question forward in this method, instructing the managers to meet promptly.

I think it is amazing that we need this instruction as a lever, as a device to get some momentum going on the crime bill, which everyone has been posturing over and flexing muscles and talking about how serious the problem is and all the great things these bills do to grapple with that problem.

We named our conferees in the House April 21. That is 3 months ago tomorrow. And then 52 additional House conferees were appointed May 17. That is over 2 months ago. And the Senate conferees were appointed May 19. But here we are in the deep freeze, frozen in amber, immovable, intransigent. Nothing is happening. Yet we hear this cascade of statistics about the rapes and the car shootings and the kidnapings and there is no movement.

So we on this side are stunned by this sudden burst of activity on the part of the majority party. We can only say, there has been one meeting of the conferees, and that was June 16, when opening statements were made. And then it has been Death Valley. Nothing is going on that we know of.

The gentleman from California said there had been meetings. These are stealth meetings because no Republicans have been invited and no Republican staff. So they are negotiating between themselves, and this may be the most expeditious way to go, but we do not know that. Nobody knows that. And the gentleman from Nebraska [Mr. HOAGLAND] does not know that or he would not be bringing this motion to instruct.

I would like to ask the gentleman from Nebraska a question, if I could capture his attention for a moment.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. UPTON. Are these crime meetings? The gentleman said they are going in smoke-filled rooms. Is this sort of like health care?

Mr. HYDE. I do not know about smoke-filled rooms, but they are going on behind closed doors.

I would like to ask the gentleman from Nebraska a question.

I take it that the gentleman attends Democratic caucus meetings and that he attends meetings where the Speaker and the majority leader and the powerful chairman of the Committee on the Judiciary are present. Has he ever addressed them on this subject and asked them why we have not had conferences? There has been considerable discussion over here.

Would the gentleman share with us their responses to him? I do not want him to betray a confidence, but what have they told him when he asked them when in the heck are we going to have a conference on the crime bill?

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

Mr. HYDE. I yield to the gentleman from Nebraska.

Mr. HOAGLAND. Mr. Speaker, that there are a number of complicated issues that need to be worked out.

Mr. HYDE. But not with us. It is among themselves, these complicated issues, is that the gentleman's understanding?

Mr. HOAGLAND. Well, we did not discuss who was involved in the complicated issues conferences, only that they are very complicated. Of course, those of us who are anxious to get this passed and get it enacted, so the deterrent effect in many of these provisions can continue to be felt, can begin to be felt, I should say.

Mr. HYDE. I just wanted to say again that I salute the gentleman's courage in standing up on his side and saying,

let us get going. I think that is wonderful. It is something we Republicans can all assent to with some enthusiasm. And if the gentleman ever gets any answers, I would appreciate it if he would let us know. I thank the gentleman very much.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I thank the gentleman from Nebraska for bringing this motion to the floor. I think that what we are doing here is talking about a sense of urgency.

I do not come to the well here to point fingers at the minority or the majority. I just come here to bring a message from the people of Idaho that they want to see this issue resolved. I think that we want to move ahead as fast as we can.

People are waiting in America for us to resolve this issue. The gentleman has brought us this motion, and I think it is important to discuss that we want to have a vote on this. We want to do it quickly. We want to work hard. That is the expectations from the people of America, that we do our business here. I think it is OK to focus on this.

I have told people that I did not come to town to dance. I came here to make a change in people's lives, and in a positive way. I think we have taken a bold step on the floor of the House here in the past to resolve the crime issue, and I hope that we can move forward.

I like certain aspects of this bill. I voted for it. Truth in sentencing, police on the beat, boot camps, prevention measures. It is a smart bill. It is a tough bill. I want to vote on it. And there are going to be aspects of it that I might not like, but we need to have this opportunity before we go home for the August break. The gentleman from Nebraska makes a good point.

I like three-strikes-and-you're-out. People in my district want it, and they want us to have a vote on it. And they want us to take care of this soon.

I thank the gentleman. My purpose here is to address the House, not to point fingers at anybody, but I think that the gentleman is going to add some momentum to the urgency of bringing this matter to the floor of the House.

I think he feels it from his constituents in Omaha. I feel it all the way from Boise and Priest Lake and Port Hill, ID. Right after we passed this bill, 3 months after, I went home to a boot camp in Idaho and saw how well that was working in our great State where they mixed education up with prevention and detention. It worked there. They said, let us go on with this. Let us do it at the Federal level and do it right.

I met with police chiefs, detention officers. They said, let us move ahead. Let us be smart. Let us be tough. Let us get on with it. That is my message today. I support this motion.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arkansas [Ms. LAMBERT].

Ms. LAMBERT. Mr. Speaker, I rise today in support of Representative HOAGLAND's motion to instruct conferees to meet promptly in order to pass the crime bill right away.

On April 21 of this year, the House passed H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994. It has now been 3 months since that date, and the longer we wait to pass this bill, Mr. Speaker, the longer the citizens of our Nation must endure the violent crime that is sweeping our Nation.

As a resident of the rural first district of Arkansas, I am particularly concerned about FBI statistics that show that violent crime is rising 5 percent faster in rural areas than in urban ones. The peaceful picture of rural America that depicts the little white house surrounded by a white picket fence and children happy at play is soon to be a picture of the past if we do not take immediate action. With a strong balance between punishment and prevention measures, our crime bill will provide the resources that will help our families, our communities, and our government work together to fight crime.

We, as legislators, have a duty to ensure the safety and protection of all Americans. But until we pass anticrime legislation, our citizens will not have the resources to fight the crime that has invaded each and every one of their lives. I therefore urge our conferees to meet promptly to smooth out differences in our crime package, so that we can pass this bill and help make our Nation safe again.

□ 1940

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, on April 21, this body passed a comprehensive crime bill to combat the pervasive crime problem in this Nation, and almost 3 months later it remains pending in conference. The American people deserve and need the benefits of this legislation. They deserve to see more police officers on their streets. They deserve to feel safe within their schools, homes, and communities, and they deserve it today.

In my home State of New Jersey, 5,951 persons out of every 100,000 are the victims of violent crimes. In the past decade violent crime has risen 54 percent nationwide. With statistics like these, it is no surprise that the No. 1 concern of Americans is crime, specifically violent crime.

Yesterday, the New Jersey papers carried three separate stories about the murders of six different people: A Jersey City man who slashed the throats of his ex-girlfriend's mother, sister, niece, and nephew; two motorcycle gangs which clashed at a picnic, leaving two people dead, two critically injured and eight wounded; and a young man who kidnapped, sexually assaulted, and murdered a young girl. Two of these victims were ages 6 and 7. For Shakaya Roberts and Amanda Wengert the crime bill is already too late. Their murderers will not be subject to the three strikes provision.

The crime statistics which confront our children now do not have to reflect our future. Through the implementation of effective prevention and nonviolent conflict solution programs, and by keeping our youth in school, we can avoid their traveling down the wrong road. There are no easy or precise solutions to the problem of violent crime; however, I do believe the crime bill will be a major step toward safer streets and safer school hallways and safer communities.

The crime bill renews our fight against this malignancy which has invaded our streets, our schools, and our lives. I urge my colleagues to support Representative HOAGLAND's motion to instruct conferees and to get the job done now. Let us have a crime bill now.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from Nebraska for giving us the sense of urgency on this issue.

Mr. Speaker, today is day 34 of a hostage crisis in Congress. Sent to a conference committee on June 16, the crime bill has been held hostage in committee for 34 long days.

But while Congress fiddles, America burns. Criminals go to work every day: in our streets, in our parks, in our businesses, and in our homes.

From San Diego to Washington, the message is clear: crime is out of control and the people want action.

We need to put more cops on the streets. We need to get assault weapons out of the hands of children. We need to make community policing a part of every community. We need to fight violent crime. And yes, we need to create jobs, build schools, provide decent housing, and restore hope to neighborhoods across America.

None of us will approve of everything in the crime bill, but the debates have been heard and the votes have been cast. Let us stop fighting the crime bill and start fighting crime.

Today is day 34 of the crime bill hostage crisis. What are we waiting for?

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from California said that the crime bill is being held hostage. It is not being held hostage on this side of the aisle. As has been discussed before, the secret meetings are on the Democrat side. Get them to come to the floor and we will vote on the thing.

The gentleman is rattling his sword before the House here. Why does he not do it in his conference report, because the Republicans are ready to come before the committee, no matter what it is.

The gentleman from Florida said that the extremist position is holding the crime bill from coming to the floor. That is the racial justice. Bring it to the floor. We have already voted on it, we have debated on it, but go ahead and do it.

What the gentleman is talking about is not doing any good. The gentleman from Nebraska [Mr. HOAGLAND] voted for the racial justice bill. That is one of the things that is holding this whole thing up. Let us bring it to the floor, even if it is in there, and I commend the gentleman for doing that, but let us at least bring it to the floor.

The gentleman has no problem on this side of the aisle. Do it tonight. Our Members will show up. But there is no problem on this side of the aisle as far as bringing the crime bill. When the gentleman is talking about holding it hostage, it is from the Democrat side.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it really does not serve any worthwhile purpose to have Members beginning to point their fingers at who is holding up the crime bill. We know there are issues unresolved.

Most of us do not even know what is in the chairman's mark, but let me say this, it is not the racial justice issue that is holding up this crime bill. The gentleman must understand that whether it is assault weapons or other issues, there are many issues that are being discussed. Please, I would ask the gentleman from California [Mr. CUNNINGHAM], do not take the position that racial justice is holding up the crime bill.

The fact of the matter is, there is the assault weapon issue and many other issues that are being discussed, as the gentleman knows, and it is not fair to simply point the finger in that way. It is irresponsible.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I would say to the gentlewoman from California [Ms. WATERS], what is irresponsible. We are ready to come to the table. Whether it is assault weapons, whether it is racial justice, or whatever it is, if they want to schedule a conference report, if they want to go to a conference meeting, let us do it.

The only discussion we are seeing is on that side of the aisle. No Republican staff or no Republican on the Committee on the Judiciary has been allowed to even discuss it. Bring it to the table and we will discuss it.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Speaker, I think it is tremendous. We are in the heat of agreement. I gather what we want to do is to express our sense of urgency that we do need to pass a crime bill. Certainly there might be items that still divide us, and not to minimize those differences, but the point is there are far more items that unite us.

Both houses want more cops on the streets. Both houses want truth in sentencing. Both houses want three-strikes-and-you-are-out. Both houses want new tools for prosecutors. Both houses want alternative sentencing, like boot camps for young people. They want crime victim prevention. They want preventative efforts for our juvenile justice system.

There are many items that are very critical to the people of this country, to crime victims, to the children, and to senior citizens. I say let us work together, let us get it done quickly, and I applaud the gentleman from Nebraska [Mr. HOAGLAND]. It is time to move this bill forward.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a very interesting discussion out here tonight. I certainly, as I said at the beginning, support the gentleman's motion to instruct so that the conferees and the crime bill move more promptly. I do not know any Republican on this side of the aisle who does not believe that that should be the case.

However, Mr. Speaker, we have heard a whole parade of people come forward on the Democrat side of the aisle to state their strong convictions about this, that, or the other need for some provision in the crime bill, and we ought to move forward and so forth, and it is beginning to sound to me like it is a Democrat endangered incumbent amendment we are out here producing today, so everybody can give their testimonials.

Just as I said earlier, there is a lot of irony in this. I do not diminish the importance of the subject. I think it is extraordinarily important. There is probably not anything that this Congress is dealing with that is more important than attempting to get to a resolution of some law on the books that will help the States, and provide a change in the climate that truly will lock up the violent criminals who are the repeat violent criminals that are committing these crimes in this country and keep them locked up.

We want to do that and to do some of the other steps we need to. We may be debating some of the fine points and having disagreements on where some of the resources ought to go.

□ 1950

But what is ironic about this is that we Republicans, while we are listening to all of this, have not produced this particular motion to instruct. All the gridlock is over on the Democrat side. We have not been invited, as the gentleman from California [Mr. CUNNINGHAM] said, into the room. I am a conferee. Not one staff member from the Committee on the Judiciary House conferees nor a member of the committee has been invited into a meeting since June 16, when all we did was get together publicly to give our opening remarks as members.

It there are negotiations, we do not know what they are. We are reading and listening to the press accounts and listening to what a few of our colleagues say hither and you dropping hints about it. We gather from all that I have heard on the various news shows on Sunday and so forth that the problem is, contrary to the gentlewoman from California, Ms. WATERS', comments, the problem has been and still is apparently over the dispute within the Democrat Party over the so-called Racial Justice Act because a sizable proportion of the gentlewoman's party seems to want to end the death penalty as we know it now or at least wants provisions that would effectively do that as 50 State attorneys general have said to us in a resolution they passed just a few weeks ago, or the 7,000 district attorneys, who have said through their association, there seems to be a strong view by at least a substantial portion of the other side of the aisle that, indeed, this is the case.

But I gather that there is a diminishing support for this. The gentleman from Nebraska [Mr. HOAGLAND] who is offering this motion, who understands, I think, now, the error of his earlier votes, because he voted with us a few days ago to reverse his position on the Racial Justice Act, probably the gentleman knows better than anybody in the room that indeed the Racial Justice Act would be trouble in River City, it would be now the end of the death penalty, would at lease cause us to go to sentencing in States that have not had the death penalty by quotas, by racial quotas. But the gentleman did twice vote for it. The gentleman voted for it when he voted against my proposal that would strike it from the bill on the first day, and as I said earlier, had he not done it, we would not be here tonight, as I see it, worrying about promptness, because the fact of the matter is, if the issue is as I hear over that issue, it would not even be on the table. That was decided effectively by one vote.

Now I know the delegates voted, so there was a five or six vote difference on paper, but if we took their votes away, because they cannot effectively have any say here, and if there had been one vote difference, we would have prevailed on it and the Racial Justice Act would not be here. We would have the Equal Justice Act. We

would have the provision that should have been here all along, that except for partisan consideration and failure to look at it, a Republican proposal would be on the table that would step by step prevent racial bias in the courtroom, not just in death penalty cases but in all cases by providing for statutory provisions to protect from racial bias in voir dire, in sentencing, in every stage of a criminal proceeding.

But, no, we are wrapped up into partisan gridlock on the gentleman's side of the aisle. I am amused in that sense by it but I am chagrined, as the American public is, that all this time has passed, all this time has passed since we had the initial conferees appointed. Ninety days, as we said earlier, have passed sine we passed the bill in the House. It is time to move on.

Yes, I will vote for this motion to instruct, but I again just want to point out in closing, we on our side, we Republicans have never had a problem with moving that crime bill. We have not even been invited into the room. I challenge anybody to tell us when we have been invited into a meeting on this other than the opening first day of the conference, and we would love to have a bipartisan bill. We really want one. But we are waiting for the other side to give it to us.

I thank the gentleman from Nebraska [Mr. HOAGLAND] for at least offering us a chance to express our views on this issue tonight.

Mr. Speaker, I yield back the balance of my time.

Mr. HOAGLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say briefly, this is an opportunity for us this evening, an opportunity for the general membership of the House to speak, those of us that are not on the Committee on the Judiciary perhaps, those of us that are not involved in the conference to say in a bipartisan cooperative basis, "Look, let us just get this crime bill out of conference, let us get it back to the floor of the House, to the floor of the Senate, let us pass it and get it to the President."

There are a lot of difficult issues, no question about it. But a lot of other committees in this House and other conferences in this body have handled difficult issues competently and effectively and quickly. I think that we can get this done. We just need to gather all 435 of us, tell the conferees, "Look, it has been over 3 months." Please resolve your differences, please get the bill back here because we are losing time.

There are an awful lot of things about this crime bill that are really going to help the crime situation throughout the country. We have been through the statistics before. There are so many thousands of crimes committed every week in America. It is just horrendous. And clearly there are a lot of provisions in this bill that are really going to help deter that crime. A lot of the provisions in this bill are going to help prevent crime. So let us get the differences on a small issue resolved and get the bill passed, get it out here, get it to the President so we can begin to feel the beneficial effects. That is all this motion is.

Mr. Speaker, I ask the adoption of the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). 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 Nebraska [Mr. HOAGLAND].

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF ASSASSINATION ATTEMPT OF ADOLF HITLER

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

Mr. DORNAN. Mr. Speaker, I am looking forward to the Oxford Debate tonight as I hope is a good percentage of America.

I missed a chance this morning to do a 1-minute on the 50th anniversary of the one glowing moment in the horrible reign of terror, Hitler's 12 years of the Third Reich, where noble people, just a handful, paid with their lives in what was called Operation Valkyrie, the attempt to kill Adolf Hitler at his Wolf's Lair command bunker in East Prussia. Claus von Stauffenberg, a count, a loyal Roman Catholic of an aristocratic family, came within a hairsbreath of destroying, with Stalin, one of the most evil men in all of recorded history. I will put in this excellent article from the Washington Post on the tributes being paid or that were paid a few hours ago to von Stauffenberg and the 5,000 or so officers and noble men who lost their lives in Hitler's vicious hanging, fake trials and then watching the movies of their death for hours on end at his Berchtesgaden hideaway.

Mr. Speaker, sometimes God says no to good deeds. The war continued, millions more died, and Germany was turned into rubble. The Claus von Stauffenberg plot should have been hatched in 1940, 1941, 1942, 1943, not 1944. That is the only cloud over the heroic deeds of Operation Valkyrie.

Mr. Speaker, I include the article referred to in my remarks, as follows:

[From the Washington Post, July 20, 1994]

GERMANY HONORS ANTI-NAZI PATRIOTS

(By Rick Atkinson)

BERLIN—He is an unlikely martyr—a traitor whose courage far exceeded his competence as an assassin, a conservative aristocrat whose admiration for his Nazi superiors only gradually yielded to revulsion and resistance.

But Germany must take its war heroes where it finds them, and thus Count Claus Schenk von Stauffenberg has been elevated to demigod status for a noble failure—his botched effort to kill Adolf Hitler and end the terror of the Third Reich.

Of the 2,077 days that passed from the beginning to the end of World War II, Germans can revel in only one—July 20, 1944, the date of Stauffenberg's unsuccessful bombing of the Fuehrer's East Prussian headquarters. In this long season of 50th anniversaries commemorating by-gone heroics Germany's opportunity for fond remembrance has finally come around, and the country is making the most of it.

"Nobody likes to celebrate a defeat, as Normandy was for us. But the 20th of July is really something we're proud of," said Cmdr. Joerg Duppler, a military historian at the German Defense Ministry. "My opinion is that it's the only thing we can be proud of during World War II and the Nazi regime."

Stauffenberg's attempted coup will be honored with a high-level ceremony in Berlin, as well as a traveling exhibition titled "Against Hitler: German Resistance to National Socialism, 1933–1945," which opened last Thursday at the Library of Congress in Washington. While extolling the virtue of those, like Stauffenberg, whose righteous impulses cost them their lives, the exhibit inevitably underscores how few and ineffectual the resisters were.

"You shouldn't get the impression that Germans were resistance fighters; certainly not," said Johannes Tuchel, director of Berlin's Memorial to German Resistance. "You can point out that during this dictatorship a handful of people resisted, but you cannot use them to counterbalance the crimes of National Socialism. You can't diminish the atrocities of the Third Reich."

As seems inevitable whenever the subject of World War II is broached in Germany, controversy is not far afield. Chancellor Helmut Kohl has grabbed the spotlight for the 50th anniversary commemoration today and will be the featured speaker at a ceremony on the site where Stauffenberg and several co-conspirators were executed. Kohl's opponent in the upcoming federal election, Social Democrat Rudolf Scharping, has accused the chancellor of politicizing the event and exploiting the sacred memory of German resistance.

Moreover, Stauffenberg's son, Franz Ludwig, a businessman and former member of parliament, has bitterly objected to honoring Communists, socialists and other leftist opponents of the Nazi regime. German Communists in particular "not only built a second terrible dictatorship in a part of Germany after 1945, but also killed tens of thousands of people and had hundreds of thousands incarcerated," Franz Ludwig Stauffenberg, now 56, told Focus magazine.

Stauffenberg's objections notwithstanding, the exhibition in Washington and the Memorial to German Resistance in Berlin remain unaltered. "We can't manipulate the resistance today and only show those things that please us," Tuchel said. "If we want to learn from history, we have to show everything, whether it's painful or not. . . . And the truth is painful."

In the same way that Steven Spielberg's movie "Schindler's List" triggered soul-searching here about why so few German citizens acted to prevent the extermination of Jews, so has resurgent interest in the July 20 plot provoked discussion about the obligation to resist tyranny.

As the Library of Congress exhibition demonstrates, resistance to Hitler was diverse but never deep. A few clerics spoke out; most did not. Other opponents resisted from a distance, such as author Thomas Mann and future chancellor Willy Brandt, both of whom left Germany as Hitler consolidated his chokehold on the country.

Brutal Nazi repression of the Communists beginning in 1933 also spawned an underground resistance. Members of the Red Orchestra, a Berlin-based cell made up largely of middle-class intellectuals, had some success in distributing leaflets and passing military secrets to the Soviet Union. Those caught by the Gestapo were summarily executed or, like the late East German leader Erich Honecker, imprisoned for years.

"The opportunities for resistance were severely limited due to the terror and the effectiveness of political measures, not least of all the streamlining of the administration of justice that came after 1933," Peter Steinbach, a professor of political history, wrote in a recent essay.

In the face of such odds, a few brave souls demonstrated extraordinary valor. Students and teachers in a University of Munich group known as the White Rose, including Hans Scholl and his sister Sophie, distributed a pamphlet in February 1943 summoning "the youth of Germany"; to rebel; they were arrested and beheaded.

Other groups often resembled secret debating societies rather than havens for bomb-throwing insurrectionists. Nevertheless, they kept alive the flame of decency and human dignity in Germany's darkest hour. Count Helmuth von Moltke, for example, summarized the values of the Kreisau Circle in a 1941 memo: "The end of power politics, the end of nationalism, the end of the racial concept, the end of the state's power over the individual."

For Stauffenberg it all boiled down to one overriding goal; the end of Hitler. A devout Catholic and loyal army officer, Stauffenberg's enthusiasm for the Nazi regime quickly faded following the 1938 anti-Jewish pogrom known as Kristallnacht. Wounded in Tunisia in 1942—he lost his right hand and two fingers on his left—the young colonel eventually returned to Berlin as chief of staff in the General Army Office. There he became deeply involved in conspiracy of officers and political figures appalled at Germany's devastating combat losses.

"Stauffenberg's single-minded determination and dynamic personality quickly breathed fresh life into the cabal," historians Anthony Read and David Fisher have written. "By the end of the year [1943] he had become its unquestioned leader, dominating both the politicians and the generals."

Because of his wounds, Stauffenberg was unable to wield a pistol, so he decided to kill Hitler with a briefcase bomb. His chance came on July 20, 1944, at a daily military briefing for the Fuehrer at his "Wolfsschanze" headquarters in East Prussia. After activating the fuse with a pair pliers, Stauffenberg carried the briefcase into a wooden hut and placed it beneath an oak table a few feet from where Hitler was standing.

At 12:37 p.m., Stauffenberg left the room on the pretext of taking a phone call. Five minutes later, the building was gutted in a roar of smoke and flame. Stauffenberg hurried to the airfield and flew back to Berlin, convinced that Hitler was dead.

He was not. Another officer had unwittingly shoved the briefcase behind a heavy oak table leg, which shielded the Fuehrer from the blast. The open windows and flimsy wooden walls of the building further diminished the power of the blast. Although singed and a bit battered, Hitler was essentially unhurt.

In Berlin, the coup quickly collapsed. Stauffenberg and three others were arrested and marched into a courtyard at army headquarters. Shortly after midnight, they were executed by firing squad. Before the fatal volley, Stauffenberg cried, "Long live our sacred Germany!"

Hitler used the assassination attempt to purge the army and impose a reign of terror that lasted until the end of the war 10 months later. An estimated 5,000 people, most of whom had no connection to the July 20 plot, were executed after mock trials. Many were strangled with piano wire suspended from meat hooks.

Since Germany's emergency from the ashes of the war, the nation's military has sought to establish its spiritual ties to Stauffenberg and his fellow conspirators rather than to the warmongers who became the instrument of Hitler's ambitions.

"The 20th of July is a permanent legacy of our state and our armed forces," said Duppler, the military historian. "For those of us in the Bundeswehr, the day is a chance not only to honor the resistance fighters, but also a remdiner of our duty, of the dichotomy between obedience and the superior obligation to human rights."

Even so, the country long remained divided in its feelings toward men who had violated their sacred oath to support the Fuehrer unto death. A series of polls has tracked that ambivalence for four decades. In 1951, for example, when asked, "How should the men of July 20 be judged?" 45 percent said the conspirators should be considered favorably, while 34 percent judged them negatively, and 21 percent had no opinion.

In a similar survey, respondents were asked, "When you hear of a soldier or an official who was a member of a resistance group during the war, does that speak for or against him?" In 1964, 29 percent replied "for," 32 percent "against," and 39 percent were undecided. In 1985, 60 percent answered "for," 12 percent "against," and 28 percent were undecided.

As the country celebrates the 50th anniversary of the plot, most historians believe their fellow Germans now view the resistance as a guiding light for "this Western-oriented, liberal democratic state that we have today," as Duppler put it.

Perhaps the most eloquent summation comes from a leaflet distributed by the White Rose:

"It is not given to us to pass final judgment on the meaning of our history. But if this catastrophe is to serve in any way toward our salvation, then it can be only through this: that we be cleansed by suffering, that we yearn for light in the darkest night, that we rouse ourselves and finally help cast off the yoke that is oppressing the world."

RECESS

The SPEAKER pro tempore. The Chair will declare a very brief recess.

Accordingly (at 8 o'clock p.m.), the House stood in recess subject to the call of the Chair.

□ 2008

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. NADLER] at 8 o'clock and 6 minutes p.m.

OXFORD-STYLE DEBATES

The SPEAKER pro tempore. The House will again, as it did on May 4, 1994, conduct a structured debate on a mutually agreed upon subject. A Member recognized by the Chair and holding the floor as moderator will yield time to eight members on two teams, with each team composed of two Members from the majority party and two Members from the minority party.

The primary purpose of this debate is to enhance the quality of the deliberative process of the House of Representatives, so as to enable all Members to be better informed and to participate in subsequent debates and decisions on major issues.

Under the previous orders of February 11, 1994, and June 10, 1994, the gentleman from Maryland [Mr. CARDIN] will be recognized to moderate a structured debate in the format and sequence that he will describe, which has been mutually established by the majority and minority leaders.

The rules of the House with respect to decorum and proper forms of address to the Chair will apply during this debate. The moderator will yield time to the participants and will insist that Members not interrupt on other Members' time. As part of the experiment—and not as a precedent for other proceedings of the House—the moderator and the participants will have the aid of a visual timing device.

The Chair recognizes the gentleman from Maryland [Mr. CARDIN] for up to 2 hours.

RESOLVED THAT THE UNITED STATES SHOULD USE TRADE POLICY TO IMPLEMENT HUMAN RIGHTS POLICY

Mr. CARDIN. Mr. Speaker, tonight instead of the normal special orders, the House of Representatives is holding its third Oxford-style debate. This debate differs from the first two that we have said in that it is bipartisan in nature. The teams are made up of both Democrats and Republicans. This debate demonstrates how Democrats and Republicans can work together to solve the problems facing our country.

The topic for tonight's debate is: Resolved that the United States should use trade policy to implement human rights policy. The debaters supporting the resolution are STENY HOYER from the 5th District of Maryland, GERALD SOLOMON from the 22d District of New York, NANCY PELOSI of the 8th District of California, and FRANK WOLF of the 10th District of Virginia.

The debaters opposing the resolved statement are DAVID DREIER of the 28th District of California, MIKE KOPETSKI of the 5th District of Oregon, JIM KOLBE of the 5th District of Arizona, and EDDIE BERNICE JOHNSON of the 30th District of Texas.

At this time I would like to remind the debaters that the time limits will be strictly enforced. During the questioning portion of the debate, questions will be limited to no more than 30 seconds and answers to no more than 1½ minutes. During that period I would ask the Members to please remember that questions must be asked by the questioners and answers must be given by the respondents.

At this time I recognize the gentleman from Maryland [Mr. HOYER], who is entitled to 3 minutes for an opening statement.

Mr. HOYER. Thank you, Mr. Moderator.

It is our position that America should, in appropriate instances, and in the face of human rights abuses, use trade policy as one of its strategies to implement its commitment to universal human rights. We believe America has been uniquely a leader in standing for human rights and principle in the international arena.

At our birth, Thomas Jefferson stated clearly our conviction which has become the world standard. He said that we hold these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

□ 2010

Jefferson said that declaration was issued out of a decent respect for the opinion of mankind.

Following the Holocaust of the 1930's and 1940's, the United Nations, in its charter, reaffirmed, and I quote, "faith in fundamental rights," and in its 1948 Declaration of Human Rights, the international community recognized, and again I quote, "the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice, and peace in the world."

It is our side's proposition that in the face of egregious violations of these unalienable rights that business as usual is an untenable denial of the very essence of America's character and history. In fact, we have repeatedly and effectively used trade policy to implement our policy of expecting all nations to honor their international commitments, with Cuba, North Korea, and now Haiti, in defense of freedom; with Iran, Iraq, and Libya in opposition to terrorism; with Vietnam on behalf of the men and women prisoners of war and missing in action; with Serbia in opposition to aggression and genocide; with the Soviet Union and Romania on behalf of the right to emigrate; with China in rejecting the products of slave labor; and with South Africa on behalf of justice and freedom.

We believe doing business as usual with those who violate the human rights of their own people and thereby threaten the peace and stability of the international community is not only morally unacceptable but strategically dangerous. Therefore, trade sanctions in some instances at some times against certain human rights abusers is and must be an option for American policy.

Mr. CARDIN. The gentleman from California [Mr. DREIER] is now entitled to 3 minutes to speak an opening statement against the resolution.

Mr. DREIER. Mr. Moderator, I thank you and our colleague, the gentleman from Pennsylvania [Mr. WALKER], for organizing what you described as the first bipartisan Oxford-style debate.

Today marks the 25th anniversary of Neil Armstrong's giant leap for mankind. Just as I will never forget watching the grainy TV pictures of those brave astronauts standing on lunar soil for the first time, I will always remember looking across the aisle to the Democrat leadership desk and seeing my leader on the Committee on Rules, the gentleman from New York [Mr. SOLOMON], standing there.

Five years ago this month on an extraordinarily hot and rainy day, the gentlewoman from California [Ms. PELOSI] and I marched from Capitol Hill to the Chinese Embassy to demonstrate our outrage over the Tiananmen Square massacre.

There was no partisan divide in the American effort to reach the Moon, and there are no partisan lines when it comes to supporting human rights overseas. That is an American principle. Despite what Members of the other team may say tonight, there is no question that each participant in this debate is fully committed to freedom and human rights.

While we recognize on the surface we may appear to have taken a difficult position, we are confident that because we know that our two teams do not differ on goals, we disagree on whether trade sanctions improve human rights conditions. We know that the overwhelming weight of evidence supports our position that the best trade policy to promote human rights is economic freedom, freer trade. Trade sanctions have generally proven ineffective to implement human rights. In fact, they hurt the people they intend to help: the poor and weak who suffer both economic hardship and increased repression.

The same year as Tiananmen, President Roh Tae Woo of South Korea, the first democratically elected President, stood here in this Chamber addressing a joint session of Congress. Republicans and Democrats alike cheered when he said the forces of freedom and liberty are eroding the foundations of closed societies, and the efficiency of the market economy and the benefits of an open society have become undeniable; now, these universal ideals symbolized by the United States of America have begun to undermine the fortresses of repression.

Well, 1989 was a dramatic year for freedom. President Roh's address to Congress struck me as especially poignant, because he represented the victory of democracy and human rights in South Korea, a nation which stood on our side during the cold war. President Roh's appearance was more evidence of a simple truth: Free-market policies promote trade which strengthens private enterprise which creates wealth which improves living standards which undermines political repression. That formula works.

That is why our position goes beyond simply emotional rhetoric. We stand on the concrete experiences of countries that have moved from economic liberalization to political liberalization.

I believe tonight we will provide evidence that that is the case.

Mr. CARDIN. The next 11 minutes will be shared by the gentleman from New York [Mr. SOLOMON] and the gentleman from Oregon [Mr. KOPETSKI]. First, the gentleman from New York [Mr. SOLOMON] is entitled to 1½ minutes for an opening statement.

Mr. SOLOMON. My colleagues, linking trade to human rights is in our national interest, because history shows that nations which violate human rights almost inevitably are more likely to be aggressive in their foreign policies. Thus, for America, our moral imperative to challenge human rights abuses dovetails with our strategic need to challenge military aggression throughout this world, and short of war, the best and only weapon we have is trade sanctions.

Take two examples, the Soviet Union and China. Both are countries that were massive violators of human rights. We all know that. And both were aggressive, destabilizing countries. Well, trade sanctions, coupled with a tough NATO defense policy, was the strategy that brought the Soviets to their knees, brought down the Iron Curtain, and ended imperialistic communism around this world. Trade sanctions did that, while at the same time, Communist China had been granted favorable trading privileges, and the unconscionable human rights abuses continue unabated right today; no democracy there. You know that.

Finally, American leadership in world affairs is absolutely critical to our national security, and our ability to lead hinges on staying true to our ideals, for if America forgets her ideals, America will lose her credibility, and without credibility, the oppressed people of this world will lose

all hope of ever being treated like human beings.

We Americans cannot allow that to happen.

Mr. CARDIN. The gentleman from Oregon [Mr. KOPETSKI] is entitled to a minute and a half for an opening statement.

Mr. KOPETSKI. Thank you.

Make no mistake, America is second to none in guaranteeing basic human rights to its own citizens and to fostering human rights throughout the world. Americans will always cherish this virtue and never abandon this noble mission.

But we cannot pretend that, as important as human rights are, they are the only foreign policy issue. Because of this reality, we must weigh the effectiveness of each action not in the isolated instance of one country, one grievance, but as part of a comprehensive foreign policy. The principles under which our Nation applies trade sanctions must be clear and consistently applied.

Tonight's debate raises two questions for our Nation. First, should America use its trade policy to reflect our anger with a given nation for human rights abuses against its own citizens? My response is that we should not. For it is a policy which is doomed to failure.

Second, should we use our trade policy as a means to foster human rights throughout the world? I say yes. But in a different sense than the opposing side, for I believe the basic human rights are best improved by a policy of open trade.

In trade, not only are goods exchanged but so, too, are attitudes, ideas, the rule of law, and the importance of procedural rights.

I visited Czechoslovakia in the fall of 1989. There a border guard in the dark of night told me that exposure to the Western world, to different standards of living, and to individual freedom, much of which was learned through tourist trade and television, had as much to do with their quest for freedom as the innate call to be free.

Mr. CARDIN. The gentleman's time has expired.

The gentleman from New York [Mr. SOLOMON] now controls 4 minutes to question the gentleman from Oregon [Mr. KOPETSKI].

Mr. SOLOMON. Thank you. And, you know, one of the greatest violations of human rights would have to be the sponsoring of terrorism. Currently we have sanctions or embargoes against Iran, Iraq, Libya, North Korea, because of their support for international terrorism and exporting revolution. We do not believe those sanctions should be lifted.

And I would ask you along the question that we debate tonight, do you?

Mr. KOPETSKI. Mr. SOLOMON, the issues involved in those countries are national security issues, and all of those countries are not directly related to human rights issues. And I would be glad to go case-by-case through each one of those.

□ 2020

Mr. SOLOMON. I do not think I am supposed to debate you on that issue at this point, but let me ask you, since we have just the 30 seconds on the other question because this is poignant as well: For 2 years we have maintained sanctions against Serbia, which has committed genocide against the people of Bosnia, the worst crimes against humanity in Europe since Hitler and Stalin. Our side does not believe these sanctions should be lifted. Again, with the question we are debating here tonight, do you?

Mr. KOPETSKI. Mr. SOLOMON, I do not believe these trade sanctions should be lifted, and the reason is because again we are dealing with the very extreme situation where there is no government, there is no government, and that is part of the problem in what was the former Yugoslavia today. There is still this transition period of trying to formulate a government.

It is not just a human rights issue that we are dealing with there. We are dealing with the national security issue in terms of Europe, we are dealing with a country that has been decimated because of internal strife. The debate this evening, I thought, was supposed to be centered on human rights issues. And if you broaden this, if you broaden it to include national security issues, I am sure that your team and my team are going to find common ground in many areas of the world where we should use trade as part of the tools.

Mr. CARDIN. Question?

Mr. SOLOMON. I would just say to the gentleman, and I respect his answer, he knows and we know that as far as national security is concerned, we do not want to put one single American soldier on foreign soil if we do not have to. That is why we need trade sanctions to make sure. Your only alternatives are war, diplomacy, or trade sanctions. Let us take the trade sanctions, that is the safest and most humane way.

Mr. CARDIN. Is that a question?

Mr. SOLOMON. I think the gentleman agrees with that, does he?

Mr. KOPETSKI. In response, you are absolutely right in defining three areas that we can use. Our premise is that trade is but one of those tools. You have outlined wonderfully our debate this evening, and I am ecstatic that you have found a new ground with us, a common ground, because we have to look at each nation individually and we have to use our smarts in terms of what will be effective because the policies that we may adopt may be counterproductive and exacerbate the living conditions in a particular country, they may cause repercussions with another country. So you have to look at this in an educated sense. But just because one country has outrageous human rights conditions, that does not, nor should it automatically, mean that we should impose trade sanctions on that nation.

Mr. CARDIN. Mr. KOPETSKI now controls 4 minutes to question Mr. SOLOMON.

Mr. KOPETSKI. Thank you, Mr. Moderator.

Mr. SOLOMON, history will record that perhaps President Nixon's greatest achievement was his historic trip to China in 1972 and reopening of diplomatic relations between our two nations. He did this during the height of the repressive Cultural Revolution. This is only the second time in the 4,000-year history of China that China has ventured out into the world.

Do you believe President Nixon erred in engaging China?

Mr. SOLOMON. I most certainly do think he erred, because I think playing the China card was wrong because if you know the Chinese people, if you have been there and you have worked with them like 30 or 40 years as I have, you know that China is going to do what they want to do and what is in their best interest.

Let me just say to you that if we had not played the China card, there would be no chance that the Chinese would have engaged in a war with the Soviet Union. Yet at the same time, we were placing sanctions on the Soviet Union and having most-favored-nation treatment of China. Look at what happened. You go to the Soviet Union today and, you know, there is no infrastructure, there is no economy there whatsoever, and the reasons was because at the same time that President Reagan was deploying the intermediate-range missiles and having a tough NATO policy, no trade was going on.

Mr. KOPETSKI. You have wandered afield, Mr. SOLOMON. I want to bring you back to the issue of China in 1972.

I am astounded to find that you think it was an error. But you are a very consistent politician, and I am sure the people of your district appreciate that.

But does the gentleman believe therefore that the Chinese people had more civil rights prior to 1972 than they do now, today, post-1972?

Mr. SOLOMON. The truth of the matter is they may very well have. The truth is that, according to every—according to Asia Watch, to all of the organizations, they say more people are being detained in prison today than there were last year and more people were detained last year than there were the year before.

Did you know that 80 million people have been killed since that time, since President Nixon recognized the China card? That to me is unconscionable.

Mr. KOPETSKI. Reclaiming my time, prison time is one thing; freedom of movement, Chinese students coming to the United States to get an education, all of these kinds of activities that have occurred, the development of a market economy in China?

Mr. CARDIN. Question, please.

Mr. KOPETSKI. Do you believe that this would have happened regardless of whether President Nixon would have gone to China or not?

Mr. SOLOMON. We did not extend most-favored-nation treatment to China back in the Nixon years. Let me just say to the gentleman, people coming to this country today are favored people by the Chinese regime there. If you listen to any of the missionaries, if you listen—if you go there and you talk to anybody, they will tell you there is a $24 billion trade deficit that is costing tens of thousands of American jobs in this country that the revenues——

Mr. KOPETSKI. Reclaiming my time, Mr. Moderator.

Mr. SOLOMON. May I answer his question?

Mr. CARDIN. The gentleman controls the time, but he should give him an opportunity to respond.

Mr. SOLOMON. He can't cut me off in the middle of my answer.

Mr. KOPETSKI. Mr. SOLOMON, trade sanctions hurt people, they do not hurt government. The gentleman is advocating the deprivation, starvation, pain and suffering; does the gentleman deny that his policy would target the Government by striking at the Chinese people?

Mr. SOLOMON. I would say to the gentleman that sanctions do hurt the government. What hurts the people are blockades, total embargoes. That could actually hurt the people. But not sanctions.

Sanctions are a long-term affair, the same as were used with the Soviet Union all those years that brought the Soviet Union to its knees so that they did not even have a hospital structure, they had no commercial manufacturing structure. That is what sanctions did. Sanctions work, you know it, and that is why we need a policy that not only the world press will listen to but if we maintain trade sanctions against these people that create these terrible abuses, it is going to help.

Mr. CARDIN. All time has expired on this section.

The next 11 minutes will be controlled by Ms. PELOSI and Mr. KOLBE.

First, Ms. PELOSI is recognized for 1½ minutes to give an opening statement in favor of the statement.

Ms. PELOSI. Thank you, Mr. Moderator.

Mr. Moderator, it is appropriate that we have this debate in this hallowed Chamber. Over the years the House has been a bastion of freedom, true to our national birthright and in keeping with the spirit that is distinctly American, promoting freedom, democratic principles and human rights.

In this great Chamber there are only two paintings, one of George Washington and the other of LaFayette. This honor to LaFayette recognizes France's contribution to our own freedom.

In return, our Founding Fathers determined that while being defenders of freedom at home, we would be friends of freedom throughout the world.

One of the ways in which we have been a friend of freedom is by the use of trade policy, which has been and can be an effective tool because it enables us to use leverage and at the same time shines the bright light of freedom on repression.

History has shown that countries which honor their people's rights make better neighbors and better trading partners.

Economically, countries which do not respect their people, repress their rights, and the wages of their workers, this is not only unfair to their workers, it is an injustice to American workers as well. Politically, each year hundreds of thousands of people flock to our shores in search of freedom. We must export democratic principles so that they can enjoy freedom in their home countries.

Strategically, by supporting those who struggle for liberty, we can prevent a repetition of the tragedies of the 20th century and lay a foundation for peace in the next millenium.

Thank you, Mr. Moderator.

Mr. CARDIN. At this time the team in opposition to the statement is entitled to 4 minutes to question Ms. PELOSI.

Ms. EDDIE BERNICE JOHNSON of Texas. Ms. PELOSI, in March 1993 the U.N. Human Rights Commission passed a resolution endorsing a report which made strong and detailed criticism of Cuba's systematic violation of human rights.

□ 2030

The report concluded with seven steps Cuba must take to bring human rights up to minimum international standards. None of these have been taken.

Does the gentlewoman agree that Cuba and Fidel Castro are just as repressive as or has records of human rights violations equal to or worse than that of China?

Ms. PELOSI. I will answer by saying that I support the words that are in the California Democratic platform which say that we should not remove the embargo on Cuba unless there is an improvement in human rights in Cuba. I was proud to join with many of the women in Congress in sending a letter to Fidel Castro calling for the release of a woman poet in Cuba saying that her rights were being violated and she was being mistreated in prison. I believe that we oppose human rights violations wherever they occur.

Ms. EDDIE BERNICE JOHNSON of Texas. Do you think that the United States should trade with Cuba? If you feel that trade sanctions are a good idea against China, do you think we should continue the current trade embargo on Cuba?

Ms. PELOSI. I am glad the gentlewoman asked that question because we are talking now about two very different situations in terms of what our trade sanction is. Do I think we should give most-favored-nation status to Cuba? No. And that is the tool I am talking about insofar as China is concerned, removing most-favored-nation status for products made by the Chinese military which occupies Tibet, represses people in China, is friendly to the North Koreans, has sold weapons to the Khmer Rouge as recently as this spring.

So, I think, when we talk about an embargo versus a favorable trade treatment which is targeted to the Government and to the military, we are talking about two different tactics, and so I would say that I would treat Cuba the same way as we treat parts of the Chinese economy, which is I would not extend most-favored status to either of them.

Mr. KOLBE. I would just point out in light of what was just said, if we were to withdraw the embargo against Cuba, that would establish most-favored-nation status. That is the consequence of not having an embargo with a country unless specific——

Ms. PELOSI. Not necessarily.

Mr. KOLBE. That is not given it——

Ms. PELOSI. No——

Mr. KOLBE. It does have most-favored-nation status——

Ms. PELOSI. Not necessarily.

Mr. KOLBE. But let me ask this question:

I was pleased that last fall the gentlewoman and I were on the same side of a debate dealing with Mexico and granting trade status, new trade status, to the North American Free-Trade Agreement with Mexico.

More recently, in January of this year, there was an uprising in one state of Mexico. Do you think that the trade that we have with Mexico, the increased trading that we are doing with them, has had any kind of leavening effect whatsoever in the way Mexico has responded to that situation?

Ms. PELOSI. I certainly hope so, but if the gentleman's point is to say that, if it is so with Mexico, why is it not with some other country, I would say that, as the gentleman from Maryland [Mr. HOYER] said in his opening remarks, that we have to in certain circumstances make a judgment about how to use trade sanctions. In our own hemisphere, with the strong environmental challenges, the difficult environmental challenges that trade with

Mexico presented, as well as with the opportunity to lower Mexican tariffs, I think it was appropriate for us to determine that our national interest was best served by having a North American Free-Trade Agreement. I do not think that that is necessarily the case with China because I believe that, as the Chinese have said, it will take dozens of generations——

Mr. DREIER. Since the gentlewoman has gone back to the issue——

Mr. CARDIN. We have run out of time.

Mr. DREIER. It says 30 seconds down there.

Mr. CARDIN. Well, we are down to around 15, and that does not give time for a question and an adequate answer.

The gentleman from Arizona [Mr. KOLBE] now controls a minute and a half for an opening statement.

Mr. KOLBE. Mr. Speaker, Mr. Moderator, I want to join with my colleagues in thanking you for this opportunity this evening. I want to reinforce a point that was made by my good friend and a strong champion of human rights, the gentleman from California [Mr. DREIER], earlier this evening.

Using trade sanctions to change a country's record of human rights violations only stifles the entrepreneurial spirit upon which democracy and civil liberties depend for its sustenance and security. The best foreign policy tools available to us to encourage political and civil reform in any country are policies that promote capitalism, market reform, and free trade. All are powerful levers for political change precisely because they are powerful mechanisms for economic change. These tools promote the evolution of societies, enabling citizens depressed for political reform from within. A larger measure of economic freedom inevitably leads to greater political freedom and respect for human rights.

It was John Locke who told us that the basis of individual liberty is private property. With trade we seek to enlarge the share of private property available to peoples everywhere. Freedom House, a respected nonpartisan organization that rates countries of the world according to their degree of civil and political freedom, confirms that fact. Taiwan is one such example. Years ago Freedom House rated Taiwan as nonexistent for its protection of political and civil liberties. But as its economy grew, and trade and contact with the world increased, so did the desires of its citizens for political and civil freedom. Today a large measure of freedom exists in Taiwan.

The record is clear. Trade helps us promote democracy around the world.

Mr. CARDIN. The team in favor of the resolution now controls 4 minutes to question Mr. KOLBE.

Mr. HOYER. We will all stand up.

I say, Mr. KOLBE, let me ask you a question with reference to the Soviet Jews who immigrated to Israel. How would you respond to them when they say to you, "Mr. KOLBE, trade policies did, in fact, work, and we are in Israel because of trade policies and trade sanctions?"

Mr. KOLBE. Well, I might respond to them by saying, "Sadly you are mistaken." They are there today, but it was not because of those policies that that happened. If we look at the record, the actual amount of emigration after we imposed what the gentleman is referring to, the so-called Jackson-Vanik rule, regulation, that law; after that was imposed, immigration from Israel dropped by almost—to Israel from the Soviet Union dropped by almost 60 percent. We had, in the 4 years prior to 1973, 30,000 Jewish people a year emigrated from Russia, then the Soviet Union. After that, only 1 year, only 1 year, in 1979, did the number exceed that, and the average through 1985 was 12,000. So the numbers that emigrated dropped off rather dramatically after the Jackson-Vanik amendment was adopted.

Mr. HOYER. Quick followup:

In fact, it was 62,000 in 1979 as the trade sanctions——

Mr. KOLBE. And that was the only year it exceeded the amount before 1973.

Mr. SOLOMON. I say, "My friend, Mr. KOLBE, you know economic aid is an important and highly visible aspect of U.S. foreign policy. Too often we have overlooked human rights in considering where aid should go, only to be met with the condemnation of many Americans that are appalled at the propping up of ruthless dictators."

Should the United States ignore human rights in determining where economic aid goes, even military aid, as with Turkey, for instance?

Mr. KOLBE. We are really mixing apples and oranges when we talk about that kind of thing. That is not the issue at all as to whether or not we give aid. Aid is something we affirmatively give to them. To trade, we are talking about whether they should have the same ability to trade with us as other countries should have, and I would point out, since we are talking about human rights and since it was raised by the gentlewoman from California [Ms. PELOSI] that, when we talked about American workers, that when we deny trade to another country, we are also denying the trade of our own country with that country, China being a good example of that.

What is it about the human rights of the Boeing worker who will find himself without a job because we have decided to cut off trade with China?

So, it is a far different matter when we talk about trade with a country that when we talk about extending aid to a country. That is something quite, quite different.

Ms. PELOSI. As I prepare to ask my question, I just want to say that, as far as the Boeing worker is concerned, I am afraid that the transfer of technology that is taking place, that he and she will have to look after their jobs as well while most of the American workers in this country are blocked from having their products go——

Mr. CARDIN. Question.

Ms. PELOSI. Excuse me.

I say, "Mr. KOLBE, in your statement you imply that economic reform would necessarily lead to political reform. Deng Xiaoping himself has said that to those who think that economic reform will lead to political reform, it will take dozens of generations, and we will deal harshly with those who would hasten the process."

They just recently had a crackdown in China on this very subject. How does the gentleman respond to that?

Mr. KOLBE. Well, it is kind of one of those things that is on either side of the argument. I say, "If you argue one way, that it's going to make no difference anyhow, then should we not have the benefits of trade? I would argue that trade itself will make the changes that Deng Xiaoping says will not come for years."

□ 2040

And, indeed, if you look at parts of China, particularly the southern parts of China, the Guangdong Province, you will find that the changes taking place down there are very dramatic indeed, because there is more economic liberalization in that part of the country. The more economic liberalization we have, the more contact we have, that the people of the United States, the businesses in the United States have with China, the better off we are and the better off the people of China will be.

Mr. CARDIN. This segment of time has been concluded. Eleven minutes will now be controlled by statements by Mr. WOLF and Ms. JOHNSON and questioning by the various teams.

Mr. WOLF is first and entitled to a minute and a half for an opening statement in support of the resolution.

Mr. WOLF. This debate is about people, people who are suffering persecution, imprisonment, and even death, for the sake of their faith or political beliefs. People like Bishop Chu, a Catholic leader in China, imprisoned for 15 years, and beaten so hard with a board that the board was left in splinters.

People like Father Ceaushu, imprisoned by the brutal Romanian dictator Ceausescu for more than 20 years and, rearrested one Easter after delivering a powerful series of Lenten sermons on freedom. The leverage of most-favored-nation status for Romania led to father Ceaushu's release. Just ask him. In Eastern Europe, the Soviet Union, and most recently South Africa, United States trade leverage eventually worked, bringing down repressive governments, encouraging the oppressed

and emboldening of the future leaders of these countries in their struggle for democracy.

Ask South Africa's Nelson Mandela, ask Lech Walesa in Poland, or ask Czech Republic President Vaclav Havel, all former prisoners who turned presidents, whether they appreciate the pressure of the United States trade leverage on their oppressive governments, and they will say yes.

And then we must ask ourselves as a nation if trade at any price is worth more to us than our American values. What is at stake here is the credibility of our moral leadership on the world stage. The height of American hypocrisy is to preach our cherished values of freedom of religion and speech while we price the lost dollar over the lost life.

Mr. CARDIN. The team in opposition to the resolution will have 4 minutes to questions Mr. WOLF.

Mr. KOLBE. Mr. WOLF, let me first commend you for your strong advocacy for years on behalf of human rights around the world. I know no one in this body has been a stronger advocate of that. I think we all agree with that. The questions is how do we best promote that.

You mentioned South Africa. In South Africa there was strong support by the man in the street, the person in the street, for sanctions. That is not the case in China. Every commentator that has gone there has come back and said the one thing people say over and over again is continue trading with us, keep the contact. How would you reconcile that difference?

Mr. WOLF. I beg to differ. That is not accurate. When I was in China and we met with Christians in house churches, they would tell us, please take away MFN and go back and tell them that is the only thing that will bring democracy to our country.

When I was in Romania and used to go into churches and synagogues, after the communist securitatae, the people would put notes in my hands and tell me please take away MFN. It is the only message that will bring down our government and bring us freedom. So the people there do stand for taking away MFN. Deng Xiaoping doesn't and the corrupt dictators don't, but the people do.

Mr. KOLBE. Let me follow up with another aspect of this when it comes to China, because you spoke very eloquently about how this is an issue about people, and it is an issue when it comes to people. But the United States also has national security interests, and I think you would with agree we have a very serious concern in North Korea, for example.

Should that play a role in our decision about whether or not we give trade opportunities to another country? Is national security a consideration or not?

Mr. WOLF. It is a security interest of the United States. But I will tell you, after President Clinton gave MFN to China, the president of China refused to take his telephone call. Since that time there have been more people arrested. The conditions in Tibet are absolutely worse, and they have not exercised any leverage on the North Korean Government. So I do not believe that we should sacrifice the principles, as Congressman HOYER said, of the Declaration of Independence, we hold these truths to be self-evident, endowed by God, in God we trust, that all men are created equal, inalienable rights. I would not want to sacrifice the Constitution for one short-term gain.

Mr. DREIER. Mr. WOLF, let me just raise one point. You have talked to people in China, and clearly as you talk to individuals, you will find some who are opposed to the maintenance of most-favored-nation trading status.

But the fact of the matter is, there are 1.2 billion people in China, and if you talk around, I look simply at the statement that was made just this May be Nicholas Christophe, who was the Beijing bureau chief for the New York Times. He said talk to intellectuals, talk to workers. Talk to the intellectuals, to the workers, to the peasants. All the way across the board they agree on one thing: Don't curb trade.

How do you respond to the fact that these studies which have shown this, from James Fallows, the Progressive Policy Institute, they say overwhelmingly the people want to maintain MFN status?

Mr. WOLF. The people that I have talked to in China, the Christians and those who have been persecuted, if you talk to the Dalai Lama and those in Tibet, they do not favor granting MFN to China. They feel this is the only way. And I predict by denying MFN to China, we will see democracy and justice in China before the end of this century. And they know that and are willing to wait for that long-term gain.

Mr. KOPETSKI. On the North Korea issue, I know firsthand that the PRC and the United States worked together as partners to get the North Koreans to abide by the MPT treaty.

Don't you believe that as a basic human right, controlling the spread of nuclear weapons is more important today than the individual rights conditions of a citizen of China?

Mr. WOLF. Well, the Declaration of Independence says, and it said during the week of the meeting of early June, the entire Chinese hierarchy turned out to greet their North Korean counterparts, declaring the two countries, "As close as lips and teeth." That was in the Christian Science Monitor.

It is in the best interests of China not to have nuclear war on that peninsula, and they will do it for that reason, and not to satisfy the United States or their citizens.

Mr. CARDIN. Ms. JOHNSON is now entitled to 1½ minutes for an opening statement in opposition to the resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you, Mr. Chairman. Trade policy and human rights policy are and should be two different things. While human rights must remain a focus of American interests, the process of utilizing trade policy to enforce human rights policy has been erratically used and unsuccessful.

Freedom House, a noted human rights watchdog groups group, reports that the nations of the world that are classified as having a low regard for human rights, are almost all in Africa, Asia, and Latin America. A logical policy then would be the enforcement of trade sanctions against all of these nations.

Consider for a moment the debilitating effects such a policy would have upon these countries. When sanctions are used, who suffers? The nations of Africa, Asia, and Latin America need trade to improve and grow economically. The common citizens of these nations suffer when trade with the rest of the world, and particularly the United States, is restricted. Sanctioning these nations simply drives them further and further away from human rights improvements.

In order to achieve improvement in human rights policy, a constructive working relationship should be established. Remember, encouragement from a friend is much more persuasive than a slap from an enemy.

As you recall what we have already heard tonight and review what will be said by both sides in the time remaining, ask yourself, who is being sanctioned and what proof is there that sanctions improve human conditions?

Mr. CARDIN. The team in support of the resolution is entitled to 4 minutes to question Ms. JOHNSON.

Mr. HOYER. Ms. JOHNSON, I appreciate your statement. Let me ask you, however, with respect to South Africa, we had, as you know, a policy of constructive engagement, which is in fact what your side has been talking about, continuing to do business as usual.

In point of fact, this Congress decided not to pursue that policy because we felt it was ineffective. The President vetoed that legislation and this Congress overrode the President's veto.

Do you believe there would have been a more successful policy and would you believe that the country should not have denied constructive engagement with South Africa?

Ms. EDDIE BERNICE JOHNSON of Texas. Let me say, Mr. HOYER, that happened before I came. But I was in Texas carrying legislation also to bring about sanctions in trade policy. But the entire population in South Africa, the clear overwhelming majority of that population, cried out to the world asking for those sanctions.

□ 2050

It was not this country deciding that they should have them. It was also more than that that caused that law, the laws on which they were operating to crumble. It was the fact that the banks started losing confidence and the money started crumbling. It had a lot more to do with that.

But the overriding issue, more than 75 percent of the population, the majority population, pleaded to the world, not just the United States, the entire world responded. And, yes, it had some effect, but clearly, it was not just that.

As a matter of fact, we now are seeing what the real effect is on human rights. And they are pleading now for trade. It is giving people their rights to be independent, to have ownership, to look out for themselves, giving them an opportunity to trade their goods so they become independent.

Mr. HOYER. Do you believe that trade sanctions worked?

Ms. EDDIE BERNICE JOHNSON of Texas. What do they work for? It is not just trade sanctions. It was a loss of confidence and it brought about—human rights have really not improved yet in South Africa. But they have had an election. It was clearly a constitutional issue. It had nothing at the time to do with trade. They did not have anything to trade. The population we are talking about had no power whatsoever. They had no say-so. To keep trade from going to South Africa did not affect them because they cannot affect anybody that is already on the ground with nothing to do but crawl.

Clearly, that government had to change for it to affect the majority population there.

Mr. WOLF. Mr. HOYER is correct. Had this Congress not acted on sanctions, the sanctions would have failed around the world. But the question that I have for you is, I have visited Bosnia and seen the persecution in the Bosnian camps run by the Serbs under the leadership of Milosevic. In light of the ethnic cleansing, the concentration camps, the rapes and mutilations and murders, Bosnia, which is basically a Schindler's List, if you have seen the movie "Schindler's List," you have been to Serbia.

I would ask you again to reiterate the question asked before, do you agree that it is appropriate to continue the United States sanctions against Serbia, yes or no and why.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. WOLF, the same thing is going on in Haiti. But tonight we are debating whether or not we should extend most-favored-nation to China.

I am saying that we need to separate trade from human rights as it relates to China.

Mr. WOLF. The resolve clause was with regard to trade, and I think everyone would agree that we should continue the sanctions against Milosevic in Serbia.

Mr. CARDIN. The time has expired in this segment of the debate.

The next segment will consist of 8 minutes in which there will be questioning by the teams, first against Mr. HOYER and then with Mr. DREIER.

At this point the team against the resolution will control 4 minutes in questioning Mr. HOYER.

Mr. KOPETSKI. Mr. HOYER, you are a distinguished senior Member of this House. You are one of our leaders. I appreciate your work on human rights very much. We have heard a lot of rhetoric this evening, but I judge by your opening statement that you would agree that in the case of these two teams, that we do share the same goal; it truly is a difference over the means to achieve that end. Is that a fair statement?

Mr. HOYER. Our side has no doubt that your side is committed to human rights; that is correct.

Mr. KOPETSKI. And that it is a question of the means to that end.

Mr. HOYER. We agree with that. That is what we are debating. I might add, Mr. KOPETSKI, that not only are we talking about means, but we are talking about the principal position of the United States, not plebiscite of another nation. That is to say, whether 51 percent think they ought to do business as usual and make profits because the United States will do business with them, but whether or not this ought to be a policy that we use in trying to implement not only the policy of the United States vis-a-vis human rights but, as I pointed out, international policy on human rights.

Mr. KOPETSKI. Let me follow up on that with a question. I am curious about your views on this. Would you say that sometimes there are national security interests for the United States which are more important for the moment, which require us to serve as partners with a country, which may in fact engage in human rights abuses?

Mr. HOYER. Yes.

Mr. KOPETSKI. Thank you very much.

Mr. HOYER. I think the gentleman's proposition that if a policy of the United States would lead to more closely bringing us to nuclear war, clearly the devastation of the world is the ultimate human rights abuse. And, therefore, we would have to make a judgment. But in the case where that is not true, then I think we ought to press forward with trade sanctions as we have done in so many instances, we would argue successfully.

Mr. KOPETSKI. I thank the gentleman for the agreement.

Mr. DREIER. Let me ask you a quick question. The real question that we face here is, your side is saying trade sanctions against countries improve human rights. You had an exchange with Mr. KOLBE about the issue of Jackson-Vanik. We often have a pattern in this country of implementing policies which lead us to feel good but they do not often do good.

I argue, as Mr. KOLBE did, that Jackson-Vanik, if you look at that pattern, since the early 1970's, saw actually a reduction in the emigration of Soviet Jews who were attempting to emigrate from the Soviet Union. It seems to me that we need to realize that it was the Reagan doctrine which created the opportunity for the Soviet Union to fall and for us to get to a point where 100,000 Soviet Jews are able to emigrate.

Do you not agree with the fact that it was the Reagan doctrine which actually brought about that opening up and not Jackson-Vanik which did make us feel very good but did nothing but reduce the flow of Soviet Jews?

Mr. HOYER. As it relates to the Reagan doctrine, our side does not believe that you ought to do business as usual with an evil empire. In fact, it believes we ought to say, you are not in good standing in the international community. And we will impose economic sanctions on you and a trade sanction as well.

Mr. DREIER. That is why the Reagan administration stood up to them.

Mr. HOYER. We think the Reagan administration would agree with our proposition.

Mr. KOLBE. I would like to go back to the Jackson-Vanik issue, if I might. What would you say to the thousands of Jews who did not get to emigrate from Russia, from the Soviet Union during the 1970's, if we are to use the statistics, and you were the one that cited this in the first place, of 30,000 average before 1974, 12,000 annual emigration after 1974, what would you say to those Jews who were not allowed to emigrate but to say, you have to wait in line longer because we have a policy in place that the Soviet Union has decided to clamp down on emigration and not permit you to emigrate?

Mr. HOYER. As you know, I visited the Soviet Union scores of times during the 1980's. I never had a Jewish individual in Russia tell that. I never had one tell me that they did not believe that trade sanctions ought to continue until emigration was opened. Not numbers, but emigration was opened, that the commitments of the Soviet Union under the Helsinki Final Act were carried out so that there was unanimity in the position of Jewish-Russian people that I talked to.

Mr. CARDIN. All time has expired.

The team in support of the resolution now is entitled to 4 minutes to question Mr. DREIER.

Mr. HOYER. Mr. DREIER, let me go back to the question that I asked of Ms. JOHNSON. How would you have felt that the Untied States could have better impacted on South Africa to change its abhorrent apartheid policy than do what in fact we did, and that is, stop

business as usual in the middle 1980's when then we saw progress because it impacted not on the people that Ms. JOHNSON spoke to but on the white oppressive regime?

Mr. DREIER. It was very apparent that the policy of apartheid was coming down. Why was it coming down? It was coming down because it was a failed system. Helen Sutzmann, who was a very prominent and outspoken member of parliament in South Africa, made it very clear in statement after statement, she did an article a few years ago in the Washington Post in which she pointed to the fact that the economic decline and the problems that existed in South Africa were bringing apartheid down. So it seems to me that we need to realize that there were a wide range of options.

I happen to have been one who believed very sincerely that constructive engagement would have been a way to also bring us to that point. There are many people who today claim that because there has been an election in South Africa, there is a great deal of success there.

□ 2100

Frankly, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, pointed to a very important item, that being the fact that we have seen an election in South Africa, but we, as yet, do not know the fate of many poor victims in that country. We are already for it.

Mr. SOLOMON. Mr. DREIER, we have no doubt.

After years of extending favorable trading conditions to China, Mr. Speaker, we have seen no progress in human rights. The gentleman has been there, I have been there. China continues its destabilizing foreign policy. Of course, these huge trade deficits are just devastating industries in the United States, especially in my district.

I would just say, in light of this, how has continual extension of favorable trading conditions helped to improve it, other than in Bejing, where they are all Communist, or in Shanghai, when we get out into the 1.2 billion people, how has it helped?

Mr. DREIER. There is no way that I could come to the same conclusions that the gentleman from New York [Mr. SOLOMON] has. When we look at the issue of human rights and trade in China, clearly we have just recently, in the Washington Post, seen a story. The gentleman referred to those 80 million people who he said have been killed since the 1972 opening with China. The opposite is the case. It took place much earlier on, and we have seen, in fact, if we move through China, an indication by the people, and I have talked to many people in China who have indicated that there has been an improvement since we have been engaged in the kind of economic situation that is very important there.

I was in Xian outside of Bejing just a few months ago, when I talked to a person there. We told the standard old joke about the fact, and he asked the question, what is 100-yards-long and eats cabbage—a meat line in Moscow. He looked to me and said, "That was China 10 years ago."

I would say to the gentleman from New York [Mr. SOLOMON], he has to recognize that things are not perfect there, and I deplore the human rights violations which I have seen. The fact of the matter is, things have improved dramatically, not just in Bejing, they have improved throughout the country, especially in the two southern provinces where we have seen free markets proliferate.

Mr. CARDIN. There is time for one more question.

Mr. SOLOMON. Mr. DREIER, you put in the CONGRESSIONAL RECORD the other day an article by Amos Jordan in which he said:

> Given such a challenge, they may reason, the Jefferson approach to governing is likely to produce chaos, with spills over into the neighboring territories. Tiananmen was indefensible, but not inexplicable.

That is the 80 million we are talking about, the kind that died in Tiananmen.

I defend you as one of the greatest supporters of those people who are trying to stop human rights abuses around the world.

Mr. CARDIN. The gentleman has 45 seconds to respond if he cares to. Let me just caution about any personal references.

Mr. DREIER. Mr. Speaker, I obviously totally concur with the plight of those victims, and I am as concerned as you said about human rights. The gentlewoman from California [Ms. PELOSI] and several of us marched up to the Embassy.

I happen to believe very strongly that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression. We have to recognize that denying trade is a violation of human rights and a reprehensible one.

Mr. CARDIN. The time in this segment has expired.

The next segment will consist of 8 minutes that will be controlled by Ms. PELOSI and Mr. KOLBE in questioning. First, Ms. PELOSI will have 4 minutes to question Mr. KOLBE.

Ms. PELOSI. Mr. KOLBE, is there any instance where trade policy should be used on behalf of human rights; say, for example, a clear case of a developed country, of the genocide of a people because of their race or origin; if you could explain to me a point at which human rights outweighs economic interest, in your view.

Mr. KOLBE. I think the question is a valid one, and the very fact that there are three people over on your side of the aisle that supported NAFTA and joined us in support of NAFTA suggests this is not a black-and-white issue, that we cannot ever make absolute judgments about these things, and we do have to apply these standards in a way that we can make an intelligent judgment about it.

I think the question you ask is indeed a very valid one. My answer to that would be that the first thing we have to consider is what are our national security interests, are our national security interests involved in this.

The second thing we must ask is, can we make change with that policy? Will our policy of withholding trade, and that is what we are talking about here tonight, trade, will our policy of withholding trade make a difference? Will it change the internal factors within that country? Will it change the politics of that country?

Those two questions we must ask before we decide in the name of feeling good here at home whether we should apply those sanctions. If we can have no effect, if it does no good, then we have to ask, do we do so because it is so morally reprehensible, as in the case of Kampuchea, where clearly, I think, we do not want to have any contact with a country of that kind, but it is more than just trade sanctions at that point, it is any diplomatic contact.

Ms. PELOSI. You are saying in the case of Cambodia it would be appropriate to have trade sanctions?

Mr. KOLBE. In the case of Cambodia we had no diplomatic contact, as you know. We had withdrawn all types of contact with that country, yes.

Ms. PELOSI. Since you mentioned Cambodia, I did not know if you were aware, because you keep putting it in a larger context, which I think is appropriate, the issue of trade; do you think added to your two criteria you would add the trade situation, the trade imbalance between two countries?

For example, there is no point in saying we are going to withdraw most-favored-nation status if the other country has a trade deficit, but in our case, as with China, where we have this year a $24 billion trade deficit, and it is going to be larger next year, in fact the figures released today show a $400 million increase from April to May of this year, and says that in the next 5 years our deficit will be higher than with Japan.

Mr. CARDIN. Question, please.

Ms. PELOSI. Do you think that the fact that a country needs access to our markets to develop its economy should be a factor in determining if we can deal with their reprehensible human rights records?

Mr. KOLBE. Let me make it clear that under no circumstances should a decision about whether we grant a trade partnership with another country be based on whether or not we have a balance of trade. I am stunned,

shocked, that you would suggest that, as I hope that others on your team would not say the basis on which we decide the human rights policy of the country should be based on whether or not we have a trade balance or a surplus or a trade imbalance, as you have just suggested.

Ms. PELOSI. If I may reclaim my time, what I am saying to you is in that case we would have leverage. Let us assume there are two countries, both having reprehensible human rights violations. With one country they may say, "Who cares if you take our MFN away?" The other country may desperately fight to keep the MFN, and that place gives us opportunity, and therefore responsibility, to do something about it.

Mr. KOLBE. And in the case of China, very clearly I do not think we have that kind of leverage. You are talking about more than a billion people. You are talking about the third largest economy of the world. You are talking about a country that has its own internal political problems, and could care less whether or not we grant them most-favored-nation status. They are not going to change their political policies because of that.

What will change the political policies in China, as we trade with them, as companies develop contacts with them, and just as an example of that, Procter & Gamble years ago established a system in that country for hiring people that allowed people——

Ms. PELOSI. But, Mr. KOLBE, Deng Xiao Ping said dozens of generations.

Mr. CARDIN. The time has expired.

Mr. KOLBE, you are now entitled to 4 minutes to question Ms. PELOSI.

Mr. KOLBE. Mr. Speaker, since we are talking about how we weigh this in the balance, on which side you come down, I would like to ask about Vietnam, certainly a country that is not a great country when it comes to human rights, has not had a very good record, and most of us here would acknowledge that.

Do you think it is appropriate for us to lift the embargo with Vietnam, and if so, why? Surely its record is not better than China's record is.

Ms. PELOSI. Again, you are talking about an embargo, and in China we are talking about preferential trade treatment, most-favored-nation, so embargo is different from that.

Yes, I think if we have some progress made on the POW's and the MIA's, which our colleagues seem to be satisfied with, and that is the standard we set for Vietnam, with that standard, if it is met, we can lift the embargo. That does not mean we would extend MFN. As you know, with the extension of MFN, it is supposed to have some reciprocity. It does not, in China. They do not extend MFN to us, but it becomes a trade decision at that point in terms of will they give most-favored-nation status to us, will we give it to them.

Mr. KOLBE. Ms. PELOSI, for all those who are listening, I hope one thing, if nothing else, we can clarify, and that is that most-favored-nation [MFN] is one of the most misnamed things. It is not preferential status.

Ms. PELOSI. But, nonetheless, it is not an embargo.

Mr. KOLBE. It means only other countries having the same status.

Ms. PELOSI. It is not an embargo.

Mr. CARDIN. A question, please, and then an answer.

Mr. KOLBE. Let me go back to follow up on that. We never imposed any kinds of sanctions on South Korea, but I think most of us here tonight would agree that human rights conditions have improved in South Korea over the years. Should we, during the 1960's and 1970's, should the United States have imposed trade sanctions against South Korea in order to enhance human rights in that country?

I believe we had other leverage with South Korea with the presence of American troops there, and a commitment to defend South Korea. However, the point about South Korea and how it is not an example that can be used throughout the world is that it is a small country compared to a country like China, and in a country like Korea, trade can have a more immediate impact, because you can have the development of a middle class, and that can lead to more political freedom.

In a country like China where there has been a national decision, and in fact, an edict released last week which said that counterrevolutionary activities will be defined as any disagreement on any issue with the Communist party, under those circumstances, economic reform cannot necessarily lead to political reform.

We talk about South Korea, we talk about Taiwan. We cannot in the next breath apply the examples, the experience there, to China, because you are talking about a country which is 20 to 50 times bigger than those small countries.

Mr. KOLBE. It is striking to me that what we have seen is that the principle of human rights seems to have gone out the window. We had other leverage with South Korea.

Ms. PELOSI. That is right, and we used the leverage we had.

Mr. KOLBE. It is a small country as opposed to a big country.

Ms. PELOSI. No, that is not the case.

□ 2110

Mr. CARDIN. The gentleman from Arizona can ask the question.

Mr. KOLBE. Let me ask the gentlewoman another question. In the case of Argentina, a country that had a reprehensible policy of human rights, should we have imposed sanctions against them? We did not. But I think most would agree it is a better country today than it was.

Ms. PELOSI. I would say to you that as you talked earlier about establishing criteria for how you can make change, that the use of trade sanctions should be an arrow that we have in our quiver. If we believe that by using trade sanctions we can make a difference, then we should use those trade sanctions. And that difference would be predicated on how dependent access to our markets in a preferential way is to that country. If we believe that, for example, in the case of China, 40 percent of their exports, they need our markets for 40 percent of their exports. So that is a criterion that I would add to the list, to say, is the human rights situation reprehensible, do we have trade with that country, do we have opportunity because they need us more than we need them in terms of trade. In those cases, then we should use our economic arrow.

Mr. KOLBE. I appreciate your agreeing with our position.

Mr. CARDIN. The time of this segment has concluded. We will now go to an 8-minute segment for questioning by the teams. First the gentleman from New York [Mr. SOLOMON], and then the gentleman from Oregon [Mr. KOPETSKI]. The team in opposition of the resolution will have 4 minutes to question the gentleman from New York [Mr. SOLOMON].

Mr. DREIER. Let me talk about something that we have just brought up slightly.

I have the highest regard for the gentleman from New York and your service as a marine and, of course, your very, very courageous military service in South Korea. I was a little confused with the statement that was just made by the gentlewoman from California [Ms. PELOSI] raising this issue of United States troops in South Korea somehow protecting the human rights of South Koreans. We have failed to point to some of the incredible successes where trade has actually improved the human rights situation. I think South Korea is one, Taiwan, Chile, Argentina, clearly have seen dramatic improvements. In fact, somebody was talking earlier about Freedom House. We have seen evidence in the past 20 years it has improved greatly. I would like to ask you the question that the gentleman from Arizona [Mr. KOLBE] raised of the gentlewoman from California [Ms. PELOSI].

Do you believe that President Reagan and President Carter were incorrect during the 1970's and 1980's in not imposing trade sanctions on South Korea because of the fact that human rights were being violated there?

Mr. SOLOMON. Let me just correct the gentleman. I served in the United States Marine Corps during the Korean war era. I did not serve in combat in Korea.

But let me say this to you. We, in fact, did use trade. In other words, we

have three alternatives. One alternative is diplomacy. When diplomacy does not work, you have another alternative, to go to war. We do not do that, because American foreign policy is to defend democracies against outside military aggression. That is what we were doing there. In fact, we did use diplomacy on both Taiwan and on South Korea. We did it back in the early days, in 1979, after Carter had derecognized Taiwan, and we actually wrote the Taiwan Relations Act, so that we could threaten them, if need be, to move toward a democracy and it worked.

Then we did the same thing with South Korea and we used the trade with those countries, both covertly and overtly and publicly to get them to move, and they made dramatic changes in both countries toward human rights. Today we have democracies in those two countries.

Mr. DREIER. Should trade sanctions have been used against South Korea, Taiwan, Chile, and Argentina? Because we had greater trade. We expanded opportunities there. That is what happened to it. You all stand and you are now saying we should have trade sanctions sometimes when human rights are being violated. That is what I think is the confusing area here.

Mr. SOLOMON. Let me answer the question. When you hear my closing remarks, my friend, I am going to talk about the awesome power of the American purse. Two hundred sixty million Americans, with the greatest buying power in the world. That is what we need to use. We need to take that opportunity to tell countries like Taiwan and South Korea, which we did, "You improve or else we do not trade with you." We need to do the same thing desperately with the people of China.

Mr. KOPETSKI. Reclaiming our time, and we cannot wait for that closing. I am trying to understand, there is a lot of speeches and rhetoric at first about standing by American values, and that is why we cannot allow using trade with these kinds of nations where there are human rights violations. Now all of a sudden you and the gentlewoman from California [Ms. PELOSI] are saying, forget the values, we have some other tools we can use. Can you clarify this a little bit for me?

Mr. SOLOMON. If you look at the question we are debating here, the United States should use trade policy to implement human rights policy. We should use trade policy. That does not mean we have to go and throw sanctions out on every country that has some kind of human rights abuses. It means that we will move to that if we have to, to be successful in lifting the human rights abuses off these oppressed people.

Mr. CARDIN. The team now in support of the resolution will have 4 minutes to question the gentleman from Oregon [Mr. KOPETSKI].

Mr. HOYER. The gentleman from Oregon [Mr. KOPETSKI], earlier in his opening statement, said that the United States will never abandon the important principle of human rights. I believe that, as well. But I ask the gentleman, how does the world know that if we do business as usual with those who repress and violate human rights on a regular basis? I say that in the sense that clearly we may not on every country impose sanctions for human rights abuses, but if we never do it, how does the world know we stand by those principles?

Mr. KOPETSKI. I believe that the world knows and wants to emulate the U.S. Constitution, our way of doing business, our way of conducting government. People want still to move here to the United States. That is our greatest evidence that we are the greatest country in the world as a democracy.

Mr. HOYER. If a nation knows that we will not impose trade sanctions, why would it change its business as usual?

Mr. KOPETSKI. We do not do business as usual with every violator of human rights. And we take different approaches with every nation that is oppressing its people. Maybe we do have trading relationships with them. We can go down the list with questions, whether it is Turkey, or India, the list goes on and on where there are questions, we have them as allies. We trade with them, there is no doubt about it, but that does not mean we are not using negotiations and diplomacy as well in pressuring these nations to change their human rights policies. The world knows that. The world understands that. They do a better job understanding foreign affairs than the average American citizen, I am sad to say. They understand what we stand for and what we fight for. What they want is for us to be effective. When we make a decision, a policy decision, they want to make sure we have thought it through and that it will not backfire on them. As the gentlewoman from Texas, EDDIE BERNICE JOHNSON, was pointing out, further oppress the people of a country but hopefully it will move that nation toward human rights, toward an economic system of freedom as well.

Mr. SOLOMON. I have great respect for the gentleman from Oregon [Mr. KOPETSKI], as I do for the other members of your team, but you are confusing me. When diplomacy does not work and when war is undesirable. And concerning trade, please explain to us at what point economic interests outweigh interest in human rights. I do not understand how we get there.

Mr. KOPETSKI. Diplomacy does not work, let us begin there. One of the problems that many people outside of the United States will criticize about the American psyche is that a problem arises in the world and we have to solve it in 2 weeks. There are longstanding problems, cultural, religious, in many of these nations. China, for one.

Mr. SOLOMON. At what point, though, does the economic interest outweigh human rights interest? There has to be a point there.

Mr. KOPETSKI. The human rights interests never outweigh the economic interest. The issue is what is the most effective means to change the human rights policies of a nation.

Mr. SOLOMON. Thank you. I think we just won the argument.

Mr. CARDIN. I think we have time for a very quick question and answer if there is one.

Ms. PELOSI. If it is only a quick question, I will ask the gentleman from Oregon [Mr. KOPETSKI] if he favors the sanctions on Haiti.

Mr. KOPETSKI. Yes, I do.

Ms. PELOSI. I understand that that is a trade sanction and that is using trade policy to improve the situation.

Mr. KOPETSKI. We are in concert on the Haiti policy with diplomatic pressures from our country, from our Government, from other nations as well. And I see no problem with that whatsoever.

Mr. CARDIN. On this segment, the time has expired. The next segment consists of 8 minutes that will be controlled by the gentleman from Maryland [Mr. HOYER] and the gentleman from California [Mr. DREIER] in questioning. First the gentleman from Maryland [Mr. HOYER] is entitled to 4 minutes to question the gentleman from California [Mr. DREIER].

□ 2120

Mr. HOYER. I mentioned in my opening statement the Holocaust. In 1933, Jewish organizations called upon our Government to alter the way we were doing business and stop sending goods to the German Government.

Secretary Hull wrote to the Embassy and said that there was concern in this country and he wanted a report, and that he then said he did not believe that that would have an impact. And in point of fact, of course, our country continued to do business with Germany as usual for some period of time during the 1930's.

I would ask the gentleman from California, do you think that was an effective use of your economic policy?

Mr. DREIER. I will tell the gentleman, if he looks at the rise of Adolf Hitler I believe that it came about in large part due to protectionist policies led by the United States, tragically, which in 1930 implemented the Smoot-Hawley Tariff Act which almost universally has been proclaimed a failure, being in large part responsible for extending and exacerbating the Great Depression.

So it seems to me that we need, desperately need to realize that as we look

at the problem that existed there, it came about because of protectionist policies, and we did not create the opportunity which was necessary to expand free trade, which clearly does create private enterprise, which creates wealth, improves living standards, and undermines political repression.

Mr. HOYER. That is not the question I asked. Smoot-Hawley, of course, dealt across the board. We continued to do business with Germany as usual.

Do you believe that was an effective policy?

Mr. DREIER. We were looking at a national security threat once again there, not simply human rights questions. The subject of this debate is whether economic sanctions should be used to improve human rights. We know clearly that the situation was reprehensible, and you are right, part of it was the Holocaust. But there were many other aspects to the Second World War which need to be realized. And I believe that the rise to power of Adolf Hitler and the reprehensible behavior of the Nazi regime came about because of protectionist trade policies, which I believe will continue to create more and more problems today if we do not move toward freer trade and expanding into parts of the world where human rights desperately need to improve, and we can take the offensive by bringing our Western values there through trade.

Mr. HOYER. As you know by our votes, we have shown that this side also believes in freer trade. But if we delink human rights from trade policy, why is there any incentive from an economic standpoint for regimes to honor their human rights commitments?

Mr. DREIER. The fact of the matter is that I do not like the term "delinking of human rights." I believe we should promote human rights through free trade because what we are creating is a situation where as economies expand, as they are in the southern Provinces of China which are tied closely to Hong Kong, which is that tremendous export market, the cause of freedom is expanding throughout and standards of living are rising. As the standard of living rises we will see there that actually repression diminishes as we are in many areas.

The gentleman from New York [Mr. SOLOMON] continues to point to the fact that what we have constantly observed has been an increase in human rights violations, when every empirical study that we have, including personal testimony that I have received from people who live in China, Chinese citizens, is that the situation is improved and it has come about because of freer trade and exposure to the West.

Mr. HOYER. Do you believe we ought to lift the sanctions on Cuba?

Mr. DREIER. Do I believe we ought to lift the sanctions on Cuba? I think we ought to look very seriously at the prospects of lifting sanctions on Cuba when we determine that Fidel Castro does not pose a national security threat destabilizing countries in Latin America. As long as he is hell bent on his attempt to overthrow governments in Latin America, we should not lift it, because that poses a national security threat to the United States.

Mr. CARDIN. The time has expired. The gentleman from California [Mr. DREIER] is now entitled to 4 minutes to question the gentleman from Maryland [Mr. HOYER].

Mr. DREIER. The United States has, in fact, placed trade sanctions on a number of countries throughout the world, and we have talked about a number of them. Unfortunately, we have not really had an opportunity to point to some of the great successes where we have actually seen trade encourage human rights. But the fact of the matter is I would like to ask the gentleman about several countries.

Could you tell me if the human rights conditions have actually improved in Iran since we have seen the imposition of economic sanctions?

Mr. HOYER. I cannot tell you that, quite obviously. And it is not our proposition that in every instance repressive regimes will be turned around by the exercise of trade policy vis-a-vis human rights and related to human rights. But I can tell you, I can tell you that if the world believes that the greatest economic engine in the world will not use its economic leverage through trade policy to sanction the failure to recognize human rights in a nation, then there will be little if any incentive for repressive regimes around the world to change their human rights policies.

Mr. DREIER. Let me ask this: Have we actually seen the human rights situation improve in Iraq since we have imposed economic sanctions on Iraq?

Mr. HOYER. No, and I know it is not my time to ask questions, but irrespective of that, I would not be for lifting economic sanctions on Iraq.

Mr. DREIER. Has it improved the human rights situation in Iraq?

Mr. HOYER. Because, let me answer the question, because and I would reiterate, the principles for which we stand are not just for Iraq, but for the rest of the world as well, and they are international principles now. And because we stand for them in Iraq I suggest to you that yes, it has an impact on other countries of the world, even if the unhappy situation that exists in Iraq of a madman like Saddam Hussein having absolute and total control, precludes the effectiveness of trade sanctions we ought to continue.

Mr. DREIER. You would argue the human rights situation has not improved in Iraq, in Iran, Libya, in North Korea, in Vietnam, in Cuba. I would assume you would argue that is the case. So we have once again come to the issue that economic sanctions should be imposed sometimes.

I would like to remind our colleagues once again of the topic of this debate. It has to do with improving human rights and imposing economic sanctions to do that.

Let me ask this question: If you look at the issue of South Korea, Taiwan, Chile, Argentina, actually we have never placed economic sanctions on them, but do you believe that the human rights situation in those four countries improved over the last 20 years?

Mr. HOYER. In point of fact, as the gentleman from New York [Mr. SOLOMON] pointed out, and as the gentlewoman from California [Ms. PELOSI] also mentioned, trade policy is not the only quiver. The issue, as stated in this debate, is whether we ought to use trade policy to implement human rights policy.

Mr. DREIER. But we stand for principle.

Mr. HOYER. We ought to stand on principle, and that does not mean in every instance we implement through trade policy, particularly when diplomacy may work, and particularly when other devices can work and are working.

Mr. DREIER. Like free trade. That is just what we have in South Korea, Taiwan, Chile, and Argentina. We have seen a great deal of success from that, and I wish you all would acknowledge it has been exposure to Western values, not war, not diplomacy, free trade which has improved the human rights of the people in those four countries, and can do it in China and other places.

Mr. HOYER. We clearly acknowledge on this side that free trade and open trade and the bringing of a free market to a country can, in fact, improve human rights. The proposition of this debate, however, is whether we ought to be able to use trade from time to time in implementing our human rights policy.

Clearly we suggest we very definitely ought to and ought not to take the position that because we have successes, and because market economies will breed freer, more just societies, that in every instance we ought not to use trade policy.

Mr. CARDIN. The gentleman from Maryland [Mr. HOYER] was entitled to his last 5 seconds to complete his thought.

Mr. HOYER. I completed my thought. I am just not sure he heard it.

Mr. CARDIN. All time for this segment has expired.

The next segment consists of 8 minutes of questioning by the gentleman from Virginia [Mr. WOLF] and the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON]. First the gentleman from Virginia [Mr. WOLF] will be entitled to 4 minutes to question the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Mr. WOLF. Let the record show that what happened in Germany was because Hitler was evil, the Nazi Party was evil, and the world was slow to speak out, and the record should show that.

I would like to ask the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON], in Romania, which I have visited many times, and my daughter Brenda was there on a mission project, the threat of most-favored-nation revocation each year was successful in enforcing the brutal Communist dictatorship to allow thousands and hundreds of thousands of Jews and other minorities to emigrate. Would you now tell these immigrants safely, settled in new countries, that trade sanctions were not helpful in gaining their freedom?

□ 2130

Ms. EDDIE BERNICE JOHNSON of Texas. Independence is what is helpful, and improving human rights, the opportunity to have something of ownership, to gain that independence, perhaps to leave the country, but it is that independence. It is not going to be a policy of us policing the world and implementing policies of ours that we are not altogether necessarily going to implement for ourselves.

So, you see, I am committed to human rights. But I am also committed to independence. I am committed to individual ownership.

I know by my experience, living here, that the more one controls their own destiny through their own ownership and having some ownership of their own finances they will determine that no government is going to keep them repressed.

People overthrow their own governments when they disagree, when they are in a position to be independent.

Mr. WOLF. The question, though, was about the brutal dictatorship of the Ceausescu administration, and they would not have gotten out just by asking for a visa. They only got out because the United States held leverage on MFN.

But to ask the last question, if you shopped in a store back in Houston that used child labor and exploited its employees and discriminated against certain religious groups, those of the Christian faith, Jewish faith, and the Moslem faith and you found out about it, would you notify the authorities, and continue to shop, would you call the police and yet continue to shop, would you call a press conference, would you continue to shop or would you take your dollar and shop someplace else?

Ms. EDDIE BERNICE JOHNSON of Texas. I would go to the proper authorities first, as we have in this country. Secretary Bentsen, a native Texan, has already started to negotiate and to come up with agreements for dealing with child labor laws and other labor laws, and that is the way I think we are going to cause change as we negotiate trade policy.

I do not believe that this country is going to be able to police the world based upon trade policy.

Mr. WOLF. I think that if you knew that this person was exploiting children and exploiting employees and discriminating against people of different religious beliefs, most people would stop.

In closing, the closing question is: Do you believe, as the gentleman from Maryland [Mr. HOYER], the gentleman from New York [Mr. SOLOMON], and the gentlewoman from California [Ms. PELOSI] have said, that sanctions ought to be an option, that the U.S. Government uses similar to a man in the military may use a rifle, may use a bayonet, or may use a pistol, but he has those options? Do you believe there should always be an option for the U.S. Government?

Ms. EDDIE BERNICE JOHNSON of Texas. I believe we ought to have policies that are consistent. I believe we have chosen certain countries to implement sanctions and others we have chosen to ignore.

If we decide to use sanctions at all times for human rights violations, why then are we not looking at Saudi Arabia? Is it because we need their oil?

Mr. CARDIN. The gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] now has 4 minutes to pose questions to the gentleman from Virginia [Mr. WOLF].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. WOLF, I would like to ask that last question. Why are we inconsistent in looking at policies in other areas other than China? Why have we not looked at trade policy to effect the change of human rights violations in Saudi Arabia?

Mr. WOLF. I believe very deeply that if we find that they are discriminating in Saudi Arabia, we should be willing to use leverage, and if our diplomatic efforts do not prove successful and they are persecuting those of the Jewish faith and those of the Christian faith and those of the Moslem faith, then I think it should be something we should be willing to exercise. It should be an option, just like the soldier. He has a rifle, he has a pistol, he has a bayonet. They are all options to be used. If the Saudis continue to do that, at some point I would be in favor of taking away MFN from the Saudi Government.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. WOLF, do you think that the policy of South Africa was effective? Did you think that was the thing to do?

Mr. WOLF. I do think it was effective. Let me just say for the record the first time the vote came up, I voted against sanctions for South Africa. The next time it came up, I had a pang of conscience. I voted the other way. I am proud of the vote I cast. If Nelson Mandela were with us tonight, he would be sitting on this side saying clearly sanctions have worked.

I listened to a National Public Radio show several weeks ago where they interviewed a white South African businessman. He said, "I was opposed to sanctions. I thought they were wrong. But now I must confess that they worked." And I might say that I voted to override the President of the United States, of my own party, on that issue, because I think America should always stand, as the gentleman from Maryland [Mr. HOYER] said, we the people, inalienable rights, life, liberty, and the pursuit of happiness, and sometimes, Ms. JOHNSON, when we get into the economic issue, even though it means we may lose some trade, we have to do the right thing.

Ms. EDDIE BERNICE JOHNSON of Texas. So from your experience, is it fair to say that poorer developing countries have a far greater tendency to have repressive antidemocratic governments than more wealthy, more economically developed countries?

Mr. WOLF. Not necessarily. Evil can be wealthy, and evil can be poor. Hitler was wealthy, and he was probably one of the most evil men in this century. What is taking place in Indonesia and East Timor, they are poor, they are doing very bad things there, and so I think that evil goes with wealth and goes with poorness.

Ms. EDDIE BERNICE JOHNSON of Texas. Do you think the human rights policies of the United States should be consistent, or should we pick and choose a few countries we want to see do good things and we want to make ourselves feel good and make sure the human rights conditions are better?

Mr. WOLF. I personally think it should be consistent across the board with any nation that violates life, liberty, the pursuit of happiness, persecutes people, has slave labor, has gulag camps, kills people, and does these things.

Ms. EDDIE BERNICE JOHNSON of Texas. If you say we should be consistent then what do we do about Saudi Arabia?

Mr. WOLF. I think we should pound on the Saudi Government. We should pound whenever we find human rights violations, and we pound, and we pound, and you are asking me this question.

Ms. EDDIE BERNICE JOHNSON of Texas. When you say we pound, sir——

Mr. WOLF. You lead me to believe that perhaps I should take a trip to Saudi Arabia, and if I find any abuses, if need be, I would personally introduce a bill to deny the MFN, to take it away from the Saudi Government.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me tell you right now, Mr. WOLF, women cannot vote in Saudi

Arabia, and lots of other violations are going on. If we are going to be consistent, and you have committed yourself to be consistent, what is our next step?

Mr. WOLF. I am going to look into it, I can tell you that. I fought the Reagan administration when they favored MFN for Romania. It was my bill to take away MFN from Serbia. I will certainly follow what is going on in Saudi Arabia. Let the word go forth, if the Saudi Government is listening, I would not be averse to doing anything I could to bringing about human rights in Saudi Arabia.

Mr. CARDIN. The time for this segment has expired. We are now prepared to go to the final segment of the debate, which is a 5-minute segment in which one member from each team will have the opportunity to make a closing comment about the resolution. We will start first with the gentleman from Oregon [Mr. KOPETSKI], who will control 2½ minutes for a closing statement in opposition to the resolution.

Mr. KOPETSKI. Thank you, Mr. Moderator.

This is not a debate about whether human rights are important. They are.

As the gentleman from Maryland conceded, the question is what is the best means to achieve our shared goal of human rights progress in all nations.

This last weekend the Washington Post chronicled the gruesome Mao Zedong era in China. We read that from 1949 to 1976 a many as 80 million Chinese died during the repressive policies during the eras known as the Great Leap Forward and the Cultural Revolution.

A China or any nation that is engaged in the world community could not hide 80 million deaths. Repression and mass slaughter are only possible when a nation isolates itself from the world.

Sunshine is the best disinfectant for repressive government, and that is what trade brings.

It is a new world out there. The Iron Curtain is drawn open. International companies are chipping away at the Iron Rice Bowl. We must engage these societies, drawing them out even more into the world community.

But let us not kid ourselves, nations like Russia and China are still in transition. There is every possibility that they could return to the ways of the recent past, and the Chinese people, for one, live in fear of this.

The Washington Post story quoted a farmer who said, "Who knows what could happen? If there is a change of policy at the top, who knows?"

Our side in this debate rejects any policy that seeks to isolate nations from the world community. Trade shines the bright light of the free market into closed societies. Market economies, as we have shown, lead to human rights improvements.

In this debate, we have answered the question: What does trade bring?

Let me summarize again. Trade brings a better standard of living so children do not have to go to bed hungry at night, so families have a roof over their heads, and it also brings about the exchange of ideas, whether principles of law and a judicial system, or the exchange of students and scientists, music, books, and movies, and as innocuous as that sounds, art is saturated with cultural messages and floods over a closed society in a wash of Western values and individual freedoms.

Vaclav Havel once said:

> Communism was not defeated by military force but by life, by human spirit, by conscience, by the resistance of being and man to manipulation.

□ 2140

Havel is right. We all have a duty, even a moral obligation, to pursue the path of trade, diplomatic engagement, produce healthier, more just societies on Earth.

Mr. CARDIN. Mr. SOLOMON is now recognized for 2½ minutes for his closing points. In support of the resolution.

Mr. SOLOMON. Ladies and gentleman, who won the debate? Tomorrow's CONGRESSIONAL RECORD will show that our opposition supported all of the present sanctions in place by the U.S. Government. That should answer the question.

Let me commend all of you for a job well done. My colleagues, the world respects the United States of America because we stand for something. We stand for something different, something good. America is not just a people, it is not a race, it is not a religion, it is a set of ideals. In short, we believe that human beings should live as free individuals, unfettered by intrusive or repressive Government. These ideals define the very essence of who we Americans are, what our country is.

If we allow ourselves to succumb to the temptation to be like everybody else or to do business as usual with any dictator, we will lose this essence, we will lose who we are. It is simply a fact that if America will not stand up to the dictators of the world, no one will.

Since military solutions are often unrealistic, and I am a military man, or they are undesirable, trade remains the best weapon we have to stand up to these destabilizing dictators.

My colleagues, it is no accident that the U.S. dollar is the international currency or that English is the international business language. It is because the power of the American purse is so awesome. There are 260 million Americans; everybody wants to do business with us. In fact, everybody needs to do business with us.

But the reverse is not true. Our standard of living and consumer buying power afford us the opportunity to choose our business partners more carefully. We must use that opportunity. We must apply leverage where we can in order to defend freedom, deter aggression, and, yes, protect American jobs.

When a regime systematically represses its own people and threatens its neighbors, America must say no to business as usual. When a regime destroys American jobs by refusing to allow fair access to American goods made by American workers, America must say no to business as usual.

As peace-loving Americans, we do not attempt to enforce our human rights policies on others by force. But as leaders of the free world we do have a moral obligation to promote democracy and encourage decent treatment of all human beings. And without firing a shot, without losing one American soldier's life, we can do that, without firing a shot, by linking our trade policy with human rights. That is the decent, humane thing to do, and you know it.

Thank you.

Mr. CARDIN. All time has expired.

Let me, if I might, thank the eight Members who have participated in tonight's debate. As I mentioned at the beginning of tonight's debate, this is our third in a series in which we have a trial in the House of Representatives. We have debated health care, we have debated welfare, and tonight we have debated human rights and trade.

I think that the quality of the debate that has taken place tonight can only help us in shedding light on these issues in the finest traditions of the House of Representatives and can only help us in trying to reach solutions to these very difficult problems.

I want to thank all 24 Members who have participated in the first three debates. This is a trial period, but I think the leadership is committed to the continuation of the Oxford-style debates because it has been helpful to all of us in focusing issues in this body. I also want to thank my colleague, the gentleman from Pennsylvania [Mr. WALKER], and the Republican side who has helped organize the Republicans and has helped to bring this about. I personally want to thank each one of you for the time you have spent tonight.

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

Mr. CARDIN. I gladly yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I want to join the gentleman in thanking a number of people because I think this has been a very positive exercise on behalf of the House of Representatives, in behalf of the Republican and Democratic Parties.

This debate, particularly, composed of bipartisan teams, showed that there is a thoughtful difference of opinion from time to time, not necessarily dictated by party. I particularly want to thank the gentleman from Missouri

[Mr. GEPHARDT], our majority leader, and the gentleman from Georgia [Mr. GINGRICH], our minority whip, who worked closely together to bring about this innovative opportunity to debate substantively issues of importance to the people of this country and indeed the international community.

I too want to congratulate the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Maryland [Mr. CARDIN], who for their respective sides have led the organization for this effort.

I thank the gentleman for yielding.

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

Mr. CARDIN. I am glad to yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would like to join in extending my appreciation on behalf of our side, which now includes MIKE KOPETSKI and EDDIE BERNICE JOHNSON, I am happy to say. Clearly, this is a bipartisan effort which has come about because the leadership on both sides are strongly committed.

We will welcome Mr. SOLOMON back here.

Mr. SOLOMON. I was going to ask——

Mr. DREIER. We have a spot on the other side of the rail.

Mr. HOYER. You can have Mr. SOLOMON, but we are not letting Mr. WOLF go.

Mr. DREIER. You want to keep him?

Mr. Speaker, I think the moderator has underscored again and again that we are all strongly committed to the cause of human rights, and I believe very strongly in the position our team has taken, and I know they feel strongly in theirs. But it is clear to all that we are committed to improving the human rights of people here in the United States and throughout the world.

Mr. CARDIN. I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. GEPHARDT) for today after 6 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders herefore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes, on July 21.

Mr. GOSS, for 5 minutes each day, on July 21 and 22.

Mr. WELDON, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, on July 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. BEREUTER.
Mr. BURTON of Indiana.
Mr. KING.
Mr. POMBO.
Mr. CRANE.
Mr. OXLEY.
Mr. ROHRABACHER.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. HAMILTON.
Ms. CANTWELL.
Mr. KLEIN in two instances.
Mr. BERMAN.
Mr. GORDON.
Mr. VISCLOSKY in two instances.
Mr. FRANK of Massachusetts.
Mr. MINGE.
Mr. MANN.
Mr. DEUTSCH.
Ms. ROYBAL-ALLARD.
Mr. KREIDLER in two instances.
Mr. PARKER.
Mr. LEHMAN.
Ms. DELAURO.
Mr. WILLIAMS.
Mr. STARK.
Mr. RANGEL.
Mr. BROWN of California.
Mr. TRAFICANT.
Mr. NADLER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

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. 1873. An act 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.

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."

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."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 537. An act for the relief of Tania Gil Compton.

S. 832. An act to designate the plaza to be constructed on the Federal Triangle property in Washington, D.C., as the "Woodrow Wilson Plaza."

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

ADJOURNMENT

Mr. CARDIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, July 21, 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:

3550. A letter from the Board of Governors of the Federal Reserve System, transmitting the staff report of the Federal Reserve System, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3551. A letter from the Secretary of Agriculture, transmitting the annual report on the use of private attorneys contracted to perform certain legal actions taken in connection with housing programs administered by the Farmers Home Administration [FmHA], pursuant to section 510(d)(2) of the Housing Act of 1949, as amended; to the Committee on Banking, Finance and Urban Affairs.

3552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-286, "Councilmembers' Salary Freeze Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3553. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102-138, section 181 (105 Stat. 682); to the Committee on Foreign Affairs.

3554. A letter from the Acting Associate Attorney General, Department of Justice, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3555. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3556. A letter from the Assistant Attorney General of the United States, Department of

Justice, transmitting the Department's report on settlements for calendar year 1993 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

3557. A letter from the Director, Office of National Drug Control Policy, transmitting a draft of proposed legislation to create an exception to title 18 concerning acts of violence against civilian aircraft for situations where the President determines that a foreign country faces a national security threat from trafficking in illicit drugs, and that the country has appropriate procedures in place to protect innocent aircraft; to the Committee on the Judiciary.

3558. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Working for America: An Update," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

3559. A letter from the Secretary, Department of the Interior, transmitting a copy of the annual report for fiscal year 1992 covering the Outer Continental Shelf [OCS] Natural Gas and Oil Leasing and Production Program, pursuant to 43 U.S.C. 1343; jointly, to the Committee on Natural Resources and Merchant Marine and Fisheries.

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:

Ms. SLAUGHTER: Committee on Rules. House Resolution 482. Resolution providing for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes (Rept. 103-612). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 483. Resolution providing for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies (Rept. 103-613). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 484. Resolution providing for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes (Rept. 103-614). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 4799. A bill to promote the research and development of environmental technologies; to the Committee on Science, Space, and Technology.

By Ms. SNOWE (for herself and Mr. ANDREWS of Maine):

H.R. 4800. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; jointly, to the Committee on Energy and Commerce and Natural Resources.

By Mr. LAFALCE (for himself, Mr. SMITH of Iowa, Mr. SKELTON, Mr. MAZZOLI, Mr. WYDEN, Mr. BILBRAY, Mr. MFUME, Mr. KLINK, Ms. ROYBAL-ALLARD, Mr. HILLIARD, and Mr. THOMPSON):

H.R. 4801. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. GORDON:

H.R. 4802. A bill to prohibit any charges on telephone bills for calls to 800 numbers; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. OWENS, Mr. TUCKER, Miss COLLINS of Michigan, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. DELLUMS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. MINETA, Ms. VELÁZQUEZ, Mr. HINCHEY, Mrs. SCHROEDER, Mr. NADLER, Ms. MARGOLIES-MEZVINSKY, Mr. SERRANO, Mrs. MALONEY, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. GENE GREEN of Texas, and Mrs. KENNELLY):

H.R. 4803. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. SHAW (for himself, Mr. DEUTSCH, Ms. BROWN of Florida, Mrs. FOWLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. CANADY, Mr. GOSS, Mr. BACCHUS of Florida, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. JOHNSTON of Florida, Mr. DIAZ-BALART, Mr. HASTINGS, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. HUTTO, Mr. PETERSON of Florida, Mr. STEARNS, Mr. MICA, Mr. MILLER of Florida, and Mrs. THURMAN):

H.R. 4804. A bill to authorize appropriations for construction of a research facility in Broward County, FL, to be used in connection with efforts to control Melaleuca and other exotic plant species that threaten native ecosystems in the State of Florida; to the Committee on Public Works and Transportation.

By Mr. SLATTERY:

H.R. 4805. A bill to amend title 23, United States Code, relating to penalties for use of motorcycle helmets; to the Committee on Public Works and Transportation.

By Mr. WILLIAMS (for himself, Mr. POMEROY, Ms. ENGLISH of Arizona, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. STUPAK, Mr. SKEEN, Mr. RICHARDSON, Mr. SWIFT, Mr. KILDEE, Mrs. MEYERS of Kansas, Mr. FLAKE, Mr. HILLIARD, Mr. FAZIO, Mr. SCHIFF, Mr. SCOTT, Mr. MINGE, Mr. MARTINEZ, Mr. DELLUMS, and Mr. GUTIERREZ):

H.R. 4806. A bill to provide land-grant status for certain Indian colleges and institutions; jointly, to the Committees on Agriculture and Education and Labor.

By Mrs. COLLINS of Illinois:

H.J. Res. 391. Joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. RAMSTAD (for himself and Mr. VALENTINE):

H. Res. 485. Resolution expressing the sense of the House of Representatives that any health care reform legislation passed by Congress must ensure access to and the continued advancement of medical technology; jointly, to the Committees 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:

Mr. MCDERMOTT:

H.R. 4807. 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 *Tecumseh*; to the Committee on Merchant Marine and Fisheries.

H.R. 4808. 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 *L.R. Beattie*; 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. 146: Mr. STEARNS.
H.R. 502: Mr. KINGSTON and Mr. STEARNS.
H.R. 520: Mr. DIXON.
H.R. 642: Mr. HASTERT.
H.R. 662: Mr. STEARNS.
H.R. 840: Mr. NADLER.
H.R. 998: Mr. STEARNS.
H.R. 1099: Mr. RAVENEL.
H.R. 1106: Mr. JEFFERSON.
H.R. 1122: Mr. STEARNS.
H.R. 1130: Mr. STEARNS.
H.R. 1392: Mr. STEARNS.
H.R. 1596: Mr. HOEKSTRA.
H.R. 1604: Mr. STEARNS.
H.R. 1671: Mr. NADLER.
H.R. 1793: Mr. MINETA.
H.R. 1843: Mrs. FOWLER and Mr. MICA.
H.R. 2467: Mr. BAESLER and Mr. CAMP.
H.R. 2472: Mr. GOODLING.
H.R. 2543: Ms. VELÁZQUEZ.
H.R. 2710: Mr. FINGERHUT.
H.R. 2866: Mr. BILBRAY, Mr. SKAGGS, Mr. TRAFICANT, Mr. PORTER, and Mr. KREIDLER.
H.R. 3392: Mr. WALKER.
H.R. 3415: Mr. ABERCROMBIE.
H.R. 3630: Mr. HUGHES, Mr. HILLIARD, and Mr. DIAZ-BALART.
H.R. 3635: Mr. STEARNS.
H.R. 3705: Mr. MCCOLLUM, Mr. STEARNS, Mrs. MEEK of Florida, Mr. KLECZKA, Mr. SOLOMON, and Mr. HUTCHINSON.
H.R. 3739: Mr. ARMEY, Mr. FROST, Mr. DORNAN, Mr. DARDEN, and Mr. MANZULLO.
H.R. 3940: Mr. UNDERWOOD and Mr. REED.
H.R. 3943: Mr. HUTCHINSON.
H.R. 4279: Mr. YATES and Mr. EVANS.
H.R. 4314: Mr. BEILENSON.
H.R. 4375: Mr. MILLER of California.
H.R. 4412: Mr. STENHOLM.
H.R. 4441: Mr. HYDE.
H.R. 4463: Mr. MCDERMOTT and Mr. HUGHES.
H.R. 4495: Ms. VELAZQUEZ, Ms. WOOLSEY, and Mr. LANTOS.
H.R. 4496: Mr. EHLERS, Mr. DELLUMS, and Mr. DEFAZIO.
H.R. 4512: Mr. MINETA and Mr. HILLIARD.
H.R. 4557: Mr. CRANE and Mr. GRAMS.
H.R. 4570: Mr. KLEIN and Mr. MINETA.
H.R. 4584: Mr. PETERSON of Minnesota.
H.R. 4590: Mr. GONZALEZ, Mr. SPRATT, Mr. POSHARD, Mr. ENGEL, Mrs. COLLINS of Illinois, Mr. SWETT, Mr. APPLEGATE, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. HILLIARD, Mr. BLACKWELL, Mr. BORSKI, Mr. DIXON, Mr. UPTON, Mr. TORRICELLI, Mr. TAYLOR of Mississippi, Mr. MORAN, Mr. CONYERS, Mr. RAHALL, and Mr. MURPHY.
H.R. 4592: Mr. COBLE and Mr. DOOLITTLE.
H.R. 4643: Mr. LAUGHLIN and Mr. SARPALIUS.
H.R. 4675: Mr. LAUGHLIN.
H.R. 4699: Ms. MCKINNEY and Mr. DE LUGO.
H.R. 4791: Mr. LIVINGSTON, Mr. RAMSTAD, and Mr. MCCOLLUM.

H.J. Res. 160: Mr. LEWIS of Kentucky.

H.J. Res. 374: Mr. DEFAZIO, Mr. CAMP, Mr. PICKETT, Mr. REED, Mr. ENGEL, Mr. BREWSTER, Mr. ORTIZ, Mr. TORRES, Mr. HASTINGS, Mr. GONZALEZ, Mr. SLATTERY, Mr. KOPETSKI, Mr. MCDERMOTT, Mr. BLACKWELL, Mr. VENTO, Mr. BLUTE, Mr. TRAFICANT, Mr. DELAY, Mr. POMEROY, Mr. MCKEON, Mr. GUTIERREZ, Mr. PARKER, Mr. MORAN, Mr. DARDEN, Mr. INHOFE, Mr. STARK, Mr. MATSUI, Mr. GENE GREEN of Texas, Mr. SWIFT, Mr. DURBIN, Ms. CANTWELL, Mr. RICHARDSON, MR. BONIOR, Mr. BARLOW, Mr. MANTON, Mr. CRAMER, Mr. DEUTSCH, Mr. CARR, Mr. PETERSON of Minnesota, Mr. SWETT, Mr. BRYANT, Mr. BISHOP, Ms. MARGOLIES-MEZVINSKY, Mr. WYNN, Ms. BROWN of Florida, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. MCINNIS, Ms. WOOLSEY, Mr. SPRATT, Mr. SABO, Mr. ABERCROMBIE, Mr. MONTGOMERY, Mr. MINGE, Mr. ANDREWS of Maine, Mr. BERMAN, Mr. BEILENSON, Mr. HAMILTON, Mr. SMITH of Iowa, Mr. HALL of Texas, Mr. STENHOLM, Mr. TAUZIN, Mr. HUTTO, Mr. MCHALE, Mr. NEAL of Massachusetts, Mr. VALENTINE, Mr. DELLUMS, Mr. MENENDEZ, Mr. EVANS, Mr. ROEMER, Mr. DOOLEY, Mr. CLEMENT, Ms. SHEPHERD, Ms. MCKINNEY, Ms. SCHENK, Mr. SCOTT, Mr. PALLONE, Mr. EDWARDS of Texas, Mrs. COLLINS of Illinois, Mr. CARDIN, Mr. GEJDENSON, Mr. UPTON, Mr. WYDEN, Mr. BROWDER, Mr. SHARP, Mr. COPPERSMITH, Mr. ROSE, Mr. OLVER, Mr. TUCKER, Mr. TOWNS, Mr. FINGERHUT, Mrs. MINK of Hawaii, Mr. CALLAHAN, Mr. STUMP, Mr. STOKES, Mr. HEFNER, Mr. NEAL of North Carolina, Mr. MURPHY, Mr. RAVENEL, Mr. MOORHEAD, Mr. WOLF, Mr. GIBBONS, Mr. OWENS, Mr. CONYERS, Mr. HAYES, Mr. NADLER, Mrs. LLOYD, Mr. MARKEY, Mr. VOLKMER, Mr. SARPALIUS, and Mr. RAMSTAD.

H.J. Res. 383: Mr. BLUTE and Mr. MCDERMOTT.

H.J. Res. 385: Mr. BEVILL, Mrs. LOWEY, Mr. BATEMAN, and Mr. MORAN.

H.J. Res. 387: Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mrs. BENTLEY, Mr. BLACKWELL, Mr. CALLAHAN, Mr. COBLE, Mr. DOOLITTLE, Ms. DUNN, Mr. EMERSON, Mr. EWING, Mr. FISH, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GONZALEZ, Mr. HUGHES, Mr. KASICH, Mr. KING, Mr. LIVINGSTON, Mr. SAXTON, Mrs. THURMAN, Mr. WASHINGTON, Mr. DE LUGO, Mr. FIELDS of Texas, Mr. HOCHBRUECKNER, Mr. HORN, Mr. MCDADE, Mr. MANTON, Mr. MEEHAN, Mr. PALLONE, Mr. ROMERO-BARCELO, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. FOWLER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 210: Mr. TALENT.

H. Con. Res. 212: Mr. BERMAN, Ms. LOWEY, Mrs. MALONEY, Mr. STARK, and Ms. VELAZQUEZ.

H. Con. Res. 229: Mr. MARKEY.

H. Con. Res. 234: Mr. STARK and Mr. WYNN.

H. Con. Res. 246: Mr. MEEHAN, Mr. LIPINSKI, Ms. PELOSI, Mr. SANDERS, Mr. CLYBURN, Ms. FURSE, Mr. GENE GREEN of Texas, Mr. REYNOLDS, Mr. TOWNS, Ms. NORTON, Mr. DELLUMS, Mr. SCOTT, Mrs. MEEK of Florida, and Ms. VELAZQUEZ.

H. Con. Res. 262: Mr. CRAMER, Mrs. VUCANOVICH, Mr. EHLERS, Mr. GILLMOR, Mr. COX, Ms. SNOWE, Mr. GALLEGLY, Mr. LEVY, Mr. BROWN of Ohio, Mr. HILLIARD, and Mr. HAMBURG.

H. Res. 270: Mr. HASTERT.

H. Res. 434: Mr. MCHUGH and Mr. DELAY.

H. Res. 481: Mr. RAMSTAD, Mr. BARTLETT of Maryland, and Mr. SAM JOHNSON.

EXTENSIONS OF REMARKS

DON'T PUNISH THE CHILDREN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, recently a group of very thoughtful and extremely well-informed experts in the field of welfare issued a statement objecting to proposals to penalize children who make the mistake of being born in the wrong circumstances. As the welfare experts I am referring to said in their statement:

Recently some have suggested that poor children born to unmarried parents should not be eligible for Aid to Families with Dependent Children, food stamps, or subsidized housing. . . . this is not in the best interest of children. While some signers of this statement believe that welfare has some modest impact on out-of-wedlock childbearing, *we all agree that the damage done to children by denying assistance to their families would be far too great to justify eliminating the safety net for them.* (Emphasis added.)

I look forward to working with many of my colleagues in changing the welfare system to add both an opportunity to work and a requirement to do so where the work is available. It is clearly in our interest as a society, and in the interest of those who will wind up on welfare themselves, to reduce drastically the number of out-of-wedlock births. But punitive proposals that deny minimum economic assistance to poor children whose only crime is to have been born in the wrong circumstances are not the way to do that. Even those most critical of some of the parents on welfare should understand the need to avoid any policy which visits the sins of the parents on the children.

Because these proposals have been given such currency, and because the list of those who have opposed them is an impressive one, and their reasoning quite persuasive, I submit the statement and list of signers to be printed here.

WELFARE AND OUT-OF-WEDLOCK BIRTHS—A RESEARCH SUMMARY

As researchers who work in the area of poverty, the labor market, and family structure, we are concerned that the research on the effect of welfare on out-of-wedlock childbearing has been seriously distorted. As researchers, we are deeply concerned about the rising rates of out-of-wedlock childbearing and the high incidence of poverty and welfare use among single-parent families. However, the best social science research suggests that welfare programs are not among the primary reasons for the rising numbers of out-of-wedlock births.

Most research examining the effect of higher welfare benefits on out-of-wedlock childbearing and teen pregnancy finds that benefit levels have no significant effect on the likelihood that black women and girls will have children outside of marriage and either no significant effect, or only a small effect, on the likelihood that whites will have such births. Indeed, cash welfare benefits have fallen in real value over the past 20 years, the same period that out-of-wedlock childbearing increased. Thus, the evidence suggests that welfare has not played a major role in the rise in out-of-wedlock childbearing.

There is, however, strong evidence that poverty harms children. Poor families often live in substandard housing and have difficulty purchasing basic necessities such as food and clothing. Research has demonstrated that poor children are more likely than nonpoor children to be too short and too thin for their age. Poor children also tend to develop academic skills more slowly than nonpoor children. And, poor children who live in poor neighborhoods are less likely than more affluent children to complete high school. Research in this and other countries also indicates that programs that provide employment and income assistance to poor families decrease poverty rates among children.

There are several plausible explanations for the rise in out-of-wedlock childbearing, although research has not determined which of these are important factors. Possible explanations include: changed sexual mores, decreased economic opportunity for low-skilled young men and young women, changed roles of women, the increased proportion of women in the labor market, and deteriorating neighborhood conditions stemming from racial segregation and industrial change. Focusing on welfare as the primary cause of rising rates of out-of-wedlock childbearing vastly oversimplifies this complex phenomenon.

Recently some have suggested that poor children born to unmarried parents should not be eligible for Aid to Families with Dependent Children, food stamps, or subsidized housing. Proponents of these drastic policies defend them as necessary to decrease the number of children born outside of marriage. We question the efficacy of such policies.

Policies that deny poor children basic income and nutrition assistance are likely to harm their physical and academic development and increase the incidence of homelessness and hunger among children. In addition, families that are left with no means to support their children may find that the only way their children's basic needs can be met is to place them in foster care or in an institution. Such parents would be forced to relinquish their children not because they are abusive or neglectful but simply because they are destitute. This is not in the best interests of children. While some signers of this statement believe that welfare has some modest impact on out-of-wedlock childbearing, we all agree that the damage done to children by denying assistance to their families would be far too great to justify eliminating the safety net for them.

We need significant improvements both in the welfare system and in other policy areas. Improvements in the child support system must be made so young men understand that if they father a child they will be required to provide financial support for that child for 18 years and so fathers assume more parenting responsibilities. Changes in the welfare system must be made so more parents can move off welfare, into the workforce, and out of poverty. And, innovative approaches to curbing teen pregnancy should be pursued and strategies found effective widely implemented.

But ending welfare for poor children born out-of-wedlock does not represent serious welfare reform, and would inflict harm on many poor children. We strongly urge the rejection of any proposal that would eliminate the safety net for poor children born outside of marriage. Such policies will do far more harm than good.

Signatories: Larry Aber, Columbia University; Greg Acs, Urban Institute; Elijah Anderson, University of Pennsylvania; John Antel, University of Houston; Sheila Ards, University of Minnesota; Rebecca Blank, Northwestern University; Larry Bobo, Univeristy of California, Los Angeles; Larry Bumpass, University of Wisconsin; Martha Burt, Urban Institute; Glen G. Cain, University of Wisconsin; Maria Cancian, University of Wisconsin; Anne Case, Princeton University; Andrew Cherlin, Johns Hopkins University; Thomas Corbett, University of Wisconsin; Mary Corcoran, University of Michigan; Sandra Danziger, University of Michigan; Sheldon Danziger, University of Michigan; Greg Duncan, University of Michigan; Kathryn Edin, Rutgers University; George Farkas, University of Texas at Dallas; Ren Farley, University of Michigan; Ronald Ferguson, Harvard University; Frank Furstenberg, University of Pennsylvania; Irv Garfinkel, Columbia University; Peter Gottschalk, Boston College; Edward Gramlich, University of Michigan; Kathleen Mullan Harris, University of North Carolina at Chapel Hill; Robert Haveman, University of Wisconsin; Martha Hill, University of Michigan; Jennifer Hochschild, Princeton University; Saul Hoffman, University of Delaware; Robinson Hollister, Swarthmore College; Marjorie Honig, Hunter College; Joe Hotz, University of Chicago; Robert Hutchens, Cornell University; George Jakubson, Cornell University; Paul Jargowsky, University of Texas at Dallas; Christopher Jencks, Northwestern University; Alfred J. Kahn, Columbia University; Sheila B. Kamerman, Columbia University; Thomas Kane, Harvard University; Joleen Kirschenman, University of Georgia.

Marieka Klawitter, University of Washington; Sanders Korenman, University of Minnesota; Jeff Lehman, University of Michigan; Robert Lerman, American University; Kristen Luker, Princeton University; Irene Lurie, State University of New York at Albany; Douglas Massey, University of Chicago; Sara McLanahan, Princeton University; Jane Miller, Rutgers University; Robert Moffitt, Brown University; Kristin Moore, Child Trends, Inc.; Samuel L. Myers, Jr., University of Minnesota; Richard Nathan, State University of New York at Albany; Kathryn Neckerman, Columbia University; Demetra Nightingale, Urban Institute; Brendan O'Flahrety, Columbia University; Melvin Oliver, University of California, Los

Angeles; Martha N. Ozawa, Washington University at St. Louis; Robert Plonick, University of Washington; Samuel Preston, University of Pennsylvania; Lee Rainwater, Harvard University; Lauren Rich, University of Michigan; Philip Robins, University of Miami; Gary Sandefur, University of Wisconsin; Dona Schwartz, University of Minnesota; Theda Skocpol, Harvard University; Timothy Smeeding, Syracuse University; Mercer Sullivan New School for Social Research; Marta Tienda, University of Chicago; Harold Watts, Columbia University; Julie Boatright Wilson, Harvard University; William Julius Wilson, University of Chicago; Doug Wissoker, Urban Institute; Barbara Wolfe, University of Wisconsin.

HEALTH CARE AFFORDABILITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excerpted part of an editorial which appeared in the Norfolk Daily News on July 11, 1994. This is a thoughtful commentary as Congress continues to consider health care reform legislation.

[From the Norfolk Daily News, July 11, 1994]

AFFORDABILITY

Affordability may have been a test about Medicare, the program which insures health care for America's elderly, when it was created in 1965. Actuaries at the time indicated the costs might reach $9 billion to $12 billion by 1990. They were $107 billion. No one has been penalized for the faulty forecasts.

In health matters, there is a desire to ignore costs and prescribe any treatment or perform any procedures which offer life-saving potential. That is because no monetary value can or should be put on a human life. Yet decisions about costs and benefits do have to be made. And the more the government becomes involved so set standards and pay the bills, the more standardized those decisions have to become; the more costly to taxpayers they will be.

If the government attempts to fix prices to ensure affordability, it will fall just as all price control plans have in the past. If it attempts through taxation or mandates on employers to provide insurance coverage for all, without regard to health risks, it inflates demands for health care, thereby driving costs higher.

Total health care costs in America are unlikely to go down. That is because better quality of care is increasingly available, and everyone who becomes ill wants the best that modern medicine offers. Having individuals determine what is best and what is affordable is the only way that effective cost discipline can be imposed.

It must be a collective decision of individuals, not that of government, to determine whether to continue to spend a trillion dollars (about 14 percent of the nation's total output of goods and services) on health care in 1994. The more that government does directly to intervene to control costs or specify treatments and subsidize health care, the more likely it is that total costs will rise, the quality of care reduced and choices diminished.

It is time to inject into the health care debate the principle that freedom of individuals to choose is important, too.

UNITED STATES FOREIGN POLICY TOWARD HAITI

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. MINGE. Mr. Speaker, I am troubled by the long-term ramifications of our current United States foreign policy toward Haiti. I do not believe sending United States troops into Haiti will be any more successful in the 1990's than it has been in the past. I am especially concerned that the United States may act without the participation of our Central and Latin American friends.

Without question, we must try to help Haiti. Haitians continue to flee their beleaguered country on anything buoyant. In terms of wealth and living conditions, Haiti is the poorest nation in the Western Hemisphere. Human rights violations have increased dramatically under the oppressive military junta controlling Haiti. Nevertheless, we cannot afford to open our arms to hundreds of thousands of Haitian refugees. With a $4½ trillion debt, our welcome wagon is bankrupt.

Neither can we afford to send U.S. troops into a dilemma destined for disaster. The use of military might without first sharply honing our objectives would be setting the military up to fail. Even using a special operations force would not work because we would need to establish a military presence for months, if not years, after ousting the current regime. A quick scan of the history pages should fill us with caution: United States military intervention in Haiti has failed in the past, and I do not see how this time would be significantly different.

Rather than intervening militarily, we should continue to tighten the noose around Haiti's military and its supporters through economic sanctions. Sanctions may not bring success as quickly as some people would like, but I believe they offer the best hope for helping Haiti. While sanctions will affect the Haitian people as well as its leaders, the violence that is part of military intervention takes a greater toll. We must, however, give sanctions time to work.

Improving human rights conditions and building an economic foundation in the Western Hemisphere's poorest nation will require the toil of more than the United States. What logic, after all, dictates that we must unilaterally police our hemisphere? Should Saudi Arabia intervene in the Yemen/South Yemen conflict? Should Germany alone resolve the strife in Bosnia? Should China step in and resolve the conflict between the Koreas? I think not. Instead, the United Nations and the nations closest to these areas should concentrate on finding solutions. In the case of Haiti, we should work with Central and Latin American nations as well as the United Nations to nurture a representative government. To do otherwise begs history to repeat itself.

CONGRATULATIONS TO REV. O.C. COMER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate Rev. O.C. Comer, president of the East Chicago Chapter of the National Association for the Advancement of Colored People [NAACP]. On July 14, 1994, the East Chicago chapter was honored for the fourth time under Reverend Comer's leadership with the Thalheimer Award at the 85th National NAACP Convention held in Chicago, IL. This esteemed recognition exemplifies the hard work and determination of Reverend Comer and his chapter members.

Reverend Comer, who is a resident of Gary, IN, and pastor of the Bethlehem A.M.E. Zion Church in Gary, has been an active participant with the East Chicago chapter for 30 years. Reverend Comer spent 15 of those years as vice president, and for the past 12 years he has served as the chapter president. Reverend Comer's noble ambition is to fight for others' rights in pursuit of a common cause. Reverend Comer, who is a life member with the NAACP, has brought tremendous pride to the chapter throughout his 12-year role as president.

Mr. Speaker, I wish to once again commend Reverend Comer and the East Chicago Chapter of the NAACP for their commitment to working together for the common goal of justice, equality, dignity, and jobs for all Americans. Through their actions, they have represented the entire NAACP organization, as well as the surrounding community, with tremendous distinction.

TRIBUTE TO DRINKING DRIVER TASK FORCE

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KREIDLER. Mr. Speaker, it gives me great pleasure to recognize the outstanding efforts of the Drinking Driver Task Force of Kent, WA. This group has recently been cited by the 1994 National City Challenge to Stop Drunk Driving, receiving the Community Partnership Award for their exceptional work in community prevention programs.

Kent's Drinking Driver Task Force was started 10 years ago to combat the community's high accident and fatality rate from heavily congested areas and drunk driving. The all-volunteer steering committee conducts public information campaigns, monthly server training programs, youth conferences, highway safety poster contests in local schools, public DWI forums, and other activities.

The highlight of Kent's program is a youth conference called the game of life. It educates 215 junior and senior high school students on wellness activities and team building, giving them the skills to implement programs within their own schools. Overall, Kent's program has

helped to reduce the number of alcholo-related crashes by 27 percent, compared to a 13-percent improvement in adjoining communities.

I am pleased to draw attention to the immense contributions of the Kent community to the safety and wellness of its citizens. Over the past 10 years, donations to the task force from businesses, organizations and individuals have totaled $450,000. Strong community support prompted the city of Kent to take over funding for the program's staff, beginning in 1994.

I urge my colleagues to join me in recognizing the successful efforts of the Kent Drinking Driver Task Force, especially paying tribute to the fine individuals who have made this program possible. I hope the task force will continue to serve as a positive role model for other communities.

RETIREMENT OF JOSEPH LAMIN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor Mr. Joseph LaMin of the Belleville Public Library and Information Center. Mr. LaMin is retiring this month after 22 years of dedication as the library's head of maintenance.

Mr. LaMin has helped the library undergo many changes. He assisted with the 1981 addition to the library and the 1985 renovation of the James J. Cozzarelli, Jr. Children's Room. He also helped with the 1990 redesign of the Trustees Meeting Room and Gallery, and the 1992 renovation of the library's Carnegie Library.

On a daily basis, Mr. LaMin proudly supervised the maintenance of the Main and Shafter Libraries, the library's lawn, as well as the new library computers.

It is with great pleasure that I ask my colleagues to honor Mr. Joseph LaMin on this distinguished occasion. I know that he will be deeply missed, and I wish him the best of luck in the future.

TRIBUTE TO AUNG SAN SUU KYI AND THE PEOPLE OF BURMA AND CONDEMNATION OF THE ILLEGAL RULE OF THE SLORC

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. BERMAN. Mr. Speaker, today marks the fifth anniversary of the detention without trial of Aung San Suu Kyi of Burma, the leader of the National League for Democracy, which in 1990 won 80 percent of the votes in a national election, despite the Burmese military's every attempt to restrict its activities including the detention of its leader. The conscience of the world has recognized Suu Kyi's distinction, and she has received the Nobel Peace Prize for her commitment to nonviolence in the face of one of the most brutal dictatorships in the world.

We are also witnesses to the continued suppression of democracy and the continued denial of fundamental human rights in Burma. There can be no doubt about the violence and illegality of the rule of the so-called State Law and Order Restoration Council [SLORC]. The SLORC has frustrated the democratic will of the people of Burma by disregarding election results in which its opponents won an overwhelming 80 percent of the vote, and by holding Suu Kyi in illegal detention without trial for 5 years.

The SLORC has maintained its illegal rule by a combination of extreme violence against its peaceful opponents; corruption, theft of national resources, and complicity in narcotics trafficking; and the subjection of ordinary citizens of Burma of brutal forced labor.

The detention of Suu Kyi, under a 1975 law to protect against subversive elements, was illegal at the outset and turned the law on its head, since it was the SLORC which had subverted political legitimacy, whereas Suu Kyi was the legitimate leader of Burma. Even then, at the time of her detention, the law made by the Burmese military only allowed detention for 3 years. That meant that Suu Kyi should have been released 2 years ago. The SLORC has only compounded its original illegality by retroactively arrogating to itself the authority to detain for 5 years. Unless the SLORC releases her today, it will have violated its own illegal rules.

This is not surprising. The SLORC has demonstrated that it is one of the most illegitimate regimes in the world, and one of the worst violators of human rights. Its brutality has resulted not only in the death and detention of peaceful political opponents, but also in widespread refugee migrations from border areas.

I am proud that the United States has taken such a firm line in our own bilateral policy against the illegal SLORC regime, but I believe that we should go further still. I believe that we should impose economic sanctions; should aggressively pursue internationalization of such sanctions; and should forcefully advocate to our allies and trading partners the need for an international arms embargo. I also believe that all United Nations agencies and other international organizations which wish to continue operations in Burma should do so only in consultation with the legitimate authorities of Burma.

I am confident that a resolute policy of isolating the SLORC regime will restore to Burma the promising prospect that it faced at the time of its independence from Britain. Although the SLORC and its military predecessors have been responsible for serious damage to Burma's institutions and environment, I am heartened by the observation that the people of Burma have miraculously preserved their rich and sophisticated culture. How else could the National League for Democracy have won so handsomely after three decades of repression and serious interference with its right to campaign? This is a real reflection of the strength and resilience of the people of Burma. I look forward to working with my colleagues and with the administration to help restore the Government of Burma to its people, and to then help Burma take its place in the community of nations.

This is a matter which implicates not only the interests of the people of Burma, but the interests of the United States in the emergence of a stable and just political order in a region of great economic interest to us. A stable Burma integrated into the regional economy can advance our interests, just as clearly as a violent and unstable Burma will act as a drag on the economic potential of the region. The short-term economic benefits of engaging with the present dictatorship are illusory and uncertain. Only a peaceful and legitimate political order can offer the security which long-term economic planning and investment require.

TRIBUTE TO THE CREW OF "APOLLO 11"

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. POMBO. Mr. Speaker, on behalf of myself, and my constituents in the California 11th Congressional District, I am honored to rise before you today to pay tribute to the crew of *Apollo 11*. On this day 25 years ago, the Nation sat on the edge of their chairs as they watched Neil Armstrong become the first human to step on the Moon. Stepping off the lunar lander he uttered one of the most famous quotes in the 20th century, "That's one small step for man, one giant leap for mankind."

Though as a nation we will always be proud of the pictures sent back to Earth from the lunar surface, we also need to acknowledge the accomplishments of the thousands of men and women who participated in the Space Program. These individuals provide the talents, skills, and vision to make it possible to land a man on the Moon. The landing on the Moon is clearly more than just the actions of one single man, it represents what America as a nation can accomplish when its citizens set a goal.

We must never forget that 25 years ago, America accomplished before any nation an act that to some was perceived impossible. It was that impossible act which has guided our Space Program. As I stand here today, above me, the crew of the space shuttle is pioneering new experiments in space inspired by the two men who walked on the Sea of Tranquility on July 20, 1969.

This week we have seen fragments from the Shoemaker-Levy 9 comet impact the planet of Jupiter. Even though the pictures from Jupiter have provided enormous insight into this unprecedented occurrence, there are still thousands of questions that will need to be answered in the future. It is because of events like these, that we as a nation must continue to try to solve the mysteries of the universe.

After the lunar landing, Pan American Airlines began taking reservations for commercial trips to the Moon. Thousands of people signed up to travel to the lunar surface. Commercial space travel is still many years away, but until that time, individuals who want to travel to the Moon can only imagine that it was them 25 years ago making history. Someday in the future we may all be able to take "giant leaps" and "small steps" on the surface of the Moon.

Mr. Speaker, I am proud our Nation is taking a moment to honor Neil Armstrong, Buzz Aldrin, Michael Collins, and the over 400,000 men and women who worked on the Apollo Program.

175TH ANNIVERSARY OF LEBANON, TN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. GORDON. Mr. Speaker, I rise to congratulate the city of Lebanon, TN, on its 175th anniversary, which it will celebrate throughout the week of July 24. Lebanon, the Wilson County seat, certainly has a lot to celebrate.

For the past 2 years in a row, the Wilson County Fair has been named the Champion of Champions by the Tennessee Fair Association.

As all residents of Lebanon know, original settlers named the city for the Biblical land of cedars. That tradition has been preserved and shepherded under the able leadership of Mayor Don Fox, Mayor pro-tem Fred Burton and Aldermen Jerry Hunt, Arah Preston, Joe Hayes, Johnny Knowles, and Kathy Warmath, and by the generosity of public spirit of each of its residents.

Maybe that's why Lebanon is a little town with a big reputation that is growing bigger every day. The cities of Lebanon, MO and Lebanon, OR, after all, were founded by former Lebanon residents.

Famous Americans who have called Lebanon home include Sam Houston, the first president of the Republic of Texas and hero of the battle of San Jacinto; four Confederate and one Union generals; Maude Woodfork McElroy, America's original Aunt Jemima; Maggie Porter Cole, one of the Fisk Jubilee singers; and, of course, Robert E. Lee's horse Traveler.

Lebanon is rightly proud of its top-flight 10th District schools, of its many church and civic organizations and of first-class recreation programs.

Not to be overlooked is Cumberland University, one of Tennessee's finest, which has graduated former Gov. Frank Clement, Cordell Hull, and many others.

This week Lebanon's proud residents will mark their anniversary with a parade and field day, dinners and dances and singing and much else—just like they've been doing for 175 years now. I know I'm speaking for all middle Tennesseans when I warmly wish them another 175 happy years.

TRIBUTE TO MARTY JAKUBOWSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to call your attention to Mr. Marty Jakubowski, a resident of Whiting, IN, in Indiana's First Congressional District.

On July 1, 1994, in Philadelphia's new convention center, Marty culminated his long quest for a title bout, earning the United States Boxing Association [USBA] lightweight championship title. Prior to the championship match against Philadelphia native Anthony Boyle, Marty had posted a most impressive record of 73–1, with 18 knockouts. This impeccable record illustrates Marty's special talents as a top-ranked lightweight boxer. Marty's determination and stamina proved to be the dominating force on July 1 as he recorded his 74th victory in a 12-round unanimous decision. As a result, Marty won the prestigious title of USBA Lightweight Boxing Champion.

Mr. Speaker, I wish to once again acknowledge this spectacular accomplishment that most boxers can only dream of completing in their career. Marty has chased this ultimate dream and made it a reality by triumphing in the USBA lightweight title bout. Marty has brought pride to northwest Indiana in his endeavors in the boxing world, and I wish him the best of luck as he continues his journey toward a world title.

TAMARA KELLY, VOICE OF DEMOCRACY WINNER

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KREIDLER. Mr. Speaker, I would like to recognize the achievement of Tamara Kelly, this year's Washington State winner of the Voice of Democracy broadcast scriptwriting contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

The Voice of Democracy scholarship program, established 47 years ago, is endorsed by the U.S. Office of Education and National Association of Broadcasters, Electronic Industries Association, and State Association of Broadcasters. This past year more than 138,000 students competed for 39 scholarships totaling $99,000, with the first place winner receiving a $20,000 scholarship to the college of his or her choice.

The winner from Washington State, Tamara Kelly, is a 16-year-old junior at Franklin Pierce High School in Tacoma, WA. Ms. Kelly is a bright, motivated young person with numerous achievements in speech, debate, and writing. She is committed to education and hopes one day to become a teacher. Her award winning script, entitled "My commitment to America", focuses on the importance of quality education in a child's life.

I ask that my colleagues take the opportunity to read Ms. Kelly's valuable thoughts.

MY COMMITMENT TO AMERICA

(By Tamara Kelly)

In fifth grade I had a truly remarkable teacher. He taught me that I am an individual, and that I am unique and special and that no one has any right to tell me anything different. He showed me how to stand up for myself, and how to be my own person. He taught me that every person in the world is equal, regardless of anything anyone else might say. The ideals and values he gave me have lasted me throughout my life, and whenever I have doubts about myself and my self worth, I always think of him and his never ending efforts to inspire me to greatness.

It is because of his encouragement that I have decided to become a part of the greatest, and most important profession in the world. My commitment to America is to become a teacher. If every individual in the United States would dedicate his or her self to the shaping and molding of the youth of America, our country could rise up and meet its awesome potential. So I'm going to take up my end of the great debt I owe to every teacher that has ever picked me up and brushed me off when I stumbled over the obstacles and crises of my life.

I'm going to repay the debt I owe to this country, and to those who have helped keep it the powerful force it is—by helping to make our children compassionate, fair-minded human beings, I am helping to insure that our country will remain the fantastic world power the very first leaders envisioned it to be.

To truly live and work up to it's potential, America must educate it's children, and not just in the three R's, but in every aspect of life, and life's dilemmas.

Teachers shape the lives of their students, and thus, shape the future of America. A teacher worthy of the name must school his or her students to be kind to those less fortunate than they themselves may be, regardless of race, creed or gender, and must teach respect, no only for all human beings, but especially for the elderly and the very young. A teacher must teach by example, by being fair and open minded, just as we hope our future leaders will be.

I believe that, as cliched as it may sound, children truly are the future of this great country, and that the success of the United States of America depends upon the values of it's youth.

In these troubled times our country needs wisdom and compassion more than ever. Unfortunately though, we are lacking enough role models who can help a child determine the difference between right and wrong.

School is where each child spends the vast majority or his or her life, logically, that is where the most emphasis on positive influences should be put. But instead, every day children go to school, and learn of prejudice and hatred. Students are surrounded by every imaginable danger and threat: racism, sexism, peer pressure to abuse drugs or alcohol—the threat of gang violence, rape or harassment is sometimes the foremost subject on the average student's mind. It's a sad commentary on our times when a student fears being shot, or raped, or stabbed at school. Yet hate is taught at school and at home.

There is hope, though. And our hope lies with the children of America. Not every child can live in the Cleaver family, not every child can have the excellent role models at home that some do. But sometimes having a caring teacher can make all the difference in the world. When no one else in the world is there for that child, at least she knows she can always turn to her teacher, for support and for guidance.

It's not too late to change the destructive patterns the youth of American has fallen into. By providing caring, and positive role models, we can effectively offset the negative role models in each and every child's life. It only take one person to make the difference.

My commitment to America is to help provide a role model to children who may not

have anyone else to look up to. If I can help just one child, if I can save just one child from gangs, or discourage one child from drug abuse, if I can keep one child from turning to a dead end street of violence or crime, then I believe that I have fulfilled my commitment to America.

If we educate our children in peace, they will not learn to fight. If we educate our children in the light of equality and fairness, they will not learn to be narrow-minded or prejudiced. And if we educate our children in love, they will not learn the meaning of the word hate. To educate our children, we must teach by example, and provide positive role models for them, thus making the United States of America a country with caring and altruistic leaders—a country worth living in, and dying for.

RETIREMENT OF BETTY OAKLEY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor Betty Oakley, a woman who has dedicated 21 years to the Belleville Public Library and Information Center. It is with great pride that I join the library staff and the township of Belleville in honoring her at her retirement.

Betty Oakley began working at the Belleville Library in July 1973. As supervising library assistant, Ms. Oakley has helped organize much of the library's books and media resources. As well as producing my computerized bibliographies, she has worked on the development of the Belleville Public Library's newsletter.

Recently, Ms. Oakley successfully coordinated the library's computerization project, and helped establish the Gaylord Galaxy System.

Ms. Oakley has maintained an excellent relationship with the community, and I am proud to ask my colleagues to join me in wishing her continued success.

LAW ENFORCEMENT SUPPORT FOUNDATION OF AMERICA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to honor an outstanding organization recently established in Staten Island, NY, the Law Enforcement Support Foundation of America. This foundation is the support network for officers and their families in their struggle to overcome medical problems. This network, comprised of former and current police officers, religious pontiffs and various businesses, support officers and their families with physical, emotional and financial difficulties regarding medical needs.

Mr. Speaker, this foundation rallies different sectors of a community and unites them for a common purpose: Support those officers, in their time of crisis, who consistently have supported us. As a former sheriff, I saw first hand the medical needs of officers regarding nonduty related illnesses. When all medical and job benefits are exhausted the LESFA steps up to bat. They provide lodging for family members near the hospital of the patient, doctors provide pro bono care and pharmaceutical companies donate medication.

Mr. Speaker, this organization leads the charge of public service, successfully, without the intervention of government. The Law Enforcement Support Foundation of America should serve as a shining example of how true support, in critical times, comes from family and friends. I commend the dedicated men and women behind the LESFA, may they be blessed with health, happiness and continued success.

TRIBUTE TO ROLLING MEADOWS CHAMBER OF COMMERCE 1993 HONOREES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. CRANE. Mr. Speaker, I would like to honor six very special business leaders in my district, who were recognized and honored on May 5, 1994, by the Rolling Meadows Chamber of Commerce for the leadership they have shown in their communities.

Thomas Threlkeld of Retailers Insurance Agency was honored as the 1993 Business Leader of the Year for his dedication, hard work, civic involvement, and leadership qualities. Having met personally with Tom, I can certainly attest to the qualities identified by the Rolling Meadows Chamber.

Dennis York, director of Rolling Meadows Public Works Department, was honored as the 1993 Community Leader of the Year. The Rolling Meadows Chamber honored Dennis "because he exemplifies the spirit of private enterprise in conducting operations of the city's public works department in a business-like manner for the benefit of the community." Dry pavements during snowstorms, Lake Michigan water, an improved recycling program, and bicycle paths are only a few of the achievements Dennis has accomplished during his 21 years with the city.

Continental Offices, Ltd. and Sterling Plumbing Group, Inc. both were honored with the 1993 Business Beautification Award. A honorable mention was given to the Women's Club. The Continental Towers received a facelift which included new landscaping, lobbies, and canopies. Sterling Plumbing's new building was transformed into an elegant fine kitchen and bath plumbing showroom. The Women's Club expansion included a day spa with its own entrance to fortify the flourishing Meadows Town Mall.

Gulliver's Travel was honored as Small Business of the year. Despite economic downturns, Gulliver's Travel doubled their size since Thomas R. Schedler's purchase of the agency in March 1992. His special attention to nonprofit organizations, honeymooners, business travelers, and others solidified this leadership in the community.

Mr. Speaker, I would like to congratulate the six business leaders of Rolling Meadows for their hard work and dedication. With their leadership, Rolling Meadows and the Eighth Congressional District of Illinois is a better place to live.

REMARKS BY MR. NEIL ARMSTRONG

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. BROWN of California. Mr. Speaker, on this the 25th anniversary of the first Moon landing, I would like to insert into the RECORD the eloquent remarks of Mr. Neil Armstrong, the first human to set foot on the surface of another world. These remarks were given at the White House today during a ceremony commemorating the *Apollo 11* mission.

REMARKS BY MR. ARMSTRONG, THE WHITE HOUSE, JULY 20, 1994

Thank you, Mr. Vice President, Mr. President, members of Congress, fellow astronauts, ladies and gentlemen.

Wilbur Wright once noted that the only bird that could talk was the parrot, and he didn't fly very well. So I'll be brief. This week America has been recalling the *Apollo* program and reliving the memories of those times in which so many of us here, colleagues here in the first rows, were immersed. Our old astrogeology mentor, Gene Shoemaker, even called in one of his comets to mark the occasion with spectacular Jovian fireworks. And reminding us once again of the power and consequence of celestial extracurricular activities.

Many Americans were part of *Apollo*, about one or two in each thousand citizens, all across the country. They were asked by their country to do the impossible—to envisage the design and to build a method of breaking the bonds of earth's gravity and then sally forth to visit another heavenly body. The principal elements—leaving earth, navigating in space and descending to a planet unencumbered with runways and traffic control—would include major requirements necessary for a space-faring people.

Today a space shuttle flies overhead with an international crew. A number of countries have international space programs. During the space age we have increased our knowledge of our universe a thousand-fold.

Today we have with us a group of students, among America's best. To you we say we have only completed a beginning. We leave you much that is undone. There are great ideas undiscovered, breakthroughs available to those who can remove one of the truth's protective layers. There are many places to go beyond belief. Those challenges are yours—in many fields, not the least of which is space, because there lies human destiny.

TRIBUTE TO MADELYN DICK

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. PARKER. Mr. Speaker, I stand before you today, in the people's chamber, to honor Mrs. Madelyn Dick, the Pike County, MS, Civil Defense Director. Mrs. Madelyn will be retiring on August 1 from this position which she has

officially held for the past 13 years. With over 30 years of selfless service to Pike County, she has earned the respect, honor and friendship of local, State, and Federal officials, including my own, as well as that of the thousands of people she has helped.

Mrs. Madelyn worked with her late husband, Mr. Arsene Dick, in the Pike County Rescue Unit, which was established in 1964. Mr. Arsene became Pike County's first full-time civil defense director in 1972, with Mrs. Madelyn working side by side with her husband as his operations director. The civil defense office originally was located next to their home until it was moved to its present location in McComb in 1974.

In 1981, Mr. Arsene passed away, and Mrs. Madelyn took on the job of civil defense director. She helped establish the enhanced 911 emergency telephone system in Pike County and has served as 911 coordinator since its inception in 1986. She accepted the enormous task of naming all the roads in Pike County, which now number at nearly 650. Countless times over the years, she has brought emergency grant funds to Pike County and earned the respect of State and Federal emergency management officials. She created a low-income food program, the Emergency Food and Shelter Program, for the elderly in Pike County. Then the food was delivered to the Civil Defense Office and she distributed it, with the help of the county road crew.

Through the years, she has coordinated many rescue operations and was always personally on the scene to lead and offer assistance. For instance, she spent more than 76 hours on the job with little or no rest during Hurricane Andrew. During emergencies, she has served as dispatcher for the county road crew, dedicating numerous hours during tornadoes and floods to ensure that crews were sent where they were needed. Mrs. Madelyn also served as coordinator for Pike County's rural fire departments since their inception. She has seen to it that those departments have state-of-the-art equipment, some of the best in the State of Mississippi. Thanks to her efforts, these fire departments are ranked in the top ten in our State. With her dedication to public service and keen interest in good government, Mr. Madelyn also has served as secretary for the Pike County Democratic Executive Committee.

I personally am proud to call her my friend. I am extremely proud to represent in Congress this fine leader and true friend to people in need. Her career as director has been stellar. Mr. Speaker, at this time, I ask that my colleagues join me in saluting this hero, my friend, Madelyn Dick, for her personal strength, her many outstanding achievements, her willing sacrifices to her community and her dedication to excellent public service.

TRIBUTE TO ERIC SALMIN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KING. Mr. Speaker, I rise today to salute a young man from the village of Plainview in my home district who has indeed performed a mitzvah. Thirteen-year-old Eric Salmin was so deeply moved by the plight of New York Jets quarterback Boomer Esiason's son, Gunnar, who is afflicted with cystic fibrosis, that he donated half of his Bar Mitzvah gift money to the Cystic Fibrosis Foundation. His selfless act is an inspiration to people everywhere, proving that each of us can have it in our hearts to reach out and do our part to help make a difference.

Eric not only helped to fight this dreaded disease through his generous donation but, through his action, helped to focus public attention on the fight to cure cystic fibrosis. He continues in that fight and led a major walk-a-thon on Long Island to raise money for the Cystic Fibrosis Foundation this May.

TRIBUTE TO NAVAL UNDERSEA WARFARE CENTER AT KEYPORT, WA

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Ms. CANTWELL. Mr. Speaker, I rise today to offer praise and congratulations to an outstanding wing of our armed services, which is setting new standards for performance in Government. The Naval Undersea Warfare Center at Keyport, WA, is one of three recipients of the prestigious Federal Quality Improvement Prototype Award for 1994. This high honor marks the center as the pinnacle of excellence in the U.S. Armed Forces.

Keyport workers provide testing, evaluation and fleet support for the U.S. Navy, and their recipe for success is simple. They emphasize customer satisfaction and teamwork. They cultivate a respect for all employees. They have instituted quality management programs, which have long been popular in the private sector, and proven how valuable such programs can be for Federal operations. The results of their efforts are outstanding. From 1986 to 1992, the center saved Navy contractors—and the American taxpayer—almost $75 million. And, amazingly, the center has continually realized its goal of zero profit, zero loss. Between 1982 and 1992, the net fiscal variance at Keyport was a mere 0.2 percent—on revenues of more than $2.8 billion.

Vice President GORE's Reinventing Government Program has Members of Congress laboring to make our Nation more efficient and cost-effective. The Naval Undersea Warfare Center at Keyport is already a step ahead of us. We should learn from them, and we should applaud their success. I want to salute each of the 3,300 employees at Keyport, and to thank them for a job well done.

LITIGATION CRISIS IMPERILS ACCOUNTING PROFESSION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. OXLEY. Mr. Speaker, I am concerned about the fact that the accounting profession is suffering under rapidly escalating litigation costs that are driving it away from auditing the small high-technology and high-growth companies that are often the target of meritless securities litigation.

Between 1990 and 1993, the litigation costs of the six largest accounting firms, excluding insurance, have nearly trebled, from 7 to 19.4 percent of accounting and auditing revenues. Accounting firms are responding to these skyrocketing costs by aggressively winnowing out clients. For many years, the six largest accounting firms consistently gained SEC audit clients at the expense of smaller firms. That trend has reversed. In 1993, five of the large firms showed a net decrease in such clients—in 1991, by comparison, only two firms showed a reduction in SEC clients. For 1993, the six firms experienced a net loss in SEC audit clients—losses exceeded gains by 20 percent. The trend has continued in 1994. For the first quarter of the year, losses by the six firms exceeded gains by 10 percent.

I am submitting for the RECORD an Accounting Today article that documents the impact of the securities litigation crisis on the accounting profession and the American economy. Notably, the author concludes that the accounting professions' difficulties are due in large part to its status as a "deep pocket" which, under joint and several liability, must pay 100 percent of the plaintiffs' damages, even if found only 1 percent at fault. Such a threat of massive liability can force a large settlement, regardless of the merits of the case. I am confident that my colleagues will see from this article how harmful the market incentives of the current securities litigation system are to the accounting profession and the economy in general.

Finally, I would like to note that there is pending legislation in both Houses of Congress (H.R. 417 and S. 1976) that corrects the flaws of the securities litigation system. I urge my colleagues to support this legislation, and help change the dynamics of the securities litigation system by reforming joint and several liability.

[From Accounting Today, Mar. 14, 1994]

LITIGATION CRISIS IMPERILS ACCOUNTING PROFESSION

(By Richard I. Miller)

Accounting Today has given considerable space over the last couple of months to a multi-part series featuring the philosophies of Melvyn I. Weiss.

Weiss has established himself as perhaps the nation's premier accountants' liability class action plaintiff's lawyer. From what I have seen, he has earned that distinction.

He makes his living suing accountants, and his articles attacking the accounting profession read like many of his briefs.

Most disturbing is his technique for stereotyping an entire profession because of a few highly publicized business failures that Weiss, and his colleagues in the plaintiff's bar, attempt to equate with audit failures.

It is more than coincidental that many of the positions he espouses for "the public good" do much to improve his entrepreneurial interests.

Weiss disputes the very existence of a litigation crisis.

He insists that a few extreme and isolated "horror stories" are representative of the vast amount of high quality work the accounting profession performs year in and year out.

He believes the accounting profession was wrong in seeking the role of auditors of publicly traded companies' financial statements, instead of leaving the job to the government.

He thinks it is an abuse of the litigation system for accounting firms to defend themselves against his law firm—and others like it—with the legal procedures available under the law.

He thinks tort reform is an effort to limit a plaintiff's access to the courts.

This is all, quite literally, incredible. It's time to set the record straight.

There is a litigation crisis, and it's getting worse.

There is no question that auditors' exposure to liability has generated increasing concern throughout the accounting profession. That concern is more than justified by the facts.

For example:

Sen. Christopher Dodd, D-Conn., chairman of the Securities Subcommittee Senate Banking Committee, recently announced his findings that "the securities litigation system is not working as it should and needs improvement."

The Public Oversight Board concluded in March 1992 that "the litigation risks confronting the profession pose serious dangers to the ability to perform its assigned role in society."

According to a recent survey of American Institute of CPA members, more than one in 10 firms intend to "discontinue doing business in certain industries or with certain organizations" because of litigation risks.

One-fifth of the firms indicated that they would "discontinue providing or performing certain types of services," also because of liability concerns.

One aspect of the profession's liability burden that has been the focus of recent public debate involves securities fraud class action lawsuits.

Virtually everyone who is familiar with the securities litigation system—with the notable exception of class action plaintiffs' lawyers—agrees that the system is not working as it should.

Congress is currently considering changes to that system.

Whether or not you call it an "explosion," both the number of securities class actions and the economic stakes involved in this litigation have climbed significantly in recent years.

The number of securities fraud class actions filed under Securities and Exchange Commission Rule 10b-5 has tripled since 1988, and a record 614 suits were filed in 1990 and 1991, more than in the five previous years combined.

Weiss' law firm alone filed 229 securities fraud lawsuits in the past three years. And, the average claim has soared to $40 million, compared to just $1.2 million in other federal actions.

WHO BENEFITS FROM ALL THIS LITIGATION?

The statistics that show the expanding magnitude of the litigation crisis do not, by themselves, make the case for liability reform.

If the litigation reflected an increase in wrongdoing, if the suits had legal merit, and if legal action was providing appropriate compensation to genuine victims of fraud, there would be little justification for change in the liability system.

Under those circumstances, economic discomfort for defendants could be viewed as the justifiable outcome of public policies designed to protect investors.

Unfortunately, this is not the case. The current system of class action litigation—which fails to distinguish between meritorious and baseline claims—is not serving the interests of the investors it was designated to protect.

By diverting corporate resources from productive activities to legal costs, it diminishes the value of investors' holdings.

In addition, because it chills public disclosure of corporate financial data needed by investors—the exact opposite of what the securities laws were intended to—the interest of investors in the free flow of information is not served.

What's more, a variety of independent studies show that plaintiffs recover only pennies of every dollar in claimed losses. Thus, the investors' interest in receiving recompense for wrongs is not served.

Other studies have shown that virtually all cases are settled without any determination of guilt or innocence, compared to a typical settlement rate of 60–70 percent in other civil suits.

And, a recent analysis by National Economic Research Associates of White Plains, N.Y., found that settlement amounts do not reflect the merits of the case—they tend to reflect the depth of the defendants' pockets.

In fact, legal experts say the combination of high settlement rates and low recovery is strong evidence that the plaintiffs' cases are weak—otherwise they would insist on a trial, or demand large settlements.

This demonstrates that the interest of investors and the public to ferret out the truly culpable parties is not being served.

The conclusion, therefore, is manifest. This is not a system operating to the benefit of investors and creditors.

The only beneficiaries of this system, and the only parties whose interests are being served, are the plaintiff's attorneys and law firms who claim approximately one-third of every settlement they extract.

Perhaps most indicative of the failures of the current system is that shareholder and investor groups—often the plaintiffs in these suits—have come out in support of legislative reforms to the securities litigation system.

WHY PURSUING "DEEP POCKETS" IS THE STRATEGY OF CHOICE

The failings of the litigation system are traceable in large part to the doctrine of joint and several liability, under which a single defendant in a lawsuit can be held liable for the collective damages caused by all defendants.

This rule creates an almost irresistible incentive for plaintiff's attorneys to seek "deep pocket" defendants such as accountants, underwriters and outside directors, no matter how peripheral their involvement in the alleged misconduct.

A recent study shows that accountants as a class are the most frequent targets of weak securities claims.

Because the potential liability is so great and the legal costs of defending a suit so high, most defendants regard settlement before trial as the best business decision—even if they are innocent.

Given the near certainty of settlement, the system invites plaintiffs' lawyers to maximize the volume of suits, regardless of the underlying merits.

IN REMEMBRANCE OF R. JEROME JENKINS

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. MANN. Mr. Speaker, I want to take a moment today to remember Mr. R. Jerome Jenkins who died quite unexpectedly last Thursday at the age of 54. Mr. Jenkins had been the executive director of Seven Hills Neighborhood Houses for 22 years and played a key role in providing social services in the Greater Cincinnati community. His goal was to improve the lives of those people who may not have the same opportunities as those who are more fortunate.

Jerome brought energy, enthusiasm, and commitment to any project in which he involved himself. He had a can-do attitude no matter how difficult the task. Jerome had a profoundly positive impact upon innumerable young people in the community. His untimely passage has robbed us of a community leader and role model.

Mr. Jenkins was a graduate of Clark College in Atlanta with a bachelors degree in psychology and biology. He received a master's in social work from Atlanta University and a master's in community planning from the University of Cincinnati. He went on to obtain his doctorate in philosophy and sociology from U.C.

In addition to his work at Seven Hills Neighborhood Houses, Jerome was a member of the Cincinnati Bar Association's Judicial Selection Committee, the U.S. Census Bureau Advisory Committee on Population Statistics, a member of the United Way Campaign Cabinet, the Community Chest Board, and the WCET–TV Advisory Board.

I extend my condolences to Jerome's wife, Rose, his mother, Audrey, his sons, Roger, Courtney, and Oren, and his father-in-law, Henry Oliver. Jerome's spirit and dedication will be sorely missed.

THE CONTINUING DIVISION OF CYPRUS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to express my concern over the continuing unrest in Cyprus on this, the 20th year of its illegal occupation by the Turkish Army.

I also want to thank my distinguished colleague from Florida for his efforts in focusing our attention on this illegal occupation and his call for peace and resolution on this sad and bitter anniversary.

As a result of the 1974 occupation, sadly there are still 1,619 Greek Cypriots and 5 United States citizens who remain missing and unaccounted for.

Since 1974, the United Nations has adopted numerous resolutions concerning Cyprus, resolutions that condemn the status quo as unacceptable and call for the withdrawal of the foreign forces, the return of the refugees, the ascertainment of the fate of the missing and respect for the human rights of all Cypriots. The Government of Cyprus, ever determined to reach a solution to the problem, has made every possible effort to reach an agreement.

Unfortunately, Turkey has ignored those efforts and the international community's persistent calls to resolve the Cyprus problem, and instead has systematically taken steps to obstruct the achievement of a just and lasting resolution of the Cyprus problem.

The United States Government has always supported a lasting solution and it is important that the Congress continue to firmly support the people of Cyprus by pressing Turkey to remove its illegal occupation force and work constructively for resolution. There must be a solution that will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, and be a significant step toward peace in the volatile eastern Mediterranean region.

The strong support of Congress combined with President Clinton's reaffirmation of his personal commitment to "work for an end to the tragic conflict on Cyprus, which is dividing too many people in too many ways," are clearly essential in bringing about a long overdue peaceful resolution of the Cyprus problem for the near future.

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 20, 1994 into the CONGRESSIONAL RECORD.

HEALTH CARE REFORM

Many Hoosiers have asked me about the status of health care reform and how possible changes would affect them and their families. The health care debate can be confusing, and it is not yet clear what reforms will pass Congress this year.

The President has not been able to rally a majority in Congress behind his reform proposal, and a wide variety of plans are before Congress. Nearly all share two primary goals: to expand coverage, or to obtain universal coverage, while containing costs. Today, over 38 million Americans lack medical coverage and health care costs continue to rise at two or three times the rate of overall inflation.

Reaching a consensus on health care reform will not be easy. Americans want to reform the health care system but do not share a vision of what the system should be or how to achieve it. The major interested parties in health care reform—consumers, doctors, hospitals, employers, insurance companies, and taxpayers—all can have different views concerning health care, and reform hinges on balancing these often competing interests.

Reform Proposals.—If Congress is to reach a consensus concerning health care reform, it must agree on a number of issues.

Benefits Package.—A basic benefits package would provide preventive care, coverage for catastrophic illness, and some coverage of extended care and prescription drugs. The package could be taken from job to job, but consumers may have to pay a higher share of the cost to make them more aware of medical expenses so they consume health care more prudently. Obviously, the more generous the benefits the greater the cost. I think the benefit package should provide basic benefits, not Cadillac coverage. It is better to add benefits later if funding is available than the other way around.

Choice—Americans strongly favor being able to choose their own doctor or hospital. I agree, and Congress is not expected to support reforms which would eliminate this choice.

Education/Information.—Health care reform almost certainly will emphasize better education and information. Consumers and health plans, for example, will be making more comparisons of the cost and quality of care.

Universal Coverage.—Expanded or universal coverage is a goal of health care reform, but it will be phased in gradually. Congress is not seriously considering a single-payer plan similar to Canada's, and support for employer or individual mandates is still short of majority in the House or Senate. Rather than mandate health insurance, it is more likely Congress will expand the pool of Americans who can obtain health coverage by implementing insurance reforms, tax incentives to encourage businesses to provide medical coverage, and government assistance to those who cannot afford coverage.

Insurance Reform.—Possible reforms include insurance for those with pre-existing conditions, guaranteed renewability or portability, movement towards standard insurance premiums (with variations for factors such as age or location), consumer protection, standardized forms to reduce paperwork, and allowing small businesses and individuals to join together to buy group insurance at lower rates.

Malpractice Reform.—Malpractice reform would reduce insurance costs and limit defensive medicine. Indiana is a leader in malpractice reform. Congress is considering national regulations.

Anti-trust Reform.—Anti-trust reforms would allow hospitals and doctors—especially in rural areas—to work together to better make use of limited resources. Such reform, for example, could make it easier for nearby hospitals to coordinate the purchase of expensive diagnostic equipment.

Taxes.—Congress is not expected to support a broad-based tax increase to pay for reform, and we probably will not tax employer-paid health insurance. Self-employed persons could receive a 100% tax deduction for health care expenses, just as employers now do. Taxes on tobacco products probably will increase.

Cost-control.—Congress is unlikely to support direct cost control. Instead, it will attempt to increase competition among health care providers in order to restrain cost increases.

Trigger.—A "trigger" device would activate in several years if reform goals such as increased coverage or cost control are not met. A "hard trigger" would, at a future date, either implement additional reforms or force Congress to vote on specific measures designed to achieve the unmet goals. A "soft trigger" would require Congress to consider how to achieve the unmet goals. Congress is more likely to adopt a soft rather than a hard trigger.

Scope of Reform.—As Congress considers health care reform, one important debate is between universal coverage and a more modest, incremental approach. I come down on the side of incremental reform.

First, I am concerned about whether Washington successfully can reform the health care system. It would be extremely difficult to restructure in a few months the $1 trillion health care system developed over decades.

Second, managing a new health care system could be very difficult for the government. The government already is straining to deal with its current responsibilities, and there is an enormous amount of public distrust of government. If we put into place a health care system the government cannot handle, it could have severe consequences on our entire government system.

Third, while I see strong support for health care reform, I do not see a consensus for any single comprehensive reform proposal. Hoosiers are becoming more cautious as they learn more about health care reform. Our health care system has many strengths, and it makes sense to preserve what works well and build on it.

But this is not an argument for doing nothing. Enacting no health care reform can cause harm as well. As health costs continue to rise, fewer people can afford health insurance and more companies will drop medical coverage as part of their benefits. Also, larger companies are using their clout with health care providers to demand lower costs. These costs do not disappear, and smaller employers are being forced to pay more as expenses are shifted onto them.

I think Congress and the President should proceed with reforms which have strong public support, such as insurance reform, reducing red tape, and promoting managed care. What we should not do is try to reform the entire health care system in one year.

IN HONOR OF LOUISE AND CHARLIE ENDEL'S 50TH WEDDING ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Ms. DELAURO. Mr. Speaker, on July 23, 1994, the friends and family of Louise and Charlie Endel will gather to celebrate the couple's 50th wedding anniversary. The Endels are two extraordinary individuals whose commitment to community, friends, family, and each other has been an inspiration to those of us fortunate enough to know them. As a longtime friend and admirer of the Endels, I would like to join in paying tribute to the tremendous impact they have had on New Haven and Connecticut.

As people who actively participated in many arts, cultural, and education programs in New Haven, the Endels have been an invaluable source of support and assistance to our entire community. They have touched many lives, and their leadership, and contributions to the people of New Haven, have made the city a better place.

Louise has been a tireless fundraiser and activist for such worthy causes as A Better Chance, Inc., Leadership Education and Athletics in Partnership, Women's Health Services, Bridgeways Communications, and the

Long Wharf Theater. But her contributions cannot be quantified by how many boards she has chaired or community programs she has helped to succeed. Her real contribution can only be understood when you consider the enthusiasm and energy she puts into her work. She brings people together and inspires extraordinary achievements. It is a marvelous talent that has greatly benefited New Haven.

Charlie has also been an active supporter of the arts and education through his work for such programs as the American Field Service, the Creative Arts Workshop and Individuals with Prolonged Mental Illness. His commitment and dedication to our young people has helped many to realize their full potential. Like Louise, he inspires people and moves them to action.

In raising three daughters as caring and thoughtful as themselves, the Endels have passed their legacy of community activism to a new generation. Barbara, Susan, and Patricia are active in health care, the theater, and government and non profit work respectively.

The Endels have richly earned this 50th anniversary celebration, and I commend their extraordinary commitment and dedication to community, family, and each other. Loving parents and gifted leaders, they continue to inspire us and enrich our lives. I am honored to have this opportunity to recognize these special people. Congratulations, Louise and Charlie.

EVA ISAAC: AN APOLLO LEGEND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, a story which recently appeared in the Washington Post about one of Harlem's Apollo Theatre's most famous and adored fans—Eva Isaac.

I share this story with you in tribute to a woman whose spirit and vitality is a trademark of one of the most exciting and vibrant cities in the world: New York.

[From the Washington Post]

FRONT AND CENTER AT THE APOLLO

AMATEUR NIGHT DRAWS A TOUGH CROWD. JUST ASK EVA ISAAC.

(By James Earl Hardy)

NEW YORK.—The moment she walks into Harlem's famed Apollo Theatre, all heads turn. Some gasp. Others tap their neighbors, pointing and declaring in hushed tones, "It's her." A few ask for her autograph, even though they don't know her name.

And, as she is led by an usher through the lobby and to her seat—first row, center, No. 108—she is met with applause, blinding camera flashes, calls of Woof! Woof! Woof!" and shouts of "You go, girl!"

Eva Isaac is an "Apollo Legend," without a doubt the Apollo's most famous Amateur Night audience member.

Every Wednesday night since 1935, the Apollo has hosted one of the liveliest open-mike talent competitions in the country. A dozen or so brave souls have graced the theater's stage each week and faced what many consider the toughest audience in the world. How tough are they? Ask Luther Vandross. He was booed four times before he won.

Isaac has been a witness to this and many other hits and misses over the past 40 years. ("It's Showtime at the Apollo" airs tonight at 1 a.m. on Channel 4.) Neither rain nor sleet nor 12 inches of snow (through which, on one particular night, she trekked for several miles between her apartment in the Polo Grounds housing project and the theater) will stop her. She's only missed the festivities once. In 1987 she returned to Emporia, Va., where she was born and raised, to attend her mother's funeral.

"Folks know they can count on me to go out or do something for them, any time during the week—except Wednesday night," explains Isaac, as she peels off her coat and settles in what a young man sitting directly behind Isaac calls "her throne."

"If I go on vacation, I'll leave after the show and make sure I'm back in time for next week's. I just can't miss it!" says the diminutive, bespectacled 56-year-old woman, whom some around here call "Miss Apollo."

"She weaves this magic over the place that you just can't explain," says Leon Denmark, executive director of the Apollo Foundation, the group that runs the theater. "Stars fade, fads come and go, but Eva doesn't. She's always there to help strike up the band."

Isaac usually gives the first "thumbs up" or "thumbs down" sign to contestants, and does it in a way only she can. There was the time a male dance trio from the Bronx called Rhythm in Motion strutted their stuff off of the house version of Janet Jackson's "if." No more than 15 seconds into their performance, Isaac jumped out of her seat, pointing to the stage and screaming, "Ya'll betta dance!" She started gyrating her own hips and shaking her rump, even working the groove with one of the fellas when he came to the foot of the stage. Her energy was infectious. Many in the audience followed her lead, bopping along to the beat or clapping and cheering.

Another act was not as lucky. A young woman from Newark tried her best to belt out Mariah Carey's "Hero," but had barely gotten through the first few lines when Isaac calmly rose out of her seat, placed her hands on her hips and declared, "Sorry, baby, but you can't sing!" She waved at the woman before sitting down, which seemed to be a cue for the audience. A somewhat scary chorus of boos and hisses erupted, and Sandman Sims, the resident clown and bearer of bad tidings, pranced out with his cane to "rope" the young woman off the stage.

Giving someone the boot isn't something that Isaac really enjoys, though. "Whoever comes from behind that curtain, I want them to win. And I know that it takes a lot of courage to come out in front of some strangers and try to do your thing, so I give them all the utmost respect for that and give them the benefit of the doubt. But you shouldn't half-step, because we are hard to please." So hard, in fact, that some contestants are smart enough to seek out Miss Apollo's advice before they go on.

Isaac vividly recalls her very first Amateur Night, not long after she stepped off a bus from Virginia for a new life at the tender age of 17.

"It was another world for me," she explained. "You got to remember that I was a farm girl. I milked the cows and cut the wood and picked cotton and pulled tobacco. There was 26 of us"—her parents, eight blood-related siblings including a twin sister, and another couple and their 13 children whom Isaac's father took in after they lost their land. "It was crowded, honey! I guess I felt smothered, lost in the mix.

"So picture me coming to New York and seeing, for the first time, the people I would read about in the paper or hear on the radio in the town store. They were live, for real, onstage. They were larger than life, so pretty and handsome, dressed to the nines, you know? All that glitter and gold, the sequins and gowns, and all that hair! I don't know, but something took over me—the lights, the feeling of being with so many other people—it made it seem like a big family. It just set me free, let this other me inside come out. I was ready to party, you hear?"

And the party has continued every week since. Isaac didn't slow down when she married (her husband, who died in 1992, joined her when he wasn't working). Nor did she let children get in the way. Unless they had chores or homework, all five of hers, now ages 22 through 38, also came along. "It was certainly better than letting them run the streets," says Isaac. And all the exposure to show biz paid off in one instance: Her son Erskine is a booking agent.

It was after one of her stellar performances—climbing up onstage and demanding that a male crooner "Sing it!"—that Ralph Cooper Sr., who began Amateur Night in 1935 and served as its emcee until his death two years ago, came up with the idea of "booking" the woman he addressed as "my girl, Eva." Isaac was awarded a lifetime pass in 1962.

And she has seen a lot from that seat. "Little Stevie Wonder, little Michael Jackson and the Jackson 5, Gladys Knight, the Supremes, the Temptations, all the biggies. And there are, of course, the wannabes, those people who want to be the next Michael or Gladys. Some of them cried, some of them laughed about bombing out. But I loved them all because they dared to dream, they took a chance. They will be a part of me always. I feel like I know them all personally, like they are all my children."

Because the amateur competition, which helped launch the careers of Ella Fitzgerald, Dionne Warwick and James Brown, is seen internationally on the tube, Isaac is also seen around the world. Fans from other countries have sent her flowers and letters. Such musical giants as R&B diva Patti LaBelle, blues legend B.B. King and "Quiet Storm" crooner Keith Washington have given her their props from the Apollo stage. Washington's rose has been wrapped in aluminum foil and stored in her freezer for the past three years.

Isaac has no thought of retirement, even though there is a home in Scottsville, Va., left to her by her father. She rents it out to her children, and to hear her tell it, they may end up living in it for the rest of their lives.

"Even if I do decide to—how do they say it, chill?—it'd be hard leaving the Apollo behind," she admits with a smile. "It really is my second home, you know."

THE FIRST ANNIVERSARY OF "DON'T ASK, DON'T TELL"

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. NADLER. Mr. Speaker, yesterday was the first anniversary of the introduction of the so-called, "Don't Ask, Don't Tell, Don't Pursue" policy regarding lesbian and gay soldiers

in the U.S. military. One year later, it is clear that this policy is an abysmal failure. The new policy has actually made things worse. Gay and lesbian servicemembers who were lulled into a false sense of security when the policy was first issued have had their fondest hopes betrayed.

Despite this new policy, the services are asking, are pursuing, and are discharging. In fiscal year 1993, during which this policy was promulgated, the number of discharges for homosexual conduct actually went up. A recent article in the New Republic tells the story of an Air Force airman who was turned in by a fellow airman, because the second had intercepted the first's private correspondence to a civilian friend. He hadn't told, he wasn't asked—at least not at first—but he was pursued all the same. A growing body of evidence collected by the Servicemembers Legal Defense Network indicates that this kind of story is not at all uncommon.

The argument in favor of continuing the ban is simply a rehash of the old myth that some spouted in the 1940's when they wanted to prevent African-Americans from serving their country. Then as now, they argued, against all evidence, that the military cannot function unless the Government panders to the intolerance, prejudice, and fear of the majority. But this is wrong. In fact, soldiers spying on their comrades' private lives does more to undermine unit cohesion than a platoon of lesbian and gay soldiers. The loss of skilled officers and enlisted personnel has severely weakened our readiness, and wasted taxpayer dollars. The policy is also plainly unconstitutional. As the District of Columbia Court of Appeals said last year in the Joseph Steffan case, "The Constitution does not allow government to subordinate a class of persons simply because others do not like them."

This policy is unconstitutional. Let people who want to serve their country serve their country. We should mark the first anniversary of Don't Ask, Don't Tell by revoking it. A policy that indulges and condones discrimination and weakens rather than strengthens our Armed Forces is an unworthy policy.

DON'T ADD BAGGAGE TO GATT

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. ROHRABACHER. Mr. Speaker, there is much discussion that the GATT implementing legislation, when it is formally submitted to Congress, will include a provision that will change U.S. patent law to the detriment of small inventors in the United States.

The GATT agreement requires the signatories to provide patent protection to inventors for a minimum of 20 years from the date filing for the patent. The current U.S. patent law provides patent protection for 17 years from the grant of the patent. Reportedly the GATT implementing legislation will change U.S. patent protection to 20 years from filing. This will hurt small inventors and U.S. competitiveness because many complicated and contested patents take 14 or more years from filing to the actual grant of the patent. The change proposed in the GATT legislation would reduce the effective value of the patent to the inventor. This will reduce the incentive to U.S. inventors and thereby damage U.S. competitiveness.

The GATT goals can be met by increasing the length of the patent term to 20 years from the date of grant. Alternatively, the law could also be changed so that it protects the inventor for 20 years from filing or 17 years from grant, whichever is longer. Either of these would be consistent with the GATT agreement and provide true protection to inventors from delays by patent examiners or by special interests with deep pockets who wish to, for economic reasons, contest or delay patent applications.

Mr. Speaker, the Biotechnology Industry Organization whose members are dependent upon fair and secure patent protection, has recognized the danger of the GATT proposal with respect to patent law protection. I commend to my colleagues the following letter from the biotech industry. If, after reading this letter, you agree that U.S. patent law should not be effectively shortened to 20 years from filing you may contact my office or Congresswoman BENTLEY to sign a letter to President Clinton to make U.S. patent terms 20 years from the time of the grant.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, June 27, 1994.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

Re GATT-TRIPS/S. 1854/H.R. 4505.

DEAR AMBASSADOR KANTOR: We are writing on behalf of the Biotechnology Industry Organization (BIO), the trade association which represents the interests of 525 members active in biotechnology, concerning the General Agreement on Tariff and Trade (GATT) Agreement and legislation to implement the agreement.

As an industry with a positive balance of trade we support full and fair international trade. Therefore, we welcome many features of the GATT Agreement, including elimination of tariffs and the stronger intellectual property protection provided under the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) which forms part of the GATT Agreement.

We do, however, have serious concerns relating to draft legislation to implement the agreement. Specifically, we believe that limiting the patent term to 20 years from filing, without adopting either a package of safeguards or other reforms, will seriously disadvantage our industry, which is particularly prone to lengthy delays between the filing of a patent application and subsequent issuance of the patent.

This threat to our industry can be avoided, while at the same time complying with GATT, by leaving the present patent terms of 17 years from issue unchanged other than to insert language stating that the term will not be less than 20 years from filing, extending 35 USC 104 to all GATT (WTO) countries and, incidental to this, but apparently overlooked when implementing NAFTA, amending 35 USC 102(g) in a similar manner. We attach two proposals for such amendment to 35 USC 154. This proposal would not only be in full compliance with GATT but would greatly simplify the implementing legislation by completely avoiding all additional provisions currently proposed in connection with patent term extension for interference delays, provisional protection and the like.

In the event that despite our suggestions above, change to a patent term of 20 years from filing remains in the proposed legislation, we urge the following three steps be taken:

The extension provisions should also apply to cases involved in protracted appeals. The Administration's attempt to deal with the potential inequities of moving to a patent term of 20 years from filing by permitting patent term extension for patents involved in interferences, while welcome, does not go far enough and should apply to protracted appeals. Without this change the effect in many cases of a 20 year term would be to cut back on the current effective length of the patent terms available to biotechnology inventors.

The amendments should not apply to inventions which were filed on or prior to the effective date even if refiled thereafter.

The Administration should commit in a Statement of Administrative Policy to shorten the processing time of Patent Applications through the following: (i) increased staffing at the Patent and Trademark Office; (ii) support for ameliorative legislation such as the Biotechnology Patent Protection Act; and (iii) strict guidance to Patent Examiners on questions of utility particularly in the biotechnology area. This latter issue is discussed in the attached outline of our concerns regarding the utility issue.

Finally, we are concerned with the fact that the TRIPS Agreement contains provisions which are subject to abuse, namely exclusion of certain inventions in the biotech area from protection and lengthy delays in implementation because of which we need to maintain options for bilateral action. We, therefore, support efforts to preserve the vitality and viability of special section 301 to address these two deficiencies.

We have analyzed the two bills which have been introduced to implement the Agreement. This letter is accompanied by a detailed commentary regarding S. 1854, which sets out the problems with this particular bill. Similar concerns arise with regard to H.R. 4505, which we understand to be virtually identical to the Administration's draft GATT implementing proposal on this issue.

Our concern about these bills is based on our experience with the patent law as it applies to the biotechnology industry, which is outlined here.

(A) DELAYS IN THE PROSECUTION TO ALLOWANCE AND ISSUANCE OF APPLICATIONS

(a) Prosecution

(i) Utility Current patent office practice places demands upon Applicants to provide clinical data in support of inventions claiming therapeutic activity which form the major part of inventions in the biotechnology area. Whether or not this requirement is correct, and we believe it is not as outlined in the attached paper, generation of these data is inordinately time consuming because of regulatory and safety requirements and requires a major commitment of resources.

(ii) *Scope* In a new field such as biotechnology where there is scant binding legal precedent both the Patent Office and Applicants require much to and fro communications as well as guidance from higher authorities to determine patentable claim breadth.

(iii) *Appeals* Because of the requirements of (i) and (ii) Appeals to the Board of Patent

Appeals and Interferences (BOPAI) and higher yet to the Court of Appeals of the Federal Circuit (CAFC) are frequently inevitable and all the more likely for more significant or important inventions. In such cases delays of 10 years from filing are not uncommon (see attached examples).

(iv) *Interferences* The relative incidence of interferences in the area of biotechnology inventions is exceptionally high, and the interferences themselves are frequently unusually complicated and/or adversarial (=little willingness to settle), requiring 8 to 10 years to final resolution (see attached examples). Additionally, these protracted interferences typically involve pioneer inventions and it would be demonstrably unfair to penalize an inventor with a shorter effective patent term because of the dilatory tactics of a competitor.

Each of these four factors, especially if combined, would lead to excessively lengthy patent prosecution and shortened effective patent life if a 20 year from filing term is introduced.

(B) CONTINUING APPLICATIONS AND RETROACTIVITY

The proportion of applications refiled as continuing applications is disproportionately high in the biotechnology area. This is usually the result of either a need to generate clinical data and/or the oft-encountered practice of patent examiners finally rejecting applications but indicating they will allow cases if they are refiled with restricted scope. This latter is a temptation which is economically hard to resist for many of our members who rely on patent portfolios to attract investments.

As currently worded these bills could rob inventions made and prosecuted under law and practice prevailing prior to its enactment of a significant period of patent life even if Applicants were *forced* to file a continuation application after the effective date of the legislation to preserve their rights. We have attached data on the length of appeals for biotechnology patents and examples of interferences.

In proposing a de minimis approach to the implementing legislation BIO is not reversing its position on harmonization issues where we favor a patent term of 20 years from filing and early publication as part of a balanced package. BIO is also sympathetic to the problem of submarine patents apparently encountered by some other industries. We have doubts, however, whether a patent term of 20 years from filing effectively eliminates submarine patents other than those issuing on applications having pendencies of 20 years or more. Finally, our proposal would not in anyway compromise the recent understanding between the USPTO and the JPO.

We urge that these measures be considered, of all their ramifications and careful fine tuning to avoid dealing an unnecessary blow to at least one sector of US industry which relies heavily on effective patent protection for its competitiveness and ultimately, survival.

We will be happy to meet, discuss and work with you and your staff to implement GATT/TRIPS in a way which minimizes the risk of unintended effect and at the same time to work expeditiously towards other desirable reforms. We also would be interested in proposing an agenda of administrative actions which could be taken by the Administration.

We very much appreciate this opportunity to offer BIO's view on this legislation and look forward to working with you on this critical issue.

Sincerely,

CHARLES E. LUDLAM,
Vice President for Government Relations.

CARL B. FELDBAUM,
President.

LAND GRANT DESIGNATIONS FOR TRIBAL COLLEGES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. WILLIAMS. Mr. Speaker, today, I am introducing a bill with a number of my colleagues to provide land-grant college status to our Nation's tribal colleges. The bill would give 29 tribal institutions this status, and would authorize appropriations to assist these institutions in meeting the responsibilities that go with such land-grant designation.

The tribal colleges that would benefit from this status are tribally controlled higher education institutions located on or near Indian reservations. Most of the 29 institutions are 2-year colleges, but there are 4-year institutions and one offers programs leading to a master's degree. Located in 12 States, these tribal colleges are the most important provider of higher education opportunities for native Americans, serving 14,000 students each year. They have been remarkably successful at retaining students and sending them on to 4-year colleges. They are also important providers of community services, such as alcohol and drug abuse programming and counseling, job training, and economic development support, advice and assistance. I think it is fair to say that these colleges are vitally important to the communities in which they are located.

Granting these 29 tribal institutions land-grant status makes perfect sense. The original land grant legislation, the Morrill Act of 1862, authorizes States to use the income from certain public lands to establish and operate "colleges for the benefit of agriculture and the mechanic arts." Since that time, land-grant status has been granted to a number of additional institutions through separate acts of Congress. But the underlying purpose of the original Morrill Act has always been retained, that being to enhance the ability of our Nation's land-grant college system to develop programs that deal with the problems of the rural poor and to improve economic opportunities for rural people. Tribal colleges can, must and do play a vital role in this endeavor. In fact, tribal colleges are essential in serving the needs of the rural Indian population of our Nation. And in many States those services extend far beyond the Indian population, as tribal colleges perform vitally needed economic and community service to people and communities surrounding reservations.

By granting tribal colleges land-grant status, they will be able to perform this role more effectively. Despite the historical special relationship of the United States to American Indian tribal governments and their people, and despite the important roles Indian postsecondary institutions perform in their communities, Federal financial support has been far below that experienced by land-grant colleges. And yet, the missions of tribal colleges are exactly similar to those of land-grant institutions, and their communities have the same needs for agricultural services and extension services as those of communities served by existing land-grant institutions. My bill, by granting land-grant status to tribal colleges, will give them the chance to get the funds they need to serve their communities effectively.

And this bill will have another important impact. It will strengthen the relationship between existing land-grant institutions and tribal colleges, something that can only benefit both institutions. Existing land-grant colleges, being the flagships of our Nation's higher education research enterprise, have important resources and expertise that they can share with tribal colleges. And tribal colleges, because they have a unique appreciation and relationship with native American people, can help land-grant colleges understand the best way to serve the needs of Indian people. Getting these two sets of colleges to work together, which my bill does, will forge an alliance that can only be for the good of all Americans.

Finally, for far too long tribal colleges have been treated as stepchildren in our system of higher education. Land-grant designation will provide a status to these institutions that will bring about a rightful acknowledgement and recognition that these are important, vital institutions who are significant partners in our higher education enterprise. That acknowledgement and recognition can only benefit the students and communities these tribal colleges serve. And in the long run, every community in our country benefits from that.

Mr. Chairman, the bill I am introducing today has bipartisan congressional support. It has been endorsed by the National Association of State Universities and Land-Grant Colleges, in large part because that organization realizes that all of higher education benefits from a cooperative and collaborative relationship between its members and tribal colleges. Probably the best way to forge that relationship is by putting these institutions on equal footing by granting land-grant status to tribal colleges. I hope my colleagues will agree with me and give this bill their support.

SOUTH FLORIDA THREATENED BY THE MELALEUCA TREE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. DEUTSCH. Mr. Speaker, I would like to tell you about the melaleuca tree—a noxious weed that threatens to destroy the Everglades and fundamentally change the landscape of the Southeastern United States. Melaleuca was imported from Australia at the turn of the century to help dry the swamps of south Florida. Now the Department of Agriculture estimates that melaleuca infests about 35 percent of south Florida wetland areas.

Melaleuca continues to spread throughout south Florida at a rate of 52 acres per day. This invasion threatens not only Florida but also other coastal wetland areas ranging from Texas to South Carolina.

To combat this invasion, the Corps of Engineers, the Department of Agriculture, and the

State of Florida are collaborating on a research project to identify the natural enemies of melaleuca and other exotic plants. This project requires construction of a quarantine facility where insects and other biological control agents can be safely tested.

Today I am joined by my friend CLAY SHAW and other Members of the Florida delegation in introducing legislation to authorize funding for this project. I encourage my colleagues to cosponsor this measure and help combat this pest.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 21, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

9:00 a.m.
Labor and Human Resources
Disability Policy Subcommittee
To hold hearings on S. 2140, to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests.
SD-192

Joint Economic
To hold open and closed hearings to examine the economic conditions in China.
SD-628

9:30 a.m.
Foreign Relations
To hold hearings on the nominations of Robert A. Pastor, of Georgia, to be Ambassador to the Republic of Panama, and Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Bolivia.
SD-419

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System, and Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States.
SD-538

Labor and Human Resources
To hold hearings to examine health insurance coverage for American and foreign employees of multinational corporations.
SD-430

JULY 25

1:30 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Environmental Protection Agency's implementation of the non-attainment provision of the Clean Air Act in the Lake Michigan region.
SD-342

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Dorothy Myers Sampas, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, E. Michael Southwick, of California, to be Ambassador to the Republic of Uganda, Carl Burton Stokes, of Ohio, to be Ambassador to the Republic of Seychelles, and Brady Anderson, of Arkansas, to be Ambassador to the United Republic of Tanzania.
SD-419

Indian Affairs
To resume hearings on S. 2230, to revise the Indian Gaming Regulatory Act.
SD-106

JULY 26

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be a Member of the Federal Energy Regulatory Commission, Department of Energy.
SD-366

2:00 p.m.
Judiciary
To hold oversight hearings on the activities and programs of the Department of Justice.
SD-226

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on the Administration's proposed legislation relating to meat and poultry inspection.
SR-332

JULY 27

10:00 a.m.
Judiciary
To hold hearings on the nomination of Lois Jane Schiffer, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.
SD-226

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2253, to modify the Mountain Park Project in Oklahoma, S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.
SD-366

JULY 28

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2121, to promote entrepreneurial management of the National Park Service.
SD-366

Rules and Administration
To hold hearings on S. Res. 230, to designate and assign two permanent Senate offices to each State.
SR-301

2:00 p.m.
Veterans' Affairs
To hold hearings on the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and pending legislation.
SR-418

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on S. 985, S. 1478, and S. 2050, bills to improve existing legislative authority regulating the use of pesticides and to insure public health and environmental benefits.
SR-332

JULY 29

9:00 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Juvenile Justice to examine the video rating system, focusing on violent video games.
SH-216

Judiciary
Juvenile Justice Subcommittee
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Regulation and Government Information to examine the video rating system, focusing on violent video games.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Federal Communications Commission (FCC).
SR-253

AUGUST 1

2:00 p.m.
Indian Affairs
Business meeting, to mark up S. 2269, to protect the Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2075, to authorize funds for and to strengthen programs of the Indian Child Protection and Family Violence Prevention Act, and S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.
SR-485

AUGUST 2

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, S. 1871, to establish a Whaling National Historical Park in New Bedford, MA, S. 2064, to expand the boundary of the Weir Farm National Historical Site in 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.

SD–366

AUGUST 4

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings with the Committee on Indian Affairs on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

Veterans' Affairs

Business meeting, to consider the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and to mark up pending legislation.

SR–418

Indian Affairs

To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

AUGUST 12

2:00 p.m.

Indian Affairs

To hold hearings on the nomination of Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

SD–628