SENATE—*Monday, August 8, 1994*

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

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

Let us pray:

"Ye shall know the truth and the truth shall make you free"—John 8:32.

Lord God of righteousness and justice, there is in each of us a spirit of self-interest which inclines us to pragmatism as a way of life. Protect the Senators from the subtlety of self-deception. Give to each wisdom to examine his plans in the light of Thy truth—and grant courage to do what his God-enlightened conscience dictates.

For the sake of God and country, 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 8, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Also under the previous order, the Senate will now resume the consideration of H.R. 4606, the Labor-HHS appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARKIN. Mr. President, Senator SPECTER and I are here. We are now on H.R. 4606, the Labor-Health and Human Services appropriations bill. Under the unanimous-consent agreement that was entered into last Friday, between now and noon is the time for amendments. We have 2 hours now. So if Senators have amendments to this appropriations bill, they should come to the floor and offer them between now and noon. At noon, the bell tolls, and there will then not be an opportunity to offer amendments thereafter.

It would be our intention at noon, if there are no other amendments, after some managers' amendments and technical corrections that we have, to then proceed to third reading.

I am informed that there is a standing request for a rollcall vote on all appropriations bills. That being the case, there is a further unanimous-consent agreement, I guess, that there will not be any rollcall votes until at least 10 a.m. on Wednesday.

So this is the situation. We are open for business. We have 2 hours under the unanimous-consent agreement under which Senators can offer amendments. After noon, no other amendments can be offered. Then there would not be a rollcall vote until 10 a.m. on Wednesday.

I hope that is correct. I yield to Senator SPECTER if there are any modifications or some nuances I have missed in my understanding of the unanimous-consent request.

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

Mr. SPECTER. Mr. President, I think the distinguished chairman has it exactly right. I join Senator HARKIN in urging all of our colleagues to come to the floor. There is a long list of pending amendments and, as Senator HARKIN has said, time will expire for offering those amendments under the unanimous-consent agreement at noon.

I support his conclusion that at noon we will proceed to third reading, at which time the appropriations bill will be concluded. As he has said, there will not be any vote on final passage by unanimous-consent until Wednesday at 10 a.m. But at noon, we will go to third reading, with the only final action on the bill to be the vote not earlier than 10 a.m. on Wednesday, since there is a standing request for rollcall votes on all appropriations bills.

So we urge our colleagues to come to the floor. We are open and ready for business. As Senator HARKIN has said, quoting Hemingway, the bells will toll at 12 noon.

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

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

Mr. SPECTER. I ask unanimous consent the pending committee amendment be set aside.

Mr. HARKIN. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. SPECTER. Mr. President, I understand there is no objection?

The ACTING PRESIDENT pro tempore. Without objection the pending amendment is set aside.

AMENDMENT NO. 2465

(Purpose: To express the Sense of the Senate that the House should approve legislation to increase payments in lieu of taxes and for other purposes)

Mr. SPECTER. Mr. President, on behalf of Senator DOLE, I am submitting an amendment of which Senator MCCAIN is the principal sponsor, along with Senators DOMENICI, BURNS, CRAIG, SMITH, HATCH, BRYAN, DORGAN, CAMPBELL, and BENNETT. I send the amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. MCCAIN, for himself, Mr. DOMENICI, Mr. BURNS, Mr. CRAIG, Mr. SMITH, Mr. HATCH, Mr. BRYAN, Mr. DORGAN, Mr. CAMPBELL, and Mr. BENNETT, proposes an amendment numbered 2465.

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

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The amendment is as follows:

The Senate finds that Federal payments in lieu of taxes to counties compensate local jurisdictions for services provided in areas owned by the federal government and for tax revenues foregone due to such federal ownership.

PILT payments are critical to counties to provide vital basic services such as emergency search and rescue; law enforcement; fire and emergency medical services; solid waste management, road maintenance, and health and other human services.

PILT payments have not been increased since 1976, and the consumer price index has risen 127 percent since 1976.

On April 13, 1994, the Senate approved legislation to increase PILT payments by $115 million over 5 years, and index the payments to keep pace with inflation.

Enactment of this legislation is critical to counties in 49 states throughout the nation.

It is the sense of the Senate that the House should approve the Senate passed legislation to increase PILT payments, and that this legislation should be enacted by the adjournment of the 103rd Congress. Further, it is the sense of the Senate that, pursuant to enactment, the President should include full funding for the PILT program in the FY 1996 Budget.

Mr. SPECTER. Mr. President, Senator MCCAIN does not seek any action on this amendment at this time, but instead would ask for a rollcall vote when the Senate votes, no earlier than 10 a.m. Wednesday.

This is an amendment which expresses the sense of the Senate that Congress should enact legislation to increase Federal payments in lieu of taxes this year and that the President should request the full funding for the program in the administration's 1996 budget request.

The Federal Payments in Lieu of Tax Program reimburses some 1,700 county governments in 49 States for the vital public services they provide in areas which contain tax-exempt Federal land. These revenues, which make up for lost property taxes, are critical if counties are to provide vital services such as emergency search and rescue, law enforcement, fire and emergency medical services, solid waste management, road maintenance, health and other human services.

This is the expression of the amendment as contained in the statement by Senator MCCAIN. His statement goes on to point out that payment in lieu of taxes has not been increased since 1976. This situation makes it nearly impossible for counties where the Federal Government owns a significant amount of land to provide basic services for residents and Federal land users.

Mr. MCCAIN. Mr. President, this amendment expresses the sense of the Senate that Congress should enact legislation to increase Federal payments in lieu of taxes this year, and that the President should request full funding for the program in the administration's 1996 budget request.

The Federal payments in lieu of taxes program reimburses 1,700 county governments in over 49 States for the vital public services they provide in areas which contain tax-exempt Federal land.

These revenues which made up for lost property taxes are critical if countries are to provide vital services such as emergency search and rescue; law enforcement; fire and emergency medical services; and solid waste management, road maintenance, health and other human services.

PILT payments have not been increases since 1976. This is making it nearly impossible for countries where the Federal Government owns significant amounts of land to provide basic services to residents and Federal land users.

Mr. President, on April 13 of this year, the Senate overwhelmingly approved legislation to increase payments in lieu of taxes and to index the payments to inflation. I regret that despite the vital importance of this legislation to local officials who are fighting to make ends meet, and the House has not acted. We simply cannot let this slip, once again, for another year. The Federal Government has a responsibility to pay its fair share, and it's time we do.

Again, this amendment expresses the sense of the Senate that PILT increase legislation should be passed before the end of the 103d Congress, and that the administration should request full funding for the program in the fiscal year 1996 budget request. Its important that the Senate strongly voice its support on this matter, and that we make good our commitment to counties which are financially disadvantaged due to the existence of tax-exempt Federal lands.

I know the distinguished chairman of the Appropriations Committee has been concerned about the cost of fullly funding a PILT increase authorization. I appreciate and understand that concern and the difficult choices that the committee must make in deciding how a limited Federal budget will be allocated.

I am informed that should the Senate bill pass the House on additional $20 million would be required to fully fund the PILT Program next year. In a budget of nearly $2 trillion, I have every confidence that we can find many lower priority programs from which we can meet our obligations to counties while pursuing our vital deficit reduction goals.

This amendment is strongly supported by the National Association of Counties. I would like to read a letter from the organization:

NATIONAL ASSOCIATION
OF COUNTIES,
Washington, DC, July 25, 1994.

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

DEAR SENATOR MCCAIN: The National Association of Counties fully supports a Senate resolution calling for immediate passage of the Payment In Lieu of Taxes (PILT) legislation in the House of Representatives. NACo also supports the resolution's support for full funding of the provisions of this legislation in the President's fiscal year 1996 budget.

The nation's public land counties use PILT funds to provide services to users of federal public lands: emergency search and rescue, law enforcement, fire and emergency medical services, solid waste management, road maintenance, and health and other human services. All are critical needs, and they must be managed by local authorities and paid for by taxpayers.

The Senate-passed version of this legislation addresses some of the fiscal inequities faced by public land counties. The current PILT program's monetary value has been reduced by 18 years of inflation, to the point where it is less than half of its value when it was passed in 1976. The FY 1994 appropriaion (and the FY 1995 request) of $104 million is actually worth about $50 million in FY 1976 dollars. While the Consumer Price Index has skyrocketed 127% since 1976, PILT payments have remained flat. The shortfall must come from taxpayers pockets or decreased services. The time has come to rectify this situation, and the simple solution for the House of Representatives to pass S. 455, Senator Hatfield's PILT legislation that passed the Senate, 78–20.

Senator McCain, the passage of this legislation is of critical importance to our nation's counties and we thank you for your support and the opportunity to comment on this resolution.

Sincerely,

LARRY E. NAAKE,
Executive Director.

Mr. President, I think that sums it up pretty well. I urge the Senate to adopt the amendment.

Mr. HATCH. Mr. President, I rise a cosponsor of the McCain amendment expressing the sense of the Senate that the 103d Congress should adopt legislation to increase the Payments in Lieu of Taxes [PILT] Program. As my colleagues know, the PILT Program provides payments to thousands of counties across this Nation that have large portions of Federal lands within their boundaries.

Some of us, myself included, have spoken many times this year on the merits of increasing the PILT payments to counties. Fortunately, the Senate agreed with our position and adopted S. 455 in April by an overwhelming vote of 78 to 20. Now, as the 103d Congress is winding down, those of us supporting this bill are concerned that the session may end without final action on this matter. S. 455 is now languishing before the House Natural Resources Committee with no further action scheduled in the future. I am disappointed that my colleagues in the House have not acted on this legislation by now, and I hope they will not let this legislation simply fade away and die.

My concern on the fate of this legislation is warranted based on a recent letter from the chairman of the House Subcommittee on National Parks, Forests, and Public Lands addressed to me

and nine of our colleagues last month. He indicated that an increase in the PILT Program should be considered in a broader context involving changes in other laws that provide payments to local governments. His letter went on to state that he "intends to give further thought to developing more specific proposals along these lines." I am not aware that anyone in the Senate or on the Senate Energy and Natural Resources Committee has raised a similar concern as expressed by the subcommittee chairman.

I appreciate the intentions of our colleagues in the House. But, Mr. President, I am afraid that once this development process is completed, the 103d Congress may well be adjourned. I believe the proposal to increase PILT payments should be kept separate from other Federal programs benefiting local governments and addressed separately, as the Senate has done.

If indeed we can agree that our counties need help—and I believe we can agree on that—then I believe we should not delay enacting this legislation to increase PILT payments.

Many of our counties, including the large majority of Utah counties, consist of land owned and managed by the Federal Government. In Utah, 70.2 percent of the State's total acreage falls in this category. In some counties, the percentage is as high as 96 percent.

The reasons for increasing the PILT payments have not changed. Our counties are struggling to balance their books and pay for services they provide to local residents and visitors to Federal lands. The need for services such as law enforcement, emergency medical, search and rescue, and sanitation escalates significantly in the summer months when thousands of Americans as well as foreign tourists visit Utah's scenic areas. This dramatic increase in summer population, of course, can also be observed in counties in Arizona, California, New Mexico, Nevada, and many other States.

The PILT payments make up for the presence of nontaxable Federal lands in these counties and assists local governments in meeting their responsibilities. Recently, I received a copy of the proposed budget for 1994 from Garfield County, UT, outlining how PILT funds will be utilized. The uses include the maintenance of county roads, the collection and disposal of waste, law enforcement activities, and search and rescue operations.

Mr. President, these obligations continue. We should act this year to provide necessary relief for our beleaguered counties. I urge my colleagues to adopt this sense-of-the-Senate resolution in support of the PILT Program and to encourage our House colleagues to follow the Senate's action on this subject. I commend my colleagues to follow the Senate's action on this subject. I commend my colleague from Arizona for his efforts.

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Mr. SPECTER. If anyone wishes to speak either in favor or in opposition to this amendment, there is ample time to do so now.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. I repeat, this amendment is being offered on behalf of Senator MCCAIN. There is time for people to speak for or against it. In offering the amendment I take no position on it. And, I repeat, the rollcall vote would not occur until at least Wednesday morning at 10 a.m.

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

Mr. SIMON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes as in morning business.

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

UNIVERSAL COVERAGE

Mr. SIMON. Mr. President, last Thursday's Los Angeles Times has a paragraph in a story that is typical of many stories I have read. I am not picking on the reporter here, David Lauter. Let me read this paragraph.

> Although the debate over whether MITCHELL's 95 percent constitutes universal coverage has attracted considerable attention in Washington, as a practical matter the question may be moot. All health care analysts agree that a small percentage of the population would fall through the cracks in any program, even one that in theory mandated 100 percent coverage.

The reality is 95 percent coverage means 12.5 million Americans are left out. And universal coverage can mean precisely that. Because while everyone is supposed to apply for a little card that we will get under the system that I hope we will vote for, if you do not have a card and you go to a physician's office or you enter a hospital, you will then immediately apply. So every American will be covered. Universal coverage means precisely that.

I hope this body will not be satisfied to leave 12.5 million Americans uncovered when we vote a health care bill.

I appreciate my colleague's yielding on that.

Mr. HARKIN. Mr. President, I ask unanimous consent the Senator's 3 minutes be extended 2 extra minutes, as in morning business.

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

HEALTH CARE

Mr. HARKIN. Mr. President, I ask that since we are not debating anything else on the bill and since we will be facing the debate, starting on our health care reform bill I guess by Wednesday of this week, in 2 days.

I was in Iowa all weekend at a number of town meetings, cafe-stop meetings, I have around the State. A question came up repeatedly. If we only have 95 percent coverage, who is it that will be left out? I do not know that I had a good enough answer for them.

I just ask the Senator from Illinois, if we had 95 percent coverage, who are the 5 percent that will be left out? Who are the ones that will be uncovered? Will it be the elderly who are not yet on Medicare, for example? Maybe between 55 and 65? Maybe they have a disability, they are out of their job, their employers now do not have to cover them or anything like that, maybe they will be the ones who will be left out?

Or will it be young people who may think they are invulnerable and are healthy so why should they have health insurance? So they are out of it and then they have an accident which causes a disability or life-threatening illness or, God forbid, some young person might come down with cancer or heart disease? Are those the ones who are left out?

I just wonder if the Senator from Illinois could enlighten us, who is going to be left out of this program?

Mr. SIMON. That is a very, very important question. Literally we do not know the answer to that. There are perhaps 80 people in the gallery right now. That means 1 out of 20 in the gallery will not be covered. I do not know which ones. All I know is every other Western industrialized nation, with the exception of South Africa and the United States, covers all their citizens. I do not want to see people left out.

You were there, I believe, Senator HARKIN, when this woman who works for Kentucky Fried Chicken testified 2 weeks ago. She spends $120 a month for medicine for her heart disease, two different types of medicine. She works 30 hours a week. She has to make a choice of medicine or food and she has made the choice of food: understandable.

Somehow we have to do better than that. I believe the American people clearly want all Americans covered, and I hope the Senate will resist the pressure from a lot of people who make money on the present system, who are trying to stop us from changing it.

Mr. HARKIN. The other question I had this weekend—there was a recent Iowa poll in the Des Moines Register. It showed about 80 percent—mirrored the national poll—about 80 percent of the people in Iowa wanted universal coverage. The question I was asked was, if 8 out of 10 people want universal coverage, why do we not do it? Are we not here elected to represent the people of this country? It seems like there is an overwhelming majority of people in

this country who want universal coverage and want it a lot sooner than the year 2002. Again, why is it so impossible for us to represent the will of the people?

Mr. SIMON. Mr. President, that is one I think I have the answer for. That is, there are some insurance companies, and others, including specialists in the field of medicine, who do not want the system changed. It is very interesting. You have a coalition, an unusual coalition, the AFL-CIO, the American Association of Retired Persons, and the American Medical Association, all saying we ought to have universal coverage.

You mentioned an Iowa poll saying 80 percent. The New York Times poll said 79 percent of the American people say it is very important to have universal coverage; 17 percent say it is somewhat important; that is 96 percent; 3 percent say it is not important; 1 percent do not have an opinion.

When you have this coalition, plus what the American people instinctively know is right, we ought to act. But the confusion that is out there caused by people who make money on the present system, is what is stopping us from moving ahead. I hope we listen to the American people as we make this decision.

I thank my colleague from Iowa.

Mr. HARKIN. I thank the Senator from Illinois for his great leadership on this issue. He has been a leader on this for many, many years. I look forward to when the debate and amendments come up to ensure we do have universal coverage, and a lot sooner than the year 2002.

Mr. SIMON. Let me just add, because some people are viewing this on television, if the American people respond—and they are going to have to respond—we are hearing more from the opposition, at least judging by my mail, than we are from people who support universal health care.

Mr. HARKIN. That is what I said to people in Iowa this weekend: Watch the debate. When these issues come up, start lighting up the switchboard, put in your phone calls, because the special interests are here.

I daresay, they are all going to be out here in the lobby, in the hallways and in the offices. We need to hear from people around the country. They need to get on the phone and start lighting up the switchboards around here and demanding we have universal coverage, and a lot sooner than the year 2002. I do not see why we cannot do it by 1998; at the latest by the end of the century.

Mr. SIMON. We really should not have to wait that long.

Mr. HARKIN. We should not have to wait that long.

Mr. SIMON. I thank my colleague.

Mr. HARKIN. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the Senator from Illinois has raised a very important issue on raising the question about the coverage of the bill and why it does not do more. I think the Senator from Iowa has made a very valuable comment about what he has heard in Iowa with his constituency.

In the absence of any bill pending, I think this is an opportunity to discuss some of the concerns which I have, which mirror, to some extent, the concerns which have already been raised.

During the course of this past weekend, I took the train back to Philadelphia on Friday afternoon and people had questions there, and again on the train coming back to DC this morning. I was in a shopping mall on Saturday and they had questions about what is happening in Washington on health care; also in restaurants at dinner. At the squash court this morning, my opponent wanted to know what was happening on health care. There are many, many unanswered questions. I am concerned that there may be too much partisan politics in what we are doing, too much special interest, as the Senator from Illinois suggests, and really not enough time for the kind of thoughtful consideration about many, many important questions, such as the one raised by the Senator from Illinois this morning about coverage.

On Friday afternoon, I think that we saw just a little theatrics with a scale and how much one bill weighed and how much the absence of another bill did not weigh. I believe these questions are much too serious, and I believe that the tone of partisan politics has been very, very dominant, which we ought to try to untangle.

In the 14 years I have been in this body, I have seen on so many measures that about 40 Senators line up on one side, ideologically, and about 40 Senators line up on the other side, ideologically, and there are about 20 in the middle. And it is a floating 20, which really come down in a pragmatic way on the facts.

I believe that we should have taken up health care a long time ago. I tried to bring it to the floor as early as July 29, 1992, and again in late 1993, because I thought that we should have been taking incremental steps to reform our health care system. Those efforts were defeated.

In the past several weeks, I have said repeatedly that I would not join a filibuster on health care legislation, but now, Mr. President, I am not so sure, and I am rethinking that position because of the complexity of the pending legislation by Senator MITCHELL and because of the insufficient time for public comment.

I am not saying that hearings are indispensable, because while hearings may be important, very frequently only one or two Senators are present, and we have heard a great deal in the hearing process. But there is a time of analysis and digestion and consideration, radio talk shows, comments back home, comments on the editorial pages, comments on the op ed pages, which give a distillation.

A physician stopped me in the King of Prussia shopping center and said, "Senator, what is this bill all about?" And then he asked me some questions which I could not answer. I got his card and told him I would get back to him. I could not answer them, although I have been very deeply involved in health care issues for all of the 14 years that I have been in the Senate, as reflected by my senior ranking status on this appropriations bill.

I might say, Senator HARKIN and I and the others on the subcommittee work out our issues in a nonpartisan manner. Politics does not enter into it one bit.

I might say on the political line, I saw an article in the Sunday Philadelphia Inquirer which said the Democrats will have to do it all themselves; there will be little or no help from Republicans, so said the article. I want to compliment my colleagues on the other side of the aisle to the extent that they may well be winning the public relations battle on whether there is really an effort by Republicans to cooperate.

For just a moment, I would like to state briefly the kind of Republican cooperation there has been, because there are many of us over here who are very anxious to see health care reform. My own view is that we have the best health care system in the world as it applies to 86.1 percent of the American people, but that we definitely do need changes. We need to cover the 37 million to 40 million people who are now not covered. We need to make sure that there is coverage when people change jobs. We need to make sure that there is coverage for preexisting conditions. We need to hold down the spiraling costs of health care legislation.

Toward that end, I introduced a comprehensive reform bill on the first day of this Congress, on January 21, 1993. I tried to bring my health care bill to the floor in April 1993. The reason I tried to do it at that time was that the President's original goal of legislation, as I recollect it, within 100 days, started to falter.

There were a variety of statements, one by the chairman of the Ways and Means Committee, Congressman ROSTENKOWSKI, at that time, who said we would not have health care legislation in 1993. Then Congressman GEPHARDT, the majority leader, said we would not have health care legislation in 1993. Each time that was said, I came to the floor and said we ought to move ahead now. The tally was made in the 102d Congress, and we found there were about 102 health care bills which were up at that time.

Senator CHAFEE has been a leader in the Congress on pushing for the first bill, which was introduced in November 1993, which had, I think, about 23 Republican cosponsors.

Mr. SIMON. Will my colleague yield?

Mr. SPECTER. I will after I finish just two or three more sentences. I want to finish this point.

There came out of the Finance Committee a bipartisan group, well represented by Republicans—Senator CHAFEE, Senator DANFORTH, and Senator DURENBERGER. In addition, Senator JEFFORDS, a Republican, was one of the first to sign on to President Clinton's health care plan. There are other Republicans who have introduced health care legislation. Early on, Senator COHEN introduced legislation, Senator BOND introduced legislation, and Senator KASSEBAUM introduced legislation.

There has been legislation introduced more recently by Senator DOLE, Senator GRAMM, and Senator NICKLES. Now, there has been some contention that some of these bills may have been in response to initiatives by the Democrats, and that they were an effort to hold back some reform. That kind of a partisan argument has been advanced. I do not think that that is so, but some have argued it. But no one can say that the efforts by Senators CHAFEE, DURENBERGER, and DANFORTH were anything less than a genuine bipartisan spirit, or what Senator JEFFORDS did was not done in a genuine bipartisan spirit, or that the legislation I introduced and tried to bring to the floor was not made in a cooperative effort.

Senator KENNEDY, the chairman of the Labor and Human Resources Committee, asked me for support, and I told him that I was prepared to consider that if we could work out legislation which did not have the massive Clinton bureaucracy, which I put on a chart. And Senator KENNEDY and I sat down on two occasions, and finally he raised a concern that some of the proposals I offered had not been costed out by the Congressional Budget Office. So the two of us wrote a joint letter months ago to the Congressional Budget Office, and we received a reply that the Congressional Budget Office was too busy to give us a figure, which raises a very serious question about the adequacy of congressional resources to try to tackle this issue.

But I for one am very anxious to see reform legislation passed which is targeted at the specific problems in our health care system, and there are many other Republicans who are anxious to do that as well.

So that I would take issue with what the Inquirer article said on Sunday—it is an article; it is not an editorial; it does not reflect the Philadelphia Inquirer's general position, but it was an article—and I say now that I would like to see us move forward with comprehensive reform. I want to see coverage for everyone, as does the Senator from Illinois and the Senator from Iowa. I endorse that objective.

What I was trying to do with the legislation that I put in in the Chamber on July 29, 1992, was to take two big bites; to assist the self-employed, who now have no tax benefits. If you are employed by a corporation, the corporation gets a full deduction. The beneficiary pays no taxes. That is a very unusual provision in the Internal Revenue Code to promote health coverage. But if you are self-employed, you get nothing by way of deduction.

Had we enacted legislation for the self-employed, I think we would have picked up several million Americans. How many, I am not sure—4, 5, 6 million. If we had had insurance market reform back in 1992, we would have picked up, I think, many small businesses from lower costs. How many, I am not sure—6, 7, 8, maybe 9. We would have eaten significantly into the 37 to 40 million Americans now not covered, a concept which I said in my floor statement on January 21, 1993, or at least since—I do not remember every word of it —it was trial and correction to see how we go.

But I am impressed with what the Senator from Illinois has said about not being able to answer the question about which 5 percent are not covered. I am very much concerned about what the costs are. I want to comment about that, but first I wish to yield to my colleague from Illinois.

Mr. SIMON. Mr. President, I thank my colleague for yielding, and I appreciate the Senator's comments.

I agree; this should not be a partisan thing. And in the Committee on Labor and Human Resources, for example, Senator BINGAMAN, one of the more thoughtful, creative Members of this body, offered an amendment, a very significant amendment, that was carried 17 to nothing. You cannot have a more bipartisan vote than that.

I think the basis for bipartisanship may be what the Senator said, when the Senator says, "We need coverage for 37 to 40 million Americans not now covered." And then later, the Senator said, "I want to see coverage for everyone." If we can start with that premise—and that is the Chafee bill; it says coverage for all Americans—I am willing to work with Members on that side of the aisle to fashion some amendments. But it does seem to me we have to say to all Americans, we are going to see that you get coverage.

And so I volunteer to work with Senator SPECTER and others, too, on that side of the aisle. Let us see if we can fashion some kind of bipartisan group that will move toward universal coverage.

Mr. HARKIN addressed the Chair.

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

Mr. HARKIN. Mr. President, I thank my colleague and friend from Pennsylvania for his comments and his insights. Senator SPECTER is one of the more judicious and more moderate Members of the Senate. I have thoroughly enjoyed working with him on this subcommittee and on other issues since I have been in the Senate. I think he brings a judicious tone and approach to the health care reform bill.

I must, however, say that I am concerned from what I may have heard, and maybe I did not hear it correctly, that my friend from Pennsylvania now says perhaps, because the bill now is so complex, he might join those forces that would want to filibuster the bill and to hold it up. I certainly hope that I did not hear that correctly. Perhaps he will respond; we will get into a little colloquy.

In regard to the complexity of the bill and the complexity of the issues of health care reform, let me just say that we have been debating health care reform since 1948. It was Harry Truman who first campaigned in 1948 for a national health insurance program that would cover all Americans. We have been debating it ever since. We have had little bits and pieces here and there—we had Medicare, Medicaid, and a couple other things like that. For almost 50 years, we have been talking about it in American society, and certainly for the last year and a half very intensively.

I wish to again publicly compliment both the President and Mrs. Clinton, especially. Mrs. Clinton took this on as her responsibility right after the inauguration, to move us toward a final vote on health care reform this year. And she has just done a magnificent job in pulling the country together and airing all of the different concerns about health care. Thanks to Mrs. Clinton, there is not one group in this country who has not had input in the process of health care reform legislation—small business, large business, labor, doctors, hospitals, insurance. Everyone has had input in this process. No one can legitimately say that they have been left out of this process and it has moved out without them. Everyone has been heard. Everyone has had their day in court.

Out of this lengthy process, which lasted for almost 1 year, came the Clinton bill, the White House bill, which was introduced. Then the various committees in the Congress began their processes of developing legislation. I serve on the Labor and Human Resources Committee. Senator KENNEDY is the chairman of that. We had about 3 weeks, I say to my friend from Pennsylvania, where we met every morning at 8 o'clock in the morning. And I know the present occupant of the chair, from New Mexico, was there every day; 8 o'clock in the morning, we would meet, and we would go all day,

sometimes until 10 o'clock at night, hammering out the various aspects of this legislation, as all of us do here in the Senate. That is what committees are for. We work this out in committee.

I might say to my friend from Pennsylvania that on the final vote—now, some of the votes on amendments were party-line votes, many of them were split, some Republicans, some Democrats, and it was sort of as you might expect in a committee process. On the final vote, on reporting out the bill to the floor of the Senate, again it was a bipartisan vote.

I believe, if I am not mistaken, Senator JEFFORDS from Vermont voted to put it out. So here we had a bill come out of our Labor and Human Resources Committee on a bipartisan vote. Then the Finance Committee did its work. I do not know how long they met. I am not a member of the Finance Committee. But I believe they met several days at least. They had their votes in committee. They reported the bill out. Then Senator MITCHELL took the two bills, using his prerogative of being the majority leader of the Senate, and melded these two bills together. And that is what Senator MITCHELL has introduced into the Senate as the basis for debate and amendment on the Senate floor.

There are some aspects of the Mitchell bill that I disagree with. There are a lot of them that I do agree with. But I believe that is the process. I must admit even in our own bill that came out of the Labor and Human Resources Committee, though I voted for the final passage of it, there are some parts I did not agree with, and much of it I did. That is the process. We are not going to get everything each one of us wants.

So now we have a bill before the Senate put forward by Senator MITCHELL which has gone through a lengthy process of public hearings for over a year, part of it the Mitchell bill and some of it is the Clinton bill.

So we have had a process that we have gone through in this country. It has been open. It has been fair, and no one has been excluded.

The Senator says that he was asked some questions in Pennsylvania this weekend about the bill that he could not answer. I have to tell you. Even sitting for 3 weeks in the Labor and Human Resources Committee and putting that bill out and studying it every day, I think if someone had asked me a specific question about a specific point in the bill I probably could not have answered it either. I am not an expert in a lot of these things. I would have gone back to the bill, or have gotten a staff person who understood that little area a little bit better to answer. So there are going to be specific questions that none of us will be able to answer until we go back and examine it.

I guess what I am responding to my friend from Pennsylvania with is this: We have had this process, the long process. Everyone has been involved. We are now at the point in time that the Senate should debate it. We should have the amendments. If the Senator from Pennsylvania has amendments—and he may well have some, and I may support him because I have supported a lot of what the Senator from Pennsylvania has done in the past. As I said, he is a judicious, moderate Member of the Senate. But let us have the amendments. Let us have the debate—reasoned debate, which I think will be a great debate by the way, and then let us vote. Let us vote up or down on the amendments and see what the Senate wants to do. After all the amendments are offered, then let us vote up or down on the bill.

But please let us not have some filibuster and say, "Well, we will put it off until next year." We know the issues. We have been through this process. We will have the opportunity to debate it and amend it here on the floor.

I think the people of this country—and I sense it in Iowa, too, and I think the polls reflect it. I wish I had the Iowa poll with me here. I did not anticipate talking about this this morning. But if I am not mistaken, the Iowa polls showed nearly 80 percent wanted universal coverage. They wanted the Congress to act on health care reform. But if I am not mistaken, less than half, or around half, thought we might do it. I think almost the majority of the people said Congress would do it.

I think people are sick and tired of all of the talk and rhetoric. And, yes, the Senator is right. The scales and weighing this and getting into these penny ante little partisan snipings about this or that, who is right, who is wrong, how much this weighs and how much that weighs, I think people are fed up with that. And they are tired of all of the hot air. They want us to act on health care reform. Bring it up, and offer amendments in good faith. I may have some myself. I probably will. I do not intend to take a long time debating but a reasonable amount of time to debate the amendments. And then let us have our votes. Let the American people watch it on television.

I think it could be one of the best debates this country has had this century. Thank God, now we have modern means of communication and with television here in the Senate the American people can watch it. As we go through this process of bringing the bill out, debating it, amending it, debating the amendments and voting on them, I think the American people will be fully informed, fully advised as to what the Senate and the House will do on health care or has done after the votes are taken.

So, again, I respond to my friend from Pennsylvania. I hope the Senator will do as he has done in the past, offer amendments in good faith to try to improve the bill as he sees fit. But I certainly hope that my friend from Pennsylvania—and I say it to all of my friends on the other side of the aisle—will not be part of some process to filibuster, slow it down and say somehow we can put this off until next year or some time in the future. The American people want us to act. They are tired of the hot air. Let us vote. Let us get health care reform through. Let us do something.

Mr. SPECTER. Mr. President, I thank my colleague from Iowa for his complimentary comments, and I would return them to him, about being judicious and thoughtful. And I think it is reflected in the work which he and I have done for 5 years now that he has been chairman of this subcommittee and I have been the ranking Republican. We have discussed hundreds of items and not once has politics entered into anything that we have discussed. We have brought what I think are good bills to the floor, including this one.

I appreciate his extended comment in hoping that I would not join a filibuster because there are a few of us in the so-called centrist position on the Republican side who characteristically decline to join in filibusters. When my colleague from Iowa says I have not done so in the past, that is correct. There are rare occasions when I do, because I did on the so-called enhancement package in April 1993 where I felt that $1.9 billion was unnecessary because the money was in the pipeline. But more important, I thought we had an oppressive majority on that case where the manager of the bill had tied up the procedure to preclude amendments, and an objection was even raised by Senator BOREN and Senator BREAUX about that. I tried to get the floor and could not get the floor to offer an amendment. There was a very extended attack. And I say that word reluctantly. But it was on Senator DOLE, the Republican leader. I believe that particular issue was very unique. And I joined a filibuster on that occasion. But on almost all other occasions I have declined to join a filibuster.

The Senator from Iowa—I think his words were filibuster forces. And it is not a secret. It is an open comment which has been made more on the Senator's side of the aisle than mine about Republican forces which want to filibuster simply to stop any legislation. I have said publicly and privately in Republican caucuses that I would not be a party to that. But I said earlier this morning that although in the past several weeks I have said I would not join a filibuster against health care legislation, now I am not so sure. I am rethinking that position because of the complexity of the bill.

Mr. President, I think this discussion which Senator HARKIN and I are having now is a very useful one. Before giving some impressions about some complexities which bother me, I am not saying

I am going to filibuster, but I am thinking about it. I am going to talk to a group of those key Senators on this side of the aisle who characteristically do not filibuster who have advanced legislation for health care reform to see what they heard when they went back to their States this week.

Let me say that I agree with my colleague from Iowa in complimenting President Clinton and Mrs. Clinton for bringing health care to center stage. I think they are entitled to a lot of credit for that. When President Clinton went to Ambridge, PA last November, I went with him. I stood with him in my State, Pennsylvania. He invited me to go. And when I stood with him. I said that I agreed with his objective to cover all Americans. I said I did not agree with everything he is doing, and I am not going to be committed to his legislation. But I joined him because I felt that I should when I agreed with his objective to provide universal coverage.

When Mrs. Clinton went to Philadelphia to visit Children's Hospital in February of this year, she invited me to go. I went with her. I said to her on that trip, as I had said to the President on the trip in November, "How about Senate bill 18?" I had a very extended discussion with Mrs. Clinton. I said let us cover the people who are not covered through insurance market reforms that make coverage affordable, cover preexisting conditions, and include cost containment measures. She said to me, "Well, how about upping the underinsured?" I said, "Well, I think you are right about that."

I then urged Mrs. Clinton to have a meeting with our Republican leadership. The time was not quite right for that, or so it was said. I sat down twice with Senator KENNEDY, as I have said, to see if I might support the bipartisan bill. Senator JEFFORDS the Republican, as Senator HARKIN says accurately, came out of that Labor and Human Resources Committee where the Presiding Officer, Senator BINGAMAN, sits, and I considered helping on that bill if the objectives I was concerned about could be achieved; that is, to retain the essence of the present system, to target the specific problems and move ahead. When the Senator from Iowa talks about what the polls show, I happen to have the morning paper with me. So I can tell you what the Washington Post states in a reference today to a Newsweek poll: "A Newsweek poll released this week found that 65 percent of those surveyed said Congress should wait until next year to pass health care reform." Sixty-five percent said that we should wait.

Mr. President, I do not want to wait if we can do it right. But I do not want to do it on a political timetable; I do not want to do it on a Republican timetable, and I do not want to do it on a Democratic timetable. As there is talk about obstructionism on this side of the aisle, there is a lot of talk about passing this health care bill to help the Democrats in the election this November.

Parenthetically, by way of a footnote, there has been talk about the crime bill, that we ought not to have a crime bill because it is going to help President Clinton. I said privately and publicly that I am prepared to say, whatever help it gives President Clinton to pass a crime bill, I think we ought to pass it. There is a lot in the crime bill I do not like, but all factors considered, I think it is a step forward. It is an anomaly, but if the President of the United States were killed today in Washington, DC, on a conspiracy and a contract killing, those conspirators and murderers would not face the death penalty because there is no death penalty in the District of Columbia.

The bill provides for a great many prisons. The crime bill provides for realistic rehabilitation—education and job training. And a lot of Senators do not like that, but I do.

But there are parts I do not like. I think it is too expensive, and it has a lot of pork. I have not seen many bills come out of this body that do not have too much pork. There is political talk about the crime bill, and I think that is fine up to a point, but it has to stop where the benefits of the American people intervene.

I think the same thing is true about this legislation. If this health bill is going to help President Clinton as a byproduct, so be it. I do not want to schedule this legislation to help President Clinton or to hurt President Clinton. I do not think the timetable ought to be a political timetable. I was very disappointed when I offered a very modest amendment back in July of 1992 and the majority leader came to the floor and said, "This amendment does not belong on this bill." I agreed with him, and I said, "I will take it down voluntarily if you give me a date certain." He said, "I cannot do that." I pointed out the fact that there had been a date certain for product liability, which was the day after Labor Day. I said, "Give me a date certain on my health bill, and I will take it down."

Now I learn through my wife Joan that MacNeil/Lehrer, or someone on that program—I did not watch it because I was on the Senate floor—that they quoted a statement I made in 1992, perhaps in 1993, that we were ready to take up health care legislation—and we were—where there was full deductibility for the self-employed and matters which are limited in scope. We should have taken those up a long time ago, and we did not, and we did not pass them because there were many people who said, let us not take up a limited bill because it may hurt the possibility for a more comprehensive bill.

I have looked for a comprehensive analysis from the major news media—from the New York Times, Philadelphia Inquirer, Washington Post, or some of the other major newspapers—and I have not seen it. But I have seen some comments about some of the cost factors which concern me. I know the Senator from Iowa does not have answers to these questions, but these are only a few of the questions which are on my mind at the present time. These are all good proposals, but we have to know what the costs are.

For example, in the Mitchell program, as I am informed, there will be a subsidy for low-income families for the full cost of a health insurance policy. And the subsidy would gradually be phased out, stopping at $29,528. And a concern I have is, what will that cost me?

We on this floor, Mr. President, as you know and as the Senator from Iowa knows—and we are the only three here—rave again and again about entitlements, and there is 100 percent agreement on this floor that the deficit is too big and the national debt is too big.

If there is one subject talked about more than any other in the Senate since I have been here, it has been the deficit, which is in excess of $200 billion, $250 billion a year no matter what we try to do. The national debt is now in excess of $4.5 trillion. There have been programs offered by Senator DOMENICI and Senator NUNN as the leadership to try to hold down the growth in entitlement spending. There is widespread consensus here, if not universal agreement. But are we going to enact an entitlement program here which is going to have costs which we do not know the answer to?

I intend to ask these questions of Senator MITCHELL when the debate starts. Children under 19 and pregnant women would receive full subsidies up to 185 percent of the poverty level, which would be phased out when salaries come to slightly under $45,000 a year. Temporarily unemployed people would have subsidies for 6 months of coverage. Employers who expand their insurance coverage would be eligible for up to 5 years of subsidies. They would pay no more than 50 percent of the premium or 8 percent of a worker's wage, whichever is less.

This touches the very sensitive subject of employer mandates, which I have spoken out against. I am not going to support a health bill which has mandates, because my view is that it is a tax which cannot be afforded, especially by small business. I have heard that again and again and again. I had three open house town meetings last Monday. I had to do them by satellite in Philadelphia, Pittsburgh, and Harrisburg, and that was the theme I heard all over my State and beyond. The small businesses, which provide up to

60 percent of the new jobs, cannot afford a mandate and further costs imposed by the Federal Government.

And now we have a proposal which I read about in the press and have not been able to confirm in the text, and I want to know what that is going to cost. There are new benefits for the elderly and the Federal Government. I think that we do need something on prescription drugs and something on long-term health care, and I have introduced legislation on long-term health care. I have talked to Pennsylvania companies where there are many pharmaceutical companies, and they have said they would be willing to hold their costs to the rate of inflation, to the consumer price index rise, if they would not be sued under the antitrust laws. That is a suggestion that this might be an occasion to carefully craft an exception to the antitrust laws.

So those are very important matters which I support in principle, Mr. President. But I want to know what it is going to cost. From the estimates I have seen, by fiscal year October 1, 2001, on this one item, on the disabled and mentally ill, where the Federal Government will help the States pay for services, it would rise to $15.4 billion annually. And when I see those figures, Mr. President, I wonder about the accuracy of the projections. One of the things that I have always been concerned about is the reliability of statistics which are cited on the Senate floor and the accuracy of statistics which are provided to me and to others from a variety of sources.

My own training has been in the courtroom where the evidence has to be competent. You have to know exactly, without hearsay, what information is provided.

So I cite these statistics with some concern about accuracy. But I have been provided with materials which show that Medicare projected in 1965 would cost $9 billion in 1990. When 1990 came it cost $106 billion. Medicaid, in 1965, was projected to total less than $1 billion in 1990, and instead it cost $76 billion.

So when I see the kinds of subsidies which are involved in the legislation offered by Senator MITCHELL, my question is, what will it end up costing?

The Medicare prescription drug benefit, which would begin purportedly on January 1, 1999, would have a certain deductible, would have a reimbursement for 80 percent of prescription costs. And once the payments reached a certain level, $1,275 a year, Medicare would pay the entire bill. As I understand it, the bill calls for the exact figure of the deductible to be determined by the Secretary of Health and Human Services.

(Mrs. MURRAY assumed the chair.)

Mr. SPECTER. Madam President, I think we ought to have a better idea as to what we are getting into than what we know at the present time.

I noted this morning in the New York Times that our colleague from the House of Representatives, Congressman DAN GLICKMAN, expressed his concern about what the fine print would show. And it is a concern which I have. Once we get to the fine print and have time to read it—we have to do more, Madam President, than just reading it—we have to read it, we have to understand the details, we have to analyze it. Then we have to have input from people who have experience in the field to know whether there are implications which are not apparent on the surface.

Congressman DAN GLICKMAN is quoted in this morning's New York Times:

> Members are genuinely concerned that once the fine print is written there will be sleepers that come back and haunt us.

Continuing, he says:

> This is a bill that's going to affect every single American intimately. Most of the things we work on don't.

Congressman GLICKMAN's quotation points up two very, very important factors. One of them is the importance of health care legislation in a field which now comes close to $1 trillion a year, about 14 percent of the gross national product. So if we make a mistake here, it is an enormous mistake. It touches everybody. And when you rush through a bill as long as this one—I do not propose to weigh it or cite the number of pages—you want to be very, very concerned that you read the fine print.

Madam President, that is why I said—and I appreciate my colleague from Iowa wanting to know my sense of it—that although in the past several weeks I have said I will not join a filibuster against health care legislation, now I am not so sure. I am rethinking that position.

Just one personal note, a very personal note: I talked to my Aunt Rosie Eisenberg in Wichita over the past weekend—I talk to my Aunt Rosie with some frequency. She is a wise woman. I have known her since my birth. She was living with my family in Wichita, KS, when I was born and in the absence of parents, my Aunt Rosie sort of takes their place.

I talked to her about the 1986 tax reform bill. She said to me at that time, "Why am I going to be taxed as much as millionaires?" We had the tax bill that came in for a 20-percent marginal tax. I said: "Rosie, you raise a good point. I do not know why you are going to be taxed as much as millionaires. There are a lot of loopholes that are being taken out. Frankly, I do not like the fact that you will be taxed as much as millionaires."

So I came over to the Senate floor the next day. Senator BRADLEY was the major proponent of this measure. I brought up Aunt Rosie Eisenberg's points to Senator BRADLEY, and I relayed Senator BRADLEY's answer to my Aunt Rosie. She was not very happy with Senator BRADLEY's answer, and she was not very happy about paying as much tax as millionaires.

One Thursday night when the Senate Judiciary Committee was in the midst of the Justice Thomas hearings—we were going to start the next day—she had heard over the television what the Senate committee was going to do about questioning Professor Hill who was coming up, and she heard I was going to lead in the questioning. She called me up as I was in my condo working over a pile of papers, and she gave me some good advice. She also gave the Judiciary Committee some good advice. I did not tell the committee. But I did not take her advice.

Mr. METZENBAUM. The Senator should have.

Mr. SPECTER. Senator METZENBAUM said I should have. I do not object to that comment, Madam President. I will not say whether I should have taken her advice or not. I will say Aunt Rosie was a very wise woman.

I called her this week. I said: "Rosie, what do you think about health care?" She said, "Buzzie," which is what she called me, "I do not like what I have heard." She said: "Eighty-five percent of the American people are covered. I think the rest of them ought to be covered. I think we ought to help out the poor people. But," she said, "I pay $91 for my insurance on top of Medicare. What is this going to do to me? What is this bill going to do to me?"

Then she made some comments which were unfavorable to Democrats and Republicans—more unfavorable to Republicans than Democrats, perhaps. She said, "I do not like this bill." Then she asked me some questions. Again I could not answer the questions as to what she had asked me. I told her again I would get back to her.

But I have a lot of questions, Madam President, about this legislation. Although I have said publicly I would not join a filibuster, I am rethinking that. And it may be that the schedule ought not to be to take up this health bill tomorrow. We have had less than a week to study it. Maybe the schedule ought to be that we take up this health bill after Labor Day and that we work through the October recess instead of the August recess. We have 3 weeks to work on this bill during the August recess. We have 3 weeks to work on this bill during the October recess.

Now I am not unaware that if you work during the October recess it impacts campaigning in October, and that there are many more Democrats who are up for reelection in this body than Republicans. I am not unaware that the political impact would be more onerous on Democrats in the Senate, perhaps in the House as well.

But I think we have to put the politics aside on national health care because of the importance of this legislation. We ought not do it on anyone's political timetable. Some people said we ought not do it this year and the poll I referred to that was cited in the Washington Post this morning, the Newsweek poll, said 65 percent of the American people think we ought not to do it this year. I do not think we ought to rush to judgment, Madam President. I think I am still prepared to work on it, but I am not prepared to work on it on a political timetable.

I see two of my colleagues have risen, so I will yield the floor.

Mr. METZENBAUM. Madam President, will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I yield.

Mr. METZENBAUM. It is a very simple question.

Mr. SPECTER. I am not sure that I will hear a simple question, but I will try to respond to it whether it is simple or not.

Mr. METZENBAUM. Will the Senator from Pennsylvania be good enough to share with the Senate Aunt Rosie's telephone number? I want to call her on occasion.

Mr. SPECTER. No, I will not be good enough to share with the Senate her telephone number. I will be willing to share it privately with Senator METZENBAUM.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I know Senator METZENBAUM wants to speak on a different topic. I just want to respond as briefly as I can to Senator SPECTER's comments. He raised the issue of what is the cost—what is the cost of this, what is the cost of that. Furthermore, the Senator said that we had the finest health care system in the world for those that are covered and all we have to do is cover those that are not covered.

I respectfully disagree. We do not have a health care system in this country. We have a sick care system. If you get sick, you get care.

What we need is a system that moves us more towards keeping people healthy in the first place, more preventive health care. That is what the Mitchell bill does. That is what a lot of the bills are moving us toward. As long as we leave people uncovered, they will seek help and health care in the emergency rooms.

Now, Madam President, we have already made a decision in this country. We have made the decision that if someone shows up in the emergency room and they do not have health insurance and they need health care, we are not going to tell them, "Go out and die." We are going to take care of those people. And we do it 24 hours a day, 7 days a week, 365 days a year in emergency rooms across the Nation. It is the most expensive way of providing the sick care to people.

So as long as we have made the decision that we are not going to tell people to go out and die—if you do not have health insurance, we will take care of you in the emergency room when you are the sickest—as long as we have made that decision, it seems to me we ought to do it in the smartest way. If we are going to spend this money, let us spend it smarter. Let us extend health care coverage to people so they do not have to wait to go to the emergency room, so they can go to the doctor and get a shot or an immunization or a prescription or some form of help early on before they have to seek help in the emergency room. It just seems to me to be the smartest thing to do.

So when the question is raised, "What is this going to cost?" I only point to the present system. The present system is bankrupting us. And if we do not do something, it will further bankrupt us. It will take more money out of the private sector that can be used for job creation, new technologies, education, and rebuilding the infrastructure of this country. It is going to take it all out of there and put it more and more into health care.

So, again, I say to my friend and colleague from Pennsylvania, let us move away from the sick care system we have now and move to a health care system.

Again, I listened to the Senator from Pennsylvania; very erudite. He talked about the complexities in the bill and how do you do this and how do you do that. Again, we have to get back to the basics. Let us get back to the basics of what we are talking about in terms of health care coverage.

He talked about the employer mandates and small businesses saying they could not live with it.

Well, I ask my friend and colleague from Pennsylvania if he looked at the Labor and Human Resources bill that we passed out. We exempted small businesses of less than 10 employees. We said if you have from 1 to 5 employees, you pay 1 percent of your gross earnings to the pool. If you have 6 to 10 employees, you pay 2 percent into the pool. That is all. And then, if you have from 10 employees up to 75 employees, you get subsidies, depending upon how many you have and what the average payroll is.

Now, I have talked about this aspect to small businesses not only in Iowa but in other places. They think that is a pretty good deal—1 percent if you have less than 5 employees; 6 to 10, you pay 2 percent.

So when you hear about employer mandates and talk about small businesses, I hope that we will keep in mind that at least the Labor and Human Resources bill exempted those with less than 10 employees.

So, again, when you get all these complexities, we get back to the basics, really, of what the bill is about.

Finally, Madam President, I keep hearing the Senator and others who say, "We agree with the objective. We agree with the objective of health care coverage for all."

Well, it reminds me of, you know, recently I was in Normandy at the 50th anniversary of the Normandy invasion. And I looked at the beaches there—and I talked to a lot of people who had been on Normandy Beach that day and who fought their way through Europe to the final conquest of Hitler and the Nazis—and I think of that, and I think of a military objective of taking the hill or taking an objective.

Well, there comes a time you have to get out of the foxhole. There comes a time when you have to get out of the water and ocean and off the beach and take the hill.

We have been talking about health care reform for almost 50 years. We know the objective. We know how to get to that objective. All we have to do is get out of the foxhole and quit talking go about it.

That is why I hope that my friend and colleagues will not yield to the temptation to filibuster this bill, but get out of the foxhole, offer the amendments, let us have the debate, let us vote them up or down, and then let us move on to the objective of health care coverage for all. We will not get it if we stay in the foxholes.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, again, I thank my colleague from Iowa for his comments.

I would reply to him that I moved back to this section of the Senate because I want to refer briefly to charts.

But I say to my colleague from Iowa that I have been out of the foxhole on health care legislation for a long time. I got out of the foxhole in the early 1980's, when I introduced health care legislation for low-birthweight babies.

When the Senator from Iowa talks about a sick care system, I have been concerned about preventive care for a long time. I was amazed when I saw my first 1-pound baby, a child about as big as my hand, weighing 16 ounces. There are many children born into this world who weigh 16, 18, 20 ounces.

I was amazed to find that the city of Pittsburgh, which has a fine health care system, had the highest infant mortality rate among African-American babies of any city in the country, and I introduced legislation on this back in 1984.

For the last 5 years—I have been on the subcommittee for 14 years of Health and Human Services appropriations—Senator HARKIN and I have

worked together to craft an appropriations bill which this year is almost $70 billion, with a tremendous amount of it going toward preventive care.

There is nothing more important than the National Institutes of Health, where almost every year, regardless of who was President, Democrat or Republican, the figures came in for a reduction and our subcommittee has added money. Now it is up to $11.3 billion. We added $395 million this year. We added $600 million last year, because that is a priority.

Before Senator HARKIN was chairman, Senator Lawton Chiles, now Governor of Florida, did it as chairman; before that, Senator Weicker, now Governor of Connecticut, was chairman and he did it. That is a very proud history, to have the medical research increased when there have been so many budget cuts in such a tight budget system. So I agree with the Senator totally when he talks about not just having a sick care system. We have done it on breast cancer and prostate cancer and on AIDS—tremendous efforts in preventive medicine. So I agree with him about that completely.

When the Senator from Iowa says that his subcommittee took care of small business by having an exemption for those with under 10 employees, I say to him, respectfully, that is not enough.

Senator MITCHELL's bill has an exemption for those with 25 and under. But there are still many, many small businesses who have more than 10 employees.

My wife had a bakery, which was a small business. Some of the comments I heard in the car, in addition to on the train and in the restaurant and at ball games, the Phillies ball game, were comments of, "Senator, what is this bill going to do?"

I heard a comment from my wife Joan, who had a small bakery, who said, "I could not have made it if they asked me to pay $2,000 in addition for each employee."

And when the Senator from Iowa talks about the subsidy—and I will not ask him now what the subsidy would cost for people in the Kennedy bill, but I will ask him later privately to find out how much the subsidies will cost. He and I work together closely, and when we have questions for each other, we ask them privately; we do not ask them publicly—but when the Senator from Iowa talks about the Kennedy plan, we made a chart of the Kennedy plan. I have never shown this chart. I am very sorry I do not have a chart on the Mitchell bill, but I will by tomorrow. I have had people working over the weekend to prepare the chart for tomorrow when the Mitchell bill comes to the floor.

This is the chart on the Kennedy program. I might make reference first to the chart that my office made on the President's health care program. We have the two charts.

A brief word of explanation might be in order. When I read President Clinton's health care proposal I was surprised by the number of agencies, boards, and commissions which were created. So I asked my assistant, Sharon Helfant, to make a list. I was not ingenious enough to think of a chart, but Sharon Helfant made a chart instead of a list. And that is this chart, which is the President's health care system. It is Senate bill 1757; 1,342 pages, and every orange box on this chart is a new agency, board, or commission. There are 105 of them. And every box in green is an existing agency or program with new or expanded responsibilities, and there are 47 of those.

This chart was made somewhat famous by Senator DOLE when he used it in his response to President Clinton's State of the Union speech last January. It so happened, perhaps only coincidentally, but that was, many say, about the time of the turning point where people started to oppose President Clinton's health care plan.

I think it is important to focus on that for just a minute. When President Clinton's health care program came out on October 27, 1993 the initial reaction was very positive to it. But when we had a time to read it and to analyze it and to think about it and to put it on a chart, then people did not like it. The polls reflect a consistent decline in acceptance from the President's health care proposals and so much of a decline that when the new proposals have come out they are different from what President Clinton had in mind. What came out of the Senate Committee on Labor and Human Resources, what came out of the Senate Committee on Finance, what came out of the House committees, Senator MITCHELL's bill, and Congressman GEPHARDT's bill—all have announced explicit differences from President Clinton's bill because people do not like it.

But at the outset there was a lot of favorable comment. It was right about the time when Senator DOLE made his reply to the President's State of the Union speech and talked about the chart that President Clinton's support declined. Senator DOLE says it was his speech. I think it was my chart. Maybe it was both. Maybe it was neither. But the Clinton health care plan has declined markedly in public support, so much so that all the new plans have candidly deserted it.

Here is the chart of Senator KENNEDY's bill. This is the bill which was reported out by the Committee on Labor and Human Resources, called the Health Security Act. This chart depicts 107 new agencies, boards, and commissions—two more than the President's bill. And it shows 30 existing agencies, boards, and commissions which are given new or expanded responsibilities.

Here the color code is a little different. The red color code are new agencies, boards, and commissions which are identical to those in President Clinton's plan. The yellow boxes are new agencies, boards, and commissions which were added in by Senator KENNEDY—he took some out from the Clinton bill, but the Kennedy bill ends up with 107 new agencies, boards, and commissions, those depicted in both red and yellow, and ends up with 30 existing bureaus being given new jobs. As I say, tomorrow we will have the chart for Senator MITCHELL's bill.

When this chart was used by Senator DOLE in his reply to President Clinton's State of the Union speech, the White House immediately said that it was erroneous. They said it was more complicated than the New York subway system. And I think it may be more complicated than the New York subway system. When he said it was erroneous we pointed to the fact that every box on the chart has a page number. It is all factual—footnoted right down to the last agency, board, or commission. Then they said it was a Republican conspiracy. So the Washington Post went out to interview Sharon Helfant. As I said, I had just asked my staff to make a list and my staffer made the chart.

When they went to Sharon Helfant, my staffer, they found out things that I did not know. They found out that she was a Democrat. They found out that she had voted for President Clinton. They found out that she was a big fan of Mrs. Clinton—all questions irrelevant to being a good staffer, but certainly not someone who is about to make up a bogus or false or partisan chart.

When they came to the point about the big Republican conspiracy Sharon Helfant said when she took out a piece of typewriter paper, 8½ by 11, that it was too small; she could not put the whole chart on it; she had to scotch tape pieces of paper together—not really indicative of a Republican conspiracy.

So, Madam President, this discussion began when the Senator from Illinois, Senator SIMON, came to the floor a little after 10, asking for unanimous consent to talk as in morning business for 3 minutes, and raised a question which he had heard about in Illinois about Senator MITCHELL's bill: Which 95 percent would be covered? Who would be the 5 percent uncovered? Since then, we have had a discussion which I think is a useful one.

It is the complexity of the Mitchell plan, the absence of public input, the concern I have that once the Clinton plan was understood it was rejected by the American people—that leads me to believe that we need to have input from the American people who will be affected by it: By the senior citizens who will be affected by it, by rural

Americans, by consumers generally, by providers including doctors, by taxpayers, to make some assessment as to what the projected costs are going to be. And that is why, after I saw the little debate on Friday with the scale and the theatrics and the histrionics, that I have been giving very serious thought as to whether or not I would be willing to join in a filibuster on this bill so we can know what we are doing.

I think it is very important when we deal with a $1 trillion segment of America that we not rush to judgment, that we not do it on anybody's political timetable.

I yield the floor.

MORNING BUSINESS

Mr. METZENBAUM. Madam President, I ask unanimous consent the Senate now go into morning business for a period not to exceed 12 minutes.

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

The Senator from Ohio.

THE NEW INDEPENDENT COUNSEL

Mr. METZENBAUM. Madam President, after 19 years in the Senate, I thought I had seen every irony imaginable. Not so. Here is one for the record books.

Robert Fiske, a Republican who was named independent counsel at the instance of Republicans, is now perceived as less than impartial. Mr. Fiske, a lawyer praised by Republicans for his professionalism and integrity, is now deemed to be somehow tainted. After over half a year on the job, we are told that Mr. Fiske can not be trusted. That he is politically unclean.

And look at who is doing the telling. Look at the presiding judge of the politically pure and impartial tribunal which just gave Mr. Fiske the boot. It is Judge David Sentelle, serving at the request of Justice Rehnquist, appointed by President Ronald Reagan, sponsored by Senator JESSE HELMS, and judicial protector of Oliver North.

And upon whose advice is Judge Sentelle acting? Apparently the advice of Floyd Brown, the man who gave us the Willie Horton Ad. And whom does Judge Sentelle send to the rescue? Kenneth Starr, appointed to the bench by Ronald Reagan, named Solicitor General by George Bush, potential Republican candidate for public office, and friend-of-the-court to Paula Jones.

Madam President, give me a break. This move screams politics. How can Mr. Starr take this job and expect to appear impartial with all this background noise?

I know Mr. Starr. I met him when he had served previously, and I find nothing wrong with him. As a matter of fact, almost everything I hear about him is positive. He is clearly a well-respected lawyer, he was a fair judge, he is intellectually accomplished. In short, I am sure he is a good man. But that is not the issue here. The issue is the appearance of independence. And Judge Sentelle's selection of Mr. Starr mars that appearance.

Mr. Starr is not a bad man. I do not know of anything wrong with Mr. Starr, but this thing just looks bad. It looks like a setup. And if Mr. Starr is as smart as everybody says he is, he will realize that the appearances created by these circumstances are just too great to overcome.

Mr. Starr, I respect you, but I also urge you in the strongest possible terms, in behalf of your own credibility and your own integrity, to recognize the situation that you have been put into. I urge you to decline this appointment.

Madam President, I yield back the remainder of my time and yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I inquire of the Senator from Ohio if he would be willing to respond to a question. As I heard him—and I tried to write this down as fast as I could—I thought he said that Judge Sentelle was acting on the advice of a man, whom I believe he named but I did not know and did not understand, who brought us Willie Horton. My question to the Senator from Ohio is, first, did you say that Judge Sentelle is acting on the advice of someone?

Mr. METZENBAUM. What I said was that Judge Sentelle had been advised by the gentleman that I named and I believe 10 members of your party to call for Judge Fiske to be removed from his position. My information on that subject comes from this morning's Washington Post.

Mr. SPECTER. I just sent for the Washington Post clipping. But when the Senator from Ohio makes that accusation, does he have any basis beyond the Washington Post clipping or know what the basis of the Washington Post is?

Mr. METZENBAUM. Are you questioning the integrity of the Washington Post or its accuracy? I am not sure what the Senator—I did not see the letter, and Judge Sentelle did not tell me that he received it. But I think it is reasonable to assume, and I would assume, that the Senator from Pennsylvania is not challenging the accuracy of the Washington Post reporter and the story this morning. I have not seen the New York Times nor Philadelphia papers, but I would be glad to check all of them if you give me the time to do so and see whether or not they do not have similar reports.

Mr. SPECTER. Madam President, I am not challenging the integrity of the Washington Post, because I believe the comment made by the Senator from Ohio, but I believe the Senator from Ohio is challenging the integrity of Judge Sentelle. When he challenges the integrity of Judge Sentelle, as he said in his opening statement that he was acting on the advice of an identified man who brought us Willie Horton, it is at that point that I ask the Senator from Ohio what the basis of his challenge to Judge Sentelle's integrity is.

When he cites the Washington Post and asks me if I am challenging their integrity, I am not challenging anybody's integrity. When he asks me if I am challenging the accuracy of the Washington Post, that may be a different matter. It may be that there has been some occasion when the Washington Post may not have been accurate. But I think if the Senator from Ohio is making that kind of a serious accusation against Judge Sentelle,—and I think it is a very serious accusation, and he also implicates Senator HELMS—I am trying to find——

Mr. METZENBAUM. I did not implicate anybody. I just stated the facts, just the facts.

Mr. SPECTER. Madam President, I do not know that the Senator from Ohio is stating the facts. I do not know, when he makes a bland statement that Judge Sentelle is acting on the advice of a given man and does not cite the newspaper article, that he is operating on the facts.

Mr. METZENBAUM. I will say to my colleague——

Mr. SPECTER. I have the floor, Madam President.

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

Mr. SPECTER. I will be glad to yield in just a moment, because I think this is an important subject, but I think that when the Senator from Ohio comes to the floor and makes an accusation against Judge Sentelle without citing a source and then cites a newspaper source and then says that he is just reciting the facts, I do not know that he is. I do not know that he is not, but I do not know that he is.

I have a question about the Senator from Ohio making a charge against a Federal judge, in this circumstance, after taking it out of the newspaper. I think the floor of the U.S. Senate ought to have a little more reliability and authenticity than simply taking a newspaper citation to charge a Federal judge, especially when no source is given. But I am about to read the newspaper article and will have a further comment about it.

So I yield for whatever the Senator from Ohio wanted to say.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I am just stating the facts as I know them to be. What I said was, and I repeat it:

And who is doing the telling? Look at the presiding judge and the politically pure and impartial tribunal which just gave Mr. Fiske the boot. It is Judge David Sentelle, serving at the request of Justice Rehnquist, appointed by President Ronald Reagan, sponsored by Senator Jesse Helms and judicial protector of Oliver North.

And upon whose advice is Judge Sentelle acting? Apparently the advice of Floyd Brown, the man who gave us the Willie Horton ad.

If the Senator from Pennsylvania knows something more than I do about the facts, not just what he thinks may or may not be the facts, that is up to him to decide, but I do not intend to debate this longer.

My opinion is that the appointment of Kenneth Starr who, for all practical purposes and as far as I know is a decent and honorable man, just does not look good, just does not look right. I think that out of the hundreds of thousands of lawyers in this country, it is hard to understand that Judge Sentelle and the other members of that three-judge tribunal—it is not a tribunal, it is just a panel—how they came to pick out one man, Kenneth Starr, of all the lawyers in this country. What do we have, some sort of inbreeding here that you can only look at those that have held public office? Thousands of lawyers across the country are in a position to do this. Fiske himself was doing a good job, and nobody claims that he was not.

I think it is an absurdity to bring in Kenneth Starr under these circumstances.

I yield the floor, and I do not intend to debate the matter further.

Mr. SPECTER. Madam President, I will just ask the Senator from Ohio one more question. He said twice now Judge Sentelle is the judicial protector of someone—I am sorry that he left the floor. In seeking recognition and in seeking to question the Senator from Ohio, I am not going to get into a debate about the adequacy of Mr. Fiske or about the adequacy of Mr. Starr or about the adequacy of anybody.

But I do think that when a U.S. Senator takes the floor and makes the kind of serious charges which he has made as to Judge Sentelle, that he ought to have facts to back it up. It may be that the newspaper account is entirely correct. And it may be that the newspaper account is not entirely correct. What I intend to do is get a transcript as to what Senator METZENBAUM said and to make inquiries as to the source of the newspaper account and as to what Judge Sentelle has to say and refer to the matter later as soon as I have the information.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has expired.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 2466 TO THE COMMITTEE AMENDMENT ON PAGE 63, LINE 5

(Purpose: To express the sense of the Senate regarding the congressional timetable for considering health care reform)

Mr. HELMS. Madam President, my understanding is that under a previous unanimous-consent all amendments to committee amendments must be submitted by noon today. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I have such an amendment, and I call it up and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2466 to the committee amendment on page 63.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . RESPONSIBLE HEALTH CARE REFORM.

(a) FINDINGS.—The Senate finds that—

(1) health care reform proposals to be considered in August 1994 in the Senate and the House of Representatives will significantly affect the health care received by each and every American;

(2) such health care reform proposals impose many new and increased taxes which will be borne by all working Americans;

(3) all health care reform proposals that require employers to purchase and pay for health insurance for their employees will result in hundreds of thousands of Americans losing their jobs;

(4) most Americans oppose having the Federal Government force everyone to buy a standard package of health insurance coverage that is the same for everyone, regardless of age, gender, or religion;

(5) an overwhelming majority of Americans believe that Congress should change only those parts of the health care system that do not work and avoid getting the Federal Government more involved in health care than it already is;

(6) an overwhelming majority of Americans have stated their belief that health care reforms being considered by Congress will lead to health care rationing;

(7) by a wide margin, the American people prefer that rather than rush to enact a health reform bill in 1994, Congress should take time to debate this issue and do it right, even if that means putting off passing a bill until next year;

(8) despite the wishes of the American people, the congressional leadership has imposed arbitrary deadlines on the consideration of health care reform by both Houses of Congress;

(9) in our democracy, the American people should have maximum input into the manner in which health care is reformed; and

(10) the mid-term congressional elections will provide the American people with a means to express their voices on the shape that health care reform should take.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that major health care reform is too important to enact in a rushed fashion, and Congress should take whatever time is necessary to do it right by deferring action until next year to give Congress and the American people ample time to obtain, read, and consider and alternatives and make wise choices.

Mr. HELMS. I hope that those watching on C-SPAN will take note of the telephone number here: 1-202-224-3121, because you may want to write that number down if you are listening out across America, because I am going to tell you a little bit about health care and the confusion that exists in this city about the welter of plans coming at us from all sides.

Before I get to health care reform, let me take brief note of the attack upon a distinguished North Carolinian, a splendid friend of mine, and able Federal judge, Dave Sentelle. I regret that Senator METZENBAUM felt inclined to attack Judge Sentelle. Senator METZENBAUM undoubtedly has many qualifications, but he is not qualified to attack Judge Sentelle. And I will go no further, except to acknowledge that Senator METZENBAUM did attack Judge Sentelle and that I regret it. Senator METZENBAUM had no cause, reason, or justification for what he said.

Now, then, as to the amendment.

Mr. GRAHAM. Madam President, will the Senator from North Carolina yield for a question?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. Well, I really do not want to yield, but since it is the distinguished Senator from Florida, I will.

Mr. GRAHAM. I say to my friend and colleague, I do not wish to interrupt, but we have until noon to offer amendments on the pending appropriations bill. I wonder if the Senator would indicate how long his remarks are likely to last.

Mr. HELMS. I will say to the Senator that if I yield to him, which I am perfectly willing to do, I will go far past the hour of noon, which is the bewitching hour. If he wishes, I will yield the floor to him so that he can call up his amendment after laying aside mine temporarily, so it will qualify under the unanimous-consent. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Chair would advise the Senator from North Carolina that there is a unanimous-consent agreement that the Senator from Iowa is to be recognized at 11:45 and the Senator from Pennsylvania at 11:50. That is in order for them to offer amendments to the pending legislation.

Mr. HARKIN. Madam President, has the hour of 11:45 arrived?

The PRESIDING OFFICER. There is approximately 20 seconds remaining.

Mr. GRAHAM. Madam President, did the Senator from North Carolina yield to me for purposes of offering an amendment?

Mr. HELMS. Of course. Madam President, I have already said that I do, and I do so with great pleasure, but I do not quite understand what the Chair said about 11:45.

The PRESIDING OFFICER. There is a unanimous-consent order that at 11:45 the Senator from Iowa will be recognized to offer amendments to the pending legislation, and at 11:50 the Senator from Pennsylvania will be recognized to offer amendments to the pending legislation.

Mr. SPECTER. Madam President, parliamentary inquiry. Will the Senator from North Carolina have an opportunity then—he has already offered his amendment, so he is secure under the ruling—will have an opportunity to have whatever discussion he wishes following the conclusion of the remarks referred to?

Mr. HELMS. Certainly.

The PRESIDING OFFICER. The Senator's amendment is pending and there will be time for discussion after the hour of noon.

Mr. HELMS. If the Senator will——

Mr. HARKIN. Regular order, Madam President.

Mr. HELMS. Propound a unanimous consent, I certainly will not object.

The PRESIDING OFFICER. The hour of 11:45 having arrived, the Senator from Iowa is recognized to offer his amendments.

AMENDMENT NO. 2467

(Purpose: To make technical corrections)

Mr. HARKIN. Madam President, I have one technical amendment I send to the desk and ask for its immediate consideration. The amendment conforms the bill to correctly match the committee report and accompanying table. It also updates the education portions of the bill to reference Senate-passed legislation instead of Senate-reported legislation. That has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2467.

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

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

The amendment is as follows:

On page 3, line 1, strike "$5,049,267,000" and insert in lieu thereof: "$5,234,055,000".

On page 53, strike line 8 and all before the second comma on line 9 and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 54, line 2, strike "reported" and all that follows before the second comma on line 3, and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 54, line 13, strike "reported", and all that follows before the semicolon on line 14, and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 54, line 18, strike "$1,164,849,000" and insert in lieu thereof: "$1,264,849,000".

On page 55, line 1, after the comma, insert the following: "$13,000,000 shall be for part A of title VIII,".

On page 55, strike line 11, and all that follows before second comma on line 12, and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 59, line 20, after the "," insert the following: "to be administered by the Secretary of Education,".

On page 63, line 6, strike "as", and all that follows before the semicolon on line 7, and insert the following: "as passed the Senate on August 2, 1994".

On page 63, line 8, strike all after the comma, and on line 9 strike all before the semicolon, and insert in lieu thereof: "as passed the Senate on August 2, 1994".

On page 63, line 13, after the semicolon, insert the following: "$43,000,000 shall be for the Fund for the Improvement of Education, including".

On page 63, line 13, strike "shall be".

On page 63, line 14, strike the semicolon, and insert in lieu thereof: "," and strike "shall be for part K" and insert in lieu thereof: "for Elementary School Counseling Demonstrations,".

On page 63, line 15, strike the first "of".

On page 63, strike line 17 and all before the semicolon on line 18, and insert in lieu thereof: "as passed the Senate on August 2, 1994".

On page 64, line 1, strike "as" and all that follows before the semicolon on line 2 and insert in lieu thereof: "as passed the Senate on August 2, 1994".

On page 64, line 5, strike the second "as" and all that follows before the period on line 7, and insert in lieu thereof: "as passed the Senate on August 2, 1994".

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

So the amendment (No. 2467) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2468

(Purpose: To make the bill consistent with CBO scoring)

Mr. HARKIN. Madam President, I send an amendment to the desk and ask for its immediate consideration. It adds a provision to the bill which would make the bill consistent with the the CBO scoring. I urge adoption of the amendment. It has been cleared on both side.

The PRESIDING OFFICER. The clerk bill report.

The assistant legislative clerk read as follows.

The Senator from Iowa [Mr. HARKIN] proposes an amendment No. 2468.

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

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

The amendment is as follows:

On page 55, line 20, strike "$3,045,425,000" and insert in lieu thereof: "$2,753,300,000".

On page 55, line 22, before the period, insert the following: ", of which $292,125,000 for section 686 shall become available for obligation on September 30, 1995, and shall remain available through September 30, 1996".

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

So the amendment (No. 2468) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NO. 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, AND 2477, EN BLOC

Mr. HARKIN. Madam President, on behalf of Members, I send to the desk several amendments that are acceptable, and I ask unanimous consent that they be considered en bloc.

The first amendment, which I am offering on behalf of Mr. KOHL, allows a demonstration project on employment in Milwaukee to proceed.

On behalf of Senator BRYAN, I offer an amendment which allows the HHS Office of Inspector General to share in the net proceeds of the assets that are seized and forfeited during investigations in which that office participates.

For Senator GRASSLEY and myself, I offer an amendment that ensures that the Office of the Inspector General at the Department of Health and Human Services be reimbursed for any costs it incurs for providing security for the Secretary of HHS.

I have a four-part amendment which identifies amounts within the fund for the Improvement of Education, as follows: Senator KENNEDY'S amendment to provide $125,000 for the National Student and Parent Mock Election; and for Senators DOMENICI, PELL, MIKULSKI, DODD, and DORGAN, $1,000,000 for the Partnership in Character Education pilot project. For Senators CHAFEE and PELL, $500,000 for model scholar athlete games. For Senator JEFFORDS, $900,000 for 21st Century Community Learning Centers.

For Senator SIMON, an amendment providing $8,000,000 for civics education of legalized aliens.

For Senators COVERDELL and NUNN, two amendments providing emergency funding caused by flooding.

For Senators HATFIELD and PACKWOOD, an amendment requesting waivers under the AFDC Program.

For Senator SPECTER, an amendment that the authority of section 105 is subject to the Labor Department's regular reprogramming process.

Mr. President, these amendments provide offsets, as necessary, to avoid increasing either budget authority on outlays.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 2469 through 2477.

Mr. SPECTER. Might we have enumeration of the amendments so the RECORD will be complete here.

If I may recite them, a managers' amendment by Senator HARKIN, an amendment on my behalf, an amendment on behalf of Mr. KOHL, an amendment on behalf of Senator HARKIN and Senator BRYAN, an amendment on behalf of Senator GRASSLEY and Senator HARKIN, an amendment on State legalization impact assistance grants, an amendment on emergency supplemental appropriations, another amendment on emergency supplemental appropriations, Department of Education impact aid, an amendment on my behalf, two amendments by Senator HARKIN.

AMENDMENT NO. 2469

(Purpose: To provide for the New Hope demonstration project)

Mr. HARKIN offered for Mr. KOHL amendment No. 2469.

The amendment is as follows:

On page 43, between lines 8 and 9, insert the following:

The Secretary shall provide payments under titles IV-A and XIX of the Social Security Act to carry out a demonstration project for a qualified program in accordance with this section which shall take effect on January 1, 1995. For each calendar quarter in which there is a qualified program as defined below, the Secretary shall pay to the State for the purpose of transmittal to the operator of the qualified program, for no more than 20 calendar quarters, an amount equal to the aggregate amount that would otherwise have been payable to the State with respect to the participants in the program for such a calendar quarter, in the absence of the program, for cash assistance and child care under part A of title IV of the Social Security Act, for medical assistance under title XIX of such Act, and for administrative expenses related to such assistance. The term "qualified program" means a program operated by the New Hope Project, Inc., which assists low-income residents of Milwaukee, Wisconsin, move from welfare to work, in accordance with an application to be prepared by the operator to the qualified program, transmitted by the State to the Secretary, and defined by and approved by the Secretary. The application shall provide for evaluation of the demonstration project; funds provided herein may not be used for said evaluation.

AMENDMENT NO. 2470

(Purpose: To allow the Office of the Inspector General of the Department of Health and Human Services to receive a share of the net proceeds of assets seized and forfeited during investigations in which that office participates)

Mr. HARKIN offered for himself and Mr. BRYAN amendment No. 2470.

The amendment is as follows:

On page 48, line 2, before the period insert the following: ", together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated and which are transferred to the Office of the Inspector General by the Department of Justice or the Department of Treasury".

Mr. BRYAN. Madam President, earlier this year, I came to the Senate floor to call my colleagues' attention to the effect the 1994 Social Security Fraud and Abuse Guidelines were having on my State of Nevada. These guidelines directed that no investigations into possible Social Security fraud and abuse would be conducted in my State of Nevada. Needless to say, I was not pleased.

This Social Security policy came to my attention when a constituent contacted my Las Vegas Office concerning the illegal use of her 2½-year-old son's Social Security number. When this constituent applied for public assistance benefits, the routine Social Security number check showed an immigrant was using her son's Social Security number. My constituent was informed of this misuse by the Las Vegas Social Security office. When she asked if an investigation would be made into this fraudulent misuse, she was informed by the office that no investigation would be made because of this Social Security Administration fraud and abuse policy.

You can imagine my constituent's anger at this situation. She applies for public assistance benefits, she discovers someone illegally using her young son's Social Security number, and then she is told nothing will be done.

After learning of my constituent's concern, I reviewed the January 1994 Social Security Administration Fraud Referral Guidelines. I, too, was surprised and angered at what I found. Nevada, along with 15 other States, Puerto Rico and the U.S. Virgin Islands were all listed as "geographic areas with limited investigations."

This means no fraud investigations are initiated in these States and territories by the Office of Investigations, unless Social Security management requests an exception from the office, and the Office of Investigations and Social Security management "mutually agree that aggravating factors necessitate that such an exception be made."

As I read further, I was more surprised to find that Nevada, along with Alaska, Hawaii, and Idaho, were also listed as States where no investigations would be initiated at all unless there were mutually aggravating circumstances.

This Social Security Administration policy has created "safe harbors" for anyone who wants to use illegal Social Security numbers throughout 16 States and 2 territories. A particularly safe harbor exists for abusers in Nevada, Alaska, Idaho, and Hawaii.

All any enterprising person needs to do is to check the Social Security Fraud and Abuse Guidelines to determine where it is most safe to engage in the illegal use of Social Security cards. Since 10 of the 16 safe harbor States are in the western half of the Nation, this means the Western United States is especially inviting to people who want to fraudulently use Social Security numbers.

I wanted an explanation of why Nevada was chosen to be one of the safest harbors in the Nation for Social Security number abusers. So I went to the source, and met with Social Security Administration Commissioner Shirley Chater, and Inspector General June Gibbons Brown, of the Department of Health and Human Services.

It came as no surprise when the Social Security Commissioner and the inspector general stated the Office of Inspector General had lost 200 employees and had to close 14 investigation offices due to funding cutbacks in past years. One of those employees and one of those investigation offices had been in Nevada.

I do understand that limited staff and funding can require difficult decisions about how to prioritize remaining resources. But I find it unacceptable when safe harbors are created in 16 States, so anyone with the initiative to review the Social Security Fraud and Abuse Guidelines can determine where the fraudulent use of Social Security numbers will essentially be ignored.

I do not believe Nevada must have an office of investigation or an investigator stationed within the State to combat Social Security fraud and abuse. But I do believe if an instance of possible fraud and abuse is found, an investigator from Social Security should at the very least be notified, be able to look into the case, and travel to Nevada if necessary.

In my Nevada constituent's case, although Social Security did not investigate the situation, the case was turned over to the Immigration and Naturalization Service. The INS subsequently discovered the worker who was illegally using my constituent's son's Social Security card, was employed in a business where nearly all employees were using illegal Social Security cards. This is a perfect example of how what might be considered a small case of fraud and abuse can rapidly become a major and apparently organized instance of fraud and abuse.

While the Office of Inspector General agreed to revise the fraud and abuse guideline to more accurately reflect the availability of investigation efforts for Social Security cases, more must be done.

So today with Senator HARKIN, I offer an amendment to help address this problem.

Our amendment would allow the Office of Inspector General for the Department of Health and Human Services to receive a share of the net proceeds of assets seized and forfeited during investigations in which the Office of Inspector General participates. These proceeds will be used by the Office of Inspector General to supplement its efforts to fight fraud and abuse.

Current law governing the Asset Forfeiture Funds of the Departments of Treasury and Justice permit certain law enforcement agencies to receive a portion of the net proceeds of the assets that are seized and forfeited during investigations in which those law enforcement agencies participate. This ability to receive a portion of the net proceeds is called "equitable sharing."

The Office of Inspector General of the Department of Health and Human Services cannot receive any portion of the net proceeds, as it does not have the authority to participate in "equitable sharing."

It should be noted if these equitable share payments are not paid to the HHS Office of Inspector General, they would not revert to the general revenues of the Treasury. The payments would simply be distributed to the other law enforcement agencies involved in the investigation.

It is estimated this amendment will result in approximately $200,000 in additional funding for the HHS Office of Inspector General to use to fight fraud and abuse in fiscal year 1995.

If we truly want to fight fraud and abuse in our Government programs, we must provide adequate funding to ensure our investigative efforts can meet the task. This is a step in these right direction.

I thank Senator HARKIN for his cooperation and support in bringing this amendment to the floor, and accepting it as part of this bill.

AMENDMENT NO. 2471

(Purpose: To transfer certain funds to the Office of the Inspector General for security protection for the Secretary of Health and Human Services and to require the Comptroller General of the United States to conduct a review on the need of security protections for certain Federal officials)

Mr. HARKIN offered for Mr. GRASSLEY, for himself and Mr. HARKIN, amendment No. 2471.

The amendment is as follows:

On page 52, between lines 17 and 18, insert the following new section:

SEC. 210. (a) Of the funds appropriated or otherwise made available for the Department of Health and Human Services General Departmental Management for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect the provision of security protection for the Secretary of Health and Human Services.

(b) The Comptroller General of the United States shall conduct a review on the need of personal security protection for all cabinet and subcabinet officials in the Federal government, and shall not later than April 1, 1995, prepare and submit a report to the Senate and House Committees on Appropriations of the findings of the Comptroller.

AMENDMENT NO. 2472

(Purpose: To provide funding for programs authorized by the Improving America's Schools Act)

Mr. HARKIN offered amendment No. 2472.

The amendment is as follows:

On page 63, line 15, before the word; "title" insert the following: "$125,000 for National Student and Parent Mock Elections, $1,000,000 for the Partnerships in Character Education Pilot Project, $500,000 for Promoting Scholar-Athlete Competitions, and $900,000 for 21st Century Community Learning Centers, as authorized by".

AMENDMENT NO. 2473

(Purpose: To rescind appropriations for State Legalization Impact-Assistance Grants (SLIAG) which remain available as of June 29, 1995, and to make appropriations to pay for the costs of certain activities relating to naturalization and citizenship)

Mr. HARKIN offered for Mr. SIMON amendment No. 2473.

The amendment is as follows:

On page 44, after line 20, insert the following:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

Funds not expended by the States by July 1, 1995, under section 204(b)(4) of the Immigration and Nationality Act are hereby rescinded.

For allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for—

(1) public information and outreach activities regarding naturalization and citizenship; and

(2) English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $8,000,000: *Provided*, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further:* That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in Section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of providing public information and outreach activities regarding naturalization and citizenship; and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States: *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That Section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995."

On page 7, line 20, strike "$232,000,000" and insert "$226,000,000" in lieu thereof.

AMENDMENT NO. 2474

(Purpose: To make funds available for recovery from the tropical storm Alberto)

Mr. HARKIN offered for Mr. COVERDELL, for himself, and Mr. NUNN, amendment No. 2474.

The amendment is as follows:

At the end of the bill, insert the following new title:

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

For an additional amount for the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other disasters, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the 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: *Provided further*, That the entire amount 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, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

AMENDMENT NO. 2475

(Purpose: To make funds available for recovery from the tropical storm Alberto and other disasters)

Mr. HARKIN offered for Mr. COVERDELL for himself and Mr. NUNN, amendment No. 2475.

The amendment is as follows:

At the end of the bill, insert the following new title:

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to the flooding caused by tropical storm Alberto and other disasters, authorized under section 7(a) of Public Law 81-874, $10,000,000, to remain available until expended, of which $10,000,000 shall be available from funds provided under the heading "DEPARTMENT OF EDUCATION" under the heading "IMPACT AID" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211): *Provided*, 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 as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the 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.

Mr. COVERDELL. Madam President, I would like to thank the distinguished Senator from Iowa [Mr. HARKIN] and our colleague from Pennsylvania, Senator SPECTER for working with Senator NUNN and me on two important disaster assistance amendments to the Labor, Health, and Human Services appropriations bill. Many of my colleagues have heard from me and the senior Senator on the initial devastation that occurred during the flooding in the southern portion of our State. They have responded by providing necessary funding for local government, agricultural, housing, and business assistance to those Georgians most drastically affected by the floods.

Today, the managers of this bill have offered two amendments on behalf of Senator NUNN and myself that address the emergency health, safety and education needs of the recovering disaster areas.

The first amendment will provide $35 million to assist Georgia in addressing the acute threat to public health associated with the flood related sanitation problems and the widespread breakdown in water and sewer systems. These resources will also ensure the availability of emergency mental health and social services.

The second amendment will earmark $10 million of existing impact aid resources for school districts that will not be able to cover the cost of the damage incurred by the flood in time for the 1995 school year. In addition, these resources will compensate school districts that will lose critical property taxes due to property damage resulting from tropical storm Alberto.

These two amendments address important public safety needs, and I thank Senator HARKIN and Senator SPECTER for their efforts on Georgia's behalf.

AMENDMENT NO 2476

(Purpose: To direct the Secretary of Health and Human Services to take action on a request made for certain waivers under the AFDC Program, and for other purposes)

Mr. HARKIN offered for Mr. HATFIELD, for himself and Mr. PACKWOOD, amendment No. 2476.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . DIRECTION TO THE SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING ACTION ON A REQUEST FOR CERTAIN WAIVERS UNDER THE AFDC PROGRAM.

In the event the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") fails to approve the application for waivers to conduct a demonstration project, known as JOBS Plus, under section 1115 of the Social Security Act submitted by the Oregon Department of Human Resources on October 28, 1993, (hereafter referred to in this section as the "application") by the date of the enactment of this Act, notwithstanding the Secretary's authority to approve the application under such section, the application shall be deemed approved.

Mr. HATFIELD. Madam President, today, Senator PACKWOOD and I are offering an amendment that would grant the State of Oregon a waiver needed to conduct an innovative welfare demonstration project. The administration has had nearly 10 months to review Oregon's proposal and the State has not received an answer to their request. We simply have exhausted our options.

During the 1993 Oregon legislative session, Oregon's welfare demonstration program, JOBS Plus, was developed through the hard work of the original proponents of the Full Employment Program, client advocates, private employers, legislators and their staff, the Governor's staff and state staff. As proof of their support, the legislature approved $2.7 million startup funds to be used to provide the extra benefits for the participants until they secured unsubsidized employment and the program could begin saving money through caseload reduction.

If Oregon is not allowed to implement the program by September 1, 1994, however, there is a risk that it will never get a chance to provide itself. The funding approved in the 1993 session cannot be carried forward to the 1995–97 biennium. If Oregon is allowed to begin the demonstration by September 1, the State can use the $2.7 million for startup funding, setting up an operating project for the 1995 Oregon Legislature to review, and testing some of the President's welfare reform concepts as Congress is considering the Work and Responsibility Act.

President Clinton recently wrote to Senator PACKWOOD and me indicating his support for innovative welfare demonstration projects in the States and advising us that Oregon's request was in the final stages of agreement. The President also indicated that the State's request closely matches the goals outlined in his welfare proposal.

Madam President, I typically hesitate to offer these types of amendments, however, I believe that the administration has had more than an ample amount of time to review this request. I might also add that the Department of Agriculture has approved their part of the waiver request.

Madam President, Oregon can wait no longer for an answer.

AMENDMENT NO. 2477

Mr. HARKIN offered for Mr. SPECTER amendment No. 2477.

The amendment is as follows:

On page 24, line 25, before the period insert the following: ": *Provided*, That such funds shall not be treated as a reprogramming and shall not be available for obligation or expenditure except in compliance with the Committee reprogramming procedures".

The PRESIDING OFFICER. Is there further debate on the amendments? If not, the question is on agreeing to the amendments.

So the amendments (No. 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, and 2477) were agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2478

(Purpose: To provide $100,000,000 to carry out the Emergency Immigrant Education Act of 1984 or its successor authority)

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I offer an amendment on behalf of myself and Senators HUTCHISON——

Mr. HARKIN. Madam President, I had not yielded the floor yet. And under the unanimous-consent agreement, I was to be recognized for 5 minutes to offer my amendments.

The PRESIDING OFFICER. The Senator from Iowa is correct.

The Senator from Florida will withhold.

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

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. Will the Senator from Pennsylvania defer for that purpose? Under the previous order, the Senator has the floor.

Mr. SPECTER. Madam President, I yield to my colleague from Florida.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Florida [Mr. GRAHAM] for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN, proposes an amendment numbered 2478.

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

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

The amendment is as follows:

At the end of title V, insert the following:

SEC. 17. There is appropriated out of any money in the Treasury not otherwise appropriated for fiscal year 1995 for expenses necessary to carry out the Emergency Immigrant Education Act of 1984 (or its successor authority) $100,000,000, and each amount appropriated or otherwise made available for each program, project or activity relating to the salaries, expenses and program management funded under titles I through III of this Act (other than by this section) that is not required to be appropriated or otherwise made available by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated for such programs, projects or activities by $100,000,000.

Mr. GRAHAM. Madam President, as I understand the parliamentary situation, amendments are available until

noon. Then what will be the disposition of this matter thereafter?

The PRESIDING OFFICER. The amendments will be disposed of in turn.

Mr. GRAHAM. Thank you.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

Mr. HELMS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Senator's second-degree amendment to the committee amendment.

Mr. HELMS. Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Madam President, a week or so ago the news media and the pundits in this city assured the American people that the Clinton health bill was dead—done in by millions of outraged Americans who rejected its mandates, high taxes, and superbureaucracy.

But once again, we are reminded that you cannot believe everything you hear. The distinguished majority leader of the Senate came forth a few days ago with what purports to be his own health care plan which, while not totally identical to President Clinton's proposal, misses being so by just a hair.

The Senate is about to debate the Clinton-Mitchell health care bill, which will foist upon the backs of the American people new entitlements, new taxes, and more bureaucrats.

The Senate leadership, moreover, has declared its intent to ram through the Senate this Clinton-Mitchell health care plan in just 2 weeks. Nobody knows for sure what is in the bill, at least not yet. But if the Clinton-Mitchell bill is anything like the original 1,300-page Clinton plan, as everybody said it is going to be, a great deal of time will be needed to figure out just exactly what is in it. Haste does make waste, particularly in the U.S. Senate.

Senators need, they deserve, and they must demand, time to read, study, and analyze this latest proposal. Health care reform is an issue like no other issue. It will affect all Americans from every walk of life.

I think it was 8 or 9 days ago when the distinguished majority leader, Mr. MITCHELL, was asked during a television interview why the rush to pass a bill with such enormous consequences. He responded somewhat piously, that he wanted to leave a legacy. Well bully for him, but what about the price he is demanding that the American people will have to pay for his legacy?

Instinctively, or otherwise, I think the American people know what is at stake. As the distinguished Republican leader, Mr. DOLE, asserted, "A bad bill would be worse than no bill at all." The American people want us to do what is right. They do not care about saving the Clinton administration or giving the majority leader a legacy. The American people want to know that health reform is not going to mean a Government-run health care system. They want to know that the Senate is not going to take away the right to choose their own doctor. And finally, the American people want to know that such a bill will not bankrupt the country.

Note the result of a Wall Street Journal poll which showed that only 34 percent of the people are saying Congress should pass the health bill this year. However, 58 percent of the American people believe Congress should continue to debate the issue and act next year. Fifty-eight percent is a sizable figure, and it reflects what I am hearing in just about every piece of mail I receive, and every telephone call from North Carolina and all across the country.

Another poll released by the Harvard School of Public Health and Times Mirror newspaper, revealed that 58 percent of Americans are afraid that health care reform will mean less freedom to choose their own doctor.

These statistics illustrate precisely what I have been hearing, as I said, from North Carolina and people throughout the country. They are telling us that Congress must not rush to pass a bill that no one wants, with, of course, the possible exception of the social engineers down at the White House and elsewhere in the administration. They are saying "Pass a bill; pass a bill." And the majority leader is parroting that rhetoric. But the American people are emphatically saying no, no, do not do that.

Plain and simple, the Clinton-Mitchell bill is a Government takeover of health care. Call it Government investment. Call it guaranteed health care. Call it what it truly is, a steady march toward socialized medicine which has been a disaster in every country where it has been tried.

To think leaders of our country are proposing socialized medicine euphemized under some other name is baffling to me. North Carolinians have their own opinion of this audacious Government grab for power. Every week I receive hundreds of letters on health care reform, and of these at least 85 percent oppose the Clinton plan for one reason or another. In addition, every week I receive thousands of postal cards from people across America who oppose any plan that includes abortion on demand as a basic benefit.

As I move along in my remarks, I want to call attention to the U.S. Capitol's switchboard number. If you want to call your Senator's office, no matter where you live in America, call (202) 224-3121 and tell your Senator, how you feel about health care reform, whether you are for the Clinton-Mitchell plan, or against it. But speak up, America, and let your Senator know how you expect him to stand on this issue.

The message is clear from North Carolinians. They do not want the Government to take over their health care system. They do not want Government bureaucrats interfering in their private health care decisions. They do not want the Government taking over a system which on the whole delivers quality care to all Americans.

(Mr. DORGAN assumed the chair.)

Mr. HELMS. No one in America wants us to travel the bankruptcy road followed by so many Socialist governments in other parts of the world. Every time we hear the President speak about health care, he says he will support only legislation that guarantees health insurance for all that cannot be taken away. I wonder if he is aware that 40 Senators have developed a health reform plan that extends universal access to all Americans without an enormous governmental takeover of our economy.

The fact is that we can cure the ills of our current system today without swallowing socialism and wrecking a health care system which—warts and all—is still the envy of all of the rest of the world.

North Carolinians have not been fooled by the alarmist rhetoric and slick gimmicks that some are using to sell their health plan. I doubt if many other Americans have been fooled either. That is because they know very well that higher taxes, higher deficits and a bigger Federal Government are not the way to better health care. Maybe that is why we are being forced to accept an arbitrary schedule for Senate action on the Clinton-Mitchell health plan.

If you think that Congress ought to put the brakes on this freight train and wait until next year and in the meantime study all of the proposals for health care reform, then call your Senator at 1-202-224-3121. Or if you favor the Clinton-Mitchell health care plan, or any other plan, call your Senator. He or she deserves to hear from you.

But I will tell you this, Mr. and Mrs. America: Unless you have actually read the small print in these Big Brother plans, you have only scratched the surface of how Government will step into your private lives. Let me explain what I mean. I wonder if Americans know that the President's bill, at page 239, forbids anyone from offering a health benefit policy that duplicates coverage provided in the comprehensive benefits package. This means that all current policies now in effect would be unlawful. That is on page 239 of the President's bill. Only a few health care plans will be available to you under that set of circumstances.

The House and Senate leadership plans are not quite as direct as that. But they make it very clear that good insurance plans are taxed so high that no insurance company in its right mind would even offer it.

If that is the kind of thing you want, call your Senator at 1-202-224-3121 and tell him. Or if you do not want this plan, tell your Senator that. You think the Senate ought to wait and carefully consider such an enormous subject, hundreds upon hundreds upon hundreds of pages. If so, then tell your Senator to vote for the HELMS amendment which is now pending and which will be voted on day after tomorrow, on Wednesday of this week.

Mr. President, just like the first Clinton bill, both the House and Senate leadership bills create a powerful National Health Board having vast powers. The National Health Board will restrict what Mr. and Mrs. America can spend on health care through what are called global budgets. Furthermore, the National Health Board will decide what our health benefits will be. And if that is not enough to drive you up the wall, the National Health Board will also regulate the form and manner that your health information is collected and transmitted.

Under the first Clinton bill, the National Health Board will have the power to mandate a standardized health insurance form that doctors must fill out. If a doctor fails to use this form, he or she may be fined $10,000 per violation. That is on page 871 of the Clinton health bill, in case anybody is interested. I can see it now—doctors throughout this country will become so preoccupied with filling out the correct Federal bureaucratic form that they will spend less time with their patients; or else, they will risk having to pay a $10,000 fine imposed by the bureaucracy in Washington, DC.

By the way, nobody has finished counting all of the new bureaucracies contained in the Clinton-Mitchell health care plan. The last time I checked, there were about 20. I'm sure this number will keep rising just like floodwaters out in Iowa.

I would like to reiterate to my fellow Americans that you make a difference on this matter if you will pick up your telephone and call your Senator. You have two of them. The telephone number of the Capitol switchboard is 1-202-224-3121. If you think the Senate ought to slow down and not try to pass a health care plan this year and, instead, think about it, study it, and the first thing next year, take the time necessary to do it right, then tell your Senator so. He or she will have a chance to vote on that very question on Wednesday of this week.

Congress cannot simply throw away the best health care system in the world. Nobody says it is perfect, but it is the best, nonetheless, that mankind has ever known. If we are forced to pass the Clinton-Mitchell plan in just a week or so, as they are talking about doing, the largest Government-run program in the history of America will be enacted. That is wrong.

I cannot imagine an issue that is more important to each and every American. Health care reform will touch everyone. So let us take the time to do it right. Let us not race into this thing, as the majority leader and others propose. Let us begin next year when we have adequate time to review it. BOB DOLE is right when he says, "A bad bill will be worse than no bill at all." That is precisely the point.

One more time, Mr. President. For those who think the Congress ought to slow down and not pass a health care bill this year and, instead, study it and begin early next year and do it right, you ought to call your Senator at 1-202-224-3121.

I thank the Chair and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask for 12 minutes to address the Senate as in morning business.

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

APPOINTMENT OF KENNETH STARR TO BE INDEPENDENT COUNSEL

Mr. GRASSLEY. Mr. President, I want to compliment Robert Fiske on the job that he did as special counsel in the pending Whitewater matter. Whatever may have led to his not being appointed independent counsel, no one doubts Mr. Fiske's integrity. And I do not think that Attorney General Reno made any errors whatsoever in his selection in the first place.

Had Mr. Fiske served until the end of the investigation, I believe that his conclusions would have been accepted as impartial. I was surprised that he was not reappointed. It is not surprising at all that the court would choose Judge Kenneth Starr to replace him considering the qualities of Judge Kenneth Starr. And it is very appropriate that if Fiske is not considered the person to do the job, someone of the caliber of Judge Starr be appointed. He has a first-rate intellect. He has a very broad knowledge of the law. He has, as we know, fierce independence, integrity, and impartiality, and he has the respect of many of us in Congress.

For example, I agree with the comments of my friend, Senator KERRY of Massachusetts, that Judge Starr's appointment is a very solid one. I think that that speaks better than anything I can say, because Senator KERRY is of a different political ideology than I am. Judge Starr, I am sure, will do a first-class job as independent counsel.

I disagree with the criticisms that some have raised about Judge Starr's appointment. Some of them are really, I think, transparently political in nature. For example, Judge Starr has been criticized because he was a solicitor general in a prior Republican administration, and he is also criticized because he lacks prosecutorial experience.

Yet I think anyone would say that the model of a special prosecutor might come from the Watergate days. We would have to look at the person who was special prosecutor then, Archibald Cox. Cox, similar to Judge Starr, was not a prosecutor. He was also a solicitor general in the Kennedy administration, and he was a Harvard professor. No one, Mr. President, said at that time that this sort of background made Archibald Cox a political choice when he was chosen 20 years ago to be a special prosecutor. So, Mr. President, no one should say the same thing about Judge Starr either.

I also disagree that the appointment is—as stated Friday, Saturday, and Sunday by people who disagree with it—an effort for Republicans to get revenge. First of all, under the law judges of the circuit courts of appeal make these appointments, not Republicans who are Members of Congress, or Republicans anyplace.

The media have portrayed the selection of Judge Starr as ironic in light of the Republican opposition to the independent counsel law reauthorization. I suggest a look at that record. I am one who, as a Republican, supported the reauthorization of the independent counsel law. Numerous Republicans supported that reauthorization.

Indeed, I wanted to go further than most of my colleagues did when we reauthorized that act: to make Congress subject to the independent counsel law in light of the political overtones that affect so many prosecutions of Members of Congress.

Reauthorization of the independent prosecutor law was not a partisan matter and should not be treated as a partisan matter today.

Those of us who supported this reenactment believe in accountability, believe in responsibility, and believe in fairness in the investigations of the questionable affairs of high-level Government officials. I know that Judge Starr embodies those values that those of us, both Republican and Democrat, sought when the independent counsel law was reauthorized here just a few months ago.

It is said that there is no one so blind as one who will not see. It is also said that those who fail to heed the lessons of history are bound to repeat those earlier mistakes. Through its comments on Judge Starr's appointment, I feel the White House appears to be adding renewed validity to these wise sayings. By now, the White House

should have learned that it should not interfere with investigations by independent entities.

This administration has already sought to remove investigators that the White House viewed as hostile. The White House tried to interfere with the selection of former U.S. Attorney Jay Stephens as an attorney investigating possible civil claims against Madison Guaranty. Joshua Steiner's diary said that the White House and its aide George Stephanopoulous urged that Stephens be, in their words, "gotten rid of." And the administration has tried to keep sympathetic regulators on matters in which the White House and its personnel have an interest.

Certainly, the attempts to keep Roger Altman from recusing himself at the RTC are the prime examples of that. Indeed, the President's regulatory selections in Arkansas over matters in which he had a financial interest is one of the major reasons why Whitewater is being investigated in the very first place.

So after a week in which Joshua Steiner, George Stephanopoulous, and Roger Altman testified before Congress, anyone would think, Mr. President, that the White House should keep mum on the subject of Judge Starr's appointment. Instead, the White House has directly or indirectly criticized that appointment.

The President's lawyer, the famous Robert Bennett, thinks that—and these are his words "If Starr found anything wrong, I don't think anybody could have any confidence in that."

I disagree strenuously with what Mr. Bennett said. If Judge Starr finds something wrong, that tells me that an objective person would find probable cause to believe that a crime had been committed.

Indeed, the White House should be pleased with this appointment. Judge Starr was one of the people Attorney General Reno considered naming as a special counsel. White House counsel Lloyd Cutler stated over the weekend that any fair-minded person would find no one in the administration violated any criminal laws.

If Judge Starr—and he is a fair-minded person—finds no violations, that is certainly going to put the Whitewater affair behind us, and completely behind the President.

Mr. Bennett called on Judge Starr to withdraw. This may not be as sinister as what George Stephanopoulous had to say, that another person ought to be gotten rid of. But I think this comment by Mr. Bennett reflects the same old attitude at the White House. The White House seems to think that only administration-approved people should be allowed to investigate any of these matters. The independent counsel statute, as we all know, is premised on the opposite notion of accountability.

Mr. Bennett also criticized Judge Starr because of his reported willingness to file a brief arguing that no one is above the law in the Paula Jones lawsuit against President Clinton, and that President Clinton should have to defend himself in the courts. Such a brief would have been offered in response to the President's immunity argument, an argument so obviously concocted that it changed on a weekly basis.

But Judge Starr did not endorse Paula Jones' case, and he did not file such a brief. Even if he takes a particular view of the law, that does not mean that there is any conflict with the Whitewater investigation, because, Mr. President, as we know, these two matters are in no way connected—or at least as far as I know they are not.

The Washington Post reports that Mr. Bennett would not have gone on the offensive without White House authorization. And Mr. Cutler and chief of staff Leon Panetta said that Judge Starr should not reopen the Washington phase of the investigation. Does the administration not realize what it is doing? Because as those of us who have supported the independent counsel statute know, it was passed to deliberately give the President no say whatsoever in the people who investigated high-level executive officials. It does not matter whether there is a Republican President or a Democrat. That is the way the law should act.

But here is the White House, criticizing Judge Starr's appointment and suggesting that the scope of the independent counsel's investigation be limited. By doing so, they narrow the flexibility that Judge Starr has.

Judge Starr may have decided on his own not to reopen the Washington phase, or he may have decided that further investigation was warranted in light of the congressional testimony. But if the White House publicly calls on him not to reopen it, he is virtually compelled to reopen that phase to maintain his independence.

Now let us look at that again. If the White House follows through and publicly calls on him not to reopen a segment of this investigation, I think Judge Starr must reopen because he must maintain his independence.

Similarly unpersuasive and unhelpful are reports that the White House is concerned that Judge Starr's appointment will slow down the process. Once again, the White House is very inconsistent. The President's lawyer in the Paula Jones case has done everything possible to slow down the process of uncovering the truth in that case. What accounts for the different treatment of these two cases? One, they want to slow down, the Paula Jones case; the other one, the Whitewater affair, they want to speed up.

In short, Mr. President, the appointment of Judge Starr is a superb one. The criticisms of his background are inconsistent.

The efforts to try to have him withdraw or to narrow the scope of his investigation are truly mind boggling, and particularly so in light of what the White House has suffered as a result of similar attempts to influence investigations in the past.

Judge Starr will do an excellent job. The White House should stop hounding him. The White House should let Judge Starr proceed as intended under the independent counsel law, a law set up to have an independent person free of political influence do the investigation.

I yield the floor.

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. SIMON. 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 Illinois is recognized.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduction of S. 2370 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON. Mr. President, if no one else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I wonder if I might inquire of the minority leader if he intends to speak for a while, in which case I will follow him.

Mr. DOLE. Mr. President, I will follow the Senator from Minnesota. I did not see the Senator from Minnesota on the floor.

Mr. WELLSTONE. I will say to my colleague, I am going to take probably about 10 to 15 minutes, if there is time. I will defer to the Republican leader.

Mr. DOLE. If there is no objection, mine is about 2 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

HEALTH CARE REFORM DEBATE

Mr. DOLE. Mr. President, last Friday I expressed my hope that the debate we will begin soon will result in a bipartisan solution to our health care problems. I also suggested that the chance

of reaching such a solution would be greater if the increasingly harsh partisan rhetoric coming from the White House and its allies would stop.

Unfortunately, my suggestion was completely ignored. For not only did the rhetoric continue, but it reached new and unprecedented levels in both partisanship and rancor.

In Detroit on Saturday, President Clinton said, and I quote:

> It's the violent, extreme interests in this country that are trying to keep health care out of the reach of ordinary American working people and (they) are a disgrace to the American dream.

"Violent, extreme interests * * * and they are a disgrace to the American dream." Well, there you have it. I am certain Americans who question the wisdom of Government-run health care will be surprised to know that they are part of "violent extreme interests" and a "disgrace to the American dream."

And how about the National Restaurant Association, the National Federation of Independent Businesses, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation, the National Wheat Growers Association, the National Cattlemen Association, the American Truckers Association, and on and on and on.

They have all expressed support for the Dole-Packwood "American option" plan. Are they, therefore, "violent extreme interests"? Are Members of Congress in both parties who oppose the Clinton-Mitchell bill and the Clinton-Gephardt bill a "disgrace to the American dream?"

According to a survey out this morning, 65 percent of the American public say that Congress should start over on health care reform next year. Do they qualify as "violent extreme interests"?

Health care reform is a complex issue, one where there is certainly room for more than one point of view. I never questioned the President's desire to help Americans in need, nor have I questioned the fact he sincerely believes the best way to do that is through a Government-run health care system.

I, too, want to help Americans in need, and along with a lot of other Americans—both Democrat and Republican—I sincerely believe we can do that without turning over the best health care system in the world to the Federal Government.

Mr. President, I guess the good news is that the health care reform debate has nowhere to go but up because, with the President's inappropriate remarks, it certainly cannot go any lower.

I thank the Senator from Minnesota.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, we are still on H.R. 4606, the Labor, Health and Human Services appropriations bill. For the benefit of Senators, obviously, the hour of 12 o'clock having passed, by unanimous consent no more amendments can be offered to the bill. There are now pending three amendments to the bill: An amendment by Senator MCCAIN, an amendment by Senator GRAHAM, and an amendment by Senator HELMS. We have been basically debating the amendment offered by Senator HELMS.

Under a previous unanimous-consent agreement, there will be, obviously, no rollcall votes today or tomorrow, and the earliest rollcall vote will occur, as I understand it, at 10 o'clock on Wednesday, if there are, indeed, rollcall votes on the amendments that have been offered.

I would like to take this time, however, to try to wrap up all of the business otherwise that we have pending on the bill with Senator SPECTER before we then turn the floor over to other Senators who will start talking about health care and other issues.

Mr. SPECTER. Mr. President, I am advised that Senator MCCAIN is willing to have the yeas and nays vitiated on his amendment since it is acceptable to the chairman and acceptable to the Republican side of the aisle. Senator MCCAIN's amendment was a sense of the Senate to increase the Federal payments in lieu of taxes. I had introduced that earlier today. So I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. SPECTER. I urge adoption of Senator MCCAIN's amendment.

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

The amendment (No. 2465) was agreed to.

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

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

Mr. SPECTER. And now, Mr. President, I believe we only have two amendments pending: An amendment by Senator HELMS, and we are told that Senator DASCHLE wishes to speak in opposition. So if he would come to the floor, we could finish the debate on that.

And we have the amendment pending by Senator GRAHAM. Is there any further debate on that?

Mr. HARKIN. I do have some comments that I am going to make on Senator GRAHAM's amendment just to make sure that the RECORD is complete on opposition to the Graham amendment. So I am going to speak in opposition to the Graham amendment.

Mr. SPECTER. Then, Mr. President, if we have those two statements, we will be prepared to go to third reading delaying only the vote on the pending amendments and the vote on final passage.

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Florida, Senator GRAHAM. I have to say that the amendment surprises me. Our bill would provide $50 million for the immigrant education program, the same as the House, and a 28-percent increase over the 1994 level.

Mr. President, again, we have frozen discretionary spending, and we have cut a lot of things. And yet, because of the importance of immigrant education, we increase it 28 percent. There are not many programs that get that kind of an increase around here. And now Senator GRAHAM comes in and he wants to increase it by an additional $100 million. And where is he going to take it? He is going to take it out of salaries and expenses. I will have more to say about that.

If you look through the education portion of this bill, you will not find more than 10 or 12 out of over 200 programs that received increases of this magnitude, and that includes the President's investment initiatives. And even though immigrant education is not one of these investment initiatives, this is the second year in a row that we have given it significant increases.

Last year, we raised it 32 percent over the 1993 level. So a 32-percent increase last year, a 28-percent increase this year—over a 50-percent increase in 2 years. In fact, I stand corrected. Over the last 2 years, funding for this program has jumped by over $20 million, or almost 70 percent. And I think that is a pretty good increase, especially for a program that delivers 76 percent of its dollars to just five States.

The increase in our bill looks even better when you consider the latest data from the Department of Education and the numbers of children served by this program.

In 1993, States reported almost 826,000 immigrant students who were served by an appropriation of $29.5 million. In 1994, however, after we increased that appropriation by $9.5 million, States reported a total of only 809,000 immigrant children. That is a decrease of 17,000 students or about a 2-percent decrease. So we had a decrease in the number of immigrant students and yet we increased the appropriation.

California, for example, reported 338,000 immigrant students in 1993, 317,000 in 1994. Texas also reported fewer students—54,000 in 1994 compared to 56,000 in 1993. Despite these decreases, we have again provided a substantial increase for the immigrant education program in 1995—as I said, up $11 million, or a 28-percent increase.

So I suggest to the Senator from Florida that we should wait to see if

this 1-year decline in immigrant students is a trend before we raise funds for this program any further.

Let us also consider how the money is used. A recent evaluation of the immigrant education program found that these funds are not used to provide distinct services to immigrant students but are folded into the general budgets of school districts. Immigrant students are generally served through bilingual education programs or in English-as-a-second-language programs.

Now, there is nothing wrong with districts using their immigrant education funds this way, but it means that these funds are used to serve nonimmigrant students as well, since many students born in the United States are enrolled in bilingual and ESL programs. About one-third of limited-English-proficient students are born in the United States. And just as some immigrant education funding benefits nonimmigrant students, other Federal education programs serve immigrant students. And this point is often overlooked by those who advocate increased funding for programs targeting immigrant students.

The most obvious example is the bilingual education program authorized by title VII of the Elementary and Secondary Education Act. According to an evaluation completed last year, as many as two-thirds of the students served by this program are immigrants. Since 1969, Congress has provided over $3 billion for bilingual education, and this bill would appropriate an additional $188 million for next year.

So again, Mr. President, there are a lot of other programs that provide a substantial amount of money to immigrant students. A less obvious but probably more important example, at least from the funding perspective, is the $6.3 billion title I program that provides financial assistance to districts for the education of disadvantaged children.

Title I allocations are based on counts of poor children. Since immigrant children are almost twice as likely to be poor when compared to all students, this program undoubtedly serves a significant number of immigrant students. I do not think it is any coincidence that the shifts in title I funding in recent years have been in the direction of exactly the same States with large numbers of immigrant children.

For example, title I allocations to California grew from $463 million in 1990 to $693 million in 1994, an increase of almost 50 percent.

Similarly, Texas will receive $500 million in title I funding for 1994, an increase of $243 million or 79 percent over the $307 million it received in 1990.

In these examples, higher levels of title I funding—generated by counts of poor children that included significant numbers of poor immigrant children—helped compensate States and school districts for the costs of educating immigrant students.

I should also point out that the reauthorization of title I, which we just completed, recognized the role of Title I in serving immigrant children by requiring that States and school districts include these children in their plans for utilizing title I funds.

In conclusion, the committee bill will—for the second year in a row—significantly increase Emergency Immigrant Education Program support for State and local efforts to meet the special needs of immigrant students.

In view of data suggesting that growth in the numbers of these students may well be leveling off or even declining, and in light of the significant support for these students available through other Federal education programs funded by this subcommittee, the committee mark is more than fair, and I urge my colleagues to reject this amendment.

I know this amendment will sound appealing to some because it cuts salaries and expenses $100 million. But as I said already, Mr. President, we have cut salary and expenses in this bill as much as we think we safely can without seriously impacting the management of these programs. We have already cut $63 million from the administration's request. This would be a further cut of 6.5 percent.

Most agencies have had their administrative costs straight-lined while they face a mandated Federal pay raise and other inflationary costs, including operation of the clinical center at NIH, and it will slow down the payment of Medicare claims. If you take $100 million out of our bill for salaries and expenses, you are going to get rid of people. One-hundred million dollars, it is going to slow down the payment of Medicare claims, it will make our senior citizens wait even longer for reimbursements.

I want Senators to understand that when they vote on the Graham amendment, as to who could probably take a cut, I assume that any salary expense account can take a small cut of $1 million here or $1 million there. But $100 million? I am sorry, you really are going to dig deeply into the repayment of Medicare claims if you do that.

It could possibly mean the closing of some Social Security offices. It will delay the processing of Social Security checks. It will slow down the implementation of the child immunization program, meaning fewer children will be vaccinated next year. It will cut funding to the States for foster care and child protective services. It will mean that the backlog of disability claims at the Social Security office will only grow larger. It will mean furloughs at most Federal agencies. We could easily lose more than $100 million in Social Security and Medicare funds through cutbacks in audits, and monitoring activities, including efforts to stop payments to drug addicts, alcoholics, and illegal aliens.

We have a provision in our bill to put money in for more auditing to cut down on the waste, fraud and abuse. Well, if you take that money away, we cannot hire the auditors to do the auditing.

The Graham amendment will reduce the ability of the Public Health Service to respond to disease outbreaks such as the hunta virus, the food-borne diseases. It will reduce the staff in States that work on tuberculosis, AIDS prevention.

OSHA could lose up to 70 inspectors. We all remember the tragedy in North Carolina where workers died trapped in a fire because all exits had been locked. Do we want that to happen again? If we take $100 million out of salaries and expenses, they will have to fire and furlough inspectors.

The Pension and Welfare Benefits Administration would be forced to cut its pension plan inspectors and reduce by at least 100—threatening the security and solvency of millions of Americans' pensions and health plans.

The Labor Department, if the Graham amendment is successful, will cut its investigations by 3,500 investigations of complaints of failure to pay minimum wage, and violations of laws that protect the American worker as well as child labor laws.

So, Mr. President, for those reasons, the Graham amendment must be defeated.

I understand the Senator from Florida desires to get more money into his State, and the cosponsors of the amendment, the Senators from Texas and California, want to get more money into their States for immigrant education. I understand that.

But, Mr. President, we have done well by immigrant education. As I said, there is almost a 70-percent increase in the last couple of years, even while the number of students are leveling off or declining.

Second, a $100 million cut in salaries and expenses will be Draconian, and will lead to the kind of layoffs and cuts in inspections, immunizations, audits for abuse, that we now conduct in the Department of Labor, Department of Health and Human Services and Department of Education.

So I hope that Senators will resist this amendment. We have leveled-funded salaries and expenses. If we cut some further, there just is not any more room, especially for a Draconian cut of $100 million.

So I urge my fellow Senators to defeat the Graham amendment.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. GLENN). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have some comments to supplement those which the chairman has made. But the Senator from Kentucky has a short presentation. So I yield to him at this time.

The PRESIDING OFFICER. I would have to say that the distinguished Senator from Pennsylvania cannot yield time to someone else. He may yield for a question only.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I may proceed for 3 minutes as if in morning business.

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

MEDICAL MALPRACTICE IN THE MITCHELL HEALTH CARE PLAN

Mr. MCCONNELL. Mr. President, we are all beginning to digest this enormous health care proposal put forward by the majority leader last week. Let me focus on one small aspect, a section that is unlikely to get much attention, except in local bar association meetings. And that section is the so-called reform of the medical malpractice system.

It is, frankly, anything but, reform. It is a giant step backward in the effort to get some control over the litigation explosion underway in our Nation.

Senator MITCHELL's bill, with its nonreforms, will wipe any State laws that exist in this area, of the books.

In other words, Mr. President, what the majority leader is doing in this bill is eliminating the ability of States to enact their own laws in the area of medical malpractice. The Federal Government will give a swift kick to innovation that is going on at the State level. And instead, Senator MITCHELL's bill provides nothing in the way of real reform.

The work of the legislatures and Governors of a number of States will be gone, if Senator MITCHELL's bill becomes law. It is interesting to note that 21 States have some limits on damages for pain and suffering. Twenty-eight States have enacted some reform to the collateral source rule—prohibiting double payment for injuries. But Senator MITCHELL's bill would, in one outrageous Federal power grab, repeal these laws.

In last Thursday's Roll Call, Mort Kondrake wrote about this issue, citing the raw political power exerted by the trial lawyers. They contribute millions of dollars to Democrat political campaigns, and the trial lawyers asked our colleagues to take such actions, as the majority leader has suggested.

Mr. President, I ask unanimous consent that the Kondrake article be printed in the RECORD.

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

LATEST WINNERS OF HEALTH FIGHT: TRIAL LAWYERS

Super-lobbyist Tommy Boggs scored a stunning victory for his client, the Association of Trial Lawyers of America, on Tuesday, but in moving to gut medical malpractice reform nationwide, he may have overreached.

Two of ATLA's most consistent Congressional allies, Senate Majority Leader George Mitchell (D-Maine) and House Judiciary Committee Chairman Jack Brooks (D-Texas) on Tuesday produced nearly-identical health care bills potentially canceling out state efforts, many quite extensive, to bring malpractice claims under control.

Within the sweeping national conflict over health reform, malpractice reform is theater of combat where fighting is especially fierce and expensive, although it's more obscure than the contest over employer mandates and price controls.

It pits the trial lawyers, who litigate on behalf of victims of medical mistakes and collect huge contingency fees when they win, against hospitals, doctors, and malpractice insurance companies, which often pay huge sums when they lose and also pay a lot to insure themselves against loss.

Boggs, partner in the lobby-law firm of Patton Boggs & Blow and son of former Reps. Hale and Lindy Boggs (D-LA), is the lead lobbyist for the trial lawyers.

A widely cited Harvard study found that the average US doctor spends $15,000 per year in malpractice insurance, and premiums for anesthesiology and obstetrics can go as high as $200,000 per year.

The rate at which doctors get sued has increased ten-fold in the past three decades, and the average award in winning lawsuits has increased from $40,000 to nearly $150,000 over the past 20 years, taking inflation into account. Lawyers customarily collect between 30 and 50 percent of a victim's award, plus expenses.

To avoid lawsuits, doctors often practice costly "defensive medicine," ordering tests and performing procedures that wouldn't ordinarily be necessary. A recent study by the consulting firm Lewin-VHI indicates that reforms to control defense medicine could save $4 billion per year.

Over the past several years, medical groups have won various limits on malpractice suits in most states, including specific dollar limits in 15 states on so-called "non-economic damages," such as "pain and suffering."

California, for instance, limits non-economic damages to $250,000; Massachusetts and Maryland, $500,000; and Michigan, $225,000.

The medical providers and business lobby, the Health Care Liability Alliance, has been urging that similar limits be passed as part of national health legislation while ATLA has been fighting against them.

Now, Mitchell and Brooks are backing a provision for federal law to preempt state limits, but Boggs claims the measure will not wipe out state award caps unless Congress passes its own cap. The HCLA counters that federal lawsuits are certain to be filed against state limits, claiming that Congress opposes caps.

If ATLA prevails in Congress, it will be Boggs' second major triumph this year.

On June 29, the Senate fell three votes short of the 60 votes necessary to break a filibuster led by another ATLA acolyte, Sen. Fritz Hollings (D-SC), against legislation limiting awards and legal fees in product liability cases.

In another demonstration of its power, ATLA intervened with then-House Ways and Means Committee Chairman Dan Rostenkowski to slice a $350,000 cap on non-economic damages out of the health care bill approved by the panel's health subcommittee, on the grounds that Brooks' committee had jurisdiction over the topic.

To gain influence, ATLA contributes lavishly to campaigns—$4.4 million during the 1992 election cycle and $235,000 so far in this cycle, according to Federal Election Commission filings. The health industry is spending just as lavishly, but it has numerous objectives in the health care reform fight, whereas ATLA's money is narrowly focused on product liability and medical malpractice.

Despite a close relationship between ATLA and President Clinton, the Administration's health care bill contained some measures sought by the health industry, including 33 percent limits on lawyer's fees and a mandate that parties try mediation before filing lawsuits.

The Clinton bill contained no limits on damage awards, but the Senate Finance Committee wrote in a $250,000 limit indexed to inflation. Mitchell's bill, naturally, contains no such limit and eliminates state caps. House Majority Leader Richard Gephardt (D-Mo) has yet to decide whether to incorporate Brooks' measure into his health care bill.

Boggs' success on Tuesday with Mitchell and Brooks stunned the health and business lobbies.

"This ought to be called the Mitchell-Brooks Trial Lawyers' Full Employment Act," said Wayne Sinclair, senior vice president of the MMI Companies, a malpractice insurance firm. "It amazes me that the trial lawyers are not only trying to block reform, but they've gotten greedy."

With any luck, overreaching will rebound against the lawyers. In the House, Rep. Vic Fazio (D-Calif) is working on Gephardt to keep Brooks' provisions out of the House leadership bill and safeguard his state's reforms. In the Senate, numerous amendments to Mitchell's bill will be proposed.

Mitchell's willingness to compromise on employer mandates improves the chances that some health care legislation will pass this year, but it would be a shame if it contained a windfall for lawyers.

Mr. MCCONNELL. Mr. President, according the Rand Corp., only 43 cents of every dollar spent in the malpractice system goes to the injured patient. According to GAO, it takes an average of 25 months to resolve a malpractice claim, and it can take up to 11 years. Doctor's groups report that 1 of every 8 physicians licensed for obstetrics no longer practices obstetrics.

According to the Office of Technology Assessment, half a billion rural women have no obstetric services. These problems are directly related to the malpractice system. Senator MITCHELL's bill will not solve any of these problems and, in fact, will make the problem significantly worse. I will be here on the floor as we debate this

bill, and I will be prepared with a number of amendments to make real reforms to the Federal liability system.

I yield the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, I think it important to supplement briefly the arguments made by the chairman in opposition to the pending amendment by the Senator from Florida, Senator GRAHAM. He wishes to transfer some $100 million from salaries and expenses, from the Departments of Labor, Health, Human Services, and Education, to immigrant education.

I wish that we had sufficient money to expand immigrant education by $100 million, but the bill which the Senator from Iowa and I have structured, which has been approved by the full subcommittee and the full Appropriations Committee, already has taken into account very serious constraints on these three departments.

When it became evident that Senator GRAHAM might introduce this amendment, we had been provided with information from the three departments which, I think it is important to note, has the reasons for objecting to this transfer. I might say, preliminarily, that the overall budget of Labor, Health, Human Services, and Education is just slightly under $70 billion. But in allocating the resources, even $100 million is very, very difficult, and we have done it as best we can. It might seem easy to take $100 million for an allocation which is as attractive on the surface as immigrant education, and that is an attractive account. I wish we had more money for immigrant education. When you say take it from salaries and expenses, you might be thinking of some enormous administrative overhead which would not really impact too heavily on these three departments.

But this is what the Department of Labor has provided to us as to what the impact will be if you take $34 million from the Department of Labor's salary and expenses: It would impact severely on the Department's worker-safety enforcement initiative aimed at improving safety in the workplace. The Department of Labor enforcement activities have declined by 19 percent in the last 14 years. The amendment, by taking $34 million, would block OSHA's long overdue initiative to target inspections on the worst violators of the health and safety laws; it would render the Bureau of Labor Statistics unable to undertake the proposed revision of the consumer price index, which is very important for making a lot of Government calculations; it would reduce the number of mine inspections, which will put miners at greater risk, and will reduce the Department's ability to apprehend and prosecute those who embezzle or defraud pension plans and health benefit plans.

There is more, but suffice that for the moment.

The Department of Health and Human Services has given us a list of problems which would be impacted by taking $33 million from their salaries and expenses, such as impacting on the payment of Medicare claims through the Medicare contractors; the entire intermural research program and clinical center at NIH; epidemiological and disease surveillance staff capacity at the Centers for Disease Control; capacity to manage and implement the expansion of Head Start and reform of the welfare system; and the Social Security Administration's disability determinations operations.

If the funds were taken from salaried expenses of the Department of Education, the impact would eliminate the Student Aid Guide and Student Aid Information Center; would significantly delay the award of grants, loans, and work-study opportunities to the 7 million students targeted; it would eliminate management improvements on the subject of fraud and abuse; it would delay the award of Federal dollars to the States and would require about 30 furlough days for the Department's 5,000 employees.

Those are the representations made by these three departments. So that when you see what appears to be an important amendment offered with only salaries and expenses, something which has the appearance of being overhead, it might be easy to do. These are the reasons why it would have a significant impact and why I join Senator HARKIN in opposing this amendment.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. I believe that the Senator from Kansas has remarks she would like to make. I ask unanimous consent that following the Senator from Kansas, I might be able to speak for up to 15 minutes as in morning business.

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

The Senator from Kansas is recognized.

JOB CORPS

Mrs. KASSEBAUM. I appreciate the Senator yielding for a few comments on the Labor-HHS appropriations.

Mr. President, on June 30, Senator KERREY and I sent a letter to the Appropriations Committee asking that no new funding be approved for Job Corps until the Senate could investigate reports by the Labor Department's inspector general that criticized the program. These reports identified serious shortcomings in Job Corps' management, its performance measurements approach, and the program's overall cost effectiveness.

I want to acknowledge the committee's restraint in voting to limit new funding of the program despite a vigorous administration request for moneys to substantially expand the program.

I want to especially thank Senator BYRD and Senator HARKIN for their leadership in limiting funding, particularly in regard to the construction of new centers. I am sure the Senators share my concern that we do not want to fund any new Job Corps until we can be assured the existing ones are being operated efficiently and cost effectively.

Mr. President, I had intended to offer an amendment today to freeze funding for Job Corps at the current budget level until the Senate could conduct a thorough oversight of the program. I will forgo that amendment at this time in response to an offer by Senator KENNEDY to hold two hearings in the Labor and Human Resources Committee on Job Corps. Senator KENNEDY has promised to hold one hearing on the program before the Senate adjourns and a followup hearing in the new Congress.

I want to acknowledge Senator KENNEDY for responding to the concerns voiced by Senator KERREY and me regarding Job Corps and agreeing to hold these hearings. I know the Senator from Massachusetts shares our concerns that all job training programs must be held to higher standards of accountability and cost effectiveness in the current deficit environment.

Mr. President, Job Corps holds a unique position within the Federal job training universe. It is the oldest, the most highly regarded, and the single, most expensive program. Its budget for the current fiscal year is $1.04 billion, which translates to more than $23,000 per annual placement slot. That is the equivalent of 4 years tuition at the University of Kansas.

When you combine the program's cost with its regulation and the criticisms of the Labor Department's own IG, I believe the Senate is obligated to take a closer look at its outcomes.

To my surprise, the Secretary of Labor has dismissed most of the issues Senator KERREY and I raised in our letter to the Appropriations Committee. He referred to them as "erroneous * * * or misinterpretations of isolated facts" taken from IG reports. With all due respect to Secretary Reich, I stand by the findings in our letter.

To those who dismiss these reports as old news, I would suggest that their age does not invalidate their accuracy. If that is the case, then I think it is fair to question the effectiveness of a program such as Job Corps, whose reputation is essentially based on research more than 12 years old.

Mr. President, here are some of the IG's findings about Job Corps that I find particularly disturbing.

Low job-trade match: Out of 60,000 new Job Corps enrollees each year, only 12 percent find jobs that match the vocational skills they gain in the program. Providing students with marketable job skills and matching employment is one of the program's major goals. I believe such low placements challenge the program's cost-effectiveness.

High dropout rates: One third of new trainees drop out within the first 90 days, and 50 percent leave by the 6-month mark. Job Corps says the dropout rate results from its strict discipline, which is a sign of the program's success. I believe it means, in some cases, wasted resources and mediocre management.

One hundred million dollars spent with "no measurable benefits": This is the cost for those who started the program but dropped out, found no job, and received no educational or job skills from the program. Job Corps calls this cost insignificant. I call it unacceptable.

Questionable placement numbers: Job Corps claims a 70-percent placement rate, including those who leave and find jobs on their own. The IG reported it was 57 percent for program year 1992. The main reason for the discrepancy is that the program has routinely excluded first quarter dropouts from its evaluation base. The IG also questioned Job Corps' accounting practice of crediting 37 percent of the trainees it cannot locate after leaving the program, with finding a job. The number of students who cannot be located after they leave has risen to 22 percent, a figure that is far too high.

Little performance change in low-rated Job Corps centers: All centers were rated annually from 1988 thru 1992. The low performers showed little or no improvement during that period. Why add more centers when many existing ones annually fail to meet minimum standards?

Insufficient job placement measurement: The required standard for job placement is 20 hours during the first week at a job. Temporary, parttime, or seasonal jobs qualify. This means that a person could work 3 days on a job, then leave and still be considered a successful job placement. Job Corps indicates it is reviewing the policy. I think the standard should be raised to a 6-month employability check.

Value of advanced training programs: The IG recently audited a union contract for an advanced program in data processing skills. These programs are for Job Corps trainees who have graduated from the first-year program and are allowed to stay for a second year. The average cost per trainee for this program was estimated to be $37,000. The contract was $16.6 million for a total of 1,347 enrollees from July 1991 to August 1993.

The placement results of this program were: a 9-percent job-trade match, with 22 percent of the students placed in other training-related jobs. These training-related jobs included an Amtrak train attendent, station cleaner, and coach cleaner. These jobs obviously did not require costly computer skills. Forty eight percent of the entering class dropped out and were not placed. Nearly one-fourth of the graduates lasted less than a year in a job. This statistic appears to refute this program's goal of permanent, long-term employment. Yet, this union was given a new, sole-source contract for $22 million to continue this training.

I also have concerns about the absence of caps on administrative costs for these union instruction contracts, as most other JTPA programs require. The total cost of union contracts for this year was $42 million. Three of these unions had administrative costs ranging from 33 percent to 37 percent.

According to the IG, the average starting hourly wage for graduates of Job Corps' vocational skills programs was $5.92, as of June 30 last year. This is an entry-level wage in many regions of this country. And these were jobs for the program's top graduates.

Those who left the program after 4 to 6 months found jobs starting at $4.80 per hour. That represented an increase of only $.31 per hour over what they earned when they entered the program.

On the one hand, Secretary Reich has called Job Corps, "an example of building on what we know works best." On the other hand, we have reports from the Labor Department's own inspector general which tell a very different story.

That is why I believe we need these oversight hearings: to permit the Senate to explore these conflicting views and gain objective evaluation of the program's real value.

The last Senate oversight hearing on Job Corps took place in February 1984, more than 10 years ago. For a program costing more than 1 billion a year, we should and can do better than that.

I intend to continue my efforts to encourage better accountability and greater cost-effectiveness not only of Job Corps, but of all Federal job training programs. I hope my colleagues will join me in that formidable and important task.

I yield the floor.

Mr. KERREY. Mr. President, I would like to add my comments to those of my good friend from Kansas, Senator KASSEBAUM, regarding Job Corps. We recently received disturbing statistics from the Department of Labor's Inspector General regarding the performance of the Job Corps Program. Because I firmly believe that all federally funded programs must be accountable to Congress for their overall cost-effectiveness, I felt that the inspector general's findings should be brought to the attention of the Senate. Thus, I was pleased when Senator KENNEDY, the distinguished chairman of the Senate Labor Committee, notified me that he would hold hearings before Congress adjourns to examine the inspector general's report.

Job Corps plays an important role in training disadvantaged young people for constructive and meaningful employment. It is clear that this is a difficult job; many Job Corps participants arrive at the training centers without adequate education to pursue a good job. Thus, Job Corps centers offer not only vocational training, but basic education and social instruction as well.

I have been a strong supporter of the Job Corps Program in the past. But this report disturbed me, as I am sure it has everyone who recognizes that now possibly more than ever before, we must insist upon financial accountability and thorough cost analysis of every federal program.

Mr. President, I have no intention of throwing the baby out with the bath water, so to speak. I am not advocating that we dismantle or even cripple the Job Corps Program in terms of funding. This program has been and continues to be an integral part of our Nation's job training system. I am, however, adamant about insisting that all programs are managed with demonstrated financial credibility and program effectiveness.

Again, I would like to commend Senator KENNEDY for his proposal that we hold hearings on this subject, and I want to thank again my distinguished colleague from Kansas for her dedication to ensuring accountability in these programs. In so doing, we will continue to ensure an effective and resourceful Job Corps Program and job training system that meets the needs of our citizens.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for 15 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. HARKIN. Mr. President, I wonder if the Senator from Minnesota would just yield for a second. I know he has unanimous consent that he has time.

Will the Senator from Minnesota yield?

Mr. WELLSTONE. I yield.

Mr. HARKIN. I have just about four excepted committee amendments that we would like to adopt. It should not take us more than 60 seconds.

I ask unanimous consent that the full amount of time that the Senator requested be allotted to him upon the disposition of our excepted committee amendments.

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

EXCEPTED COMMITTEE AMENDMENTS ON PAGE 78, LINE 16 THROUGH LINE 23; PAGE 78, LINE 24 THROUGH PAGE 79, LINE 15; PAGE 80, LINE 1 THROUGH LINE 5; PAGE 80, LINE 6 THROUGH PAGE 81, LINE 8

Mr. HARKIN. Mr. President, I urge adoption of the excepted committee amendments on page 78, line 16 through line 23; page 78, line 24 through page 79, line 15; page 80, line 1 through line 5; page 80, line 6 through page 81, line 8. I ask unanimous consent that those excepted committee amendments be adopted.

The PRESIDING OFFICER. Is there objection to the adoption of the committee amendments en bloc?

Without objection, it is so ordered.

So the excepted committee amendments on page 78, line 16 through line 23; page 78, line 24 through page 79, line 15; page 80, line 1 through line 5; page 80, line 6 through page 81, line 8 were agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 63, LINE 5 THROUGH PAGE 64, LINE 4

Mr. HARKIN. Mr. President, that leaves one excepted committee amendment on page 63, line 5 through page 64, line 4, on which the Helms amendment is now pending.

Mr. President, that really concludes all of the business on H.R. 4606 but for the two amendments, the Gramm amendment and the Helms amendment. They are seeking now unanimous consent on some time limits on debate on those amendments.

FUNDING FOR PARTNERSHIPS IN CHARACTER EDUCATION

Mr. DOMENICI. Mr. President, on behalf of myself and Senators DODD, MIKULSKI, PELL, and DORGAN, I want to take just a moment to thank the chairman and ranking member of the subcommittee, Senators HARKIN and SPECTER, for accepting our amendment to provide funding for a program that the Senate recently authorized in the Elementary and Secondary Education Act.

In the past few months, a number of us have worked very hard to help schools and local communities develop character education programs. I am very pleased that the Senate adopted an amendment I offered to the ESEA bill, cosponsored by Senators DODD, MIKULSKI, PELL, and DORGAN, to create a pilot program to award grants to partnerships of State and local educational agencies for the development and implementation of character education programs.

This program is very modest in scope and in cost. Up to 10 partnerships can be developed, not to exceed $1 million for any one partnership. The startup cost of this program is authorized at $6 million, then such sums as necessary in subsequent years. However modest this program might be, due to the timing of the passage of the ESEA and the Labor-HHS-Education appropriations bill, I was concerned that this program would not be implemented in fiscal year 1995.

Working with the subcommittee chairman and ranking member, I have been assured that there is funding available for $1 million for fiscal year 1995. While my amendment caps the amount any partnership may receive at $1 million, it is my hope that this money can be used to fund more than one state and local partnership.

I very much appreciate the willingness of the committee to accommodate us on this amendment. I believe this is a critical issue, and this appropriation is a good indicator that the Congress takes this matter seriously./

A 1-YEAR WAIVER FROM THE 85/15 RULE

Mr. PELL. Mr. President, our colleagues in the House recently voted to delay for 1 year implementation of the 85/15 rule. I strongly oppose any such delay, and I was pleased to join with Senators NUNN, KASSEBAUM, and ROTH in a letter to the managers of this bill urging that they not include in the Senate bill language to delay implementation of this rule. I want to take this opportunity to thank them both for bringing to the Senate floor a bill that is free of any restriction on the Department of Education's ability to enforce this critical program integrity provision.

Mr. President, many of my colleagues may have heard only recently of the 85/15 rule, which was enacted as part of the Higher Education Amendments of 1992. This rule stipulates that no proprietary school may receive more than 85 percent of its funds from Federal student aid. I supported, and the Senate agreed in conference, to accept this amendment to the Higher Education Act, which was included in the House bill by a floor amendment. This provision of law took effect upon enactment—July 23, 1992—more than 2 years ago. Contrary to other assertions, the effective date of the regulation is July 1, 1994. No institution will have to pay back any Federal student aid funds it received prior to that date.

Put simply, a school must receive at least 15 percent of its revenues from a source other than our title IV student aid programs to remain eligible to participate in such programs. Those nontitle IV revenues may include State funds, corporate and other private funds, and a number of other Federal program funds. Many proprietary institutions derive nontitle IV Federal revenues through the Job Training Partnership Act [JTPA], Vocational Rehabilitation, Veterans' Educational Benefits, and Bureau of Indian Affairs [BIA] program funds. In other words, a for-profit school may receive more than 85 percent of its revenues from a combination of Federal programs and still be in compliance with the 85/15 rule.

It is important to know that three separate court challenges have been made against the Department of Education's final regulation implementing the 85/15 rule. In recent weeks, two of those courts, including the U.S. District Court for the District of Columbia, ruled in favor of the Department. In his decision, Judge Thomas F. Hogan, of the District of Columbia, concluded "This Court and the United States District Court for the District Court of Puerto Rico have found the Secretary's actions rationally related to Congress' intent in passing the 1992 HEA amendments.

I have long been a staunch advocate of proprietary education. These schools often offer education and training not available at more traditional institutions of higher education. I firmly believe that many proprietary schools make extremely important contributions to our economy and to our work force. I am afraid, however, that I do not believe that it is sound business practice to rely so heavily upon one source of Federal funds. Many of the best proprietary schools—those that do a good job of preparing students to take their place in the work force—attract revenues from a number of other public and private sources. Those schools that cannot attract at least minimal financial support from sources other than Federal student aid programs should be of concern to us all, especially if they have high default rates and low rates of completion and job placement.

Mr. President, our student aid programs are intended to provide access to quality educational opportunities for deserving students. As the chairman of the Subcommittee on Education, Arts, and Humanities, I believe our student aid policy should be guided by our concern for quality in higher education and for the students who must borrow in order to finance the education and training they need to become gainfully employed. Those who fail to secure gainful employment and default on their student loans are left in debt, their credit ratings ruined, and no longer eligible for Federal student aid. This, Mr. President, is a tragedy not only for those students, but for us all. It is particularly troublesome if their situation is the result of an experience with a less than solid institution of higher education.

Proponents of a 1-year delay in the 85/15 rule have suggested that a delay is necessary to protect good schools from losing Federal student aid funds which, in turn, may force them to close their doors. I would suggest, therefore, that we consider an alternative course of action, one that would ensure that good schools do not lose title IV funds due to the 85/15 rule. This alternative would permit the Secretary of Education to waive the rule for schools that can meet several key criteria. To be eligible for a waiver, a school would have to

meet several conditions: program completion and placement rates of 70 percent, a cohort default rate of less than 25 percent in each of fiscal years 1991 and 1992, and the school could not have lost eligibility under the Supplemental Loans for Students Program or have had its eligibility to participate in title IV programs limited, suspended, or terminated. Mr. President, this is an eminently reasonable compromise and I am pleased to note that the Secretary of Education, Secretary Richard Riley, agrees.

I would like my colleagues to know that the 85/15 rule was the subject of considerable debate during the reauthorization of the Higher Education Act. I continue to believe, as I did 2 years ago, that it is reasonable to expect institutions with quality programs to generate at least 15 percent of their revenues from private, State, or Federal program sources other than the title IV student aid programs. As the Department of Education's inspector general, James B. Thomas, Jr., states in his letter of June 24, the 85/15 rule "* * * is an important anti-fraud, waste and abuse provision that should not be delayed."

In its editorial of June 21, the New York Times aptly characterized a 1-year delay of the 85/15 rules as "* * * worse than a step backward. It would undermine Congress's own efforts to protect its student aid investment. Trade schools with quality programs have nothing to fear from the new rule."

Mr. President, we must make certain that the schools who participate in Federal aid are on the up-and-up and provide a quality education. I would urge my colleagues who serve on the conference committee to give serious consideration to the approach that Senators NUNN, KASSEBAUM, and I have developed as an alternative to a 1-year delay in the implementation of the 85/15 rule.

Mr. President, I ask unanimous consent that the Secretary of Education's letter of August 4, in support of the alternative proposal developed by Senators NUNN, KASSEBAUM, and myself, be included in the RECORD at this point. I also ask unanimous consent that the following additional documents be printed in the RECORD: a June 24 letter I received from the Department of Education's inspector general; Secretary Riley's letter of July 28 to Representative WASHINGTON; a July 27 letter I received from the American Association of State Colleges and Universities [AASCU]; letters to Representative OBEY from the Consumer's Union and the National Association of Consumer Agency Administrators [NACCA] dated June 20 and June 16, respectively; a letter to Representative FAZIO from Kenneth W. Babcock with the Volunteer Legal Services Project in Los Angeles, CA; and a June 19 article and a June 21 editorial from the New York Times.

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

DEPARTMENT OF EDUCATION,
Washington, DC, August 4, 1994.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: Thank you for providing me with a copy of the amendment you and Senator Nunn intend to offer to the Senate version of H.R. 4606, the Labor-HHS-Education appropriations bill, that would authorize the Secretary of Education to waive the so-called "85–15 rule" for proprietary institutions that meet certain conditions.

As you know, the Higher Education Amendments of 1992 (P.L. 102–325) added a sixth eligibility criterion to the definition of the term "proprietary institution of higher education" in section 481(b) of the Higher Education of 1965 (HEA). The 85–15 rule requires that a proprietary institution must derive at least 15 percent of its revenues from sources other than Title IV, HEA funds.

While I firmly believe that our regulations implementing the 85–15 rule are fully consistent with the statutory requirements, I recognize that the 85–15 rule may adversely affect some worthwhile institutions.

The amendment that you and Senator Nunn intend to offer would allow the Secretary to waive the 85–15 rule if an institution is otherwise in full compliance with all Title IV, HEA requirements, has verified completion and placement rates of 70 percent each, has a cohort default rate less than 25 percent for each of the two preceding fiscal years for which the rates are available, has not been disqualified from participating in the Supplemental Loans for Students program becausc of its cohort default rate, and has not had its participation in the Federal Family Education Loan program limited, suspended, or terminated.

Your amendment takes a reasonable and balanced approach that should allow proprietary institutions that do serve their students well to continue to be eligible for the Title IV, HEA programs, and, at the same time, preserves the fiscal integrity of these programs by not allowing Federal funds to flow to institutions with high default rates and low placement and completion rates. My staff has provided technical drafting assistance on this issue, and will be happy to assist you further if you require additional assistance.

The Omnibus Budget Reconciliation Act requires that all revenue and direct spending legislation meet a pay-as-you-go (PAYGO) requirement. That is, no such legislation should result in an increase in the deficit, and if it does, it will trigger a sequester if not fully offset. Implementation of this amendment may increase mandatory spending by virtue of continuing eligibility for some number of institutions that otherwise would have lost eligibility due to the application of the current 85–15 rule. However, the Department does not have sufficient data at this time to determine what this effect would be and therefore cannot estimate the costs for this amendment. Since the change would be contained in an appropriations Act, the costs would be scored as discretionary.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

DEPARTMENT OF EDUCATION,
OFFICE OF INSPECTOR GENERAL,
Washington, DC, June 24, 1994.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education and Humanities, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I am writing to express my concern about H.R. 4606, a bill approved this week by the House Appropriations Committee, which would delay the effective date of the "85/15" rule. That rule was enacted as part of the Higher Education Amendments of 1992, 20 U.S.C. §1088, and became law on July 23, 1992. It requires that proprietary trade schools derive at least 15 percent of their revenues from non-Title IV sources. In my view, this is an important anti-fraud, waste and abuse provision that should not be delayed.

The Office of Inspector General has done extensive work on the student financial assistance programs under Title IV of the Higher Education Act for many years, and we have identified the proprietary trade school sector as a major contributor to the fraud, waste and abuse in the programs. One such abuse is that such schools set tuition prices that bear little or no relation to the quality of the training, the prospect for employment in the field of the training and the prospect for a salary that will allow students to pay their federally insured loans and support themselves. Instead, our observations reflect that the tuition price is often set based upon the maximum federal student financial assistance that is available, leading in many cases to inflated prices that the federal taxpayer and student are being asked to bear. Our studies have documented instances where community colleges and other public institutions offer training in the same field sufficient to allow students to gain entry-level jobs for a fraction of the price charged by proprietary trade schools.

Before the 85/15 rule there was no provision of law to ensure that tuition prices were reasonable. On the contrary, the availability of Title IV money actually interfered with free market forces that would otherwise control prices, because no one was required to pay his own money for the training or find non-Title IV sources (i.e., private, state or other federal program sources). By ensuring that a modest amount of such schools' revenue come from non-Title IV sources, the 85/15 rule will re-introduce a measure of free market control and force prices to reasonable levels relative to the value of the training offered, without direct federal price controls.

Because I believe this very valuable purpose is served by the 85/15 rule, I am not convinced that it should be delayed based on arguments by the proprietary trade schools that some percentage of such schools will close if the rule takes effect on schedule. First, as I have previously testified before the Senate Appropriations Committee, the acronym "SFA Programs" stands for "Student" Financial Assistance Programs and not "School" Financial Assistance Programs. We must be concerned first and foremost about the students who are victimized by inflated tuition prices for training for generally low-wage jobs, and end up defaulting on their student loans. Second, we have not seen data supporting the statistics for potential school closures cited by the proprietary trade schools. Third, we do not know whether schools that maintain they cannot comply with the 85/15 rule have made any serious efforts to do so in the two years since the law became effective. Finally, based upon this office's extensive experience auditing and investigating proprietary trade

schools in the Title IV programs, we believe it is likely that most schools that cannot meet the 15-percent rule have other serious programmatic problems such as high default rates, late refunds and administrative capability problems. I do not believe that "good" schools—those providing valuable training for reasonable prices—will fall victim to the 85/15 rule.

I urge you to reject any attempt to delay or otherwise weaken the 85/15 rule.

Sincerely,

JAMES B. THOMAS, Jr.

DEPARTMENT OF EDUCATION,
Washington, DC, July 28, 1994.

Hon. CRAIG A. WASHINGTON,
House of Representatives,
Washington, DC.

DEAR MR. WASHINGTON: Thank you for your letter requesting that the Department of Education consider delaying implementation of the 85 percent rule until July 1, 1995.

The Higher Education Amendments of 1992, (P.L. 102-325) was enacted on July 23, 1992, and amended section 481(b)(6) of the Higher Education Act of 1965 (HEA) by adding a new sixth eligibility criterion to the definition to the term "proprietary institution of higher education. As you know, a for-profit institution must qualify as an eligible proprietary institution of higher education in order for its students to receive assistance under the student financial assistance programs authorized by Title IV of the HEA (Title IV, HEA programs).

The new sixth criterion requires that an institution that satisfies the first five conditions must also derive at least 15 percent of its revenues from non-Title IV. HEA program funds. Put another way, the section prohibits a proprietary institution of higher education from deriving more than 85 percent of its revenues from Title IV, HEA program funds (the 85 percent rule). Furthermore, by statute, the Secretary was required to issue regulations interpreting the term "revenue" for purposes of implementing the rule. On April 29, 1994, the Department published final regulations in the Federal Register implementing this provision. These regulations took effect on July 1, 1994.

As you know, an issue raised by proprietary schools is that basing an initial determination of an institution's compliance under the new regulations on its past fiscal-year revenue is unfair because it makes the rule retroactive. As a result, they want the effective date delayed for a year to allow them time to comply. However, the statutory provision upon which the regulations are based has been in effect since July 23, 1992, the date of enactment of the Higher Education Amendments of 1992. Thus, these institutions have been aware for almost two years that they would need to take appropriate steps to comply with the 85 percent rule.

Furthermore, these institutions and their representatives have been intimately involved in the development of these regulations since enactment of the law. They participated in the regional meetings and negotiation sessions that were held under the requirement for negotiated rulemaking. They have had access to drafts of proposed regulations, have had the benefit of discussions with Department staff, and have had the opportunity to comment on the proposed regulations. The final regulations do not significantly depart from the position adopted as a result of negotiations on the proposed regulations.

Therefore, these institutions have known for nearly two years the direction in which implementation of the 85 percent rule was moving. We regard that period as ample time for proprietary institutions to have made the appropriate adjustments to ensure that they derive a minimum of 15 percent of their revenues from sources other than Title IV, HEA program funds. In addition, as explained below, the regulations do not cover any period of time prior to the effective date of the 1992 Amendments.

This regulatory approach has recently been upheld as a reasonable and appropriate manner of implementing section 481(b)(6) of the HEA by the United States District Court for the District of Puerto Rico in the case of Ponce Paramedical College, Inc., et al. vs. the Department of Education, and by the United States District Court for the District of Columbia in the case of Career Colleges Association vs. Riley.

Effective on July 1, 1994, each proprietary institution must determine whether it qualifies as an eligible proprietary institution for the 1994-95 award year under the 85 percent rule. The following rules have been developed for this initial determination.

If an institution's latest complete fiscal year ended during the period of October 1, 1993 through June 30, 1994, the institution shall use information based on that fiscal year to determine whether the institution satisfies the 85 percent rule.

If an institution's latest complete fiscal year ended before October 1, 1993, the institution shall use the fiscal year that ends between July 1, 1994 and September 30, 1994 to determine whether the institution satisfies the 85 percent rule.

Therefore, the earliest possible fiscal year that would be used to determine whether the institution satisfies the 85 percent rule would be a fiscal year beginning October 2, 1992 and ending October 1, 1993.

Moreover, most institutions participating in the Title IV, HEA programs have fiscal years that coincide with the calendar year or the award year. Thus, for those institutions whose fiscal year parallels the calendar year, their latest complete fiscal year began January 1, 1993, more than five months after the enactment of section 481(b)(6) and ended December 31, 1993, more than 17 months after enactment. With regard to those institutions whose fiscal year parallels the award year, their latest complete fiscal year began July 1, 1993, more than 11 months after the enactment of section 481(b)(6) and ended June 30, 1994, more than 23 months after enactment.

We believe the regulations accurately reflect the intent of current law, and are aware of the recent House action to delay the effective date of the 85 percent rule for one year. The Department will, of course, take appropriate action to comply with any changes in the law.

I hope this information will be helpful in addressing your concerns. If I can be of further assistance, please let me know.

Yours sincerely,

RICHARD W. RILEY.

AMERICAN ASSOCIATION OF
STATE COLLEGES AND UNIVERSITIES,
Washington, DC, July 27, 1994.

Hon. CLAIBORNE PELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PELL: On behalf of the 370 campus members and the 30 higher education system members of the American Association of State Colleges and Universities (AASCU) I urge you to vote against any provision to the Senate Labor, HHS and Education FY 1995 appropriations bill that would change or delay the implementation of the 85-15 rule. The 85-15 rule, a provision of the Higher Education Act, requires for-profit institutions participating in Title IV student loan programs to derive at least 15 percent of their revenues from non-title IV sources. This provision has been in effect since July 23, 1992, and was scheduled to be implemented on July 1, 1994. The House of Representatives passed an amendment to the Labor, HHS and Education FY 1995 appropriations bill that would delay implementation of the 85-15 rule until next year.

The 85-15 rule is a reasonable and much-needed provision that will help combat waste, fraud and abuse in the Title IV student financial aid programs. I understand that you are hearing from many institutions in the for-profit sector about this issue. Before you finalize your position, it may be prudent to ascertain the loan cohort default rate for the institution's cited by the 85-15 advocates. The U.S. Department of Education can provide you with this information. The enclosed packet will provide you additional background information on the 85-15 rule, included is: (a). a document that was prepared by the National Consumer Law Center that provides answers for the most common arguments against the 85/15 Rule (b). articles from the New York Times and Washington Post (c). Dear Colleague letter from Congresswoman Maxine Waters (d). Department of Education Inspector General letter and, (e). several letters from consumer advocacy groups.

Again, AASCU urges you to vote against any provision that would delay implementation of the 85-15 rule to the Higher Education Act.

Sincerely,

EDWARD M. ELMENDORF,
Vice President, Division of Governmental Relations and Policy Analysis.

CONSUMERS UNION,
Washington, DC, June 20, 1994.

Re prompt implementation of the 81-15 rule for proprietary trade schools.

Hon. DAVID OBEY,
Chairman, House Appropriations Committee,
Washington, DC.

DEAR CONGRESSMAN OBEY: I write on behalf of Consumers Union, the nonprofit publisher of Consumer Reports magazine, to urge you to oppose any amendment to delay implementation of the 85-15 Rule, a vital mechanism for reducing fraud and abuse in federal student aid programs. We understand such an amendment will be offered to the appropriations bill to be marked up by your committee on Tuesday, June 21.

The 85-15 Rule, also known as the Maxine Waters amendment to the Higher Education Act, makes ineligible for Title IV student aid funds any proprietary trade school that does not earn at least 15 percent of its revenue from sources other than Title IV funds. The Rule is intended to eliminate participation by for-profit schools that have been set up primarily to exploit these taxpayer-financed programs. As we reported in the May 1992 issue of Consumer Reports (copy attached), proprietary schools that depend almost exclusively on federal student aid dollars are the very schools engaged in most of the abuses that have plagued the student aid programs in recent years. These schools typically prey on disadvantaged, low-income, and minority populations, diverting them from legitimate public and private educational institutions.

The 85-15 Rule is based upon a rule enacted to protect the GI Bill from the same type of

exploitation over 40 years ago. At that time, Congress determined to protect veterans' educational benefits by excluding schools that could not attract at lest 15% non-veteran students. Similarly, in 1992 Congress determined that schools that cannot attract at least 15 percent of their revenue from sources outside Title IV programs (e.g. cash from students or their families, other state, local or federal funds, or other private sources) were particularly vulnerable to fraud and were more likely to offer worthless training. Many schools that derive virtually all of their income from Title IV programs have left hundreds of thousands of young people saddled with huge student loan debts, damaged credit, and no prospect of obtaining skilled employment.

Other methods to halt fraud and abuse in federal financial aid programs have been severely hampered. Some are too costly to be meaningful or are inadequately funded; others have been stymied by legal challenges. Most attack the problem too late, weeding out fraud and corruption only after the school has reaped millions of dollars of student aid funds unlawfully, after a multitude of students have been harmed, and when the school is on the verge of closing with no assets to compensate defrauded victims or the federal government. Even if regulators learn of a school's problems at an early stage, removing the school's eligibility for participation in the aid programs is a lengthy process. The 85-15 Rule, on the other hand, is virtually self-enforcing.

Since the statute containing the 85-15 requirement became effective nearly two years ago, prudent schools have taken steps to insure that they meet the requirement. To delay the implementing regulation would penalize the responsible schools and favor the schools which have continued their business as usual—that is, the business of collecting as much student aid as possible and pegging their tuition to the maximum Title IV aid available.

Through the back door of the appropriations process, the for-profit trade school industry is seeking to accomplish by delay what it has been unable to achieve substantively over the past two years through the respective education committees in the House and Senate. We strongly urge you to oppose any effort to weaken or delay the 85-15 Rule, an important reform measure.

Sincerely,

MARK SILBERGELD,
Director.

NATIONAL ASSOCIATION OF
CONSUMER AGENCY ADMINISTRATORS,
Washington, DC, June 16, 1994.

Hon. DAVID OBEY,
Chair, House Appropriations Committee, Washington, DC.

DEAR CONGRESSMAN OBEY: We understand that an amendment to delay implementation of the 85-15 Rule, also known as the Waters amendment to the Higher Education Act (HEA), will be offered to the appropriations bill your committee is scheduled to mark up on Tuesday, June 21. I am writing on behalf of the National Association of Consumer Agency Administrators (NACAA) to urge you to oppose any effort to delay the effective date of the 85-15 Rule, a key program integrity measure enacted as one of the 1992 amendments to the HEA.

NACAA is a membership organization of over 150 consumer protection agencies at all levels of city, county, state and federal government. Our members operate "where the rubber meets the road," mediating individual consumer complaint, enforcing consumer laws, conducting consumer education programs, and advocating for strong consumer protections. Their agencies deal with consumer problems directly on a daily basis, including complaints regarding vocational or proprietary school abuses.

The proliferation of shoddy vocational programs set up solely to garner federal aid, which the 85-15 Rule is meant to address, is not new. Within five years after the enactment of the G.I. Bill to support training and education for veterans of World War II the number of proprietary trade schools in the United States has mushroomed from 1,878 to 5,635. A House Committee investigating the trade schools receiving GI funds found that, "[t]he vast majority of these schools has exclusive enrollments of veteran students, had no nonveterans at any time and no previous experience in training nonveterans." Report of the Select Committee to Investigate Educational Training and Loan Guaranty Programs under GI Bill, U.S. House of Representatives, 82nd Congress, 2nd Session, February 14, 1952, p. 12.

The House Committee also found that many of the schools offered training of dubious quality and determined that "hundreds of millions of dollars have been frittered away on worthless training" and that "a new group of veterans should not be exposed to the exploitation which has plagued the World War II program." Id. at 11. Among the reforms enacted to curb the abuses—and still in place—is the requirement that to be eligible for veterans' benefits a school must not have more than 15 percent of its students receiving GI Bill benefits.

Apparently concerned about the proprietary school problems that had plagued GI Bill recipients, Congress originally excluded proprietary schools when the Higher Education Act was enacted in 1965. Over time, however, the lessons of the past seem to have been forgotten, and for-profit trade schools made their way into wider and wider participation in HEA programs. Between 1980 and 1987 the number of Pell Grants for students at proprietary schools rose by 159 percent, while the number decreased by 13 percent for college students. "Proprietary Schools and Federal Student Aid, a Report of the American Federation of Teachers Advisory Commission on Higher Education," April 1990, p. 8.

For fiscal year 1989, proprietary schools accounted for 71 percent of the total federal dollars spent to pay off defaulted student loans. U.S. House of Representatives, Committee on Budget, "Management Reform: A Top Priority for the Federal Executive Branch," Nov. 1991, p. 55. The result has been similar to that in the veterans' program: numerous government studies and audits showing grievous abuses by proprietary schools that derive nearly all of their revenue from Title IV funds; tremendous costs to the federal government in loan defaults; and great human suffering by the predominantly low-income, minority student victims of unscrupulous schools. According to a recent Congressional report on proprietary schools and the student loan program, "Rather than allowing these young people to improve themselves, these schools actually leave [them] in a worse position than when they started." "Abuses in Federal Student Aid Programs," Report of the Committee on Governmental Affairs, Permanent Subcommittee on Investigations, U.S. Senate, Report 102-58, May 17, 1991, p. 10. These students have been left demoralized, without meaningful training, and with student loan debts that they may never be able to repay.

The 85-15 Rule requiring that proprietary schools that wish to participate in Title IV programs have a minimal 15 percent of their revenue from non-Title IV sources is a rational and cost-effective means of ensuring that trade schools do not simply prey on the poor and function as Title IV mills. The Rules serves a critical gatekeeping role, keeping questionable schools out of HEA funding rather than waiting several years for overburdened state and/or federal agencies to amass evidence on which to begin an investigation.

There has been opposition by the trade school industry over the past several months concerning the potential effect of implementation of the 85-15 Rule. Contrary to what the trade school industry is saying, the Department of Education's regulation does not apply retroactively. Instead, its initial application is for the award year beginning July 1, 1994, measuring school revenues from after the effective date of the 85-15 statute in 1992.

The Department of Education has written a timely regulation, the prompt implementation of which would, in our opinion, be in the best interests of low-income students and the student aid system. We strongly urge you to oppose any amendment that would delay or modify the Rule. If you have any questions in this regard, please call Susan Grant, Executive Director of NACAA, at 202-347-7395, fax 202-347-2563. Thank you for considering our views on this important consumer protection issue.

Sincerely,

LAWRENCE A. BREEDEN,
President.

VOLUNTEER LEGAL
SERVICES PROJECT,
Los Angeles, CA, June 20, 1994.

Hon. VIC FAZIO,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE FAZIO: I am writing to strongly urge you to oppose any efforts to delay implementation of the 85/15 Rule—one of the most important anti-fraud provisions of the Higher Education Amendments of 1992. Poor, mostly minority, urban young people have historically been subjected to outrageous abuses by for profit trade schools set up to operate as Title IV mills. As the enclosed article from yesterday's New York Times indicates, the 85/15 Rule, patterned after a similar rule concerning veterans programs designed to eliminate fraudulent practices, requires that an institution be of sufficient quality to attract a small percentage of outside, non-Title IV funding to survive. Without this rule, for profit trade schools will be allowed to continue victimizing low income students seeking short term job training by inducing such students to enroll in overpriced, under-quality training programs.

The Department has developed a rule which is fair to legitimate schools, yet at the same time provides the protection Congress sought to establish when it enacted the 85/15 Rule. Contrary to the false claims of the trade school industry, the Department's rule does not operate retroactively. Instead, it only applies to revenues from well after the July 23, 1992 enactment of the 85/15 statute. To delay the rule now would send a message to the Department and to institutions that Congress is not concerned about stopping fraud and abuse in Title IV programs. Given the enormity of losses suffered by the Federal Government due to Title IV abuses by for profit trade schools, this would be exactly the wrong message to send. No doubt it

would lead the trade school industry to lead Congress down a slippery slope as the industry would attempt to unwind other protections built into the 1992 Amendments. The Department's 85/15 Rule should be given effect as planned on July 1 to put an end to the trade school fraud and abuse which has cost the taxpayers billions and shattered the hopes, dreams and aspirations of a generation of the poor.

We strongly urge the House Appropriations Committee not to delay implementation of the 85/15 Rule.

Very truly yours,

KENNETH W. BABCOCK,
Directing Attorney.

[From the New York Times, June 19, 1994]

HOUSE PANEL IS FACING VOTE ON SCHOOL AID

(By Michael Winerip)

In the last decade, several efforts to tighten fiscal control of Federal student aid programs, which lose $3 billion to $4 billion a year to defaults and fraud, have been delayed or defeated by higher education lobbyists and their Congressional allies. With a crucial July 1 deadline approaching, it may be happening again.

On Tuesday, the House Appropriations Committee is expected to vote on whether to postpose a new law intended to crack down on trade schools run for profit, which account for most student aid defaults and frauds.

The law, which was passed by Congress in 1992 and is scheduled to take effect on July 1, mandates that a school can receive no more than 85 percent of its revenue from these Federal student aid-programs. At least 13 percent must come from other sources, like paying students.

The intent was to put an end to the fly-by-night trade schools in poor urban areas that have high rates of default on student loans. Testimony at Congressional hearings has described schools that will sign up anyone for Federal loans, then provide courses of such poor quality that graduates cannot find jobs and cannot repay their Government loans.

76 PERCENT OF DEFAULTS

About 5 percent of the nation's 15 million students in higher education attend trade schools. These schools receive 25 percent of Federal student loan revenue, but account for 76 percent of the loan defaults.

The 85–15 provision was sponsored by Representative Maxine Waters, a Democrat whose district includes the poor, black core of Los Angeles. The provision has strong support from Senator Claiborne Pell, the Rhode Island Democrat who was the architect of student aid programs; Senator Sam Nunn, the Georgia Democrat who has held hearings on financial aid fraud, and major consumer groups, including the National Consumer Law Center and the National Association of Consumer Agency Administrators.

* * * * *

But for months, the Career College Association, which represents 1,300 trade schools, has lobbied to delay and ultimately defeat the provision. It supports an amendment before the House Appropriations Committee that would postpone the start of the requirement a year, until July 1, 1995. A bipartisan group of 82 House members has signed a letter in favor of the one-year delay.

300,000 REPORTED INVOLVED

If the current provision goes into effect, Tony Calandro, vice president of government affairs for the trade school group, said 30 percent of the for-profit trade schools could be forced to close, affecting 300,000 students.

Mr. Calandro said these institutions had such a high student loan default rate because they were willing to take a chance on high-risk inner-city students. The 85–15 provision, he said, is " a meat cleaver approach that does not distinguish between good and bad schools."

"All our people are up on the Hill right now, lobbying," Mr. Calandro said recently. The trade school association spent $1.9 million in a similar lobbying effort two years ago, according to its latest available tax return. It has had several successes modifying financial aid provisions in the 1992 Higher Education Act.

Among those in the House persuaded by the lobbyists in the last few weeks is the 18-member Hispanic Caucus. The caucus, in a letter on June 9, supported the delay, emphasizing the impact the law would have on poor Hispanic students and on 125 trade schools in Puerto Rico.

CITING "RIP-OFF SCHOOLS"

Representative Waters disagrees with advocates of a delay, saying that the meets students in housing projects in her district whose lives are at a dead end because they have defaulted on loans and will not get a second chance at education.

"These rip-off schools are preying on low-income and minority communities throughout America," she wrote in a letter to Representative Neal Smith, the Iowa Democrat who heads the Appropriations Committee. "The 85–15 rule is a modest way of checking the abuses of the worst schools."

After World War II, a series of trade school scandals prompted Congress to pass a provision similar to 85–15 to protect veterans using the G.I. education bill.

Usually the Career College Association's biggest ally in Congress is Representative William D. Ford, the Michigan Democrat who heads the House education committee and a graduate of a trade school. But on this issue, he has sent a mixed signal. Last winter he said he supported 85–15. Then last week, in a letter to Representative Smith, he wrote that delay "may be warranted."

An aide to Mr. Smith said the appropriations chairman had not yet taken a position.

[From the New York Times, June 19, 1994]

CRACK DOWN ON STUDENT AID ABUSE

The U.S. Government spends about $20 billion a year on student aid—and loses as much as 20 percent of it to fraud and abuse. In 1992 Congress got tougher on waste in student aid programs, but it could undermine its own actions in a House Appropriations Committee vote today.

An amendment of the Higher Education Act eliminates schools from participation in student aid programs if more than 85 percent of their revenues come from student aid. The amendment, sponsored by Representative Maxine Waters of California, is aimed at for-profit schools that account for many abuses in student loan and grant programs.

Many of these schools enroll marginal students who do not finish. The schools collect the aid, but students who drop out often have trouble finding jobs and they default on loans. The students and the Government are shortchanged.

Requiring schools to obtain at least 15 percent of their revenues from other sources, like cash payments from students or other government funds, aims to discourage schools that set up shop only to pull in Federal aid. A similar 85–15 rule was enacted in the 1950's to curb abuses of the G.I. bill.

The Department of Education, which administers the Higher Education Act, has written regulations to institute the 85–15 rule that take effect on July 1. But trade schools, which lost this battle two years ago, are still lobbying hard against it. They now seek relief from the House Appropriations Committee, in the form of an amendment that would delay application of the rule for a year.

That would be worse that a step backward. It would undermine Congress's own efforts to protect its student aid investment. Trade schools with quality programs have nothing to fear from the new rule.

THE 85/15 RULE

Mrs. KASSEBAUM. Mr. President, I rise today to express my appreciation and support for the members of the appropriations committee for leaving intact the original provisions of the 1992 Higher Education Act Amendments concerning the 85/15 rule. While the House bill watered down the 85/15 rule, I am pleased that the Senate bill does not.

The 85/15 rule requires that for-profit trade schools must generate at least 15 percent of their revenues from non-Federal student aid sources. The 85/15 rule has been used for 40 years to stop abuse of veterans under the GI bill. It is intended to help ensure that proprietary schools are sound enough to attract students who are willing to spend their own funds to attend.

The purpose of the 85/15 rule is to put an end to low-quality programs at schools set up primarily to receive Federal title IV aid. The inspector general of the Department of Education has indicated that, as long as these schools rely on Federal funding, they will raise the tuition fees up to the maximum amount of Federal aid a student can receive and taxpayers will foot the bill for training that does not lead to a job. It will also shield students from the consequences of loan default, which generally follows inadequate education or training.

I have heard from many proprietary school owners who believe that the regulations implementing this provision are retroactive. I am familiar with the Department of Education's regulations on the 85/15 rule, and they are not retroactive. This provision was supposed to have taken effect immediately upon enactment of the Higher Education Act Amendments in July 1992. However, it took 2 years for the U.S. Department of Education to release the regulations. Since the regulations provide for the elimination of schools from title IV eligibility only in the future, they clearly are not retroactive. If the regulations were retroactive, the Department would be asking for reimbursement of all title IV aid received since July 1992 by the schools not meeting the 85/15 requirement.

It is perfectly permissible and consistent with congressional intent that the Department use revenue data from the last full fiscal year that ended after October 1993 to determine school eligibility for the title IV program under

the 85/15 rule since the provision was meant to apply upon enactment in 1992. Actually, schools received 2 more years of participation in the student aid program than Congress intended.

As for the definition that is used in the regulations for "revenue," it was developed in a negotiated rulemaking procedure in which representatives from the higher education community participated, including representatives of proprietary schools.

I believe that the 85/15 provision, along with others in the Higher Education Act Amendments, is necessary to protect students and to maintain the fiscal integrity of the student aid programs. I hope that the Senate conferees are able to strike from the final bill the House amendment to delay implementation of this important provision. Its implementation is already 2 years overdue.

FOR-PROFIT TRADE SCHOOLS

Mr. NUNN. Mr. President, I rise to join in this discussion concerning the integrity of the Federal student aid programs—programs which have been wracked by blatant fraud and abuse. After working diligently to expose the fraud and abuse, and after working with the Labor and Human Resources Committee to get strong integrity provisions included in the 1992 reauthorization of the Higher Education Act, I am disappointed to have to appear here today to challenge efforts which would undermine a key provision contained in the 1992 reforms. At issue is a new requirement which for-profit trade schools must comply with: a requirement that at least 15 percent of a school's revenue come from somewhere other than the Federal Pell grant or guaranteed student loan programs. I am disappointed that the House, in its version of this legislation, voted to delay implementation of the so-called 85/15 rule, but I am pleased that the Senate Appropriations Committee struck that delay in this bill. I am hopeful that the Senate will send a clear message to the House and to our conferees: Do not delay 85/15. Clean up the abuses in Federal student aid programs.

I hope to bring to the Senate some facts and thoughts about this provision. Quite frankly, we have been besieged by the for-profit trade school lobby, and they have done an effective job in mustering their membership on this issue. But we have not heard from the students who have been harmed—used as fodder—by those school owners who abuse the Federal student aid programs. They line their pockets with student loan and Pell grant proceeds, leaving needy students without an education and in debt. These students would have been better off if they had stayed at home.

This provision is intended to strengthen and improve Federal student financial aid programs, as governed by title IV of the Higher Education Act. It addresses a provision of that act, enacted in 1992, which requires that for-profit schools certify that at least 15 percent of their revenues are derived from sources other than title IV Federal student aid programs, in order to participate in those programs. In short, to maintain eligibility, a school must now demonstrate that it is capable of attracting at least 15 percent of revenues, a fairly small amount, from other sources.

This new requirement was enacted in 1992 because investigators and regulators alike had found largescale abuse of Federal financial aid programs in some trade schools which, for all practical purposes, existed only because of Federal funding. A good portion of that investigative work was done by the Senate Permanent Subcommittee on Investigations which, under my chairmanship, conducted an indepth examination of waste, fraud, and abuse in title IV programs in 1990.

Every school which the subcommittee investigated for fraud and abuse had, it turned out, relied very heavily on Federal student aid programs as the main source of revenue. In fact, were it not for student aid programs, the schools we investigated would probably not have existed. Our investigation confirmed that some for-profit trade schools establish their tuition charges based not on what the cost of education is, but rather on the amount of student aid available to the students. When the Pell grant and loan limits were raised, we found that many of these schools raised their tuition.

The subcommittee, as well as the regulators, found that many students made no financial contribution to their own education and were drawn to these schools, not due to the quality of the promised education, but because of aggressive advertising campaigns by the schools and the offer of Federal funding. Investigators found that, with high enrollment nearly guaranteed by the draw of Federal dollars, there was little or no incentive to provide quality education to title IV students. When they discovered that many of these educational programs were nearly worthless, Pell grant recipients merely walked away from the school. An absolute waste of limited program funds. Students defaulted on the Federal loans, leaving themselves and the Federal Government with a huge financial burden. In the meantime, many school owners were reaping huge profits at the expense of Federal taxpayers as well as our neediest and most deserving students.

In effect, we found that what we have created is not a Federal subsidy for students, but a cash cow for many businesses that, because of the Federal programs, do not have to operate in the free market. We have created hundreds, if not thousands, of Government-sponsored enterprises which are operated for the benefit of private individuals and to the detriment of the students we aim to assist. We need to constantly remind ourselves that these are student aid programs, not school aid programs.

The statistics lend credibility to our findings. According to the Congressional Research Service, students attending proprietary trade schools account for $5 billion each year in guaranteed Federal student loans and Pell grants. As of the end of fiscal year 1992, for loans entering repayment in 1991, they accounted for 63 percent of the $1.9 billion in federally guaranteed Stafford loans that defaulted. Of those, 450,234—or 74.9 percent—were proprietary school students.

In response to the investigative findings, Congress enacted the 15-percent requirement in 1992. By requiring that at least 15 percent of revenues come from other sources, Congress hoped to ensure that the Federal taxpayer would pay only for an educational product that was good enough to attract buyers in a free market. The requirement was intended to give school owners some incentive to offer quality education, where no such incentive had existed before.

I might add that the law does not say that the 15 percent has to be in the form of cash paid by students. In fact, many schools can and do qualify because that 15 percent may include other Federal program funds, such as JTPA funds, as well as State student financial assistance. In reality, schools can and do continue to be eligible even if no student pays his or her way. In those cases, the quality of the education is at least also subject to the scrutiny of agencies beyond merely the Department of Education, which historically has provided little effective program oversight.

The 15-percent requirement has generated considerable controversy and opposition within the trade school industry. Although many of the trade schools say that they don't mind the requirement itself, they have complained loudly about the way that the Department of Education has implemented the law this year. Under the Department's current plans, the requirement, which was passed in 1992, is effective July 1, 1994. Many of the schools have argued that the Department should delay another year before implementing the law. Why? I suspect that they will continue to work against the law and, at the same time, get other sources of funding for their revenue mix. Given the extensive and blatant abuse that we found in these programs and the huge cost which we are paying for that abuse in terms of dollars and lost educational opportunities for young Americans, I am against this kind of delay.

I recognize that many proprietary trade schools do not abuse the Federal

programs; there are many good schools in the industry that in fact play a significant role in educating many deserving young Americans. Some of those schools fear that the 15-percent requirement unfairly impacts their business, since they argue that they enroll mostly needy, poor students who necessarily depend on Federal student aid. The Career College Association, the trade association and lobbying arm for some 1,200 for-profit trade schools, has suggested that the Secretary of Education's implementing regulations will inadvertently cause good schools to close their doors to the detriment of the students and the school owners.

The House version of this bill contains language which, if enacted, will prohibit the Secretary of Education from expending funds to enforce the 15-percent requirement in any case and despite even a proven record of program abuse. I hope that the Senate conferees do not concur with the House, and once again, tie the hands of the administration in its efforts to rid the $20 billion student aid programs of the type of large-scale abuse that has historically plagued these programs.

The real, underlying questions in the debate are:

Should the Federal taxpayer be funding substandard educational programs that attract only because of the Federal subsidy?

If not, how do we provide incentives for quality education to schools who operate, and reap substantial profits, largely, if not exclusively, due to Federal funding?

The 15-percent requirement is the Government's best hope for injecting some concrete and workable incentives for quality in education into these programs.

Mr. President, a blanket delay on this provision makes a mockery of the law and of the very noble purpose which underlies these programs. The 15-percent requirement is there to address a very serious problem that has been proven time and again. Let us not ignore the facts and delay its implementation indiscriminately for 1 year. We need to do everything in our power to protect the programs' integrity, the taxpayers and the students.

REGARDING CHILDHOOD IMMUNIZATIONS

Mr. INOUYE. Mr. President, my Appropriations Committee colleague, Senator DALE BUMPERS, has long recognized the importance of immunizing our Nation's children and has been instrumental in ensuring that children receive the vaccines they need to combat crippling and life-threatening infectious diseases. Senator BUMPERS has continued his leadership by carefully scrutinizing the administration's plans for delivering free vaccines to needy children and has had the foresight to ask for a GAO examination of this vaccine delivery plan to ensure that vaccines are delivered in a safe, timely and cost-effective manner.

The GAO report found that a number of obstacles remain for the administration to overcome before the program can be fully operational. As a result of that GAO report, the Senate Appropriations Committee bill for the Department of Health and Human Services includes a provision authorized by Senator BUMPERS which would prohibit the Secretary from moving forward with the Vaccines for Children Program until she certifies, and the Appropriations Committees of both Houses concur, that the Government distribution of Government-purchased vaccine can be done safely and cheaper than by the private sector.

I agree with Senator BUMPERS that we should not move forward with any program that will endanger the vaccine supply of our country. I am also concerned, however, that we not unduly delay the start of a program that will begin to increase immediately the opportunities available to have children immunized. Our ultimate goal is to immunize our children with safe, reliable, and effective vaccines as soon as possible. We must examine closely whether it is not worth more to protect all of our children at the earliest possible opportunity even if there is an additional small marginal cost.

NATIVE HAWAIIAN LOAN FUND

Mr. President, I rise to commend the distinguished chairman of the Appropriations Subcommittee on the Departments of Labor, Health and Human Services, and Education, and Related Agencies for his leadership in framing budgets for fiscal year 1995 within difficult constraints and for ensuring, within those constraints, that needs of American Indians and other native Americans were not neglected.

I rise, too, to seek clarification related to one program that has been consistently supported by the chairman in the appropriation for the Administration for Native Americans.

Mr. HARKIN. I thank the chairman of the Indian Affairs Committee for his kind comments. What is the program?

Mr. INOUYE. The program is the Native Hawaiian Revolving Loan Fund. Since its inception, the loan fund has supported the creation or expansion of 160 native Hawaiian-owned businesses and created perhaps 450 jobs, virtually all of which are full time. The success stories that have characterized the new enterprises have produced a scrapbook of news clippings.

The loan fund is a standout among economic development programs fostered by the Administration for Native Americans, so much so that the administration has informed me that it would like to continue providing Federal dollars from its appropriation to sustain this important economic development effort.

Mr. President, although continued Federal support is needed, the loan fund is not simply a Federal undertaking. From the beginning, the Office of Hawaiian Affairs of the State of Hawaii has provided full costs of administering the fund. Furthermore, the State has provided appropriations for technical assistance to loan beneficiaries. These contributions have totaled over $500,000 annually.

In addition, for each of the past 3 years, the Office of Hawaiian Affairs has matched the Federal grant of $1 million with a like amount.

The problem that leads me to speak on this subject is that loan requests continue to far exceed the ability of the fund to make loans. Over $1 million in loan requests are received each month. More than $9 million in loans have been approved, representing the entire Federal and State contributions, and even with loan repayments, the ability of the loan fund to be responsive to requests for new loans is severely limited.

Mr. President, the condition of the economy in Hawaii remains sluggish, and native Hawaiians are among those most hurt by such conditions.

May I ask the chairman whether funds are available in the appropriation for the Administration for Native Americans for fiscal year 1995 for an additional grant to the native Hawaiian revolving loan fund? And, if the administration concludes that such a grant should be made, would the chairman object to such a grant?

Mr. HARKIN. The appropriation for fiscal year 1995 for the Administration for native Americans is essentially level with the appropriation for the current year, an appropriation that included funding for the loan fund. If, in the judgment of the administration for native Americans, continuation funding is warranted upon the basis of the fund's performance in advancing economic conditions among native Hawaiians, I would have no objection to such continuation funding.

Mr. INOUYE. I thank the Chairman.

PLANT RELOCATION DATA COLLECTION

Mr. LEVIN. Mr. President, I wish to engage in a colloquy with the manager of the Labor, Health and Human Service appropriations bill regarding the Department of Labor's data collection on plant relocation. It is my understanding that the Labor Department will reinstate its mass layoff statistics [MLS] program that was disbanded under the previous administration. It is good news that the Clinton administration will reinstate and revamp this program by adding additional and expanded information to the survey to make it a more useful survey. I understand the Labor Department expects this program to be up and running by January 1995, to be continued in program year 1995 using EDWAA title III funds contained in this fiscal year 1995 appropriations bill.

Mr. HARKIN. That is also my understanding.

Mr. LEVIN. Mr. President, with the passage of NAFTA and the upcoming congressional consideration of the Uruguay round of the General Agreement on Tariffs and Trade [GATT] it is increasingly important that we have the data necessary to track how various sectors of our economy are doing. This includes being able to track plant relocation, either to other locations around the country or overseas.

Many Members of Congress wanted this type of information in order to assess the possible impact of NAFTA and it was unavailable. For example, we did not know how many United States companies had relocated to Mexico. It's time this important information on plant relocation trends becomes available so that it can be used to make educated decisions. The reinstatement of the Labor Department's mass layoff statistics survey, if implemented properly, offers us the best potential tool to understanding these trends.

Mr. President, in order for this survey to be useful, however, the MLS should provide the following:

It should provide the domestic relocation site for establishments that have laid off workers because of a domestic relocation.

It should provide the overseas relocation site for establishments that have laid off workers because of an overseas relocation.

Finally, if information on specific plant closings is available from publicly available sources the Department of Labor should make this information available in its MLS reports.

Mr. HARKIN. I agree it would be useful to be able to track plant relocation, whether it be overseas or to other parts of the United States. This information will enable Members of Congress and other interested parties to assess the job movement and plant relocation trends by industry sector. I fully support the recommendations made by the Senator from Michigan, Senator LEVIN and believe they will make the MLS program a more useful program.

OLDER WORKERS RETIREMENT INCOME

Mr. METZENBAUM. There are only a few months left in my term in the Senate. Before I leave this body, I would like to know that we are doing more to assist older workers secure their retirement income and obtain the pension benefits promised to them by their employers. For the past year, the Administration on Aging has been funding pension rights information and counseling programs which provide valuable assistance to retirees in securing their rights and their pensions. The Administration on Aging has committed to continue supporting these programs. I ask unanimous consent to have this letter from Assistant Secretary Fernando Torres-Gil inserted in the RECORD at the conclusion of our remarks.

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

(See exhibit 1.)

Mr. METZENBAUM. I also understand that the appropriation for the Pension and Welfare Benefits Administration in the Department of Labor will include an additional $3 million to improve enforcement. PWBA is the primary agency responsible for protecting the security of pensions for participants which it is supposed to do through its direct assistance efforts as well as by its enforcement efforts.

I want to express my appreciation to the Chairman for his efforts in including these amounts. I wonder if the chairman could provide me with assurances that a significant portion of the increase will be used directly to provide participant assistance and that he will do his best to protect these amounts in conference.

Mr. HARKIN. Yes, I can assure the Senator that preserving these amounts will be a high priority for the conference.

I understand that the Department is already making extra efforts in this area. We expect about $1 million of these funds to be used to assist the Department with further improvements in its participant assistance program, particularly providing participants with information on their benefits, assistance in obtaining plan information and assisting participants in protecting their legal rights to benefits.

Mr. METZENBAUM. I thank the Senator. I will do whatever I can to assist.

EXHIBIT 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF THE SECRETARY, ADMINISTRATION ON AGING,

Washington, DC, August 4, 1994.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: I appreciated receiving your letter which emphasized the value of the six pension rights demonstration projects the Administration on Aging funded on September 30, 1994.

I also strongly agree with your estimation of the importance of these projects. The demonstrations not only provide a vital service to those who directly benefit from them, but also will generate information relevant to the development of a more effective pension policy in the future. Furthermore, public policy development in this crucial area is in keeping with the Administration on Aging's "Blueprint" for an effective response to issues facing retirees in the future. As a result, we will continue to use discretionary Title IV funds to improve our ability to better inform older Americans about their pension rights and benefits.

I assure you that I intend to include in a discretionary grant announcement this fall another call for grant applications from agencies who wish to implement pension information counseling and advocacy programs, and will dedicate Title IV resources for this purpose from the Administration on Aging's FY '95 appropriation.

Sincerely,

FERNANDO M. TORRES-GIL,
Assistant Secretary for Aging.

EXTRAMURAL CONSTRUCTION

Mr. MACK. Mr. President, let me first commend Senator HARKIN for his leadership on this important legislation. As a member of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, I have enjoyed working with the Senator and his staff and appreciate the courtesy he has shown to me and my staff.

I am pleased the legislation recognizes the need to respond to the growing unmet need for extramural biomedical research facilities and has provided a $20 million proposal to address some of the most pressing and promising needs which exist. I would like to bring to the attention of the Senate and the Department of Health and Human Services a project of great significance and success known as the Miami Project to Cure Paralysis. I have visited the project and have worked closely with Nick Buonoconti for several years. I believe this project is one of the most outstanding efforts in the nation dedicated to neuroscience research and rehabilitation research.

Mr. HARKIN. I am familiar with the Miami Project and share the Senator's admiration.

Mr. MACK. Accordingly, I would like to have this project considered by the Department as having been referenced in the committee report along with the other worthy programs cited and recommended. The Miami Project to Cure Paralysis is deeply involved in finding new approaches to improve recovery after spinal cord injury and seeks funds for essential laboratory facilities and equipment that will enhance their work in developing methods to utilize cellular implants and supporting devices to foster repair of injured nervous systems.

The facility would include equipment for large-scale growth of cells and tissue culture including human cells for the development of model systems for the study of spinal cord injury and regeneration, including analysis of motor and sensory function. The project would also enhance their work in progress on the development of computer-aided devices to facilitate movement in partially impaired patients with spinal cord injury. I hope to ensure that this Project is given every consideration and recognition, and hope you will join me in recommending that the Department give every consideration to this project.

Mr. HARKIN. I do find this project meritorious, and would assure the Senator that I do join him in recommending this project to the Department for their consideration. I agree that this project should be considered as if referenced in the language of the committee report.

Mr. MACK. I thank the Senator from Iowa. Again, I would like to thank the Senator's staff, and the committee for the outstanding work they have done

on this legislation. They have gone out of their way to recognize and assist a number of important initiatives and critical needs in Florida in both the health and education areas. I appreciate the strong bipartisan approach the chairman has always taken on his subcommittee, and I look forward to serving with him in the years to come.

OLYMPIC STUDENT ATHLETES

Mr. RIEGLE. Mr. President, I wish to engage in a colloquy with my distinguished colleague from Iowa, the manager of the bill. I am offering my support for a scholarship program that has received $1 million in funding in the House bill. The 1992 Higher Education Reauthorization Act provides grants to Olympic student athletes training at a U.S. Olympic Training Center or Education Center and studying at an accredited college or university.

The $1 million included in the House appropriations bill would go directly to students for tuition, room, and board. Athletes from across the Nation go through rigorous training, often at great personal sacrifice, to represent our country at the Olympics. Many of them have great difficulty in obtaining financial assistance that will allow them to balance their athletic training and their academic careers. This program is not intended to take the place of other scholarships or grants but in some instances may be in addition to other programs that do not fully address the needs of these young men and women. One program I highlight is the resident boxing program in Michigan. Currently this program has 19 athletes and most have inner-city backgrounds. This scholarship, if funded, will allow more young athletes the opportunity to elude the inner-city poverty that can be so difficult to escape from. Over 100 boxers apply annually to the school for only 3 to 5 openings. This is just one example. Of all the U.S. athletes that participated in the 1992 Winter Olympics, 189 passed through the program at Northern Michigan University facility. All these athletes deserve Federal support to make sure that they have the opportunity to obtain an education, while dedicating themselves to representing this Nation in the Olympics.

Mr. HARKIN. Mr. President, I understand the concern the senior Senator from Michigan has for these young students and for the scholarship program. I want to assure him that I will review this program when it is brought up in the conference between the Senate and House.

DISLOCATED WORKERS ASSISTANCE

Mr. SIMON. I would like to engage the chairman in colloquy on a matter related to the dislocated workers assistance account. The Appropriations Committee report estimates that 750,000 participants are expected to be served with increased funding for this program. Displaced homemakers are defined as dislocated workers under the EDWAA Program. Yet most States do not provide any services to displaced homemakers with title III services. I have been deeply concerned about the lack of appropriate services for displaced homemakers and sponsored the Displaced Homemakers Self-Sufficiency Assistance Act so that displaced homemakers could receive the employment and training services needed to move into the paid work force. Is it correct that with the committee's recommended increase in appropriations for the dislocated worker program that the Department of Labor should allocate funding for displaced homemakers based on the services described in the Displaced Homemakers Self-Sufficiency Assistance Act?

Mr. HARKIN. Yes the committee intends that the Department provide services to displaced homemakers as part of the dislocated worker program. The committee appreciates the work you have done on behalf of displaced homemakers and bringing the importance of this issue to the attention of the Senate.

Mr. SPECTER. I also want to reiterate the committee's support for funding services to displaced homemakers. The New Choices programs in my State do an outstanding job in assisting homemakers prepare for the paid work force. But like displaced homemaker programs across the country, there are more women who need these services than the New Choices programs can serve. The committee expects the Department to allocate funding for displaced homemakers under the dislocated worker program.

TRANSFER OF PROGRAMS, U.S. DEPARTMENT OF EDUCATION

Mr. HARKIN. I would like to enter into a colloquy with my distinguished colleague, Senator SPECTER, ranking member of the Subcommittee on Labor, Health and Human Services, and Education to provide a clarification of our intent in developing the committee report language concerning the Office of Educational Research and Innovation [OERI].

Mr. SPECTER. It would be a pleasure to enter into a colloquy with the distinguished Senator from Iowa, chair of the Subcommittee on Labor, Health and Human Services, and Education.

Mr. HARKIN. As the Senator knows, I also serve as the chair of the Subcommittee on Disability Policy of the Committee on Labor and Human Resources and I was the chief sponsor of the bills reauthorizing the Individuals With Disabilities Education Act [IDEA] and the Rehabilitation Act of 1973. These two pieces of legislation include provisions for research, demonstration, and evaluation.

I understand questions have been raised regarding OERI and the program operating components within the Office of Special Education and Rehabilitative Services [OSERS] in administering research, demonstration, and evaluation authorities under IDEA and the Rehabilitation Act.

In accordance with Section 603 of IDEA, the Office of Special Education Programs [OSEP] within OSERS is authorized to administer all programs under IDEA, including research, evaluation, and demonstration programs. In accordance with section 3 of the Rehabilitation Act of 1973, the Rehabilitation Services Administration [RSA] is authorized as the administering agency for rehabilitation programs, including research and demonstration programs. In accordance with section 202 of the Rehabilitation Act of 1973, the National Institute of Disability Rehabilitation Research [NIDRR] is authorized to promote, coordinate and provide research, demonstration, and related activities with respect to individuals with disabilities.

I would like to direct the Senator's attention to the specific language contained in the committee report which accompanies the appropriations bill, H.R. 4606, for fiscal 1995 for the Departments of Labor, HHS, and Education which has been the subject of uncertainty. Permit me to quote the following from page 226 of the report: "Finally, the committee directs the Department to transfer the funding and management of research, evaluation, and demonstration activities throughout the Department to OERI in the fiscal year 1996 budget request."

I would like to make the following clarification of our intent regarding authorities under IDEA and the Rehabilitation Act. The language in the report quoted above is not intended to include the transfer of funding and management of those research, evaluation, and demonstration activities directed to be carried out by OSEP, RSA, and NIDRR under the IDEA and the Rehabilitation Act of 1973. And it is my expectation that all such activities continue to be funded and administered through the appropriate entity within OSERS within the Department of Education.

Mr. SPECTER. I agree with the Senator's understanding. The language included in the committee report does not authorize such a transfer. As stated in the committee report on p. 225, the committee simply requests that the Secretary submit no later than January 25, 1995, a comprehensive list of all education research, evaluation, or demonstration activities throughout the Department, with a justification for each activity's organizational location, if not within OERI.

The authorities under the IDEA should continue to be administered by OSERS, and more specifically, the Office of Special Education Programs (OSEP) within OSERS and activities authorized under the Rehabilitation Act be administered by RSA and

NIDRR as authorized by such legislation.

Mr. HARKIN. It was, and remains, the clear intent of Congress that the programs under IDEA and the Rehabilitation Act of 1973 be highly interactive in improving services for children and adults with disabilities, and that this interaction is greatly enhanced through the administration of all programs within OSERS. The intent of Congress in this regard is also reflected in the legislation which created the U.S. Department of Education.

Mr. SPECTER. I agree.

Mr. HARKIN. I want to thank the distinguished Senator from Pennsylvania for his assistance in providing these clarifications in the intent of our report language.

Mr. SPECTER. I thank the Senator for his clear statement and ongoing leadership in the development of policy and programs on behalf of individuals with disabilities.

CONSUMER PRICE INDEX REVISION

Mr. SPECTER. Mr. President, the committee has included the administration's request for $5.1 million for the Bureau of Labor Statistics to revise the Consumer Price Index [CPI]. Changes in the CPI have a major impact as the CPI is used to calculate COLA's, index Federal tax brackets and standard deductions and calculate increases in many private contracts. Studies have shown that older Americans face costs that are different than those faced by younger Americans. Most older Americans are required to spend a greater proportion of their income on health care, the cost of which has been rising much faster than other goods and services. The current CPI does not fully reflect these differences. Therefore, in constructing any changes to how the CPI is calculated, the BLS should consider this to the greatest extent possible. Would the Senator agree.

Mr. HARKIN. I thank the Senator for that observation. Certainly any recalculation of the CPI is much more than a technical exercise. It has significant consequences for millions of Americans. I would expect that the BLS would fully consider the fact that older Americans have to spend more of their incomes on health care and other essential items when considering any changes to the way the CPI is calculated.

CLINICAL LABORATORY COST CONTAINMENT

Mr. SPECTER. Mr. President, I rise to engage the distinguished committee chairman in a colloquy pertaining to cost containment in the clinical laboratory industry.

Mr. HARKIN. I would be pleased to engaged my good friend and colleague from Pennsylvania.

Mr. SPECTER. Mr. President, as the chairman knows, the committee has wisely included language in its report regarding clinical laboratory cost containment. It is my understanding that the Medicare Program is designed to reimburse providers for the cost of their services, and avoid being overcharged for services. In fact, several years ago this body passed the Medicare and Medicaid Patient and Program Protection Act of 1987 to ensure that providers were not overcharging the Medicare Program. That law gives the Secretary of the Department of Health and Human Services [HHS] the authority to exclude from Medicare participation any provider who charges Medicare in excess of their usual charges or costs.

It has come to the attention of the committee that some companies may still be contracting with commercial insurers at a rate far below the Medicare fee schedule, while collecting higher reimbursements from Medicare, in violation of the 1987 statute. These practices were discussed in a GAO report of June 1991, and it is a form of cost shifting. The cost shifting allows labs to gains market share at the expense of the Medicare Program—and ultimately increase costs for the elderly and other Medicare beneficiaries. If widespread, the practice could cost the Medicare Program and elderly beneficiaries billions of dollars by shifting the true costs of laboratory testing onto the Medicare Program. Is this the understanding of the distinguished chairman?

Mr. HARKIN. We have indications that the practice of providing discounts to commercial insurers while not providing the same discounts to Medicare may still exist. Furthermore, this body is currently working on an issue of great importance—health care reform. As we look for ways to contain costs and finance necessary reforms of the health system, it is extremely important and urgent that the Department of Health and Human Services do everything in its power to seek out and find situations where the Government is being overcharged. It is therefore very appropriate for the HHS inspector general to examine laboratories in order to determine the extent and nature of this practice, and to evaluate whether there are savings for the Medicare Program—and Medicare beneficiaries—in terminating this kind of practice.

FUNDING OF THE DEPARTMENT OF LABOR'S WOMEN'S BUREAU

Mrs. MURRAY. Mr. President, I would like to thank Chairman HARKIN and the rest of the Appropriations Committee on their hard work and diligence in fashioning this bill. In particular, I would like to point out my support for the funding of the Department of Labor's Women's Bureau at $8,592,000. I understand that included in this sum is an additional increase of $600,000 to fund the Family and Medical Leave Act Commission on Leave. I hope that the conferees to the bill will agree to the Senate's position on this issue.

Let me point out that 99 percent of all women will work for pay at some point in their lives, so the important work of the Women's Bureau really helps all women and most families. The Women's Bureau is currently conducting a national survey and project, which is called Working Women Count, to find out more about the treatment of women in the workplace. This October the Women's Bureau plans to present a "Report to the Nation" setting out the issues that women want addressed.

The Women's Bureau is also actively soliciting input for the September 1995, Fourth World Conference on Women. I was proud to have women in my State host Women's Bureau director Karen Nussbaum at the first of 10 U.S. regional preparatory meetings on April 22, 1994, in Tacoma, WA for the world conference. Hundreds of women from all walks of life from throughout the Pacific Northwest attended the event. The Women's Bureau is organizing these meetings on behalf of the U.S. Department of Labor and the State Department to communicate with nongovernmental organizations prior to the Fourth World Conference on Women.

Thank you again for allowing me to speak in support of this important Federal program.

AMENDMENT NO. 2465

Mr. DOMENICI. Mr. President, I am pleased to cosponsor this amendment proposed by my friend from Arizona, Senator MCCAIN.

Back in 1976, when the original PILT amendment was adopted in the Senate, I remember the difficult conference that eventually resulted in a system that began to compensate counties for the lost tax revenues on Federal land holdings.

Eighteen years later, we now find ourselves in a similar situation, in that the Senate has seen fit to pass, by a vote of 78 to 20, legislation that updates the formula that has remained unchanged since 1976.

Much of the revenue used for running counties in this country comes from property taxes, and many counties in States like New Mexico are dominated by Federal lands on which they can impose no taxes.

These local governments are finding it increasingly difficult to make ends meet, due in a large way to compensation for Federal lands lagging way behind inflation.

Additionally, there is a continuing shift to nonproductive uses of these Federal lands, placing an additional burden on the county coffers.

The Senate-passed legislation is far overdue, and will benefit units of local government in 49 States and the District of Columbia.

Governors of the States recognize the need for updating these payments, as did the former Governor of Arkansas in 1991, Bill Clinton.

This amendment expresses the sense of the Senate, that an updated system should be enacted into law, and that the President should fund this program in the fiscal year 1996 budget.

This legislation is important to the survival of local government in the provision of public services.

The concept of PILT is as valid today as it was when it was enacted.

When the Federal Government holds what would ordinarily be private lands, it should act responsibly, and provide its fair share to the local infrastructure.

I urge my colleagues to support this amendment.

VACCINES FOR CHILDREN PROGRAM

Mrs. BOXER. Mr. President, I rise today in strong support of the Vaccines for Children Program and for its implementation as mandated on October 1, 1994. This program is vital to raising America's immunization rate for preschool children by providing States with federally purchased vaccines for uninsured, Medicaid-eligible, and native-American children.

Under this program California will receive free vaccines for 61 percent of its children, and will incur significant savings as the State will no longer have to contribute to the purchase of vaccines for Medicaid-eligible children. In anticipation of this, California has amended its budget to reinvest these savings into the provision of direct immunization services for children, including improved public clinic services, registry, and reminder systems.

An amendment offered by Senator BUMPERS in the Appropriations Committee to the fiscal year 1995 Labor, Health and Human Services, Education appropriations bill could delay implementation of the Vaccines for Children Program and would have profound effects in California. I ask unanimous consent that a letter from S. Kimberly Belshé, director of the California Department of Health Services, discussing this issue, be included in the RECORD.

I urge my colleagues to join me in supporting prompt implementation of the Vaccines for Children Program so that States, like California, can move forward and meet the goal of immunizing all of our children against vaccine preventable diseases.

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

DEPARTMENT OF HEALTH SERVICES,
Sacramento, CA, August 3, 1994.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: This letter is to request your support for an extremely important program to protect children against vaccine-preventable diseases.

As part of the Omnibus Budget Reconciliation Act of 1993, Congress passed, and the President signed, legislation to create the Vaccines For Children (VFC) program. Under this program, the Federal Government will purchase in bulk, at substantially discounted prices, the standard childhood vaccines for adminsitration to children who do not have private health insurance coverage of vaccine costs—an estimated 60 percent of the nation's children. State health departments are charged, in concert with the Federal Government, with developing and operating a system to obtain VFC vaccine orders from public and private medical offices and clinics and to distribute the vaccines to these providers.

Benefits of the VFC program will include (1) the elimination of the cost of vaccine as a barrier to timely immunization of children and (2) the creation of substantial savings to the State in public sector vaccine costs. These savings will be reinvested to strengthen our existing immunization programs, expand availability of immunization services, and to bring more children into medical offices and clinics for immunization. Along with the Department of Health and Human Services, the Centers for Disease Control and Prevention (CDC), and other state health departments, the California Department of Health Services (DHS) is well along in preparations to implement the VFC program on its congressionally mandated startup date of October 1, 1994.

Recently, Senator Dale Bumpers requested the Government Accounting Office (GAO) to review Federal and State preparations to implement the VFC program. Partly on the basis of the GAO's report, Senator Bumpers has introduced an amendment to the Senate Labor and Health and Human Services appropriations bill regarding vaccine distribution and administration fees charged by physicians under the VFC program. This amendment is currently on the floor of the Senate. The effect of these amendments will almost certainly be to dely implementation of the program. While sharing Senator Bumpers' concerns that this program be as effective as possible, DHS strongly urges that the Bumpers amendment be modified to allow the VFC program to begin on schedule on an interim basis while investigation of his concerns continues. Our reasons for this position follow:

First, Senator Bumpers questions whether or not the use of a national vaccine warehouse operated by the General Services Administration (GSA) to distribute VFC vaccines to public and private immunization providers is the most economical and safe way of accomplishing this. We are impressed with the CDC–GSA collaboration and progress in setting up the vaccine storage, packaging in advance of the startup date. Further, in California we have already made major budgetary decisions and extensive VFC program implementation preparations based on the presumption that national vaccine warehouse will be in operation on October 1, 1994.

Second, Senator Bumpers and GAO question whether the maximum fees which physicians and clinics will be allowed to charge private-paying patients may be too high and, thus, constitute a deterrent to families with young children. However, the limits set by the Federal Government represents just that—the maximum rates which physicians may charge those most able to pay and not what more physicians will, in reality, likely charge most of their patients. Moreover, these limits are based on the only available solid data, administration charges actually used by physicians as reported by the American Academy of Pediatrics, and reflect a balance between patient and medical care provider perspectives on cost issues.

In conclusion, to delay start up of the VFC program would cause harmful disruption in the extensive preparations California and other states have made, waste part of the fiscal investment we have made, and damage the credibility of both Federal and State governments. Such a delay and the negative impacts listed are not necessary. We urge that the Bumpers Amendment be modified to allow the VFC program to start on October 1 and have the Federal Government fully investigate and report to the Congress on Senator Bumpers' concerns. Then, if need be, modifications can be made in operation of this program without delaying its much needed benefits.

If you have any questions regarding the VFC program and its implementation in California, please call George W. Rutherford, M.D., Deputy Director, Prevention Services, at (916) 657–1493.

Sincerely,

S. KIMBERLY BELSHÉ,
Director.

MORNING BUSINESS

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, at this point, I ask unanimous consent that the Senate now proceed as if in morning business with Senators permitted to speak therein for up to 10 minutes, with the exception of the Senator from Minnesota, who already has a unanimous-consent request pending.

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

The Senator from Minnesota is recognized for his full 15 minutes, to be followed by 10-minute sessions of morning business. Is that correct?

Mr. HARKIN. That is correct.

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

Mr. WELLSTONE. Mr. President, I thank the Chair and I thank the Senators from Iowa and Pennsylvania.

HEALTH CARE AND CAMPAIGN FINANCE REFORM

Mr. WELLSTONE. Mr. President, I want to speak today on health care, but I want to focus on health care within the framework of campaign finance reform, because I think if there ever was an issue that really should focus attention on the mix of money and politics, and why it is just imperative that we pass a strong campaign finance reform bill this session, it is health care.

Mr. President, a couple of months ago I was invited to speak to a gathering, a group of doctors. It was their annual association meeting. It was an 8:30 engagement, and I got there at 8:25. I was having a cup of coffee in the back of the room, at which point the director of this organization was talking to his members. There were about 350 doctors who came from around the country. He said:

When you go to see your Representative or your Senator, you cannot give them a PAC check in their office. That is not legal. So

they might want to just tell you where to send it instead.

And then he hesitated and he said in kind of an awkward way, "But they will take it," at which point there was this uneasy laughter in the room. But it was not just cynical laughter; actually, it was awkward laughter because, after all, as much as the doctors and the people in this organization did not like the taking of the money, they were doing the giving. I mean, if they thought something should not feel right about this, they were a part of it.

So, Mr. President, it was now my turn to speak, and I was trying to figure out how to make this transition. First, I thanked them for their work as surgeons, having been involved in athletics for a long time, and I said to them:

I was listening to your conversation, and I have to tell you in all honesty that I really believe that throughout this whole debate on this health care bill, I have said that I do not think Representatives or Senators should take any health care PAC money. I wish there would be a moratorium on it. Nor do I think we should take any large, individual contributions from the health industry, broadly defined, over $100.

Mr. President, at that point, I was certain that I would be met with a kind of wall of hostility, and I was really surprised because people literally came to their feet and there was this tremendous applause. And then I looked at these doctors, who were not particularly political. They all came to Washington because they had been told this is where you come at this moment in this debate. And I said to them:

Having been a teacher for 20 years, I am pretty good at reading faces, and I now know what is going on here. We are all trapped in this same awful system, those of us in the Senate, whether we are Democrats or Republicans, who are told that the benchmark figure we are supposed to raise is $13,000 a week to be viable for reelection, or thereabouts. This is an obscene money chase, in which people are too often told that you actually have to come to Washington, checkbook in hand, to have influence. No wonder people feel so ripped off; no wonder people feel so angry.

Mr. President, as we start this health care debate, I just want to say to my colleagues that there is nothing more important that we can do to improve our policy process than to enact tough, far-reaching campaign finance reform. The focus of the congressional debate during the next few weeks, on health care reform, really brings this to the forefront.

Mr. President, I say to my colleague from Illinois, if we were talking about a soccer game, as my good friend and long-time campaign reform advocate Phil Stern used to say:

If you were talking about a soccer game or football game, and you saw the opposing teams pouring in money to the referees or the officials before the game took place, there is not a person in this country who would believe that those officials or those referees were going to be able to make an objective, fair decision. They would feel like something was wrong with that whole process.

That is what is going on right now, Mr. President. In the 1992 Presidential and congressional elections, political contributions from the medical industry stood at a record high of $41 million. This was in the 1990-1992 cycle, $26.4 million from doctors; $7.3 million from the insurance industry; $4 million from drug manufacturers; and almost $3 million from other providers. The rest came from HMO's, lobbyists, mental health professionals, medical suppliers, and others.

Mr. President, according to an FEC analysis by Citizen Action, in the last 18 months, $26.4 million has poured into the U.S. Congress from political action committees and individual special interests; $26.4 million over the last 18 months, Mr. President. That is over $1 million a month.

In March, these organizations contributed a staggering $4 million. Let me repeat that one more time—$4 million, in March alone, pouring into the U.S. Congress from the health industry.

Mr. President, on the one hand, we are supposed to have this debate, we are supposed to make objective decisions, we are supposed to make the kinds of decisions that will enable us to do well for the people we represent; and, on the other hand, you have all of this money pouring into the Congress at an unprecedented rate.

Mr. President, I just think it looks awful. It just looks awful.

Mr. President, I am not talking about the wrongdoing of individual officeholders. I am not arguing that any of us is personally corrupt.

What I am saying, Mr. President, is that this system does not work. We must put a stop to all this money pouring in here. We must clean up our act. We must have real, tough campaign finance reform now.

When $4 million is contributed from the health care industry in March alone and over the last 18 months over $1 million a month has poured in, how can we hope that people we represent will believe that the final reform bill we pass will not, in one way or another, have been affected by these huge special interest contributions?

Mr. President, all too often, Senators and Representatives, rather than being the bold agents of health care change, have become timid agents of interests. And what is interesting to me is that when we look at the analysis or hear about what is wrong, we have the doctors who want to blame the lawyers; we have the employers who say that the problem with the health insurance industry is they do not want to insure anybody unless they are wealthy or healthy. And then we have the insurance companies who blame the doctors. And then, of course, we have this analysis that blames the consumer.

The one kind of issue that has not been focused on—and I really wish it would be, because I think it is so important that we have campaign finance reform this session—is the way in which money and politics have intersected on this issue with such force, with people attempting to buy access to influence and power.

I wish it was not happening, because I think it has a corrosive effect on the political process in our country. And I think it is one of the reasons, by the way, Mr. President, that people feel so out of the loop.

I see the Senator from Illinois has a question; if I could just add one statistic, then I will yield to the Senator from Illinois.

Common Cause recently issued some telling data on this question. They concluded that from January 1987 through December 1983, business PAC's contributed slightly more than $72 million to U.S. Senators. Labor PAC's over the same 6 years contributed $16 million. That is a 4-to-1 business-over-labor margin.

And we wonder why there is opposition in the Senate to employers paying their fair share for universal health care coverage?

Let me repeat that. A Common Cause study found that between 1987 and 1993, $72 million was contributed from business PAC's, and $16 million from labor PAC's: a 4-to-1 margin. And people wonder why it is so difficult to push a health care reform bill through that calls upon employers to pay their fair share.

By the way, these business PAC's out-gave, if that is the right way of putting it, to Democratic Senators by a 2-to-1 margin over labor. Very interesting. Business PAC's in this 6-year period gave $32 million to Democrats; labor PAC's, $15 million. And people wonder why we are having such a time having employers pay their fair share.

I yield to the Senator from Illinois.

Mr. SIMON. My colleague from Minnesota—and I appreciate his yielding—has partially answered the question I was going to ask.

I would add, if we eliminated PAC's tomorrow, in my opinion, we would have only 1 percent of the reform needed. The real reform has to come with public financing of campaigns, where people on their income tax forms check off that they are willing to pay $3 and give to candidates. Then both Democratic and Republican candidates have X number of dollars to spend and cannot take all this other special interest money.

But the question I was going to ask my colleague from Minnesota is, the New York Times poll says 79 percent of the American public believe universal coverage is very important, 17 percent say it is somewhat important, for a

total of 96 percent; 96 percent saying health care coverage for everyone is important. And yet, we cannot get the votes here, maybe, to pass that. Does that have anything to do with how we finance campaigns?

Mr. WELLSTONE. I would say to my colleague—and, by the way, let me just give you another figure, as long as you raise this question, because you are quite right. This is not an analysis I am making solely about PAC money. Other forms of large political contributions have at least as great an effect on the process.

A recent Citizen Action study pointed out—again, we are looking at January 1993 to May of this year—that large donor contributions, that is from wealthy individuals, increased by a remarkable 72 percent in the first 17 months of this Congress, vastly outstripping giving in any other area.

So it is not just the PAC money. Huge amounts of money are pouring in from all kinds of sources. And I say this with a profound sense of sadness. There is an unbelievably large disconnect between the viewpoint in the country that universal coverage—employers paying a fair share, making sure that each and every citizen does not go without decent health care for himself, herself, and their loved ones—between the figures you just gave and what is happening right now in the U.S. Congress, especially the U.S. Senate, where there is an all-out effort to hijack this reform effort.

And I would, in analyzing the reasons for this disconnect, say to you, with a profound sense of sadness, it is because representative democracy is not operative with health care. And it is not just health care, the whole political system is on trial.

Do we have democracy for the many, when the wishes of the vast majority of people get reflected in our policy, or do we have democracy for the few? Is it truly an issue where all of this giving of money—and remember the over $100 million that the health insurance industry and all sorts of other people have recently poured into political advertising, as well—have we now reached the point where those who have the financial wherewithal can pour it into political advertising on television, pour it into huge contributions, in PAC's or individual contributions, to Senators and Representatives and because of that money, they are able—this is tough to say, but it is true—to have access to decisionmaking and have clout to the point where you do not really have representative democracy operating? That is to say, the central principle that each person counts as one, and no more than one, has been undermined with such a process.

I think this is a huge problem. And I think our failure to have a system of public financing, our failure to get the big money out of politics, is one of the major reasons right now that we find ourselves struggling to even pass a decent reform bill.

People within these huge institutionalized frameworks of self-interest and power march on Washington every day, and they have disproportionate influence and disproportionate power, and the vast majority of Americans, I think, are cut out of the loop.

Mr. SIMON. I just want to make one more comment and ask one more question. This system we have affects all of us, no matter how conscientious we are.

I have never promised anyone a thing for a campaign contribution. But I know it is true for me, and my guess it is true for the Senator from Minnesota and the Senator from Iowa, that if there is someone who has raised $5,000 for your campaign and they want to come in and have an appointment——

The PRESIDING OFFICER. The 15 minutes of the Senator from Minnesota has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to continue for another 10 minutes?

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

Mr. SIMON. The reality is that person is going to get an appointment. That money buys access in this process.

Finally, this morning the Senator from Iowa and I were talking about a woman who testified about 2 weeks ago—I think Senator WELLSTONE was there—who worked for Kentucky Fried Chicken 30 hours a week and could not afford $120 a month for her heart medicine; she had to choose between the heart medicine and food.

Mr. WELLSTONE. Yes.

Mr. SIMON. Does my colleague think she is making a big contribution to anybody in the U.S. Senate? Does he think her voice is being heard the way it should be?

Mr. WELLSTONE. Mr. President, I would say to my colleague from Illinois I remember that testimony because she lived in Whitesburg, KY. I remember her speaking. That is precisely my point.

I believe that what we are about to do in health care over the next 3 or 4 weeks is not just about health care, it is about the political system in this country. It is about whether or not representative democracy is operative here. It is about whether or not people like that woman from Whitesburg, KY, who worked at Kentucky Fried Chicken, who did not have a lot of money that she could contribute, whether her voice is going to be heard. It is about whether or not she counts the same as those who have the financial wherewithal to make large contributions.

I say to my colleague, I think in part that is what this debate is all about. One more time: Even putting aside your advocacy or my advocacy or that of the Senator from Iowa of any particular health initiative, I will go back to what my good friend Phil Stern said. If you had a soccer game going on or football game, and those referees and those umpires were receiving money from the two teams before the game started, people would not believe that they could render an objective decision, that it would be fair. People would question the whole process, and they would certainly question the final outcome.

I think it looks terrible. Part of it is not the fault of any particular Senator or Representative. It is this awful system that we are trapped in. I call on media and citizens to examine the amount of money that is pouring into Members of Congress right now, just from the health care industry, be it PAC or individual contributions. If there ever was an issue so central to people's lives that should sharpen our focus on the need for campaign finance reform, it is this issue.

We have a conference committee that is supposed to be meeting soon to put together a final campaign reform bill. But we are running out of time. I urge those conferees, even though that bill we passed was not all that I hoped for, to think about some agreed-upon spending limits and to think about some control over this huge amount of money that is pouring in with vouchers and various kinds of incentives. Even if it does not go as far as you or I or the Senator from Iowa would want us to go, it is an absolute must to do this year. Because if we do not do it, I think we are going to continue to see people lose faith in this process. And I hope that the media especially, as they examine what is going on here with this health care debate and what we do, will not just look at some of the conventional wisdom—you know: lawyers are wrong, insurance companies are wrong, doctors are wrong, consumers are wrong—but they ought to really closely examine what is going on.

Mr SIMON. I thank my colleague.

Mr. HARKIN. If the Senator will yield for a second?

Mr. WELLSTONE. I will be pleased to yield.

Mr. HARKIN. I thank the Senator from Minnesota and compliment him for bringing this to the attention of the Senate, the influx of the amounts of money from different aspects of the health care industry in this country into campaigns, both for the Senate and House. I hope the Senator from Minnesota will periodically, as this debate unfolds on health care, raise this issue up. Because I think as we get into the debate on health care and the different aspects of health care, I think it is going to be important for the American people to hear it repeated and brought home again and again about the enormous amount of money that is

coming into this system by special interests who do not want the system to change, or who want to skew the system so more of the health care dollar goes to their end of the spectrum.

In the midst of all this, as the Senator from Minnesota has so eloquently pointed out, in the middle of this lies the American people who understand what universal coverage is about, who understand the present system of sick care in this country has to be changed to truly a health care system; who understand we have to build upon the shared responsibility that we have right now between employers and employees to cover everyone.

There are going to be a lot of issues in the health care debate that is coming up that are going to affect the lives of every American citizen. I hope and trust the Senator from Minnesota will periodically remind us, remind the Senate of what he has just said here today.

The Senator from Illinois, again, is right on the mark. We can do away with PAC's but what are you going to do about the people who are spending millions of dollars of their own money? We have a Senate race in California right now in which one individual has spent over $15 million of his own money to get elected to this Senate.

This son of a coal miner and an immigrant mother—I cannot play in that kind of field. I know the Senator from Illinois has a similar background and so does the Senator from Minnesota. Pretty soon, those of us who worked hard and came up the hard way, that is it—we are out. If you have millions of dollars of your own money, even if you do away with PAC's, that is how you are going to get into the U.S. Senate.

I do not think the Senate ought to just be representative of people with a lot of money in this country. I think we ought to represent working people in this country, too.

That is not to say people with money do not have a conscience, are not good legislators. I know of people here in the Senate who are very wealthy who are conscionable, good, hard-working Senators—on both sides of the aisle—who have the interests of common working people at heart. But I think if this Senate moves in that direction, of just fewer and fewer people from the kind of ranks that we come from, I think we are going to lose something in this country. So I think the Senator from Illinois has an excellent point.

Again, I thank the Senator from Minnesota for his contribution. I just hope he keeps bringing it up as we debate this issue.

Mr. WELLSTONE. Mr. President, I will respond just briefly to the Senator from Iowa for just a moment and I will be done.

Mr. HARKIN. Can I just make a unanimous-consent request?

Mr. WELLSTONE. Surely.

The PRESIDING OFFICER. The Senator from Minnesota still has the floor.

Mr. HARKIN. I yield.

Mr. WELLSTONE. Mr. President, I thank both my colleagues and I will finish up.

I first of all assure my colleague from Iowa that from the opening statements throughout the whole debate, I will continue to raise this whole issue of the mix of money and politics as it applies to health care, because I think it is really important that this be a part of the debate. I think people need to be acutely aware of this because I think we have to have a campaign finance reform bill passed this session. That is my first point.

My second point, one more time, I just find this Common Cause report very interesting. They found that business PAC's, over the last 6 years, gave $72 million to Members of Congress; labor PAC's gave $16 million. And we wonder why we are having trouble having a reform initiative that calls upon employers to pay their fair share. I think this report is very important, because it highlights the disparities.

Mr. President, something is very wrong with our current system.

I am talking about something that is systemic, and I am simply saying it is very difficult for people to have confidence and faith in this process when they see this interaction of money with an issue that is so important to their lives.

I will be raising these questions, but I also hope the conference committee is able to move forward with a campaign finance reform bill that we really need—not for ourselves, but that people in this country need—to make sure that we restore some kind of truly representative democracy here in Washington.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, following the Senator from Minnesota the Senate was to go into a period for morning business with speakers permitted to speak for 10 minutes within that time period.

The Senator from Iowa.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. I thank the distinguished Republican leader for letting me do this.

Mr. President, I ask unanimous consent that at 9:30 a.m., Wednesday, August 10, the Senate resume consideration of H.R. 4606, the Labor-HHS appropriations bill; and that at that time there be 30 minutes remaining for debate on the Helms amendment No. 2466, with the time divided as follows: 10 minutes each under the control of Senators HARKIN, SPECTER, and HELMS; that upon the use of time, without intervening action, the Senate vote on or in relation to the Helms amendment, to be followed immediately by a vote on or in relation to the Graham amendment No. 2478; that immediately thereafter, the Senate vote on passage of H.R. 4606.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will proceed in morning business.

The Republican leader is recognized.

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, I did not hear all the remarks of my colleague from Minnesota. I had no quarrel with him talking about special interest money, but I hope he does not forget organized labor and the millions of dollars they are spending in health care and the preferential treatment they are getting in the health care bill introduced by the majority leader, where they are barely affected.

Anybody else with a plan, like somebody in organized labor, would have to pay 25 percent tax. I think we ought to take a look —in fact, I would say the Senate is on record for eliminating political action committees, at least on this side of the aisle. We are waiting for House Democrats to agree to that so we can have campaign finance reform this year.

I certainly do not quarrel with the Senator from Minnesota trying to shed some light on where the money comes from, though I share the view of the Senator from Illinois, Senator SIMON, that I am not certain in many cases that, in effect, directs or determines what any Member may do, Democrat or Republican.

In fairness, if we are going to debate the special interest money—and there is a lot of it out there, plus the U.S. Government is spending millions and millions of dollars—we are going to try to find out from the Government Accounting Office about all the Members of the Cabinet and President and Mrs. Clinton going all over the country for the last year and a half trying to sell their health plan, which is not going anywhere, how much it cost the American taxpayers.

All the Cabinet Members are spanned out over America today trying to sell Government-run health care. My view is it is not going to work, but we ought to have those figures, too, so when we start making judgments on where the money comes from, how it is being spent and whether or not it has any adverse influence contrary to what we are looking for, then I think we just ought to have the full record.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the minority leader for his comments, and I will say one more time, I think the more careful analysis we

make of the numbers the better off we are.

The Common Cause figures—$72 million from business PAC's, $16 million from labor—that is a 4-to-1 margin from business, and we are wondering why we cannot have employers paying their fair share? I think these figures are quite compelling.

I also agree that it is not just a question of political action committees. It is true, the Senate dealt with that. But it is also large individual contributions. Most Senators actually receive their money from large individual contributors as opposed to PAC money. I gave a speech on the floor of the Senate several months ago where I said I thought there ought to be a moratorium and we should not take PAC money, or any other contributions from other sources in the health care industry, over $100. We did not do that. But I do think that the key issue here is that as long as we do not do something about this campaign finance reform, it is extremely difficult for people to believe in this process.

We certainly would not approve of a soccer or football game where the umpires and referees were receiving money from the players before the game started. I think an analysis of health care contributions brings into sharp relief who has the money, who has the power and who is, all too often, left out, in this debate.

I do appreciate the comments of the minority leader.

The PRESIDING OFFICER. The Senate is still in morning business. Who seeks recognition?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized for not to exceed 10 minutes.

JOB CORPS

Mr. SIMON. Mr. President, I want to assure my colleague from Hawaii that I will not use anywhere close to 10 minutes.

I just want to respond that I understand there was some criticism of the Job Corps made today. Sixty-five thousand young people annually are being helped by the Job Corps. My staff has a note here that it returns a net benefit to society of $1.46 for every $1 invested, according to the Mathematica Policy Research, Inc. Study and several subsequent independent reviews.

But in terms of the criticism that it has high dropout rates, it is important that we are talking about young people who are marginal. Eighty percent of those who go into the Job Corps are high school dropouts. And yet, we have very remarkable results in terms of what they do after they get through. Sixty-five percent of the Job Corps students are placed in jobs or enrolled in full-time education. It is true, about one-third drop out within 3 months. But even that one-third, who knows how they may have been helped.

Another criticism was that Job Corps executives receive high compensation. The reality is those who are in charge of the Job Corps do not, but there is an allegation. If somebody from the private sector comes on and works 1 day a week, there is an apportionment of that person's private sector salary, and sometimes those do get a little high. But when you annualize that, you give a very false impression of what is happening.

They say that Job Corps centers that are not operating well continue to be permitted to operate. The reality is that 20 contracts had been dropped by the Job Corps.

The Milton Eisenhower Foundation says:

> The Job Corps results have been consistently positive, and its performance is highly effective.

Mr. President, I ask unanimous consent that the groups of organizations that endorse the Job Corps be printed in the RECORD.

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

ORGANIZATIONS COMMITTED TO JOB CORPS

ACADEMIC AND RESEARCH INSTITUTIONS

Grand Rapids Public Schools.
Tuskegee University.
University of Nevada-Reno.

ADVOCACY GROUPS

Bread for the World.
Center for Law & Social Policy.
Child Welfare League of America, Inc.
Children's Defense Fund.
Coalition on Human Needs.
National Child Labor Committee.
National Urban League.
U.S. Conference of Mayors.

BUSINESS

Adams and Associates, Inc.
Career Systems Development Corporation.
Coyne American Institute.
Dau, Walker & Associates.
Dynamic Education Systems, Inc.
DMJM/HTB.
Education Management Corporation.
ITT Job Training Services, Inc.
Management and Training Corporation.
The MAXIMA Corporation.
MINACT, Inc.
National Association of Home Builders (NAHB).
Res-Care, Inc.
Teledyne Economic Development Company.
The EC Corporation.
Training and Development Corporation.
Vinnell Corporation.
Wackenhut Education Services, Inc.

EDUCATION, TRAINING & SERVICE ORGANIZATIONS

Alpha Kappa Alpha Sorority, Inc.
American Youth Policy Forum.
Association of Jewish Family & Children's Agencies.
Council of Jewish Federations.
Empire State Organization of Youth Employment Services.
F.E.G.S.-New York City.
Home Builders Institute, the educational arm of the National Association of Home Builders.
Jobs for Youth-Boston.
Jobs for Youth-New York.
National Youth Employment Coalition.
Pacific Education Foundation.
Texas Educational Foundation.
Utah Youth Employment Coalition.
YouthBuild USA.

FEDERAL AGENCIES

U.S. Department of Agriculture—Forest Service.
U.S. Department of the Interior—Bureau of Reclamation.
U.S. Department of the Interior—Fish and Wildlife.
U.S. Department of the Interior—National Park Service.
U.S. Department of Labor.

LABOR UNIONS

Appalachian Council AFL–CIO.
International Brotherhood of Painters and Allied Trades AFL–CIO.
International Masonry Institute.
International Union of Operating Engineers AFL–CIO.
National Maritime Union of America AFL–CIO.
Operative Plasterers and Cement Masons International.
Transportation-Communications International Union.
United Auto Workers AFL–CIO.
United Brotherhood of Carpenters and Joiners of America.

NATIVE AMERICAN ORGANIZATIONS

Cherokee Nation of Oklahoma.
Tribal Council of the Confederated Salish and Kootenai.
Tribes of the Flathead Indian Reservation.

VOLUNTEER/COMMUNITY SERVICE GROUPS

Fresh Air Fund.
Joint Action in Community Service.
Opportunities Industrialization Centers for America.
Puerto Rico Volunteer Youth Corps.
Women in Community Service: American G.I. Forum Women, Church Women United, National Council of Catholic Women, National Council of Jewish Women, and National Council of Negro Women.
YWCA of Los Angeles.

Mr. SIMON. Mr. President, the Home Builders of America have been particularly active in this field. The Job Corps works with young people who are not the valedictorians and the salutatorians of their class. Again, 80 percent of them did not make it to graduation. They are young people who need help, and the Job Corps, I think, does an effective job of helping them.

I am pleased to join in supporting the Job Corps and pleased that the committee is continuing its support of the Job Corps.

I yield the floor, Mr. President.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized. I remind the Senator we are still in morning business, with a 10-minute limitation on speakers.

Mr. INOUYE. That was my inquiry, to find out the pending business.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DECONCINI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Many Senators talk a good game when they are back home about bringing Federal deficits and the Federal debt under control, but look how they vote on bloated spending bills passing the Senate.

As of Friday, August 5, at the close of business, the Federal debt stood—down to the penny—at exactly $4,646,465,314,008.39. The debt, do not forget, 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 unless and until it has 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 do not be mislead by 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. These buck-passing declarations 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 the crucifixion of Jesus Christ.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,646 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 646 billion, 465 million, 314 thousand, 8 dollars and 39 cents.

JOINT RESOLUTION ACKNOWLEDGING SMOKEY BEAR'S 50TH ANNIVERSARY

Mr. DOMENICI. Mr. President, I am proud to be a cosponsor of Senate Joint Resolution 214 designating August 9, 1994, as "Smokey Bear's 50th Anniversary." In 1950 the Forest Service chose an orphaned bear cub, found in the aftermath of a wildfire in New Mexico's Lincoln National Forest, to be the physical manifestation of their 6-year-old Smokey Bear fire prevention program. In the years that followed the Smokey symbol became synonymous with the rescued cub, quickly making him one of New Mexico's most recognized personalities.

Technically speaking, Smokey Bear has been the living symbol of fire prevention in the United States, but the image and effect of Smokey Bear has extended far beyond the fire prevention message. There is something uniquely American in the story of Smokey Bear and for the ideals he has come to represent. His story is one of survival in the face of adversity and a lifelong determination to shield others from the tragedy he knew.

Readily recognized by millions of Americans, young and old alike, Smokey provides a valuable character reference in a world too often preoccupied with cynicism, distrust, and tensions of all kinds. His frequent visits to schools, willingness to participate in public functions, and numerous TV and radio appearances demonstrate a traditional American work ethic and tireless commitment to protecting the things we value as a Nation.

Today, more than ever, we must heed Smokey's message. Each year, more and more people are living, working, and playing, in or near our wildland resources. Increased human activity naturally leads to increased opportunities for man-caused fires. At the same time, much of the West remains gripped in severe drought and is experiencing an unprecedented potential for catastrophic wildfire. This year 19 firefighters have died protecting our natural resources. I sincerely hope that those were the last tragedies, yet the danger remains.

Preventing destructive wildfires remains a worthwhile objective, and for gains Smokey has made in that endeavor, we are all in his debt. However, on a broader scale, Smokey has become a symbol of individual and national pride in how we, as Americans, deal with the problems of daily living. On this, his 50th anniversary, I salute the spirit of Smokey Bear.

TRIBUTE TO JOSEPH D. MANGIALARDI

Mr. FORD. Mr. President, it is with great sorrow that I inform the Senate of the recent death of Mr. Joseph D. Mangialardi, the Night Production Manager of the U.S. Government Printing Office.

Mr. Mangialardi, "Joe," as he liked to be called, was a well-liked, longtime, valued, knowledgeable, and thoroughly capable employee of the GPO. This is attested to by the fact that he was, at the time of his death, the highest ranking night employee at the GPO.

Joe was ultimately responsible for the timely delivery of the products requested by both Houses of Congress on a nightly basis. These include, but are not limited to, the CONGRESSIONAL RECORD, the House/Senate Calendars, congressional bills, reports, and hearings.

Joe is survived by his wife, Rosemarie, with whom he traveled extensively, including trips to his ancestral home in Italy, two daughters, Denise and Lisa, and two grandchildren.

He began his GPO career 30 years ago when he entered the Office as a journeyman bookbinder on August 20, 1964. After several promotions within the Binding Division, he was named Assistant Night Production Manager on June 9, 1985. A little over a year later on June 22, 1986, he was promoted to the position of Night Production Manager.

I know Joe will be greatly missed by his family, friends, coworkers, and certainly those of us in Congress who had the pleasure of working with this fine gentleman.

I would ask unanimous consent to place in the RECORD at this point a tribute to Mr. Mangialardi.

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

JOSEPH D. MANGIALARDI, NIGHT PRODUCTION MANAGER, U.S. GOVERNMENT PRINTING OFFICE

Joseph D. Mangialardi, 62, the Night Production Manager, at the U.S. Government Printing Office, died August 2, 1994, at the Washington Hospital Center of complications related to lymphatic cancer.

Mr. Mangialardi, who lived in Greenbelt, MD, was born in the Bronx, NY. He served in the U.S. Navy for 2 years during the Korean war. He moved to the Washington, DC, area from New York in the early 1960's. He worked for 30 years at the GPO and was Night Production Manager at the time of his death.

Mr. Mangialardi often traveled to Europe and visited his ancestral home in Italy. Survivors include his wife, Rosemarie Mangialardi of Greenbelt, MD; two daughters, Denise Bokar of Chicago, IL, and Lisa Takemoto of Silver Spring, MD; and two grandchildren. His interment was at Fort Lincoln Cemetery on Friday, August 5.

Highlights of Mr. Mangialardi's career at the GPO are as follows:

August 20, 1964, entered the GPO as a journeyman bookbinder.

September 20, 1970, promoted to the position of Group Chief.

March 7, 1971, promoted to the position of Assistant Foreman.

April 14, 1974, promoted to the position of Foreman.

December 21, 1975, promoted to Night Assistant Superintendent, Binding Division.

June 9, 1985, promoted to Assistant Night Production Manager.

June 22, 1986, promoted to Night Production Manager.

H.R. 4277, THE SOCIAL SECURITY ADMINISTRATION REFORM ACT OF 1994

Mr. LAUTENBERG. Mr. President, I rise to express my support for the Social Security Administration Reform Act. I am pleased to be a cosponsor of this reform package and believe that these reforms are both necessary and overdue.

Mr. President, Social Security is a sacred compact between the Federal Government and the citizens of the United States. This program asks for a commitment from American workers

to contribute a portion of their earnings to a trust fund, and in return promises that the Government will provide income assistance after they have retired or become disabled. This idea was revolutionary when proposed by President Franklin Delano Roosevelt as part of the New Deal, but Social Security has now been a cornerstone of our Government's social programs for over 50 years.

While the Social Security system has been one of our more successful Government programs, clearly the system has room for improvement. We have an obligation to do anything that we can to make the Social Security system more efficient and more responsive to the needs of the American people. Many Americans, particularly senior citizens, count on the sound administration of this system, and we must provide them with the most efficient organizational structure possible. We must make certain that their benefits and the trust fund are protected from waste, fraud, political pressures, or budgetary maneuvering.

Establishing a Social Security system independent of the Department of Health and Human Services is one way that we can improve the system and further these goals.

Mr. President, an agency as large as the Social Security Administration is simply too big to be included under the ambit of another agency, in this case the Department of Health and Human Services. The Social Security Administration employs 64,000 workers in about 1,300 offices nationwide. Its budget is over $300 billion this year, which is larger than the budget of the Department of Defense. It is the ninth largest agency in the Federal Government.

An independent Social Security Administration will be able to manage its own resources and thus will be stronger and more accountable. For HHS the principal concern of recent years has been health, and rightfully so. Our senior citizens, however, deserve oversight and decisionmaking for the Social Security system that functions with the interests of current and future beneficiaries as its foremost concern. An independent Social Security Administration will be more responsive to the needs of the system and more accountable for its actions. An independent Social Security Administration will also be insulated from partisan political pressures and better able to protect Social Security benefits and the retirement of hard-working Americans.

In conclusion, Mr. President, I am pleased to support the Social Security Administration Reform Act. The creation of an independent Social Security Administration is long overdue, as are other reforms in this bill. I am pleased that the Senate has provided final approval of this measure, and urge the House of Representatives to pass the conference report and send the bill to the President for his signature.

CONCLUSION OF MORNING BUSINESS

Mr. INOUYE. I ask unanimous consent that morning business be concluded.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

Mr. INOUYE. I ask for the immediate consideration of the pending business, the defense appropriations bill.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, on Friday, Senator INOUYE introduced the bill, H.R. 4650, and spoke to the priorities addressed by the committee in forwarding the bill to the Senate.

The chairman has summarized the bill in detail. I would like to focus on just a few of the important initiatives that we recommend to the Senate today.

This bill has one primary theme—taking care of the men and women who serve in our Armed Forces. Consistent with the authorization bill, we increased pay over the budget, and accelerated the retiree COLA.

Several of us voted against the Warner-Sarbanes amendment during consideration of the armed services bill, because it forced the retiree COLA to compete with other critical defense programs.

The approach taken in this bill fully funds the COLA, but places it where it belongs, with other mandatory accounts.

This bill does more than simply increase pay for military personnel and their families. Recognizing the tremendous burden placed on military families by continuous deployments, we have introduced several new family support initiatives.

First, $35 million is provided to improve the quality of child care for military families, and hold down costs.

Second, $94 million is provided for family advocacy programs, to help in times of extraordinary need.

Third, $13.3 million is provided for family support centers.

I want to commend the chairman, Senator INOUYE, for his leadership in this area and commitment to ensure that all military families can count on the resources they need.

Of equal importance, this bill adds $1.3 billion in O&M over the amount provided in the House bill. That increase means readiness and combat effectiveness. We met that commitment by cutting lower priority programs.

There is no money for peacekeeping in this bill. I will strongly oppose any effort to restore peacekeeping funds. Until the United Nations recognizes the hundreds of millions spent by the United States, through the Department of Defense, no more money from DOD should go for peacekeeping.

We cut the funding for environmental studies and analyses. We capped spending on the NATO headquarters. That is how we paid the bill to take care of our people.

This bill fully conforms with the authorized account limits with one exception—equipment for the National Guard and Reserves. Again, the Pentagon failed to meet this need.

We listened to the Joint Chiefs and Secretary Perry in funding key procurement and R&D programs.

This bill funds the requested six C-17 airlifters—and approves the business settlement.

We fully fund the Comanche helicopter for the Army, though I share the chairman's concern and dismay over how the Army has managed its aviation programs.

The committee report raises concerns about the cost of the new attack submarine. I believe it is essential that we proceed with this program, as an alternative to *Seawolf*.

I look forward to working with the chairman, and the Navy, to ensure that the new attack submarine is affordable and meets the Navy's military requirements.

As evidenced by missions under way today in Bosnia, Iraq, Haiti, and Rwanda, the demands on our military did not end with the demise of the cold war.

The bill we present today meets the essential needs of the Department, but with no margin for new requirements. The costs of any expanded missions in Bosnia, Haiti, and Rwanda are not funded in this bill as reported by the committee.

On July 29, the committee included $170 million to meet the needs of the humanitarian relief mission in Rwanda. The adoption of that amendment was not an endorsement of the specific costs for the Rwanda mission; we are still waiting for details on those costs. The adoption of that amendment was not an open authorization for peacemaking or nation building in Rwanda. I do not support any such mission.

The chairman's amendment reduced the supplemental request from the administration, and I commend the chairman for limiting these amounts. The chairman included a number of very specific limitations on the scope, duration, and definition of the mission to Rwanda. These are the minimum requirements.

Mr. President, this bill does not provide sufficient funds to meet the full range of needs for our national security. We are placing too many demands on too few people, and attempting to continue production on too many weapons systems we may not be able to support in the future.

We will not be able to recruit and retain the men and women we need for the Armed Forces if they are constantly away from home, engaged in missions of unclear purpose and duration.

When the Congress meets next year, I will join with other Members to work to increase the share of spending for defense, and consider the restoration of the walls between the various discretionary accounts. Unless we change the missions facing our military, the funding proposed in the 5-year plan advocated by the administration, and reduced further by Congress, simply will not do the job.

I wish to thank the chairman and the subcommittee staff for their hard work on this bill, in an environment of absolute bipartisan teamwork. This is the sixth bill the chairman and I have presented to the committee and the Senate.

I know he shares my concerns about the adequacy of funding for defense, and I am committed to working with the chairman to ensure that we meet those critical needs.

This bill is the best we can do, under the limits imposed on the committee by the 602(b) allocation. Despite my concerns, I urge all Members to support the bill, and to move the bill this week, so we can proceed immediately to conference with the House.

Again, I thank the chairman for his courtesies; also, his very capable assistant, Richard Collins. And I again have nothing but praise for my assistant, Steve Cortese.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me say at the outset, the majority leader is on the floor. As we normally do, we will work out an agreement on when and how to vote on Bosnia amendments. He has no objection to my laying mine down now and he will pursue that tomorrow.

AMENDMENT NO. 2479

Mr. DOLE. Mr. President, I send an amendment to the desk for myself, Senator LIEBERMAN, Senator MCCAIN, Senator MOYNIHAN, Senator WELLSTONE, Senator EXON, Senator FEINGOLD, Senator HATCH, Senator DECONCINI, Senator LUGAR, I ask Senator HELMS be added as cosponsor, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is it the intention to offer this amendment to the bill?

Mr. DOLE. Yes; the amendment will be offered to the bill. I will ask it be laid aside.

The PRESIDING OFFICER. Without objection, the committee amendments are set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself and Mr. LIEBERMAN, Mr. MCCAIN, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. EXON, Mr. FEINGOLD, Mr. HATCH, Mr. DECONCINI, Mr. LUGAR, and Mr. HELMS proposes an amendment numbered 2479.

Mr. DOLE. 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, add the following:

SEC. . TERMINATION OF ARMS EMBARGO.

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina no later than November 15, 1994 so that Government may exercise its right of self-defense under Article 51 of the United Nations Charter.

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

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

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

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

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I am offering this amendment on behalf of myself and the distinguished Senator from Connecticut, Senator LIEBERMAN, and others. I am especially pleased that among the amendment's cosponsors, this time there are some who opposed the previous Dole-Lieberman amendment to end the U.S. arms embargo on Bosnia.

We have not done anything in the text. It is essentially the same as it was, except it gives the President more than 3 months to terminate the United States arms embargo on the Government of Bosnia and Herzegovina. The embargo is to be terminated no later than November 15, 1994.

The intent of this amendment is the same, as well: to allow the Bosnian Government to exercise its inherent right to self-defense. That is what this debate has been all about time after time after time: Whether Bosnia, an independent nation, a member of the United Nations, has a right to self-defense. We think it is a right which is being violated by the U.N. arms embargo that was imposed on the former Yugoslavia, a state that no longer exists. There is no longer any Yugoslavia, so we cannot have an arms embargo on Yugoslavia.

We all know that the administration is pursuing a relatively new multilateral approach through the so-called contact group. While the Bosnian Government unconditionally agreed to the contact group's partition plan, the Bosnian Serbs have rejected the contact group proposal at least four times.

Mr. President, watching the events of the last few weeks makes me feel as if I am watching a rerun—a rerun of the spring of 1993, when the Vance-Owen plan was hailed as the new hope for peace. While some of the actors have changed, the plot and the dialog are still the same. Once again, the Bosnian Government has signed up to a bad deal; once again, the Bosnian Serbs are defiant; once again, there are unfulfilled promises of tough action; and, once again, the situation in Sarajevo and throughout Bosnia is rapidly deteriorating.

The administration insists this time it is different, this time the international community is serious and tough. Well, maybe it is a problem with definition. But to me, last week's microscopic NATO air strike, which destroyed one 76 millimeter gun—that was the effect of the air strike—is not a sign of toughness. Indeed, it is another indication of lack of resolve to seriously respond to blatant Serbian violations of the NATO ultimatum and the NATO exclusion zones.

Setting my skepticism of the contact group's approach aside, this amendment is intended to give the administration one last chance and more than 90 days to do what they said they would do for months now, and the President has been talking about opening it again, so I am encouraged. That would be to seek a U.N. Security Council vote on lifting the U.N. arms embargo on Bosnia.

We are hearing signals from the French, and others, that maybe it is time to lift the embargo.

The amendment is designed not for any confrontation with the President, but to give the President flexibility, give the President enough time up to November 15. And if it is not taken multilaterally, the United States

would definitely end its involvement in this immoral and illegal arms embargo on November 15, 1994.

By setting a November deadline, this amendment also gives those allies with troops on the ground in Bosnia time to redeploy or withdraw. We are not trying to put anybody else in harm's way. That never was the purpose of the amendments offered in the past by Republicans, Democrats, or both.

According to statements made by Ambassador Chuck Redman to the DOD authorization conferees, the British and French said they need up to 90 days to withdraw their forces. Now, some have argued that the United States cannot act unilaterally because of the potential effect on other U.N. embargoes. I believe this argument is used to confuse the issue and as a scare tactic.

The arms embargo in Bosnia and Herzegovina, which is the victim of international aggression, cannot be compared to the legal U.N. embargoes intended to punish aggressor states, such as Libya and Iraq. Bosnia is a friendly State. They have great respect for Americans. They appreciate what we have done. They appreciate what President Clinton has done. They appreciated the air strike last week, even though it was not particularly effective, not because of the Americans involved or anybody else but because of bad weather and, I think, very selective targets.

I believe that we and our allies are capable of understanding the difference between the arms embargo in Bosnia and sanctions against Iraq and Libya.

So the only question before us today is whether we will act to finally bring this matter to a close or whether we want to be here next year after another peace plan has failed debating whether the Bosnians should be allowed to exercise their inherent right to self-defense in the wake of 3 years of aggression and ethnic cleansing.

Mr. President, I believe we must act now. I believe it would send a signal to Mr. Karadzic and others, who seem to be, as he said, all alone now in their defiance, after the Bosnians accepted a bad agreement, were urged by the contact group to accept a bad agreement, where they get 51 percent of their country back, and they are supposed to be happy. The Serbs are supposed to get 49 percent of their country, and they are not happy. It is true, the Serbs now have about 70 percent of Bosnia. It seems to me they have been the aggressor nation, and it is not a very just settlement in the first place.

So, Mr. President, I strongly believe the United States must lead the world in doing what is just and right. I believe, as Senator LIEBERMAN and others who cosponsored this amendment, this is just and right. This is bipartisan. An equal number, we hope, of Democrats and Republicans may support the amendment this time.

Again, I believe it would send precisely the right signal to the Bosnian Serbs and will give the President the flexibility he needs.

As I understand it, other Senators may want to speak on this amendment, if not this afternoon, maybe tomorrow morning.

So I guess the amendment will be set aside if there are other amendments to be offered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair. I am glad to see my neighbor in the Dirksen Building presiding.

What is the pending business, Mr. President?

The PRESIDING OFFICER. The Dole amendment, No. 2479.

Mr. HELMS. Mr. President, I ask unanimous consent that that amendment be set aside so that I may offer an amendment.

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

AMENDMENT NO. 2480 TO THE COMMITTEE AMENDMENT ON PAGE 2, LINE 15

(Purpose: To limit military assistance and military sales financing to the Government of Colombia until the President certifies that it is fully cooperating in counternarcotics efforts)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2480.

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

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

The amendment is as follows:

At the end of the Committee amendment, on page 2, line 15, add the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR UNITED STATES COUNTERNARCOTICS PROGRAMS IN COLOMBIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds appropriated by any provision of law to carry out military assistance or FMF programs shall be obligated or expended for the Government of Colombia, and none of the funds appropriated by this Act shall be obligated or expended for United States military activities in or with Colombia, until the President determines and certifies to the Congress that the Government of Colombia is taking actions to—

(1) apply vigorously all law enforcement resources to investigate, track, capture, and incarcerate narcotics kingpins and their accomplices;

(2) create an "elite corps" of investigators to track down corruption and prosecute those responsible for it or otherwise involved in it;

(3) reform Colombia's penal code, including increasing penalties for drug traffickers and removing loopholes in the plea-bargain system;

(4) present to Colombia's Congress stringent anti-corruption legislation;

(5) introduce new legislation to strengthen laws against money-laundering; and

(6) pursue international anti-narcotics initiatives, including the creation of a Caribbean Basin multilateral anti-narcotics force, controls on precursor chemicals, and the adoption of a new inter-American convention to ban financial safe havens for narcotics traffickers in this Hemisphere.

(b) COMMERCIAL ARMS EXPORTS PROHIBITED.—None of the funds appropriated by any provision of law may be used to license the commercial export of items on the United States Munitions List under section 38 of the Arms Export Control Act to Colombia until the President makes the determination and certification described in subsection (a).

(c) REPORT REQUIRED.—Whenever the President makes a certification under subsection (a), the President shall submit to the Congress, together with such certification, a report describing the actions taken by the Government of Colombia upon which such certification is based.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "FMF" means the foreign military financing program under section 23 of the Arms Export Control Act; and

(2) the term "military assistance" means assistance provided under chapter 2 of part II of the Foreign Assistance Act of 1961.

The PRESIDING OFFICER. If the Senator from North Carolina will suspend—I am advised by the Parliamentarian—I have to ask whether there is objection to the Senator offering a second-degree amendment.

Is there objection? Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, yesterday, a distinguished citizen of Colombia was inaugurated as the new President, Ernesto Samper-Pizano. When I took note of that yesterday, I recalled that in July I received a very interesting and encouraging letter from President-elect Samper. I want to read it. He wrote:

JULY 15, 1994.

Hon. JESSE A. HELMS,
Ranking Committee on Foreign Relations, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR HELMS: Next month I will assume the Presidency of Colombia at a very important time in the relations between our two countries and in our common struggle against drug trafficking. I am well aware of your dedication and interest in this issue and I appreciate your efforts in support of Colombia. As I prepare my administration for the challenges which lie ahead, I wanted to take this opportunity to share with you my views about the ways we can strengthen our fight against drug trafficking.

I know, in a very personal way, the kind of threat drugtraffickers represent to our democracies. The four bullets still lodged in my body are a constant reminder of the 1989 Cartel attempt to assassinate me at Bogota International Airport. I was lucky, unlike many of my compatriots who have fallen victim of the brutal violence the cartels have wreaked in my country.

Once again, we are the target of their diabolic machinations. The taping of telephone conversations between a Cali Cartel leader

and a journalist known to be on the Cartel's payroll revealed their frustrated efforts to infiltrate the campaign organizations of Colombia presidential candidates.

I was perfectly aware of this threat when I entered the Presidential race. That is why I established an independent moral ombudsman in my campaign. That is why my campaign books and records have always been open to public scrutiny. I also expelled several sympathizers when it became evident that they were not up to our rigid ethical standards. We rejected several contributions because of their unclear or obscure origin. That is why I am completely confident that my campaign was successful in rejecting drug traffickers undercover efforts to spread their corrupting influence. Nevertheless, I have called for a special investigation to carefully examine all of these issues and will take further action as needed to protect the integrity of my government.

Those who thought that the drug war was over with the destruction of Pablo Escobar's organization were wrong. We are entering what could be the last but decisive phase of the drug war. The Cartels know that their campaign of terror and intimidation has failed. Nevertheless, they will try to regain the ground lost during the past years. The Cali Cartel will rely on powerful weapons of choice: violence and fear, bank accounts, legal loopholes, computer networks and corruption.

Today, the task is much more complex and the international community has to readjust its strategy, sharpen its skills and develop new legal and institutional tools. Starting on the day of my inauguration, I will aggressively seek to secure the tools we will need to win, both at home and abroad. I invite the United States to join Colombia in leading this effort.

First, we will continue doing what we have done successfully: vigorously applying all our law enforcement resources to investigate, track and put in jail the drug lords and their accomplices. We know who the bosses of the Cali Cartel are and we will capture them. To achieve that goal we need a continuous commitment from the U.S. in terms of technical support, training, intelligence and evidence sharing. We must establish a high-level bilateral commission to permanently evaluate our cooperation, improve its performance and promptly overcome any problem or obstacle.

My administration will accelerate the reform of Colombia's penal code, increasing the penalties for drug traffickers and removing the loopholes in our plea-bargaining system. We will not tolerate leniency.

Drug traffickers failed in taking over our democracy through terrorism and assassination. Now they want to destroy it through infiltration and corruption. They will not succeed. An "elite corp" of investigators will be created to track down corruption and send the political cronies of the cartels to jail and we will present to Colombia's Congress stringent anti-corruption legislation. Additionally, we will introduce new legislation to strengthen our laws against money-laundering that should be enforced with the support of a U.S.-Colombian financial crime task force, conformed by our best prosecutors and experts.

Equally important, we will urge the U.S. Congress to establish mandatory targets for the reduction of domestic drug consumption and to provide the resources needed to achieve those targets.

Our two countries cannot solely bear the burden of the global war on drugs. Consequently, my administration will work towards the enactment of the following initiatives:

The creation of a Caribbean Basin multilateral anti-narcotics force.

Joining current radar capabilities in a Hemispheric network to track trafficking activities.

The implementation of a global export monitoring system to impose strict controls on the flows of precursor chemicals, crucial to drug production, as well as assault and automatic weapons used by cartel hitmen.

The adoption of a new Inter-American convention to ban financial safe havens in the hemisphere. Drug traffickers cannot be allowed to enjoy the benefits of their ill-gotten gains.

These are concrete initiatives I will launch August 7th, the day of my inauguration. I hope the United States will choose to help Colombia win the drug war instead of being paralyzed by the drug lords' disinformation campaign. I invite the United States to redouble its fifth in the determination and courage of Colombians by joining us again in the difficult battles that lie ahead.

My administration looks forward to working with you on these issues and others of interest to both our countries.

Sincerely,

ERNESTO SAMPER PIZANO,
President-elect of Colombia.

Now, in beginning my remarks about the pending amendment, Mr. President, I wish to emphasize what I believe to be the absolute necessity of the Government of the United States to work with President Samper because a great deal can be accomplished to the benefit of both the United States and his country.

As for the pending amendment, it was on July 15, Mr. President, that this Senate expressed concern about allegations of official corruption in Colombia. I was gratified that the Senate by a vote of 94 to zero approved a measure to provide foreign aid to Colombia once the President of the United States determines and certifies to Congress that the Government of Colombia is taking steps to investigate corruption and is continuing to cooperate in counternarcotics efforts.

I hope it is understandable that I was astonished to learn later that when the House and Senate conferees met on the underlying legislation—the fiscal year 1995 foreign aid appropriations—the House conferees vigorously objected to stipulating that either the President or the Secretary of State must give Congress assurances that the Colombian Government both is doing something about corruption and is continuing its narcotics cooperation. So the Senate amendment that I had offered—and which was overwhelmingly and unanimously approved 94 to nothing—did not make it into the foreign operations conference report.

Now, Mr. President, I imagine there was rejoicing and jubilation in the villas of the drug traffickers after the Senate amendment on Colombia was dropped. I was disturbed to learn that the Colombian Ambassador to Washington had a little champagne party to mark the occasion of the dropping of the Helms amendment from the conference report. I understand that several State Department officials were present at the Colombian Embassy in Washington and joined in toasting the demise of the Helms amendment.

The corrosive effect of narcotics corruption on the government and the people of Colombia is nothing to celebrate. We can rejoice only when the narcotics traffickers are put out of business.

Mr. President, the pending amendment reflects continuing concerns as voiced by the Senate in July. It provides that no United States military assistance will be provided to Colombia and that no United States military activities be conducted in or with Colombia until the President of the United States certifies and reports to Congress that the Government of Colombia is taking actions:

First, to apply vigorously all law enforcement resources to investigate, track, capture, and incarcerate narcotics kingpins and their accomplices;

Second, to create an elite corps of investigators to track down corruption and prosecute those responsible for it or otherwise involved in it;

Third, to reform Colombia's penal code, including increasing penalties for drug traffickers and removing loopholes in the plea bargain system;

Fourth, to present to Colombia's Congress stringent anticorruption legislation;

Fifth, to introduce new legislation to strengthen laws against money laundering; and,

Sixth, to pursue international antinarcotics initiatives, including the creation of a Caribbean Basin multilateral antinarcotics force, control of precursor chemicals, and the adoption of a new Inter-American convention to ban financial safe havens for narcotics traffickers in this hemisphere.

Now, these six initiatives were proposed by the new President of Colombia whose letter I have just read into the RECORD. I reiterate that he was inaugurated yesterday. All six are his ideas to combat the narcotics cartels, to deal with corruption, and to continue cooperative counternarcotics efforts. They are good initiatives.

Now, Mr. President, there was a great deal of misinformation and probably some intentional disinformation about the Helms amendment that was dropped by the conferees earlier. There will probably be some misinformation about this amendment, too, so perhaps I should clarify just a couple of points.

First of all, I do not propose to criticize or question the sacrifices made by the Colombian people in our joint fight against the narcotics cartels. Mr. President, no people have seen more blood spilled in the fight against drugs than have the Colombians. The Colombian people have my admiration and

heartfelt thanks. They know that, as does the new President of Colombia. The Colombian people also have the sincere gratitude of the American people for their contribution to the war against drugs.

Second, we are not asking the Government of Colombia to certify anything to the United States. We are asking the President of the United States—who is responsible for conducting our relations with other nations—to make a judgment about the United States cooperative relationship with Colombia. Certifications are anything but new around this place. They are an important mechanism by which the U.S. Congress can demand accountability for the use of American taxpayer dollars overseas.

I have always felt, and have taken the position over and over again on this Senate floor, that the American people should be given some assurances by their own government that we are working with and supporting other governments who share our values and our principles. One of those values is fighting the narcotics traffickers and narcotics-related corruption. The best way to fight corruption is to shine a light both on those attempting to do the corrupting and on those who are being or who have been corrupted.

Neither the earlier amendment nor the one that I offer today say that corruption has to be ended in Colombia. It does not say that the program outlined by President Samper has to be fully implemented. It requires the Government of Colombia to take important steps to implement what President Samper himself told us he wants to do about the narcotics problem and the corruption associated with it.

What prompted the Senate's earlier unanimous vote was the concern stemming from credible and disturbing allegations of corruption in Colombia. When the Senate voted in July, the allegations touched the President-elect of Colombia, who had been publicly accused of receiving large "campaign contributions" from the Cali Cartel, which—as I describe it—is the 800-pound gorilla of the world's cocaine trade. That gorilla still exists. It still operates; and it continues to exert a criminal influence both in Colombia and in the United States.

Since the allegations against Mr. Samper surfaced, there have emerged questions about the head of the Colombian National Police, Maj. Gen. Octavio Vargas Silva. According to the Los Angeles Times, 10 days after the Senate first voted on Colombia, the head of the Drug Enforcement Administration refused to meet with General Vargas because "the U.S. Government has reason to believe that Vargas is corrupt." Mr. President, that is a startling report about the senior Colombian law enforcement official.

The Colombian National Police are on the front lines of the drug war. They are our most significant ally in the drug war. They are an impressive group whose dedication has been the linchpin of our cooperative efforts.

Mr. President, the allegations against President Samper and General Vargas need to be monitored. They need constant followup. They need constant observation. President Samper has persuasively denied the accusation. But as recently as August 3, the senior State Department official responsible for narcotics control testified, "the totality of the evidence would cause one to think that there was a certain amount of credence to the reports." I take seriously the continuing allegations emerging from Colombia.

In other words, let us cooperate with the new President. But let us watch his government, and let us watch him in terms of the distribution of foreign aid to Colombia.

That is the reason I have offered this amendment. The continuing allegations of corruption are enough to merit Senate approval of this amendment. As President Samper and Colombia cooperate, of course, they are going to get the foreign aid. If he does not cooperate, then they will not.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HELMS. I believe we had better seek the return of the managers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. There is not presently a sufficient second.

If there is no objection, the quorum call is withheld.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I thank the managers of the bill.

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

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

Mr. REID. Mr. President, would the Chair advise the Senator from Nevada as to the parliamentary matter before the body?

The PRESIDING OFFICER. The pending amendment is the Helms amendment No. 2480.

Mr. REID. To which bill?

The PRESIDING OFFICER. To the committee amendment on page 2, DOD appropriations, H.R. 4650.

Mr. REID. Mr. President, I ask unanimous consent that the I be permitted to speak as in morning business.

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

HEALTH CARE REFORM

Mr. REID. Mr. President, there has been a statement made earlier today that we should hold up on health care reform until another day. Mr. President, that has been going on for 50 years or more. We have talked about doing something on another day through six Presidents. It has been debated off and on for over 50 years. I think the American public feels that we do not need more time, but we need more action.

What we lack in this body is the ability to go forward on a tough issue. The majority leader has decided that this is the time—after six Presidents and over 50 years—for us to make a decision on health care.

Why is now the time to do something about health care? We have over 40 million uninsured Americans. We have 2 million people that lose their health insurance every month, and of those people who lose it—sometimes for a day, sometimes for 2 months—100,000 out of those 2 million lose their health insurance permanently. The 40 million figure is going up and up and up.

The overwhelming majority of people from the State of Nevada want universal coverage, and they want it now. The vast majority of the American public wants universal health care reform now, just like the people of Nevada.

Around the first of July—I do not have the exact date—an ABC-Washington Post poll reported that 78 percent of the American public wanted universal coverage. I believe, Mr. President, if we fail to act now, every American would remain at risk of having their insurance taken away. When I talk about the 40 million-plus uninsured, all the people from the State of Nevada and all of the people from the other 49 States should understand that health care reform is more than reforming the health care for the uninsured. If it were only the uninsured, maybe we could put it off to another day. But it is not only the uninsured. It is people who have insurance that are losing their insurance. It is people who have insurance that are underinsured.

Health care reform affects everyone. In the State of Nevada, we have had two special sessions of legislature that had to be called as a result of health care costs—no other reason, just health care costs.

So I repeat, if we fail to act now, every American—not only the uninsured, but every American—will remain at risk of having their insurance taken away. Why? Let me give a few reasons. Mr. President, millions of Americans will continue to be denied coverage based on preexisting conditions. When we think about preexisting conditions, I think most of us think of someone that is handicapped in the sense that they are confined to a wheelchair and they are denied coverage because of preexisting illness.

But, no, that is not the way it is. Insurance companies deny coverage to people that have had a heart attack in the past, people who are healthy now, people who may have some orthopedic ailment and may have had surgery on their knee, or may have had back problems. Preexisting conditions are just that. The insurance industry wants people in perfect health. A preexisting condition is anything they can find.

I have used this example before, and I will use it again. What are preexisting conditions that we really can understand? It was brought vividly to my attention when I went to visit my ophthalmologist—as the Presiding Officer knows, I have not worn glasses for a long time, but I am wearing them now. As I was leaving his office—and this is someone that I had known for a long time—he said, "HARRY, I sure hope they do something about the health insurance problem." He said, "I have 27 employees, and I have health insurance for my employees. One of my employees recently got cancer, and they will not rewrite my policy. I am having one heck of a time trying to find another insurance company to rewrite a policy for my 27 employees because of this woman that got cancer."

That is what we are talking about. That woman not only cannot be part of a group policy, a small group policy, but I guarantee you she cannot get coverage on her own. That is impossible. So millions of Americans will be denied coverage based on preexisting conditions unless we do something about health care reform.

We have also the problem of somebody who works for a company, they get sick, and they now have a preexisting condition; they are covered under the large policy that they have, but if they want to leave that job and go someplace else, very likely, they will not be able to get insurance.

So this is a problem that is really spreading throughout our society. So preexisting conditions are important. We need portability with insurance policies, so that someone can leave a job and take their insurance with them, and not have to fight with an insurance company for coverage.

Today millions of working Americans are, in effect, locked out of better jobs. They cannot leave because they have health insurance at one place and want to go someplace else. That is why I am saying this is only one example of how the health care crisis affects not only those that are uninsured, but those that are underinsured and those with preexisting conditions.

Also, this health care debate deals with real people. It deals with people who cannot get insurance, who are a part of the 2 million people who may for a day or 2 months or 2 weeks have no insurance and during that period of time they are in an automobile accident or receive some type of injury. As a result of that, they have no insurance.

Mr. President, the problem with our present health care system is that those who are not insured are paid for by those who are insured.

If I came upon this Senate floor and said, "I just came upon a great idea for health care; what we are going to do is say that everyone who has health insurance is going to pay for those who do not—that is our reform," everyone would say: "What? Are you crazy? You are saying those of us who pay for our health insurance are going to pay for those who do not?" "Hey, that is what I want to do." You would say, "No way."

Everyone should understand that is the system that is now in place in America. Those who have health insurance pay for those who do not. How? In the form of higher taxes for indigent care, in the way of higher insurance premiums, and in the way of higher hospital and doctor bills.

It is not a very good system. If someone is up visiting the Capitol today and he or she has no health insurance, and they leave, and as they are leaving they are in an automobile accident or get sick in some way, they are immediately taken to one of the emergency rooms. It is the same in Las Vegas, Reno, and other cities in Nevada. They have no health insurance, so they are taken to an emergency room. The emergency room takes them in.

The highest cost of care in the United States is in the emergency room. That is where all these uninsured get their health care. Who pays for that? We pay for it.

We need health care reform for lots of reasons. I have mentioned a few of them.

Small businesses will continue to see their premiums rise. Right now, it is about a little over half of those small businesses have health insurance for their employees. Those small business people who are gutsy enough to have health insurance for their employees pay 35 percent more for the same coverage as does big business.

But after having understood that, we should also understand that in addition to the 35 percent higher cost for their health insurance, their yearly increase is at a rate 50 percent higher than big business. Talk about not being competitive. For example, You have two people who are making widgets. They both have a small business. They have 30 employees each. One has health insurance and one does not. It goes without question that the one who has health insurance is not as competitive as the one who has no health insurance. Why? Because of the cost that I have indicated. Not only did they pay for their health insurance but they pay more than big business for health insurance, and the yearly increase is even more.

If we do not achieve universal health care reform, I repeat, we will be placing every American at risk. If we continue the status quo in which those with insurance pay for those without, we would be, in effect, doing the American public a tremendous disservice.

Who is raising the hue and cry that we do nothing? Could it be the health insurance industry, which employs 2.4 million people, employs more people than work for the entire Federal Government? Do you think they want the status quo maintained? Of course they do.

I heard this morning on the way to work that there is almost $50 million that has been spent already, by those who want to maintain the status quo, in television advertisements, radio advertisements, and we are only seeing the beginning of the cost of these misleading status quo ads.

Why would these entities want to change a system? This year the cost of health care in America is going up over $100 billion—not $100 million, $100 billion. We will not have any better health care as a result of costs going up this year over $100 billion, not any better health care at all.

Where is the money going? I submit, Mr. President, it is not all going to doctors and hospitals. Bureaucratic red-tape. How many doctors have told the Presiding Officer—how many physicians from Kentucky have said to the Presiding Officer, "I as a physician would like to be able to practice medicine and not have to depend on some clerk to tell me whether I can do a medical procedure." I would bet the people have said that to the Presiding Officer. Physicians have said that to me, physicians from the State of Nevada. That is why the National College of Surgeons became desperate and supported the single-payer system. I asked my surgeons in the State of Nevada: "Why did you do this?" They said: "Because we are tired of not being able to practice medicine the way we were taught to practice medicine. To do a surgical procedure, we have to jump through hoop after hoop after hoop of clerks telling us what to do."

So this system that is going to cost us $100 billion more this year is soon going to cost $1 trillion. That is, after next year it will be $1 trillion. That is how much we spend in health care in America.

To people who are suggesting, let us not do health care reform, let us do a little bit here, let us do a little bit there, let us do some incremental reform, I say all that is going to do is drive up the cost of health care for middle-income families to pay in the way of higher taxes, higher hospital and doctor bills, and higher insurance premiums.

A recent Lewin-VHI report on incremental reform reports:

Our analysis shows that premiums are lower under universal coverage than under

insurance market reform linked to subsidies. Further, we estimate that middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage.

The reason is because we will be picking up the tab for the millions of Americans who are left uninsured. It is no secret. Economists know what the problem is. This is what we call cost-shifting.

Since 1986, the average cost of health insurance has increased by 117 percent. We do not count 1986. We count 1987, 1988, 1989, 1990 1991, 1992, and 1993. In those few years, the cost of health insurance has gone up by more than 100 percent. Over that same period of time almost 8 million Americans have been added to the ranks of the uninsured.

Who are these uninsured? In Nevada lots of them are children. In America, as in Nevada, over 60 percent of the uninsured are people who work every day. They are not derelicts. They are not bums. Over 60 percent of them are people who work for a living.

So, I look forward, Mr. President, to this debate. I publicly commend, I publicly applaud the majority leader for forcing the Senate to act on this measure. He is doing the right thing for the American public. He is doing the right thing for the people of the State of Nevada.

This is an important issue that has been taken out of context by the television ads, the radio ads, and the mailings causing people to be afraid they are going to lose what they have.

I believe any health care reform should not cause people who have health insurance to have less after we finish than they have now. But what it would do, I believe, is cut down on the bureaucracy, the red tape, fraud and abuse, and allow health care to be more cost effective than it is now.

The frenzy that has been whipped up over this issue is simply a smokescreen. They set out to confuse the American public, and they have accomplished what they set out to do. They have confused the American public. But the American public will soon understand, as many of them do now, that it is a smokescreen, it is a feignt, it is a misleading tactic to divert their attention from the goal line. And what is the goal line? The goal line is to bring down the cost of health care for the American public.

What we have been witnessing the last little bit and what we will probably see in the next few days is what has come to be known as gridlock, attempts to defeat what will be a winner for the middle class.

The reason health care is so important, Mr. President, is that those people who are injured in accidents, those people who become ill, however that befalls them, it does not do it on the basis of their party affiliation, it does it whether you are a Democrat or Republican. And that is why I am so concerned that the direction of this health care debate has become partisan.

I call upon my friends on the other side of the aisle to be courageous, to break from the pack, and be part of a debate that will allow us to accomplish something without partisan politics.

We have a choice of preserving the status quo, in which every American is at risk and where those who have insurance pay for those who do not. Or we can take the courageous step of providing health security for all Americans and restoring fiscal soundness to skyrocketing health care expenditures.

I also extend my appreciation to the senior Senator from Hawaii, the manager of this bill, for allowing me to go out of order and set the committee amendment aside.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. INOUYE. Mr. President, I think the time has come to advise the American public that may be viewing the proceedings as to what is happening.

Mr. President, as you are aware, we are presently considering a measure that calls for the funding of the defense and security activities of this Government. The total amount involved is $243.6 billion. Mr. President, it is the largest appropriations measure, so I can understand the surprise among Americans as to why the lack of interest.

Your Committee on Appropriations filed a measure 9 days ago. Senators have had the bill for a week. But we, Senator STEVENS and I, realized that the matter before us is not only large, but very complicated. And I would suppose that it does take time to go through this massive bill that we have here and to study each provision and the consequences of each provision. So we have been sitting here very patiently to accommodate our colleagues.

Together with this complexity is the fact that at this moment, the conference on the authorizing committee is on the Armed Services Committee. It may surprise some that the authorizers have not completed their conference, notwithstanding that the appropriators are moving.

There is also another very important conference committee pending at this moment, and that is the Appropriations Subcommittee on Commerce, State, and Justice. The Commerce Committee is also having a very important meeting on the so-called information superhighway. We are hoping that agreement can be reached so that that matter can be brought before the committee.

At this moment, there is a very important meeting on the national health program.

What I am trying to tell you, Mr. President, and the American public that may be viewing this strange situation, with the Presiding Officer and two other Senators present, is that the Senate, notwithstanding, is very diligently at work.

We understand that. And so, though we may look frustrated, we realize that this is part of the process of the U.S. Senate. We know that 24 hours from now, the situation will change. We will begin to consider amendments. We are hoping that this whole process can be concluded by the close of business on Wednesday so that we may go into conference with the House.

We just hope that our colleagues will come forth by tomorrow noon and begin to present their amendments.

NAVY F/A-18 GEARBOXES

Mr. SIMON. Mr. President, I would like to ask the distinguished chairman of the Defense Appropriations Subcommittee a question regarding the Navy's F/A-18 program. It has been well publicized that the Navy has been having significant problems with the gearbox of the F/A-18 C/D models. In fact, the Navy attributes a significant number of aborted missions directly to these problems.

To its credit, I understand that the Navy is now committed to expeditiously qualify a second source for the gearboxes. Is the chairman aware of the Navy's commitment?

Mr. INOUYE. Mr. President, I am aware of the commitment the Navy had made to move expeditiously to qualify a second source for this flight-critical item. I also expect the Navy will keep our committee fully informed of its progress on a timely basis, and I will share that information with the Senator from Illinois as well.

Mr. SIMON. Mr. President, I thank the chairman for his willingness to keep me informed of the Navy's progress on this important matter and I look forward to the Navy's reports.

UNIVERSAL HEALTH CARE

Mr. INOUYE. Mr. President, realizing that, at this moment, important decisions are being made on the health program of the United States, being from Hawaii, the present debate surprises me, because, as you may know, Mr. President, for the past 20 years, Hawaii has had a health program of universal coverage. All of our citizens have had health coverage for the past 20 years, with portability. If you leave a job and go to another job, you do not have to worry about losing your insurance coverage, because that coverage will follow you.

It is true that, in the early days, there were those who were quite critical, because it called for a rather controversial element—employer mandate.

Our program is financed by employees and employers paying for the premium.

And, finally, may I just note the following: Hawaii is a beautiful place, but I think all of us realize that the cost of living in Hawaii is about the highest in the United States All of our goods have to be either flown in or shipped in by transport ships, so there is this extra cost of transportation.

Added to this is the fact that we are insular, so the land area is limited. The cost of real estate is almost unbelievable. Here in Maryland, you would get a beautiful residential parcel for something the equivalent of $2 a square foot. In Hawaii, comparable real estate would cost you about $15 a square foot. As a result, the cost of a new home in Hawaii, the average cost, exceeds $230,000.

Everything is high, with the exception of one thing. The cost to small business for health insurance coverage is about 30 percent lower than the national average. Everything is high but the cost of health insurance. Why? Because we have universal coverage. Why? Because we have employer mandate.

And I am proud to say that the Hawaiian politicians had the guts to face this, to address this problem, and to adopt a program that benefits all of us. I hope that my colleagues in the U.S. Congress will have equal courage to face up to the facts. I think 50 years of debate is long enough. The time has come to act.

Mr. President, reluctantly, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FORD. I ask unanimous consent we now have a period for morning business.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 178. Joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week."

The message also announced that the House has passed the following joint resolutions; in which it requests the concurrence of the Senate:

H.J. Res. 131. Joint resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day";

H.J. Res. 175. Joint resolution designating October 1994 as "Italian-American Heritage and Culture Month"; and

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day."

The message further announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 248. Concurrent resolution providing for the printing of eulogies, encomiums, and funeral services for the late President of the United States, Richard M. Nixon.

The message also announced that the House has agreed to the following concurrent resolutions; each with amendments:

S. Con. Res. 38. Concurrent resolution to authorize the reprinting of the book entitled "The United States Capitol: A Brief Architectural History";

S. Con. Res. 39. Concurrent resolution to authorize the printing of a new annotated edition of Glenn Brown's "History of the United States Capitol", originally published in two volumes in 1900 and 1903, prepared under the auspices of the Architect of the Capitol; and

S. Con. Res. 41. Concurrent resolution to authorize the printing of the book entitled "The Cornerstones of the United States Capitol."

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent; and referred as indicated:

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day"; to the Committee on the Judiciary.

The following concurrent resolution was read; and referred as indicated:

H. Con. Res. 248. Concurrent resolution providing for the printing of eulogies, encomiums, and funeral services for the late President of the United States, Richard M. Nixon; to the Committee on Rules and Administration.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on August 5, 1994, she had presented to the President of the United States, the following enrolled bill:

S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment:

S. 2067. A bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes (Rept. No. 103-327).

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. SIMON (for himself, Mr. PELL, Mr. REID, Mr. BOREN, Ms. MOSELEY-BRAUN, and Mr. JEFFORDS):

S. 2370. A bill to provide procedures for the contribution of volunteer United States military personnel to international peace operations; to the Committee on Armed Services.

By Mr. HATFIELD:

S. 2371. A bill to encourage owners and operators of facilities to conduct voluntary internal audits of the compliance of the facilities with applicable Federal environmental laws, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. PELL, Mr. REID, Mr. BOREN, Ms. MOSELEY-BRAUN, and Mr. JEFFORDS):

S. 2370. A bill to provide procedures for the contribution of volunteer United States military personnel to international peace operations; to the Committee on Armed Services.

VOLUNTEER U.S. MILITARY PERSONNEL TO INTERNATIONAL PEACE OPERATIONS

Mr. SIMON. Mr. President, I am introducing a bill titled, "To Provide Procedures for the Contribution of Volunteer United States Military Personnel to International Peace Operations." It is cosponsored by Senator PELL, Senator REID, Senator BOREN, Senator MOSELEY-BRAUN, Senator JEFFORDS.

Let me outline what has just happened. There are unfortunately other examples of what has happened.

In April, the situation in Rwanda exploded. It did not explode on our television screens yet, but it exploded. And we knew things were happening that were not good.

In early May, Senator JIM JEFFORDS, our colleague from Vermont, and I called General DeLauer, the Canadian general in charge of the small contingent of U.N. troops there. He said, "If I can get 5,000 to 8,000 troops here quickly we can stop this whole thing."

We immediately wrote a letter, Senator JEFFORDS and I, to President Clinton with a copy to the Secretary of State, Warren Christopher, and a copy to Assistant Secretary George Moose, urging that action be taken quickly. On May 17, the U.N. Security Council authorized up to 5,500 troops to go to Rwanda.

On June 22, Secretary General Boutros Boutros-Ghali said it would take 3 months to get 5,500 troops there. And shortly after that, and I do not remember all the details on dates, but we held a hearing and I was in phone conversation with people both from the State Department and the Defense Department. At one point, there was an indication that the United States was willing to take a battalion from Mali to Rwanda. and at one point, while we, the nations of the world, were kind of spinning our wheels doing nothing, and things were getting worse and worse in Rwanda, the French, to their credit, made a decision to send 2,000 troops to Rwanda and within 72 hours those troops were there.

But, in the meantime, things were getting worse and worse and now we read in the papers there may have been as many as 1 million people killed. I do not think anyone will ever know the precise total. But whether it was a quarter of a million or a half million or a million, most of it could have been prevented had we moved quickly.

The New York Times today, in an editorial on the Rwanda situation, has these final words:

> The world had neither the means nor the will to respond in April, the critical early stage of Rwanda's descent into genocide. It has been a terrible learning process, and yet crueler lessons may lie ahead.

What do we do about it? Senator PELL, Senator REID, Senator BOREN, Senator MOSELEY-BRAUN, and I are suggesting this possibility. Obviously, this is not set in stone. It will have to be refined. We are suggesting there would be 3,000 volunteers among those who serve in our Armed Forces who would be paid some kind of incremental amount—10 percent, 15 percent—for volunteering, who would be available on 24-hour notice whenever the Security Council acted on something and the President of the United States approved.

The assumption here is if the United States has 3,000 troops available—volunteers again, I stress, volunteers from within our Armed Forces—the Germans would do the same, the French, the Brits, the Japanese, and other countries might have smaller amounts. But we could respond immediately to a situation like in Rwanda.

The reality is what the New York Times says in this editorial. I ask unanimous consent to have this editorial printed in the RECORD.

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

[From the New York Times, Aug. 8, 1994]

RWANDA'S VERY LONG HAUL

It has begun to dawn on policy makers, if not yet the public, that the crisis in Rwanda may take years to resolve. Relief workers in Zaire, where a million Rwandans have fled, see little hope for a prompt return home by Hutus fearing reprisal massacres by Tutsis, who now dominate the new Government in Kigali, Indeed, instead of getting better, matters could become worse, spreading conflict, hunger and uprooted peoples through an entire region.

It would be wise for the Clinton Administration to prepare Americans for what may be a very long haul in Central Africa. A small contingent of U.S. troops is already assisting the United Nations operation in Rwanda, and Washington has promised to come up with $270 million in new aid. If the case is fairly made, if burdens are fairly shared with others, and if civil peace can be maintained, this is an effort that Americans can be persuaded to support.

The immediate, compelling consideration is humanitarian. It affronts decency to do nothing as children starve in squalid refugee camps. But other interests are affected when four million people flee their homes, half of them across frontiers, in a country of just under eight million people where, today, no food grows in vacated farms. Desperation will breed new wars, sending shock waves through tense neighboring states, notably Burundi and Zaire. The fearful prospect of more upheavals calls out for energetic preventive diplomacy.

The place to start is Kigali, where a new Government lacking even telephones, desks and offices rules a country lacking people. Creditably, the victorious Rwanda Patriotic Front has established a multi-party Cabinet that is led by a President and Prime Minister who are both Hutu. But real power is held by minority Tutsis, notably Vice President and Defense Minister Paul Kagame, who was the chief strategist of the rebel victory.

The new regime is speaking the right words about reconciliation. Yet these have to be set against the scattered killings of returning Hutus, as reported in The Times by Raymond Bonner, and Government plans to try thousands of civilians as war criminals. There could also be another nightmare if 500,000 Rwandans, most of them Hutu, flee a security zone created by French peacekeepers, who are due to depart by Aug. 22.

Keeping to that timetable is a problem, since the French are supposed to be replaced by a 5,500-strong U.N. peacekeeping force. But less than a thousand Canadian and African troops are now in Rwanda, with the rest still to be trained to protect convoys and reassure returning villagers. A small contingent of U.S. troops is under direct U.S. command in Kigali.

By any measure, the prospects are grim: an untested new Government, a collapse of basic services, reprisal killings, an improvised international force and a depopulated country, with the planting season supposed to begin next month.

Meantime, mingling with two million refugees in Zaire and Tanzania are remnants of the defeated Rwandan Army, including units responsible for the worst massacres. Commanders talk of regrouping and of border war from sanctuaries in Zaire; they also threaten to shoot foreign relief workers who dare urge Rwandans to return home. And the same despicable radio station that clamored for Tutsi blood before the rebel victory continues its broadcasts from a mobile base.

What could make an enormous difference is a real international presence in Rwanda, to reassure and to witness. Now there are reports of killings in adjacent Burundi, with a similar ethnic mix and with the same history of strife. The world had neither the means nor the will be respond in April, the critical early stage of Rwanda's descent into genocide. It has been a terrible learning process, and yet crueler lessons may lie ahead.

Mr. SIMON. "The world had neither the means nor the will to respond." That is true. We just do not have the mechanism. And the great threat today is not nuclear annihilation. The great threat is chaos. It is instability. If we had moved quickly in Rwanda, hundreds of thousands of lives would have been saved. And there is a spillover effect. What is going to happen in Burundi? What is going to happen in Tanzania? I do not know. I hope nothing happens in any of these areas.

I have been on the phone two or three times to our former Senate colleague, Senator Bob Krueger, who is now Ambassador to Burundi, right next door. So far, every indication is of stability there. But people around the world should know that the United Nations can move and move quickly. The only alternative to that is for the United States, as the only superpower, to be what everybody says we should not be, the policeman of the world. I think this makes sense.

Again, this would be up to 3,000 people who are within our Armed Forces, who would volunteer and presumably get an additional 10 or 15 percent, but take additional risks—there is no question about it. And they might be sent into Bosnia. They might be sent into Rwanda. Who knows where the next trouble spot might be around the world?

So I am pleased to be joined by Senator PELL, Senator REID, Senator BOREN, and Senator MOSELEY-BRAUN in introducing this legislation here today.

By Mr. HATFIELD:

S. 2371. A bill to encourage owners and operators of facilities to conduct voluntary internal audits of the compliance of the facilities with applicable Federal environmental laws, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL AUDIT PROTECTION ACT

Mr. HATFIELD. Mr. President, I rise today to introduce legislation to create

new incentives for business and industry to police their own environmental actions. My bill, the Environmental Audit Protection Act, would create a very limited legal privilege for businesses that conduct environmental audits and take corrective action to avoid violation of environmental laws.

In 1993, Oregon became the first State to codify a privilege for environmental audits. Under the Oregon law, an internal environmental audit, undertaken voluntarily, cannot be used against the company in a trial or administrative action, unless efforts to comply were not promptly initiated and pursued with reasonable diligence or the privilege is invoked for fraudulent purposes. The Oregon law garnered support not only from the business community but also from the department of environmental quality and the State attorney general. These supporters have told me of the positive effects this law has had in my State.

Several other States have created a privilege, including Colorado, Indiana, and Kentucky, and another dozen States are considering bills to create the privilege. Some of these laws, such as Colorado's, create a broader right based on disclosure of the results of an audit.

My bill is based on the Oregon law, and it strikes a good balance between protecting a business's right to self-police and ensuring environmental compliance. There are clear limits on the privilege. The privilege would cease to exist if used for fraudulent activities or if waived by a company.

Most importantly, the privilege is moot if the company does not promptly act to achieve compliance if a violation is discovered in an audit. This fact creates a strong incentive for companies to immediately correct any potential or real problem.

Moreover, my bill would not bar any enforcement action for any environmental violation. The privilege only extends to information in the audit report, not to the violation itself. No environmental law is decriminalized, and the enforcement agencies are not barred from pursing action.

Finally, even if the company proceeds to immediately correct a violation, the privilege is not absolute. A prosecutor is allowed access to an environmental audit if it contains evidence relevant to an environmental crime that is not otherwise available without substantial cost or delay.

The new law has had a positive impact on the environmental practices of companies in Oregon. The Oregon law has increased a company's flexibility in learning about and correcting compliance problems in several ways. First, it has expanded employee involvement; this has made audits more complete and accurate and has helped employees connect their daily jobs with environmental compliance.

Second, it has created new incentives for companies to spend money on compliance. The potential loss of the privilege is a strong motivator for companies to quickly allocate whatever resources are needed to correct a potential violation.

Third, it has encouraged companies to create more systematic approaches to environmental activities. Companies can now keep records, and have had much greater success in dealing with chronic problems.

Last, but by no means least, lawyers are no longer needed in Oregon to shield audit documents under the attorney-client privilege. Removing lawyers from this process has substantially reduced the cost of auditing and has created a better flow of information with companies.

Mr. President, self-enforcement by responsible companies is a vital issue. It is an impossible task for the Environmental Protection Agency to find and prosecute every environmental violation. I believe that most companies want to police themselves; it is both morally right and less costly to find and correct a violation than to face regulatory, civil and criminal action. Incentives for self-enforcement will help free up the very limited resources in the Federal and State environmental and enforcement agencies to enforce the most severe, egregious, and dangerous violations of our environmental laws.

I am introducing this bill to begin a dialog in the Senate on this issue. Last week, the Senate urged the EPA to seriously consider the benefits of self-evaluation that come from privilege by passing a sense-of-the-Senate resolution as part of the VA-HUD appropriations bill. I believe that this debate should take place in Congress as well as at the EPA, and I hope my bill is a responsible beginning for our conversation on this issue.

Mr. President, I have received a number of letters of support for this bill, and I ask that they be included in the RECORD immediately following my remarks. Furthermore, I ask that the text of my bill be printed in the RECORD.

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

S. 2371

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 "Environmental Audit Protection Act".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage owners and operators of facilities, and other persons conducting activities, regulated under applicable environmental laws to conduct voluntary internal environmental audits of their compliance programs and management systems and to assess and improve compliance with applicable environmental laws by protecting the confidentiality of communications relating to voluntary internal environmental audits.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) APPLICABLE ENVIRONMENTAL LAW.—The term "applicable environmental law" means—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(D) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(E) title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.);

(F) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.);

(G) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(H) the Clean Air Act (42 U.S.C. 7401 et seq.);

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(J) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(K) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.).

(2) ENVIRONMENTAL AUDIT.—The term "environmental audit" means a voluntary, internal, and comprehensive evaluation of a facility or an activity at a facility regulated under an applicable environmental law, or of a management system related to the facility or activity, that—

(A) is designed to identify and prevent noncompliance and to improve compliance with an applicable environmental law; and

(B) is conducted by the owner or operator of the facility, by an employee of the owner or operator, by another person conducting an activity regulated under an applicable environmental law, or by an independent contractor.

(3) ENVIRONMENTAL AUDIT REPORT.—

(A) IN GENERAL.—The term "environmental audit report"—

(i) means a report comprised of 1 or more components, each labeled "Environmental Audit Report: Privileged Document", that is prepared as a result of an environmental audit; and

(ii) includes any supporting information (such as a field note or record of observations, finding, opinion, suggestion, conclusion, draft, memorandum, drawing, photograph, computer-generated or electronically recorded information, map, chart, graph, or survey) that is collected or developed for the primary purpose and in the course of the environmental audit.

(B) COMPONENT.—As used in subparagraph (A), the term "component" means any of the following 3 items:

(i) An audit report prepared by the auditor, which may include information on the scope of the audit, information gained from the audit, and conclusions and recommendations relating to the audit, together with exhibits and appendices.

(ii) A memorandum or other document that analyzes a portion or all of the audit report and that may include information concerning the implementation of the report.

(iii) An implementation plan that addresses the correction of past noncompliance, the improvement of current compliance, and the prevention of future noncompliance.

SEC. 4. PROTECTION OF ENVIRONMENTAL AUDITS.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsections (b) and (c), an environmental audit report shall not be subject to discovery and shall not be admitted into evidence in any civil or criminal action or administrative proceeding before a Federal court or agency.

(2) EXCLUSION OF CERTAIN TYPES OF INFORMATION.—Paragraph (1) shall not apply to—

(A) any document, communication, data, report, or other information required to be collected, developed, maintained, reported, or otherwise made available to a regulatory agency pursuant to an applicable environmental law, or other Federal, State, or local law, ordinance, regulation, permit, or order;

(B) information obtained by observation, sampling, or monitoring by any regulatory agency; or

(C) information obtained from a source independent of the environmental audit.

(b) WAIVER.—Subsection (a) shall not apply with respect to an environmental audit report to the extent that subsection (a) is waived expressly or by implication by the owner or operator of a facility, or other person conducting an activity, that is regulated under an applicable environmental law, who prepared or caused to be prepared the environmental audit report.

(c) INAPPLICABILITY OF GENERAL RULE.—

(1) CIVIL AND ADMINISTRATIVE PROCEEDINGS.—

(A) IN GENERAL.—In a civil action or an administrative proceeding, subsection (a) shall not apply to an environmental audit report, or a portion of the report, if—

(i) subsection (a) is invoked for a fraudulent purpose; or

(ii)(I) the report or portion provides evidence of noncompliance with an applicable environmental law; and

(II) appropriate efforts to achieve compliance with the law were not promptly initiated and pursued with reasonable diligence.

(B) DETERMINATION OF INAPPLICABILITY.—In determining whether subsection (a) applies to a report or portion of a report, a court or administrative law judge shall conduct an in camera review of the report or portion of the report.

(2) CRIMINAL PROCEEDINGS.—

(A) IN GENERAL.—In a criminal proceeding, subsection (a) shall not apply to an environmental audit report, or a portion of the report, if—

(i) subsection (a) is invoked for a fraudulent purpose;

(ii)(I) the report or portion provides evidence of noncompliance with an applicable environmental law; and

(II) appropriate efforts to achieve compliance with the law were not promptly initiated and pursued with reasonable diligence; or

(iii)(I) the report or portion contains evidence relevant to the commission of an offense under an applicable environmental law;

(II) the Attorney General has a compelling need for the information;

(III) the information is not otherwise available; and

(IV) the Attorney General is unable to obtain the substantial equivalent of the information by any means without incurring unreasonable cost and delay.

(B) DETERMINATION OF INAPPLICABILITY OF GENERAL RULE.—In determining whether subsection (a) applies to a report or portion of a report, a court or administrative law judge shall conduct an in camera review of the report or portion of the report in accordance with subparagraph (C).

(C) IN CAMERA REVIEW PROCEEDINGS.—

(i) IN GENERAL.—If the Attorney General has probable cause to believe that an offense has been committed under an applicable environmental law based on information obtained from a source independent of an environmental audit report, the Attorney General may obtain an environmental audit report, or a portion of the report, for which subsection (a) is invoked pursuant to a search warrant, criminal subpoena, or discovery in a criminal proceeding. The Attorney General shall immediately place the report under seal and shall not review or disclose the contents of the report.

(ii) FILING OF PETITION.—Not later than 30 days after the Attorney General obtains an environmental audit report, or a portion of the report, under clause (i), the owner or operator, or other person conducting an activity regulated under an applicable environmental law, who prepared or caused to be prepared the report, may file with the court a petition requesting an in camera hearing on whether subsection (a) applies to the environmental audit report or portion. Failure by the owner or operator or other person to file the petition shall constitute a waiver of subsection (a).

(iii) SCHEDULING ORDER.—As soon as practicable after the filing of the petition, the court shall issue an order scheduling an in camera hearing on the petition not later than 45 days after the filing of the petition.

(iv) REVIEW BY THE ATTORNEY GENERAL.—

(I) IN GENERAL.—An order described in clause (iii) shall allow the Attorney General to remove the seal from the report to review the report and shall place appropriate limitations on the distribution and review of the report to protect against unauthorized disclosure. The Attorney General may consult with any enforcement agency regarding the contents of the report as the Attorney General determines is necessary to prepare for the in camera hearing.

(II) USE OF INFORMATION FROM REVIEW.—The information used in preparation for the in camera hearing shall not be used in any investigation or in any proceeding against the defendant, and shall be kept confidential—

(aa) unless and until the information is found by the court to be subject to disclosure under subparagraph (A); or

(bb) unless the person using the information demonstrates that the information was obtained from a source independent of the environmental audit report.

(v) STIPULATIONS BY THE PARTIES.—With respect to proceedings under this subparagraph, the parties may at any time stipulate to entry of an order directing that subsection (a) does or does not apply to specific information contained in an environmental audit report.

(3) RELEVANCE REQUIREMENT.—Upon making a determination under paragraph (1) or (2) that an environmental audit report, or a portion of the report, should be subject to disclosure, the court may require the disclosure of only such portions of the report as are relevant to an issue in dispute in the proceeding.

(d) BURDENS OF PROOF.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a party invoking the protection of subsection (a) shall have the burden of proving the applicability of subsection (a), including, if there is evidence of noncompliance with an applicable environmental law, the burden of proving that appropriate efforts to achieve compliance were promptly initiated and pursued with reasonable diligence.

(2) FRAUD IN A CIVIL ACTION.—If a party seeks discovery under subsection (c)(1)(A)(i), the party shall have the burden of proving that subsection (a) is invoked for a fraudulent purpose.

(3) ATTORNEY GENERAL.—If the Attorney General seeks discovery under subsection (c)(2)(A)(iii), the Attorney General shall have the burden of proving the matters described in subsection (c)(2)(A)(iii).

SEC. 5. EFFECT ON OTHER RULES.

Nothing in this Act shall limit, waive, or abrogate the scope or nature of any statutory or common law rule regarding discovery or admissibility of evidence, including the attorney-client privilege and the work product doctrine.

SEC. 6. APPLICABILITY.

This Act shall apply to each Federal civil or criminal action or administrative proceeding that is commenced after the date of enactment of this Act.

OREGON DEPARTMENT OF
ENVIRONMENTAL QUALITY,
August 8, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Thank you for the opportunity to comment on voluntary self-audit legislation you are introducing today, legislation which I understand to be identical to Oregon law enacted in the 1993 legislative session. I think Oregon's approach is different from other states' legislation because it provides safeguards against abuse.

Let me begin by noting that the EPA nor the states have the resources to inspect the regulated community on a regular and frequent basis as we think appropriate. Consequently, we need to encourage those programs which will provide incentives to the regulated community to comply even without fear of inspection and enforcement. I believe, if properly crafted, limited privileging environmental self-audits can be one of those incentives.

Since environmental audits are not required, we don't want to create disincentives to performing them. (I recognize that if such audits became mandatory we would have a completely different situation.) And while none of us want to let an unscrupulous operator use an audit to avoid enforcement, I think we know that a really unscrupulous operator will either not conduct an audit in the first place or have the results first sent to their lawyer and then forwarded to them under attorney-client privilege.

Let me turn to the Oregon law and how I think it overcomes these concerns. First, the privilege is extended only to the information contained in the audit (at least for us this will most likely be a source of information that they knowingly violated the law and are subject to criminal enforcement) and not to the violation itself. Consequently, if we are able to document the violation independent of the audit, we are able to take any and all appropriate enforcement actions.

Second, and most importantly, the audit remains privileged only if the entity is implementing the recommendations and correcting the violations. If the corrective actions are not being implemented the privilege disappears, and we are able to use the audit to help prove our case. The method our law outlines for determining if the corrective actions are being taken is for the judge hearing the case to review the audit in camera and make the determination.

The beauty of this latter provision, it seems to me, is that it provides for a real incentive for anyone conducting an environmental audit to be sure they follow any and all recommendations to correct problems—whether or not we are going to be there to do an inspection. My guess is that there will be many more audits conducted than we will discover through our normal inspection and enforcement process. Consequently, we need to build in incentives to get these audits to produce environmental improvements. Knowing that the audit could prove to be the "smoking gun" in a future enforcement action if the recommendations are not followed provides just the incentive we need.

I might add, the Oregon law was developed out of a lot of hard negotiations involving us, the Attorney General, district attorneys, municipalities and members of the environmental community along with the two main business organizations in the state.

Thank you for the opportunity to offer support for your effort to make Oregon law the law for the whole nation.

Sincerely,

FRED HANSEN,
Director.

August 2, 1994.

Re Legislation for a federal environmental audit privilege.

Hon. MARK. O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I understand that you are favorably inclined to introduce legislation in Congress for a federal environmental audit privilege. Your bill would be modeled along the lines of the law Associated Oregon Industries pushed through the Oregon Legislature last year. On behalf of Associated Oregon Industries' 2,100 primary members and 13,000 associate members, I am pleased at this prospect and encourage you to actively pursue a federal law protecting environmental audit reports.

As a whole, Oregon industry works hard to comply with today's complex and voluminous environmental laws. Perfect compliance at all times, however, is a virtually unattainable objective for large facilities. Compliance is made all the more difficult when reports, generated during a company's voluntary environmental audit, are not confidential. Prior to Oregon's law, the first of its kind in the nation, environmental agencies could obtain a company's audit reports and use them in an enforcement action. By making environmental audit reports privileged, Oregon's law protects companies from "hanging themselves" as long as actions are taken to correct any violations found.

Though Oregon's regulated companies are reacting positively to the new state protections, Oregon's new law does not complete the protection circle. The Environmental Protection Agency (EPA) is not bound by Oregon's environmental audit privilege and occasionally inspects Oregon companies. This is why a federal environmental audit privilege is needed.

On July 27, 1994, I testified before the Environmental Protection Agency on the environmental audit privilege concept. The EPA is currently reviewing its policies on environmental audits. Enclosed is a copy of my testimony referencing the Oregon experience for your use.

Thank you for your efforts. I am pleased to be working with you.

Sincerely,

JAMES W. WHITTY,
Legislative Counsel.

PORTLAND GENERAL ELECTRIC CO.,
Portland, OR, August 4, 1994.

Subject: Legislation on environmental audit privilege.

Hon. MARK O. HATFIELD,
Hart Senate Office Building, U.S. Senate, Washington, DC.

Thank you for your leadership in sponsoring this important environmental legislation. A national policy is much needed to provide the incentive for companies to voluntarily achieve higher levels of environmental compliance through self-auditing and disclosure without the threat that internal company communications will be used against them. This bill embodies the qualities of a rigorous but workable regulatory framework which Portland General Electric Company (PGE) supports.

To that point, PGE has an Environmental Policy that emphasizes open communication within all our operating divisions concerning environmental problems. We have been conducting formal Environmental Compliance Reviews of our facilities for several years with written documentation of results going to managers and officers. In addition, we report monthly on any compliance exceedances. Since the development of Oregon's Environmental Audit Privilege, we have increased confidence that open written communications can, in fact, be used to resolve environmental problems.

Federal legislation similar to Oregon's will have a positive impact on industry to take proactive steps to improve compliance with regulations and will subsequently improve environmental quality. Removing the threat of having audit information used by regulatory agencies will encourage written documentation. This, in turn, will greatly improve internal communication and resolution of environmental problems.

FRED D. MILLER,
Vice President Public Affairs.

OREGON STEEL MILLS,
Portland, OR, July 29, 1994.

Hon. MARK HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: It is my understanding that you are preparing to introduce a bill for a federal environmental audit privilege in the near future. I am in favor of this concept and wholly support your furtherance of this issue.

The enactment of such a law would complete the protection that the state of Oregon has provided in its audit privilege statute.

This type of legislation will go a long way towards encouraging environmental compliance in areas not even looked at under current laws.

SINCERELY,
Jerry O. Richartz,
Corporate Manager, Energy & Environment.

TEKTRONIX,
July 29, 1994.

Senator MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD, I am writing to lend support for the environmental audit privilege bill that you are about to introduce.

As Director of the Corporate Environmental, Safety and Health groups at Tektronix for the past twenty-five years it has been our policy to do continuous audits both internally and with our vendors (reclaim, disposal, and transportation). I believe this has been a critical part of our proactive program.

If we were to not able "find and fix-it" and document that we had followed through without fear of enforcement or having our records used against us I am sure we would change the way we do things.

As you know Oregon is a leader in the country in environmental stewardship, this is not an accident, industry, environmental interest groups, academia, and regulatory agencies have worked closely together to protect the environment and keep Oregon in a leadership position.

I doubt you will find this cooperative working relationship anywhere else, enforcement as a primary regulatory tool simply is not effective. We must be able to be critical of ourselves and work on constant improvement.

I applaud your efforts and wish you success.

FRANK L. DEAVER,
Director, Corporate Environmental Affairs.

POPE & TALBOT, INC.
Halsey, OR, August 8, 1994

Senator MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: We understand you are considering a bill to adopt the Oregon Environmental Audit Privilege as a federal law. Our company is in preparation for an environmental audit this month at this site and we intend to take any necessary corrective action based on the audit findings. Frankly, I think the Oregon law encourages businesses to conduct audits so that potential problems can be identified and corrected.

Pope & Talbot encourages and supports extending the Oregon Audit Privilege nationally. It makes good sense from both a business perspective and an environmental perspective.

Sincerely,

WILLIAM O. DAMEWORTH,
Environmental Manager.

WACKER SILTRONIC CORP.,
Portland, OR, August 2, 1994.

Re Environmental audit privilege.

Senator MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

THE HONORABLE SENATOR HATFIELD: Oregon has a rich history of leadership in environmental affairs. Where the trend of increasingly prescriptive environmental regulation followed by "get tough" enforcement programs has been pursued by other states and the administration, Oregon has always been more protective. The latest example has come to be known as Oregon's "Environmental Audit Privilege."

Wacker Siltronic Corporation offers encouragement and support as you prepare to introduce a bill which will extend the environmental audit privilege across the nation. Your bill will share with the nation, Oregon's example of how to improve environmental awareness and encourage responsible actions.

Oregon has built sound environmental programs based upon the cooperative efforts of government, industry and public interests generally represented by environmental groups. Collectively, we have built a regulatory program that seeks not only to meet federal requirements, but to encourage industry to become environmental leaders and share this valuable information freely.

Promoting, encouraging, and becoming an environmental leader is no small task. It takes diligence and years of effort from dedicated individuals using the best of tools. One of the best tools available to teach people regulatory requirements and how to care for the environment is the environmental audit.

Environmental audits are a primary tool for improvement of management methods, recordkeeping systems, training, and facility design. Environmental audits assure all mandated programs are in place, pollution control equipment is functioning at peak operating efficiency and swift correction of operational and administrative deficiencies occurs. Audits provide the learning opportunities that train people to see the difference between "getting by" and "well managed" operations.

It is the use of self audit documents as proof of non-compliance and as a primary enforcement tool by environmental agencies and the Department of Justice which is most troubling to Oregonians.

Realizing that environmental audit activities should be encouraged not discouraged, Oregon has taken a stand. The Oregon Legislature, led by the Associated Oregon Industries passed the Environmental Crimes Act, a section of which protects audit documents from discovery under most circumstances. This has become known as the "audit privilege". Oregonians felt strongly that there should not be a downside risk associated with doing your best for the environment.

This level of environmental protection can only occur if we all have a high level of environmental awareness, monitor our own performance and correct what ever needs attention without delay. Taking responsible actions through the environmental audit will assure our future and the future of Oregon.

Oregonians are not asking for special privilege nor attempting to extend special privilege to others. Your help is needed to encourage industries throughout the United States to conduct environmental audits. Help provide the opportunity for them to manage better, improve facilities and methods, and provide the learning experiences necessary to protect the environment we share.

Respectively,

THOMAS C. MCCUE,
Environmental, Health and Safety Manager and Chair, Environment Committee, Associated Oregon Industries.

ONTARIO PRODUCE,
August 1, 1994.

To Senator MARK O. HATFIELD.

I would like to give my support for your bill providing for a federal environmental audit privilege similar to the Oregon law. It would allow businesses to realistically correct problems without creating more problems for themselves.

Very truly yours,

ROBERT KOMOTO.

LOUISIANA-PACIFIC CORPORATION,
Portland, OR, August 2, 1994.

Re Environmental Audit Protection Act.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: I am writing to express support for the Environmental Audit Protection Act which I understand you will introduce next week. Environmental auditing has been an effective tool in enhancing compliance with environmental laws at facilities operated by Louisiana-Pacific Corporation (L-P). However, the sensitive nature of documents associated with environmental audits can deter auditing since the disclosure of such documents during litigation may expose parties to increased liabilities.

Currently, the only effective means by which an organization can protect the confidentiality of environmental audits is to use a system where information is provided to an attorney for the preparation of legal advice. In other words, the process must be structured to produce communications protected by the attorney-client privilege. Although in many respects it is beneficial to have such information presented to counsel, it also reduces the flexibility available to organizations that wish to audit their operations in a confidential manner. Forcing organizations to resort to attorney participation in the audit process necessarily increases the cost of such auditing and may reduce the frequency as well. The extra cost also tends to discourage businesses from auditing their operations.

Of particular concern to organizations that contemplate environmental auditing is whether they will be exposed to enhanced liability because they decide to affirmatively seek out problems that need to be corrected. Several parties have sought discovery of environmental audit documents from L-P during legal proceedings. Given the sensitivity of environmental issues, there is a sincere concern that such documents could be used abusively by private litigants unless protected. Government agencies have also requested audit documents during proceedings. Despite assurances and policies on the part of government agencies stating that they will generally not seek audit documents, L-P is aware of only one instance in which an agency withdrew a request in response to concerns that such requests discourage auditing.

The protection of the confidentiality of environmental audits should promote the public interest by enhancing compliance with environmental laws. Although organizations are under a duty to comply with such laws in the first instance, an evaluation by an outside party with a fresh perspective can do much to discover problems that otherwise would go uncorrected. In response, to criticisms that an environmental audit privilege would enable organizations to conceal problems, it is doubtful that any organization willing to tolerate noncompliance would even start an audit program. It should also be emphasized that the Environmental Audit Protection Act acts only to protect a limited sphere of documents and will not enable a company to hide otherwise discoverable evidence. The Act will merely allow an organization to protect the confidentiality of documents that were created for the sole purpose of correcting problems.

Thank you for introducing this important bill. If anyone at L-P can provide you with information or otherwise provide assistance, please advise accordingly.

Very truly yours,

BERT P. KRAGES, II.

STOEL RIVES BOLEY JONES & GREY,
Portland, OR, August 1, 1994.

Re Federal Environmental Audit Privilege Legislation.

Hon. MARK O. HATFIELD,
Washington, DC.

DEAR SENATOR HATFIELD: I applaud your efforts to develop a federal environmental audit privilege. The best mechanism for environmental compliance is a properly constructed environmental audit program—and anyone who is sincerely concerned with environmental compliance should be interested in eliminating disincentives to environmental audits.

A federal environmental audit privilege will complete the protection provided by Oregon's law on this subject, and will signal the federal government's commitment to environmental compliance.

Best regards.

Very truly yours,

RICHARD D. BACH.

CABLE HOUSTON BENEDICT
HAAGENSEN & FERRIS,
Portland, OR, July 29, 1994.

Senator MARK O. HATFIELD,
Washington, DC.

DEAR SENATOR HATFIELD: Jim Whitty of Associated Oregon Industries indicated that you were interested in receiving information from Oregon on your proposed federal environmental audit privilege bill. Our firm supports introduction and passage of such a bill.

Our law firm provides legal representation for numerous businesses and individuals involving compliance with federal, Oregon and Washington environmental statutes and rules. We have been involved extensively with environmental enforcement matters before the Environmental Protection Agency and Oregon and Washington agencies. We also have assisted clients in establishing and maintaining environmental compliance programs. During the 1993 session of the Oregon Legislative Assembly, we worked on Senate Bill 912, the Oregon Environmental Crimes Act. As you know, that Act in ORS 468.963 creates an "environmental audit privilege" that means that if the proper procedures are followed, the information contained in an environmental audit cannot be used to prove a violation of an environmental law in Oregon civil, criminal or administrative proceedings.

Although the Oregon law has been in effect for less than one year, it has been significant. Certain of our clients have been more receptive to establishing environmental auditing programs for their operations. Other clients with existing environmental audit programs have been more willing to document the audit process through written materials and have also been more willing to involve a larger number of individuals in the auditing process.

Thus, it appears Oregon's law protecting environmental audits is having a positive effect. Oregon's audit protection, however, does not provide a blank check to those in Oregon regulated by environmental laws. The Oregon law has an important safeguard in ORS 468.963(3)(d)—that the privilege only applies if the party asserting the privilege uses appropriate efforts to achieve compliance promptly and with reasonable diligence as soon as the person is faced with evidence of noncompliance with an environmental law.

Federal legislation similar to Oregon's law would complete the protection provided by Oregon law by extending the audit privilege to federal enforcement activities. Again, if Oregon law is followed the important counterbalance would be present that the privilege would not apply unless the person asserting the privilege used appropriate efforts to achieve compliance promptly and with reasonable diligence as soon as a violation of environmental law becomes apparent.

I hope this information is of assistance in your work on a federal environmental audit privilege bill. If I can provide any additional information, please let me know.

Very truly yours,

DONALD A. HAAGENSEN.

SIMPSON PAPER CO.,
West Linn, OR, August 4, 1994.

Senator MARK O. HATFIELD,
Washington, DC.

DEAR SENATOR HATFIELD: I am writing to you regarding the federal environmental

audit privilege bill that you are preparing to introduce shortly. I have been with industry for ten years now and serve in the capacity of Environmental Supervisor for Simpson Paper Company, in West Linn, Oregon. Simpson Paper Company has implemented an internal audit program. I served on the task force to detail the audit program, and serve as a member of the audit team for our sister mills outside of Oregon.

The audit program is truly strengthening our environmental programs. Our Code of Conduct is to be in full environmental compliance. I believe that any company wants to find out problems, and correct any deficiencies without the threat of punishment for doing the right thing. The environmental audit programs are a way that industry can achieve environmental benefits for the community in a much more positive manner than enforcement actions, or any negative mechanism. In fact, my inspector for Oregon DEQ, told me that it is his experience, that companies are harder with their own audit programs, than the regulatory agency.

I strongly support your efforts to introduce the bill for the federal environmental audit privilege. The Oregon privilege creates a cooperative work environment for industry and the environmental regulatory community.

Sincerely,

HEATHER M. BARTLETT,
Environmental Supervisor.

GEORGIA-PACIFIC CORP.,
Toledo, OR, August 3, 1994.

DEAR SENATOR HATFIELD: I am writing in support of your bill to provide an environmental audit privilege which would be both a part of EPA's programs and protect the audit privilege in Oregon's statutes.

There can never be enough federal and state inspectors to keep track of every activity in the nation, so that ultimately environmental progress comes down to trust and self-compliance. Our corporate audits are valuable review of our practices and training to ensure that we are operating correctly. Beyond those, the audits if conducted freely with ample opportunity for discussion back and forth among mill and corporate environmental staffs and with corporate legal staffs on points open to interpretation are a vehicle for exploring issues and arriving at progressive corporate policies. We need the audit privilege to be free to raise issues that may need legal research to determine their status, or may be environmentally sound changes even though existing practices are not illegal. We would not want to be trapped into declaring activities illegal just by including them in an audit.

The basic purpose of audits is to determine whether sources or practices are or are not in compliance. If an audit finds noncompliance, action can, and is, taken immediately to correct the problem. It is literally impossible to be in complete compliance 100% of the time with all the various and changing environmental statutory and regulatory requirements. The corporate policy of Georgia-Pacific is to comply with environmental requirements. We have an internal audit program. As part of that program, action is taken immediately to correct deficiencies. The goal for EPA and other agencies should be compliance, not the amount of money that can be collected in penalties. Corporations should be encouraged to conduct audits and to correct deficiencies. If audit reports are not privileged and audits are subject to review by regulatory agencies and environmental groups, large fines may be assessed and, as a result, companies become very reluctant to conduct audits. This would be a very serious mistake, because problems can be corrected only once they are known. The environment is improved when environmental problems are discovered and corrected. Encouraging audits is a way that the agencies can be proactive in furthering environmental progress.

Whey you were Governor of Oregon, and I was starting my environmental career in the OSSA (now DEO), we as a state accomplished much with "conciliation and cooperation." Now the environmental programs are based on adversarial procedures, and there is a risk of discussing issues informally with the agencies. Internal audits keep us as a corporation making progress beyond the letter of the law and before formal agency actions. It would be a shame to lose this internal avenue of progress that flows from our audits.

Sincerely,

CLINT AYER,
Environmental Supervisor.

STOEL RIVES BOLEY JONES & GREY,
Portland, OR, August 1, 1994.

Re Environmental Audit Privilege.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: Thank you for the opportunity to speak with you on July 7 about Superfund reauthorization and the development of a federal environmental audit privilege. As we discussed at that meeting, our firm and many of our clients strongly support the concept of a self-evaluation privilege for environmental audits.

The objections of the Environmental Protection Agency and the United States Department of Justice to the environmental audit privilege are very difficult to understand, especially if the privilege is limited in the manner provided in the Oregon law. We are hard pressed to think of any circumstances under which the audit privilege would frustrate civil or criminal investigations or enforcement. In essence, the privilege would protect from discovery in litigation only information that simply would not exist in the absence of the privilege. All documents not prepared as part of a qualified audit would be fully admissible as evidence.

For years, our firm has assisted clients in conducting environmental audits under the attorney-client communication privilege and the attorney work product privilege. While the use of these privileges is appropriate in many circumstances, the level of necessary attorney involvement can encumber an environmental audit program, thereby increasing its expense and limiting its frequency and utility. In many circumstances, an environmental audit privilege will free clients to conduct these audits on their own without the added expense of legal counsel being involved at every step. Like our clients, we view such efficiencies as a positive development.

Thank you again for the opportunity to comment on this legislation. We hope that you will help Oregon lead the country in developing a program that will encourage rather than frustrate industries' efforts to improve compliance with environmental laws.

Very truly yours,

J. MARK MORFORD.

WILLAMETTE INDUSTRIES, INC.,
Albany, OR, August 5, 1994.

Senator MARK O. HATFIELD,
Washington, DC.

DEAR SENATOR HATFIELD: Willamette Industries, Inc. has learned that you are preparing to introduce a bill for a Federal environmental audit privilege. Although we do not have the details of your bill, Willamette would be in support of a Federal environmental audit privilege similar to that provided by Oregon law.

The Oregon law is designed to be an incentive to owners and operators of manufacturing facilities for investigating and addressing noncompliance without the fear of retribution from a regulatory agency. The results are beneficial to the owners/operators, the public and to the environment. The law fosters better relations, enhanced communications and restored trust between the regulated community and the regulators. Each of these factors can lend to the advancement of proactive, motivated environmental compliance.

Without Federal audit privilege comparable to the Oregon law, environmental compliance is going to continue to be burdened by the fear of Federal reprisal. Your bill could have major, positive ramifications for not only Oregon businesses but the entire nation.

Again, we support your efforts in this regard and your continued interest in maintaining a healthy business climate. We would appreciate it if you or your staff would keep us apprised of your progress with this bill. Please give us a call if we can be of any assistance.

Sincerely,

COREY L. UNFRIED,
Chief Environmental Engineer,
Building Materials Group.

PACIFICORP,
Portland, OR, August 5, 1994.

Re environmental audit privilege.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for the opportunity to express our position on federal legislation for an environmental audit (aka self-evaluative) privilege. We are very much in support of a federal privilege.

PacifiCorp (dba Pacific Power and Utah Power) has been performing environmental audits of its various facilities for seven years. PacifiCorp has never attempted to protect internal audit documents through means such as the Attorney/Client Privilege, the Work Product Doctrine, or by limiting distribution. PacifiCorp has always felt that, to obtain effective resolution on environmental audit findings, documents must be available to the workers who will ultimately implement corrective action. Due to the wide distribution of environmental audit documents, PacifiCorp has always felt vulnerable to agency action based on PacifiCorp's own investigations.

In 1986, a year before PacifiCorp began environmental auditing, the United States Environmental Protection Agency (USEPA or EPA) published the Environmental Auditing Policy Statement (the Policy). In the Policy, EPA stated that it would not routinely request audit documents. It further stated that when it did request the documents, it would be because no alternative method was available to obtain the information. And, entire documents would not be requested, but only parts pertinent to its investigation. The Policy gave some of industry a limited amount of comfort it sought to be able to initiate internal environmental auditing programs. In the years since the Policy was published, EPA has demonstrated its integrity by adhering to the policy.

Problems remain with the Policy, though. For one, it is merely a policy, not law. EPA

does not have to follow the Policy if it doesn't want to. For another, it has no effect on state or local agencies. Recently, state and local agencies have established enforcement divisions. Industry desires the same treatment from the states it has been (and hopes to continue) receiving from EPA.

A clear benefit of a federal privilege written into law, as opposed to the Policy, would be the establishment of enforceable guidelines for the agencies. Since 1986, the USEPA has been very conscientious about adhering to the Policy. But, it doesn't have to. That is what continues to worry many in industry. With a federal privilege as law, EPA would have certain steps to follow in certain circumstances should it desire access to the written products of industry's internal environmental audits. In addition to allowing industry to know what to expect from the agencies, this could actually streamline processes for the agencies. Instead of arguing over the vagaries of law, they would be able to follow the clear guidelines of the privilege.

One of industry's biggest concerns when performing environmental audits is having its findings used against it, whether in an agency's administrative action, to initiate criminal charges, or to promote a third party civil suit. Industry spends considerable amounts of time and money establishing internal environmental auditing programs to evaluate its level of compliance with environmental laws and regulations. It then spends even more to develop methods to correct those problems. Industry feels that the products developed through its labors and at its expense belong to the company doing the work and paying the bills. When an agency asks industry for its environmental audit documents, the agency is asking industry to do the agency's work at industry's expense. Then, if the public agency obtains possession of the documents, all of the information in the documents becomes public information. These are NOT incentives for industry to investigate its level of environmental compliance and document its findings so it can take corrective action.

Protecting audit documents from disclosure through methods such as a self-evaluative privilege or the Policy does not restrict an agency's ability to enforce environmental regulations in any way. In contrast, it helps the agencies establish higher levels of environmental compliance. Evidence of underlying violations is not protected by self-evaluative privileges. All information is still available to the agencies; they just have to do their own investigations. This is the same with or without the privilege. The advantage with the privilege is a cleaner environment and higher levels of compliance with environmental regulations. This is brought about by the auditing that will be done if the privilege is available, but wont be done without it.

In Oregon, we are lucky. Our legislators, had the foresight to establish a self-evaluative privilege. Their priority was a clean environment, not punishment. Years ago, when the first environmental laws were being enacted and the first environmental regulations promulgated, industry did whatever it could to avoid compliance. At that time, agencies needed a big hammer to beat industry into compliance. Currently though, industry operates with a different mind set. Industry has become much more responsible. It is time for industry and the environmental agencies to move away from their adversarial positions and to begin cooperating. The self-evaluative privilege aids this cooperation by enabling industry to take the lead searching for and cleaning up its own environmental problems.

Individual states have taken the initiative to propose, and in some cases pass, legislation aimed more at improving the environment than toward punishing polluters. The individual states' laws differ slightly, though. When a company, such as Pacific Corp, operates in more than one state, it must play by different rules as it moves from state to state. Changing from the Policy to a federal self-evaluative privilege would aid in consistency. As with many other environmental laws and regulations, many states would incorporate the federal rules by reference. Even states that have already passed their own privilege laws may change to adopt a well written federal law. With consistency in environmental laws state to state, industry has a much easier time learning and understanding, and therefore, complying with them. This is not to suggest that environmental laws should be lenient or lax to help industry comply, just that they be consistent. After all, isn't the goal increased compliance to enhance the environment?

Oregon, in her tradition of an environmental leader, was the first state to pass an environmental self-evaluative privilege law. Being the first, Oregon had no other laws to review and build on PacifiCorp has found, through its review of other states' proposed laws, that some of the other states have taken Oregon's law as a starting place and improved on it. PacifiCorp respectfully suggests review of Alabama's proposed bill during your research for preparation of a federal bill.

Thank you, Senator, for this opportunity to express our support for your efforts. We encourage your success in this matter.

Sincerely,

DAVID WILSON,
Sr. Environmental Engineer,
PacifiCorp.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 426

At the request of Mr. SHELBY, the names of the Senator from Indiana [Mr. COATS] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 426, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1881

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from Hawaii [Mr. INOUYE], the Senator from Mississippi [Mr. LOTT], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. ROBB], the Senator from Ohio [Mr. GLENN], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1881, a bill to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics and Space Administration, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Mr. SIMON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2270

At the request of Mr. BAUCUS, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2270, a bill to authorize the Secretary of the Interior to transfer 40 acres of land on the Northern Cheyenne Indian Reservation, Montana, to Lame Deer High School District No. 6, Rosebud County, Montana, and for other purposes.

S. 2294

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 2294, a bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. GLENN], the Senator from Idaho

[Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, as "National Health Information Management Week."

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. METZENBAUM, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services.

AMENDMENTS SUBMITTED

LABOR—HHS APPROPRIATIONS ACT

MCCAIN (AND BAUCUS) AMENDMENT NO. 2465

Mr. SPECTER (for Mr. MCCAIN for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 4606 making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes; as follows:

The Senate finds, that Federal payments in lieu of taxes to counties compensate local jurisdictions for services provided in areas owned by the federal government and for tax revenues foregone due to such federal ownership.

PILT payments are critical to counties to provide vital basic services such as emergency search and rescue; law enforcement; fire and emergency medical services; solid waste management, road maintenance, and health and other human services.

PILT payments have not been increase since 1976, and the consumer price index has risen 127 percent since 1976.

On April 13, 1994, the Senate approved legislation to increase PILT payments by $115 million over 5 years, and index the payments to keep pace with inflation.

Enactment of this legislation is critical to counties in 49 states throughout the nation.

It is the sense of the Senate that the House should approve the Senate passed legislation to increase PILT payments, and that this legislation should be enacted by the adjournment of the 103d Congress. Further, it is the sense of the Senate that, pursuant to enactment, the President should include full funding for the PILT program in the fiscal year 1996 Budget.

HELMS AMENDMENT NO. 2466

Mr. HELMS proposed an amendment to the bill, H.R. 4606, supra; as follows:

At the appropriate place, add the following:

SEC. . RESPONSIBLE HEALTH CARE REFORM.

(a) FINDINGS.—The Senate finds that—

(1) health care reform proposals to be considered in August 1994 in the Senate and the House of Representatives will significantly affect the health care received by each and every American;

(2) such health care reform proposals impose many new and increased taxes which will be borne by all working Americans;

(3) all health care reform proposals that require employers to purchase and pay for health insurance for their employees will result in hundreds of thousands of Americans losing their jobs;

(4) most Americans oppose having the Federal Government force everyone to buy a standard package of health insurance coverage that is the same for everyone, regardless of age, gender, or religion;

(5) an overwhelming majority of Americans believe that Congress should change only those parts of the health care system that do not work and avoid getting the Federal Government more involved in health care than it already is;

(6) an overwhelming majority of Americans have stated their belief that health care reforms being considered by Congress will lead to health care rationing;

(7) by a wide margin, the American people prefer that rather than rush to enact a health reform bill in 1994, Congress should take time to debate this issue and do it right, even if that means putting off passing a bill until next year;

(8) despite the wishes of the American people, the congressional leadership has imposed arbitrary deadlines on the consideration of health care reform by both Houses of Congress;

(9) in our democracy, the American people should have maximum input into the manner in which health care is reformed; and

(10) the mid-term congressional elections will provide the American people with a means to express their voices on the shape that health care reform should take.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that major health care reform is too important to enact in a rushed fashion, and Congress should take whatever time is necessary to do it right by deferring action until next year to give Congress and the American people ample time to obtain, read, and consider all alternatives and make wise choices.

HARKIN AMENDMENTS NOS. 2467–2468

Mr. HARKIN proposed two amendments to the bill, H.R. 4606, supra; as follows:

AMENDMENT NO. 2467

On page 3, line 1, strike "$5,049,267,000" and insert in lieu thereof: "$5,234,055,000".

On page 53, strike line 8 and all before the second comma on line 9 and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 54, line 2, strike "reported", and all that follows before the second comma on line 3, and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 54, line 13, strike "reported", and all that follows before semicolon on line 14, and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 54, line 18, strike "$1,164,849,000" and insert in lieu thereof: "$1,264,849,000".

On page 55, line 1, after the comma, insert the following: "$13,000,000 shall be for part A of title VIII,".

On page 55, strike line 11, and all that follows before second comma on line 12, and insert in lieu thereof: "passed the Senate on August 2, 1994".

On page 59, line 20, after the "," insert the following: "to be administered by the Secretary of Education,".

On page 63, line 6, strike "as", and all that follows before the semicolon on line 7, and insert the following: "as passed the Senate on August 2, 1994".

On page 63, line 8, strike all after the comma, and on line 9 strike all before the semicolon, and insert in lieu thereof: "as passed the Senate on August 2, 1994".

On page 63, line 13, after the semicolon, insert the following: "$43,000,000 shall be for the Fund for the Improvement of Education, including".

On page 63, line 13, strike "shall be".

On page 63, line 14, strike the semicolon, and insert in lieu thereof: "," and strike "shall be for part K" and insert in lieu thereof: "for Elementary School Counseling Demonstrations,".

On page 63, line 15, strike the first "of".

On page 63, strike line 17 and all before the semicolon on line 18, and insert in lieu thereof: "as passed the Senate on August 2, 1994".

On page 64, line 1, strike "as" and all that follows before the semicolon on line 2 and insert in lieu thereof: "as passed the Senate on August 2, 1994".

On page 64, line 5 strike the second "as" and all that follows before the period on line 7, and insert in lieu thereof: "as passed the Senate on August 2, 1994".

AMENDMENT NO. 2468

On page 55, line 20, strike "$3,045,425,000" and insert in lieu thereof: "$2,753,300,000".

On page 55, line 22, before the period, insert the following: ", of which $292,125,000 for section 686 shall become available for obligation on September 30, 1995, and shall remain available through September 30, 1996".

KOHL AMENDMENT NO. 2469

Mr. HARKIN (for Mr. KOHL) proposed an amendment to the bill, H.R. 4606, supra; as follows:

On page 43, between lines 8 and 9, insert the following:

The Secretary shall provide payments under titles IV-A and XIX of the Social Security Act to carry out a demonstration project for a qualified program in accordance with this section which shall take effect on January 1, 1995. For each calendar quarter in which there is a qualified program as defined below, the Secretary shall pay to the State for the purpose of transmittal to the operator of the qualified program, for no more than 20 calendar quarters, an amount equal to the aggregate amount that would otherwise have been payable to the State with respect to the participants in the program for such a calendar quarter, in the absence of the program, for cash assistance and child care under part A of title IV of the Social Security Act, for medical assistance under title XIX of such act, and for administrative expenses related to such assistance. The term "qualified program" means a program operated by the New Hope Project, Inc., which assists low-income residents of Milwaukee, Wisconsin, move from welfare to work, in accordance with an application to be prepared by the operator to the qualified program, transmitted by the State to the Secretary, and defined by and approved by the Secretary. The application shall provide for evaluation of the demonstration project; funds provided herein may not be used for said evaluation.

HARKIN (AND BRYAN) AMENDMENT NO. 2470

Mr. HARKIN (for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 4606, supra; as follows:

On page 48, line 2, before the period insert the following: ", together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigation in which the Office of Inspector General participated and which are transferred to the Office of the Inspector General by the Department of Justice or the Department of Treasury".

GRASSLEY (AND HARKIN) AMENDMENT NO. 2471

Mr. HARKIN (for Mr. GRASSLEY, for himself and Mr. HARKIN) proposed an amendment to the bill, H.R. 4606, supra; as follows:

On page 52, between lines 17 and 18, insert the following new section:

SEC. 210. (a) Of the funds appropriated or otherwise made available for the Department of Health and Human Services General Departmental Management for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

(b) The Comptroller of the General of the United States shall conduct a review on the need of personal security protection for all cabinet and subcabinet officials in the Federal government, and shall not later than April 1, 1995, prepare and submit a report to the Senate and House Committees on Appropriations of the findings of the Comptroller.

HARKIN AMENDMENT NO. 2472

Mr. HARKIN proposed an amendment to the bill, H.R. 4606, supra; as follows:

On page 63, line 15, before the word: "title" insert the following: "$125,000 for National Student and Parent Mock Elections, $1,000,000 for the Partnerships in Character Education Pilot Project, $500,000 for Promoting Scholar-Athlete Competitions, and $900,000 for 21st Century Community Learning Centers, as authorized by".

SIMON AMENDMENT NO. 2473

Mr. HARKIN (for Mr. SIMON) proposed an amendment to the bill, H.R. 4606, supra; as follows:

On page 44, after line 20, insert the following:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

Funds not expended by the States by July 1, 1995, under section 204(b)(4) of the Immigration and Nationality Act are hereby rescinded.

For allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for—

(1) public information and outreach activities regarding naturalization and citizenship; and

(2) English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, *$8,000,000: Provided*, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further*, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in Section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of providing public information and outreach activities regarding naturalization and citizenship; and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States: *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That Section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995."

On page 7, line 20, strike "$232,000,000" and insert "$226,000,000" in lieu thereof.

COVERDELL (AND NUNN) AMENDMENTS NOS. 2474–2475

Mr. HARKIN (for Mr. COVERDELL, for himself and Mr. NUNN) proposed two amendments to the bill, H.R. 4606, supra; as follows:

AMENDMENT NO. 2474

At the end of the bill, insert the following new title:

TITLE VI—EMERGENCY SUPPLEMENTARY APPROPRIATIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

For an additional amount for the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other disasters, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the 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: *Provided further*, That the entire amount 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, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

AMENDMENT NO. 2475

At the end of the bill, insert the following new title:

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to the flooding caused by tropical storm Alberto and other disasters, authorized under section 7(a) of Public Law 81–874, $10,000,000, to remain available until expended, of which $10,000,000 shall be available from funds provided under the heading "DEPARTMENT OF EDUCATION" under the heading "IMPACT AID" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211): *Provided*, 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 as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the 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.

HATFIELD (AND PACKWOOD) AMENDMENT NO. 2476

Mr. HARKIN (for Mr. HATFIELD, for himself and Mr. PACKWOOD) proposed an amendment to the bill, H.R. 4606, supra; as follows:

At the appropriate place insert the following new section:

SEC. . DIRECTION TO THE SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING ACTION ON A REQUEST FOR CERTAIN WAIVERS UNDER THE AFDC PROGRAM.

In the event the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") fails to approve the application for waivers to conduct a demonstration project, known as JOBS Plus, under section 1115 of the Social Security Act submitted by the Oregon Department of Human Resources on October 28, 1993, (hereafter referred to in this section as the "application") by the date of the enactment of this Act, notwithstanding the Secretary's authority to approve the application under such section, the application shall be deemed approved.

SPECTER AMENDMENT NO. 2477

Mr. HARKIN (for Mr. SPECTER) proposed an amendment to the bill, H.R. 4606, supra; as follows:

On page 24, line 25, before the period insert the following: ": *Provided*, That such funds shall not be treated as a reprogramming and shall not be available for obligation or expenditure except in compliance with the Committee reprogramming procedures".

GRAHAM (AND HUTCHISON) AMENDMENT NO. 2478

Mr. HARKIN (for Mr. GRAHAM, for himself and Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 4606, supra; as follows:

At the end of title V, insert the following:

SEC. . There is appropriated out of any money in the Treasury not otherwise appropriated for fiscal year 1995 for expenses necessary to carry out the Emergency Immigrant Education Act of 1984 (or its successor

authority) $100,000,000, and each amount appropriated or otherwise made available for each program, project or activity relating to the salaries, expenses and program management funded under titles I through III of this Act (other than by this section) that is not required to be appropriated or otherwise made available by a provision of law is reduced by the uniform percentage necessary to reduce the total amount appropriated for such programs, projects or activities by $100,000,000.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

DOLE (AND OTHERS) AMENDMENT NO. 2479

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. EXON, Mr. FEINGOLD, Mr. HATCH, Mr. DECONCINI, Mr. LUGAR, and Mr. HELMS) proposed an amendment to the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . TERMINATION OF ARMS EMBARGO.

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina no later than November 15, 1994 so that Government may exercise its right of self-defense under Article 51 of the United Nations Charter.

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

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

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

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

HELMS AMENDMENT NO. 2480

Mr. HELMS proposed an amendment to the bill, H.R. 4650, supra; as follows:

At the end of the Committee amendment, on page 2, line 15, add the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR UNITED STATES COUNTERNARCOTICS PROGRAMS IN COLOMBIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds appropriated by any provision of law to carry out military assistance or FMF programs shall be obligated or expended for the Government of Colombia, and none of the funds appropriated by this Act shall be obligated or expended for United States military activities in or with Colombia, until the President determines and certifies to the Congress that the Government of Colombia is taking actions to—

(1) apply vigorously all law enforcement resources to investigate, track, capture, and incarcerate narcotics kingpins and their accomplices;

(2) create an "elite corps" of investigators to track down corruption and prosecute those responsible for it or otherwise involved in it;

(3) reform Colombia's penal code, including increasing penalties for drug traffickers and removing loopholes in the plea-bargain system;

(4) present to Colombia's Congress stringent anti-corruption legislation;

(5) introduce new legislation to strengthen laws against money-laundering; and

(6) pursue international anti-narcotics initiatives, including the creation of a Caribbean Basin multilateral anti-narcotics force, controls on precursor chemicals, and the adoption of a new inter-American convention to ban financial safe havens for narcotics traffickers in this Hemisphere.

(b) COMMERCIAL ARMS EXPORTS PROHIBITED.—None of the funds appropriated by any provision of law may be used to license the commercial export of items on the United States Munitions List under section 38 of the Arms Export Control Act to Colombia until the President makes the determination and certification described in subsection (a).

(c) REPORT REQUIRED.—Whenever the President makes a certification under subsection (a), the President shall submit to the Congress, together with such certification, a report describing the actions taken by the Government of Colombia upon which such certification is based.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "FMF" means the foreign military financing program under section 23 of the Arms Export Control Act; and

(2) the term "military assistance" means assistance provided under chapter 2 of part II of the Foreign Assistance Act of 1961.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. 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 Monday August 8, 1994, beginning at 10:30 a.m.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, August 8, 1994, to hold a hearing on oversight of the insurance industry: Blue Cross/Blue Shield—Federal contracts.

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

ADDITIONAL STATEMENTS

THE MORRIS K. UDALL PARKINSON'S RESEARCH, EDUCATION, AND ASSISTANCE ACT OF 1994

• Mr. RIEGLE. Mr. President, I rise today to add my name to the list of cosponsors of legislation to establish the Morris K. Udall Parkinson's Research, Education, and Assistance Act. Each year this disease costs society an estimated $6 billion. The victims know no age limits or boundaries and indeed a very large percentage of Parkinson's patients are under the age of 60. The patients are the famous and the unknown, but the have in common a disease that progressively increases its control of the body. This legislation will help focus the limited resources we have in a way that will hopefully offer a breakthrough. Included in this legislation is a coordination council to direct and coordinate research, a national conference to build a consensus on strategy, the creation of an agenda, and the establishment of 10 research centers.

Mr. President, it is fitting that this legislation has been given a human face by naming it after former Congressman Morris Udall. As a colleague of his in the House of Representatives, I know that Morris Udall represented what is best in this institution and what is best in American political life. No one could offer a more serious and intelligent approach on issues. At the same time, he always maintained his wit and sense of humor in a way that would guarantee that we did not lose sight of who we were and what we were trying to accomplish.

Mo Udall's career was highlighted in 1976 when he ran for President. Although he worked tirelessly on the campaign trail and did not receive the party nomination. Mo managed to keep this sense of humor. Typical of his self-deprecating humor, he once began a speech by recounting to the audience a story about his campaigning in a local barbershop in Keene, NH. As he described, "I walked up to the first man sitting in the barber chair and said 'Hi, I'm Mo Udall, and I'm running for President.' And he said to me, 'Yeah, I know. We were just laughing about it." Despite the humor, Mo Udall's Presidential campaign, like his career, was no joke. He offered serious leadership and integrity at a time when all faith in Government had been shaken. His service in the House for 30 years was tragically cut short by Parkinson's disease, and his absence for the past 4 years has been deeply felt by many of us here on Capitol Hill.

Mr. President, it is time we cut this disease short so that the tragedy that is Parkinson's will not continue to afflict more and more victims, along with their family and friends. If we can make headway through the Morris K.

Udall Parkinson's Research, Education, and Assistance Act, then we will have given due tribute to our dear friend and colleague.●

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION—CONFERENCE REPORT ACT OF 1994

Mr. FORD. Mr. President, I submit a report of the committee of conference on (H.R. 2739) and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1994.)

Mr. FORD. Now, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 2739, the Federal Aviation Administration authorization bill; that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the conference report was agreed to.

Mr. FORD. Mr. President, let me make a comment about the conference report we have just approved. It has been a laborious process leading up to the passage of the bill. I remember when we had this bill in the Chamber we had three germane amendments, we had seven amendments on Whitewater, one on Korea, and one on EEOC. And so it took about 9 days to get the bill out of the Senate and to conference. I am very pleased tonight that this conference report has been approved.

Let me compliment my chairman, Senator HOLLINGS. He supports his subcommittee chairmen without any reservation. When he is needed, he comes and helps and allows us to proceed. He worked with the conference committee diligently and is one of the main reasons we were able to complete this conference in such a timely manner.

I also want to compliment Senator DANFORTH, the ranking member of the Commerce Committee. He had such strong interest in this bill, and he stayed with us in the conference committee. I am grateful to him for his interest in the bill and his support.

Mr. President, let me also thank two of my staff members, Sam Whitehorn and Martha Moloney for their long hours and diligent work in making this moment possible; and my ranking member, Senator PRESSLER, and to the minority staff who have worked in a bipartisan way to see that this bill has come to fruition now, and to be sent to the President for his signature.

Today, before my colleagues is the conference report to H.R. 2739, the Federal Aviation Authorization Act of 1994. As my colleagues know, earlier this year we spent 8 days trying to pass a bill to provide airports with Federal funds. Most of those days were spent on issues wholly unrelated to the FAA or to airports. We had amendments on Whitewater, North Korea, and EEOC, all of which consumed enormous amounts of time.

I can now report to my colleagues that we have a final agreement with our House colleagues on funding for the FAA for the next 3 years. Let me explain briefly what the bill before you does. The bill:

Provides authorization for the airport improvement program, facilities and equipment, operations and research of the FAA for 3 years;

Sets out a process to resolve airport-airline fee disputes on an expedited basis and guards against illegal revenue diversion;

Does not, and I repeat, does not, require that fees in dispute be placed in an escrow account. This is something that was discussed at great length when the bill was passed on the Senate floor this past June;

Preempts State regulation of intermodal air cargo carriers and other companies engaged in the transportation of cargo; and,

Establishes a 5 year term for the Administrator of the FAA.

As my colleagues are well aware, this is an important funding bill. Because of its importance, we have spent many days on the Senate floor debating its merits, and spent many days discussing with the aviation community and financial community its true impacts. I can assure my colleagues that this bill will, and I repeat, will, provide funds for airports.

I also want to touch on a few provisions. First, the bill includes a 5 year term for the administrator of the FAA. The position of leadership at the FAA is a critical one. All too often the FAA Administrator, though able, stays but a short time. The average tenure is about 18 months, which is not long enough to really get to know the agency, make decisions, and see them carried out. Earlier this year, we got into a great debate on whether or not to establish an air traffic control corporation, something which has since been laid to rest. However, all concerned recognize the need to reform the FAA, and the 5 year term will help the FAA with a continuity of leadership and stability.

The airline-airport fee dispute process sets out specific time frames, ensures that airlines can recoup funds if a fee is determined to be unreasonable, and specifies when a civil penalty can be imposed. The conferees wanted to ensure that airport sponsors be able to mitigate any penalty, and language in the report specifically addresses this matter. In addition, and most important, airports that are now permitted to divert funds legally, are not affected by this legislation. Rights held before by a limited number of airports continue. This is a matter that was raised by a number of colleagues, from Massachusetts to California, and I want to assure them that the grandfathered airports are unaffected.

With respect to section 211, as passed by the Senate, the House conferees sought to modify the Senate provision to ensure that regulatory burdens for all those in the cargo industry are limited. The Senate conferees receded to the House on this matter.

I want to thank my Senate conferees, and colleagues for all of their assistance and suggestions. As many of you know, we had to conference this bill with six committees. Without the assistance of many of you in a timely manner, this bill would not be before you today.

I want to thank personally our House colleagues, Chairman MINETA, Congressman OBERSTAR, the aviation subcommittee chairman, Congressman RAHALL, the surface transportation subcommittee chairman, as well as the ranking members of those committees, Congressman SHUSTER, CLINGER, and PETRI, respectively, for all of their fine work. I must recognize as well the leadership of the House Science and Technology, Foreign Affairs, Ways and Means, and Banking committees for all of their cooperation and efforts.

Finally, I want to recognize the staff of the House, who worked long and hard to resolve all of the issues and put the report to bed late Friday night, for senior staff to the excellent work of the staff assistants. I know the House aviation staff has met for weeks with my staff and I want to extend my thanks to Dave Hymsfeld, Dave Traynham, Mary Walsh, Caroline Gabel, Dave Schaeffer, Donna McLean, and Ed Fedderman as well as Mary Beth Gaiarin, Gretchen Biery, and Linda Burdett.

Mr. PRESSLER. Mr. President, as ranking member of the Senate Aviation Subcommittee, I am very pleased the Senate is about to pass the conference report to H.R. 2739, the Federal Aviation Administration Authorization Act of 1994. This is a very important bill, providing a 3 year authorization for the FAA's Airport Improvement [AIP]. Prompt enactment of this measure is critical to our Nation's airports.

While almost $1.7 billion has been appropriated for AIP for fiscal year 1994, about one-half of this appropriation has not been available to local communities in South Dakota and other States in dire need of AIP funding. This is because the AIP program has not been fully authorized since it expired in 1993.

We were able to pass a temporary authorization bill in May, releasing about $800 million for AIP grants. However, this provided only temporary relief following an 8-month gap in AIP. No AIP grants have been made available since June 30 of this year. This is very troubling because the construction seasons in many of our States soon will be over.

In addition to reauthorizing AIP for 1994 through 1996, the conference agreement includes several provisions that merit attention:

Section 207, the Air Service Termination Notice. This section requires air carriers to provide 45 days advance notification prior to terminating air service at non-hub airports. I am very pleased the conference members were able to reach an agreement on this section. Cities in South Dakota and other rural areas struggle continually to maintain jet service. I would have preferred the conferees to have retained the provision as passed by the Senate—requiring a 60 day advance notice. However, I hope our compromise will be an important step in helping smaller communities in their struggle to maintain adequate air service.

Section 206, Slots for Air Carriers at Airports. This section of the bill addresses the issue of takeoff and landing rights at high density airports, commonly know as slots. These slots are necessary for operations at four of our Nation's busiest airports, Chicago O'Hare, New York LaGuardia, New York Kennedy, and Washington National.

I am particularly pleased the conference agreement provides that the Secretary of Transportation shall insure that air carriers wishing to provide essential air service [EAS] at high density airports will be granted the necessary operational authority to do so. A preference is expressed in the conference agreement for the use of what are known as exemptions. These exemptions would be used by EAS carriers to provide service unless the Secretary determines that such an exemption would significantly increase operational delays.

In the event that the Secretary cannot use an exemption to ensure EAS service, the Secretary shall take other necessary actions to ensure access, including the withdrawal of slots from incumbent carriers. This is a major step forward for communities in States like South Dakota that are dependent on EAS subsidies and want access to high density airports.

Section 601, the Preemption of Intrastate Transportation of Property. This is one provision in the Senate-passed bill that caused me concern. It would have provided for the preemption of State Law for certain intermodal all-cargo carriers engaged in intrastate transportation. My concern was for those transportation companies not covered by the Senate provision.

I believe the conferees have reached a more reasoned approach. Section 601 makes it clear that the preemption would apply to all firms operating in intrastate transportation, so that smaller companies would be put on a level playing field. In addition, to the extent that trucking companies want to avail themselves of certain State economic regulations, they can choose to be covered by such. The agreement also emphasizes that States maintain their authority to regulate certain essential areas, such as safety and insurance regulations. Those necessary aspects of State regulatory authority are clearly preserved.

Mr. President, these are just a few of the provisions of the bill I consider to be important. It is a sound agreement. It authorizes funding for the capital needs of our Nation's commercial airports and general aviation facilities. I urge adoption of the conference report.

Mr. President, at this time I would like to take the opportunity to congratulate the chairman of the Aviation Subcommittee, Senator FORD, for his leadership on this bill. Further, I want to commend the other Senate conferees who helped us to move this bill through the legislative process: the chairman of the Commerce Committee, Senator HOLLINGS, the ranking member of the committee, Senator DANFORTH, and Senator EXON.

In addition, I want to thank the staff members for all of their hard work on this time consuming bill. First, I would like to thank Alan Maness and Betsy Iverson from the Senate Commerce Committee for their assistance. I also want to extend my appreciation to Martha Moloney from Senator FORD's staff, Sam Whitehorn from the Senate Commerce Committee, Chris McLean from Senator EXON's staff and Ann Begeman of my staff.

Mr. HOLLINGS. I am pleased to speak in support of the conference report on H.R. 2739. This airport improvement bill has had a long road to final passage. Last November the Committee on Commerce, Science, and Transportation reported S. 1491, the Federal Aviation Authorization Act of 1993. But it was not until last Friday night, at around 11 p.m., that the House and Senate conferees reached a final agreement, and the conference report was completed. The House of Representatives passed the conference report on Monday, August 8, 1994, enabling the Senate to consider the matter expeditiously.

As my colleagues all know well, this bill provides funds for all of our Nation's airports. Without this bill, no airport can receive Federal funds to meet its safety and capacity needs.

I want to discuss a number of issues addressed in the bill, and some that were not included, as a result of the conference. First, the bill sets out a 3-year authorization of appropriations for the entire Federal Aviation Administration [FAA], including airport improvement, operations, facilities, and research. Second, the bill provides a procedure for airports and airlines to settle disputes over airport rates and charges. The procedure differs from that proposed earlier this year by the Department of Transportation, primarily by setting out an expedited decisionmaking process. Representatives of airlines, airports, the bond community, and many other affected interests have spent a great deal of time going through each of the issues, and have reached a compromise. It is a fair compromise, and one supported by all sides.

Third, the bill as it passed the Senate addressed a problem of fairness in the air cargo industry. One carrier, Federal Express, as a result of a decision in the Ninth Circuit Court of Appeals, is treated as an air carrier right now, and thus is exempt from State regulation. UPS, a carrier in the exact same business, is treated like a trucking company and is subject to State regulation. As my colleagues know, I have many concerns with airline deregulation, but leveling the playing field for these two giants is different. To address this inequity, the Senate-passed version of the bill included a provision that preempted State economic regulation of air carriers with trucks like Federal Express, motor carriers with aircraft like UPS, indirect air carriers, and a number of other large carriers that make use of air cargo services.

After Senate passage, the House Public Works and Transportation Committee held hearings on this preemption provision, and the hearing testimony indicated that exempting a number of large carriers from State regulation could put nonexempted carriers at a competitive disadvantage. In light of this desire for fairness, the conference committee expanded the provision to preempt regulation of all intermodal and motor carriers engaged in the transportation of cargo. However, like others of my colleagues, I am concerned that new competition resulting from this action may adversely affect many small companies. I will be monitoring carefully the impact of this provision on those small companies.

Finally, the House version of the bill sought to permit collective bargaining at the Washington area airports. Instead, the conferees decided to continue to review the issue through a study to look at how best to proceed

with this issue as a result of concerns raised during the conference.

I urge my colleagues to support passage of this conference report.

Mr. DANFORTH. Mr. President, I am pleased we are moving forward on legislation that is vital not only to our aviation system, but our economy as a whole. The short-term airport reauthorization bill that was enacted on May 26 provided $800 million in Airport Improvement Program [AIP] funding. That authorization expired on June 30. Since that time no Federal money has gone to our Nation's airports. The conference report would bring the total authorization for fiscal year 1994 to $2.105 billion. It also would authorize $2.161 billion for fiscal year 1995 and $2.214 billion for fiscal year 1996.

Our Nation's aviation system needs expanded airport capacity. According to the FAA, there are currently 23 airports where flights are delayed by 20,000 hours or more annually. According to the FAA, this costs the airlines, on average, $32 million in delay costs at each airport. At the same time, passenger enplanements at the top 100 airports are predicted to increase from 452 million in 1991 to 861 million in 2005. This is a 90-percent increase. If nothing is done to increase system capacity, FAA projects that within 10 years 33 airports will experience more than 20,000 hours in annual delays. To meet these needs, the airports estimate that their capital development requirements will be $10 billion each year for the next 5 years. The current funding sources ($1.45 billion to $1.5 billion in AIP appropriations for fiscal year 1995, $3.5 billion in airport bonds, and $800 million in passenger facility charges) fall far short of the $10 billion annual need. FAA has $8 billion in unfunded pending grant requests.

A good example of the importance of AIP is Lambert Airport in St. Louis. Lambert currently experiences 50,000 hours of delays each year. Lambert projects that these delays will exceed 175,000 hours a year by 2010 unless the airport is expanded. These delays currently cost the airlines $60 million a year and, without an expansion, these costs will grow to $200 million by 2010. In the next 2 years, Lambert is expected to seek an AIP funding commitment of $300 million over 10 years. Without these funds, Lambert officials will not be able to piece together the financing plan for the projected $1.8 billion expansion.

Mr. President, another issue on which the conferees agreed was the question of the economic regulation of intrastate property movements by air carriers and motor carriers. The conference report recognizes that intrastate economic regulation of freight transportation no longer makes sense in a global economy with rapidly evolving transportation markets and practices such as just in time inventory control. Importantly, this legislation specifically recognizes the authority of States to regulate safety:

> Impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization.

Mr. President, reauthorizing AIP is important. It also is important that this bill covers three aspects of the ongoing dispute between the airlines and the airports over the fees charged airlines. Examples of the types of fees that have created controversy include landing fees, as well as rental charges for gate space and baggage handling areas.

The Secretary of Transportation would have 90 days to develop procedures and policies for reviewing airline-airport fee disputes. The procedures would have to include the following elements: First, a total review process period of 120 days; second, upon an airline's complaint, the Secretary would have to decide within 30 days whether to dismiss it or set it for hearing before an administrative Law Judge [ALJ]; third, within 60 days of the filing of the complaint, the ALJ would have to decide whether the fee was reasonable; fourth, the Secretary would have 30 days to review the ALJ's decision; and fifth, the Department's determination would be reviewable by a court of appeals under a substantial evidence standard of review.

Second, the bill contains a provision that would prevent an airport from locking out an airline over a fee dispute, provided the airline paid the disputed amount during DOT review. The airport would have to provide some assurance of repayment to an airline or airlines who prevail in the DOT rate review process. This assurance could take the form of a surety bond, letter of credit or other credit facility.

Finally, the conference report deals with the issue of diverting airport revenue to non-airport purposes. Within 90 days of enactment of this legislation, the Secretary of Transportation would have to issue new policies and procedures designed to strengthen the prohibition on diversion. These new policies would provide airports clear guidelines on impermissible diversion.

The Conference Report also includes a provision regarding revenue diversion that is legally permitted. Under this provision the Secretary must first make a finding that an airport which is legally permitted to divert is taking, in inflation adjusted terms, more off the airport than it did in the airport's first fiscal year ending after enactment. If this finding is made the increase in diversion will be a factor militating against distribution of discretionary funds to the airport. The conference report limited the application of this provision to those airports that are increasing the amounts they are diverting because the conferees recognized that these legal diversions represent long standing practices. Moreover, applying pressure to airports is unlikely to change the approach of fiscally strapped city governments. Lambert Field in St. Louis is one of the so-called grandfathered airports that has legally diverted a small percentage of airport revenues for many years. Given its fiscal problems, St. Louis will not change this practice regardless of changes we make in AIP funding criteria. Moreover, in determining how to weigh the factor of legal diversion it is important for the Secretary to consider the magnitude of the diversion. the Statement of Managers addresses this issue by stating, "[T]he Secretary shall consider the amount being diverted by the airport operator compared to the amount being sought in discretionary grants in reviewing the grant application." Thus, the Secretary must consider the size of the diversion amount in comparison with the discretionary grant being sought.

Mr. President, I would like to close by thanking Senators HOLLINGS, FORD, and PRESSLER for the work they have done to bring this important legislation to the floor. I urge my colleagues to support it.

GRANDFATHERED AIRPORTS

Mr. KERRY. Will the chairman of the Aviation Subcommittee answer a few questions concerning the conference report to H.R. 2739?

Mr. FORD. I would be delighted to.

Mr. KERRY. I know that the chairman spent a great deal of time sorting through airport revenue diversion issues, and the conferees discussed the issue at length as well. Is the chairman's understanding that those airports that are permitted to divert revenues legally, are unaffected by the bill?

Mr. FORD. That is correct. There is nothing in the bill that affects Massport's status. In fact, the conferees discussed this same problem with respect to St. Louis, which is in a similar situation to Massport. The conferees agreed to alter slightly the originally House provision language concerning legal revenue diversion as a factor in awarding discretionary grants. All of the conferees agreed that we were not taking away rights already granted in existing law.

Mr. KERRY. I appreciate that explanation, as well as the Senator's efforts to make sure all of the airports are adequately funded.

Mr. BRYAN. I commend the chairman of the Aviation Subcommittee for his outstanding work to resolve numerous contentious issues on this legislation which provides important funding for our Nation's airports.

I would like to ask the chairman about one of the provisions in the legislation dealing with the ability of air

carriers to provide gaming applications on in-flight interactive video systems. As the chairman knows, newly designed interactive video systems are being installed on foreign and domestic aircraft worldwide providing passengers a wide variety of in-flight entertainment options.

Last year, we learned that foreign carriers had announced plans to provide games of chance on these entertainment systems. Because the market for international passengers is intensely competitive, numerous U.S. carriers likewise considered providing similar games.

However, under an archaic law called the Johnson Act, U.S. air carriers—but not foreign carriers—are prohibited from providing gaming on their flights. The prohibition apparently applies to U.S. carriers even when the flight is in international waters and even if the flight is not taking off from or landing in the United States.

A study has shown that U.S. flag carriers could lose hundreds of millions of dollars each year because—on those long international flights—some passengers may decide to fly on foreign-flag carriers rather than U.S. carriers in order to enjoy these additional entertainment options.

To level the competitive playing field, U.S. carriers asked Congress last year to permit them to provide comparable gaming applications on in-flight video systems when their flights were over international waters. Earlier, Congress permitted U.S. cruise ships to provide gaming to compete with foreign cruise ships which likewise had a competitive advantage due to the operation of the Johnson Act.

Congress recognized the potential adverse competitive implications for U.S. air carriers, but there were some concerns raised about the logistical operation of these gaming devices and whether their use would pose any threat to the safety of the aircraft or other passengers.

I fully agree with those who have raised those concerns that these issues should be addressed before we permit these additional in-flight options. As a result, I agreed to the provisions in the conference report which provides for the Federal Aviation Administration to study the safety implications of the application of gaming devices on in-flight interactive video systems. The safety study is very important. I believe the FAA should consider whether there is any reason that games of chance electronically will have any different effect on the operation of the aircraft than other electronic games such as Nintendo. The FAA should also consider whether allowing games of chances will affect passenger behavior more dramatically than the serving of alcohol on flights, or the prohibition on smoking. Frankly, I doubt they will. Finally, if the FAA determines that there are any valid safety issues, I urge them to include in its report to Congress how these issues could be addressed through the regulatory process.

The conference report provision attempts to level the competitive playing field by prohibiting foreign air carriers from providing gaming applications, and provides that the Department of Transportation should study the competitive implications if foreign carriers are able to provide gaming while U.S. carriers are not.

I also fear that the prohibition on foreign carriers may not be enforceable and that U.S. carriers will remain at a competitive disadvantage. For example, if the foreign carrier takes out the computer chip—which provides the gaming function—before it reaches U.S. airspace, I am uncertain how the U.S. could apply U.S. law against the carrier. In addition, it seems highly unlikely that the U.S. could enforce—or intends to try to enforce—such a provision when the flight does not even go to or from the United States. The DOT should consider the ability to enforce this law as part of its study.

Mr. President, I hope the Senator from Kentucky will join me in urging the DOT and FAA to conduct these studies and report back to Congress expeditiously, and in no event later than the time frames in the legislation. I expect that the reports are likely to demonstrate that the foreign air carriers will remain at a competitive advantage, and any safety concerns can be addressed through the regulatory process. In any event, once we have the reports, we will be in a better position to consider this issue at the beginning of next Congress.

Mr. FORD. I thank my friend from Nevada for his comments. I join him in urging the DOT and FAA to complete the studies required in the legislation in a timely fashion. Once we have these studies, we will better be able to determine the competitive implications for U.S. carriers, and whether any valid safety concerns can be addressed through the regulatory process.

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

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Tuesday, August 9; that following the prayer, the Journal of the 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, with Senators GRAMM of Texas and BREAUX recognized to speak for up to 10 minutes each; that at 9:30 a.m. the Senate resume consideration of H.R. 4650, the Department of Defense appropriations bill, with Senator BUMPERS recognized to offer an amendment relating to Milstar; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will shortly complete its deliberations today and will under a previous order resume consideration of the Department of Defense appropriations bill at 9:30 a.m. tomorrow. During the day tomorrow, the Senate will begin consideration of health care reform legislation, if I am able to obtain agreement to proceed to that measure, as I hope I will. I have had several discussions today with a number of Senators on the schedule for that legislation including the distinguished Republican leader, with whom I have just recently met. We do not yet have final agreement on the precise time for beginning that debate. But it will not in any event be until after the respective party caucuses end at approximately 2:30 p.m. I am not certain of how soon after that we will begin. That will depend in part upon progress made on other matters, including the Department of Defense appropriations bill, and on other matters now being discussed among several Senators, Democratic and Republican Senators, the distinguished Republican leader and myself.

So I hope that we will begin the health care reform debate tomorrow. It will be no earlier than 2:30, and could be a little later than that, depending upon how the discussions culminate and how much progress we make on other legislation before that.

I hope to have a further announcement in this regard tomorrow morning following other meetings.

Mr. President, I thank my colleagues for their cooperation.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, seeing no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 5:43 p.m., recessed until tomorrow, Tuesday, August 9, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 8, 1994:

DEPARTMENT OF STATE

KENNETH SPENCER YALOWITZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

DEPARTMENT OF JUSTICE

SHELDON C. BILCHIK, OF MARYLAND, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, VICE ROBERT W. SWEET, JR., RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LUISE S. JORDAN, OF MARYLAND, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICES. (NEW POSITION)

ANDREA N. BROWN, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 1 YEAR. (NEW POSITION)

THOMAS EHRLICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (NEW POSITION)

CHRISTOPHER C. GALLAGHER, SR., OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 4 YEARS. (NEW POSITION)

REATHA CLARK KING, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 5 YEARS. (NEW POSITION)

CAROL W. KINSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 5 YEARS. (NEW POSITION)

LESLIE LENKOWSKY, OF INDIANA, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 4 YEARS. (NEW POSITION)

MARLEE MATLIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 2 YEARS. (NEW POSITION)

ARTHUR J. NAPARSTEK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 4 YEARS. (NEW POSITION)

JOHN ROTHER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 2 YEARS. (NEW POSITION)

WALTER H. SHORENSTEIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (NEW POSITION)

HOUSE OF REPRESENTATIVES—*Monday, August 8, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MORAN].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 8, 1994.

I hereby designate the Honorable JIM MORAN to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER] for 5 minutes.

GUARANTEED INSURANCE ACT OF 1994

Mr. HOYER. Mr. Speaker, I wanted to take a moment to talk about health care reform.

After 5 years of listening to our constituents tell us their problems with the current health care system; after hundreds of hours of public hearings and thousands of town hall meetings; House and Senate Democrats have crafted final proposals from the legislation passed by congressional committees.

Sometimes we get caught up in the big issues—"universal or incremental," "comprehensive or barebones."

Today, I would like to focus on what our proposal will mean to real people—how the Guaranteed Insurance Act of 1994 will improve the lives and strengthen the security of working class people.

I would like to talk about Ms. Smith, who works in a small company and is currently insured.

Under the Guaranteed Insurance Act of 1994, Ms. Smith will continue to receive health coverage either through a private plan offered by her employer; or, through a private plan offered through the Universal Federal Employee Health Benefit Program.

If her employer does not offer private coverage, she can enroll in Medicare Part C. If her employer chooses this route, she will have a choice of a plan offering unlimited choice of doctors or a managed care plan.

She can also choose a medical savings account, if her employer offers one.

Ms. Smith will have a choice she probably does not have today—she can choose from at least one plan offering unlimited choice of doctors, and one managed care plan.

Her benefits will either remain the same or improve.

Ms. Smith will share the responsibility for paying the premium with her employer—just like she probably does today.

Her employer will pay at least 80 percent of the cost of the premium. That cost is tax-deductible for her employer.

Ms. Smith's maximum payment will be 20 percent of the premium cost—about $35 per month for an individual policy, or $69 per month for a single parent with children, or $94 per month for a two-parent family with children.

If Ms. Smith earns under $38,400 and she is married with two or more children; or, if she earns less than $27,000 and is a single parent: or, if she is single with no children and earns less than $17,760—Ms. Smith will receive help paying her portion of the premium.

If Ms. Smith's household income is less than the poverty level, or she is an SSI or AFDC recipient, she will have no premium obligation.

The Nation should—and will—be focused on what we say and what we do in the coming days.

There is a lot at stake for every American—their family's security, their children's health.

Let us approach this debate with that in mind. Let us not spread fear.

Let us not sow confusion. Let us keep this debate on the highest level—and that level is this: How does this affect Americans who play by the rules and pay the bills?

If we do, we will do what the people who sent us here want us to do.

If we do that, the American people can win.

THE CRIME BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I take the floor because I have been very frustrated by what some of the politicians are saying about the crime bill. I think it is time we have a little truth in advertising around here.

I proudly sit on the Committee on the Judiciary, and I am proud of how this House dealt with the crime bill. We dealt with it piece by piece by piece so all Members had a chance to debate and understand fully what is in it. Then it was packaged in the omnibus crime bill, and now it appears many Members have all sorts of reasons they suddenly cannot vote for it.

I think every voter ought to be very angry about that. The No. 1 thing that any government ought to do is to be able to protect its citizens against violence. I think this is one of the smartest bills we have seen yet.

Let me talk about the four parts that are in it. First of all there is very strong punishment. The three strikes and you are out is in there. There is money to help States build more prisons which we know are way underfunded, and to help catch up with that backlog and many other pieces for very strong punishment.

Then there is a very strong antiassault weapons ban. We voted on it separately. We debated it separately. We won that bill, and it seems very important that the ban on assault weapons belongs in an anticrime bill. Look at the average law enforcement officer today and he or she is way outgunned by the criminals, way outgunned. Look at the average law enforcement officers today and they do not look much different than Wyatt Earp, except they have a car rather than a horse. But the criminals have much stronger firepower. They can do these drive-by shootings, they can terrorize all sorts of neighborhoods, and we do not need assault weapons out there in the hands of people. This is a very important component.

There is also a very important component in the prevention, and prevention breaks out into two different parts. I must say as I listen to Members say they are voting against this because of pork, they really ought to take a look at what they are really voting against.

No. 1, under prevention we put a very important bill in called the Violence Against Women Act.

□ 1040

It really starts moving this country forward in dealing with the violence in the home by either men or women. We have totally left the home untouched. We allow domestic terrorism by both sexes against children and against each other, and that is wrong.

In fact, today the American Bar Association put out an excellent report about how the law has totally failed in this area. Well, that is why we need the Violence Against Women Act, because this will beef up the laws in this area. It will also provide for more shelters in those kinds of violent actions. Right now we have three times as many shelters in this country for dogs and cats as we do for people.

Does that make sense, that we are more concerned about battered dogs and cats than we are about children and families? I do not think so.

We also do not have a 1-800 number that we can use in this situation. This funds 1-800. Do you think that is pork? Do you think those are things we really need? I do, and I do not think that is pork.

We also have some very important preventive programs that are being tried in my great city of Denver, CO. I must tell you we had so much violence on the street in the spring and fall of last year I was terrorized to go into the summer, and I contacted our Attorney General, Janet Reno, and she made our city one of the models to see if these programs work.

What people are calling pork is really a few bucks that we are able to put in the hands of an awful lot of community groups who want to reach out and work with the youth. Before, these groups have had to spend over half their time getting the money to be able to pay the rent or insurance or whatever it was. They are all volunteering their time, but they were having to spend twice as much time having bake sales or car washes or whatever. With these few extra bucks, they can spend 100 percent of their time on the young people, and I must tell you it has worked like a charm in Denver, CO.

This has been our summer of safety, the quietest summer we have seen in a long time. We put in a very tough curfew where kids are picked up off the street after a certain hour. They are taken to a rec center. We found a lot of troublemakers came from other cities that came in to make trouble. Their parents are notified. If they are from our area, we put them in touch with community groups that are willing to get them into sports or get them into some kind of a job or get them into something so we get them out of trouble. That is what we need to do.

It has worked so well, and that is the model that this "pork" has been developed around. Yes, midnight sports; why not rather have them do midnight sports than some of the other "sporting" things they were doing on the street?

So I really hope this week we can get this crime bill passed. It is the smartest bill we have had on this floor. Year after year we have been passing just the tough bills without the prevention part, and year after year crime went up instead of down.

In my city, where we have balanced the tough part with the prevention part, guess what, crime is going down, and it is going down rapidly.

So I hope everybody gets ahold of the politicians that call the crime bill pork or they are so afraid of the NRA and do not want to vote against assault weapons and say, "Look, this is the very basic thing you should be doing," and make sure we get this bill out of here this week.

APPOINTMENT OF KENNETH STARR

The SPEAKER pro tempore (Mr. MORAN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, many of us, hoping that the Whitewater controversy had ended, woke up this weekend with another Whitewater controversy: the replacement of Robert Fiske with Kenneth Starr. The White House has already expressed its views on the matter. So has the President's lawyer.

Let me just say that I am concerned about this appointment. I am not calling for Starr's resignation, nor am I criticizing him. He appears to have excellent legal and academic credentials and he appears to be a man of integrity.

The question that comes to mind is whether Kenneth Starr, based on past actions, is too partisan a Republican to do a fair job. Is he the only individual that we can find to fill this position? What was wrong with Fiske? He was a Republican, and I understand a Republican had to get this job.

Did that letter from those House Republicans influence the judges?

Mr. Speaker, here is why I am concerned about Kenneth Starr: Just this year, Starr planned to file a legal brief supporting the Paula Jones lawsuit. Starr admitted that he was involved in discussions with attorneys for Paula Jones, but he will not specify with whom—the Washington Post, June 24, 1994.

Additionally, Starr said he planned to file a legal brief supporting Paula Jones' contention that the President is not immune from her suit. And it was widely reported in the press that Starr was considering the filing of a brief—the Washington Post, June 24, 1994, and the Dallas Morning News, June 11, 1994.

Starr publicly criticized President Clinton's legal defense team for arguing to delay the Paula Jones lawsuit until after he had left office, saying, "It is a very serious step to take to say that the President of the United States is simply too busy to respond to a lawsuit"—the Daily Telegraph, June 30, 1994.

According to other news reports, Starr is active this year in a campaign to unseat a Democratic incumbent, JIM MORAN. According to the news reports, he serves with Jay Stephens, William Barr, Edwin Meese, and Henry Hudson on the list of cochairmen of the Kyle McSlarrow campaign to unseat Democratic incumbent JIM MORAN in Alexandria, and apparently, according to many, Starr has made statements that, "We are going to try to tie JIM MORAN to Bill Clinton."

In 1993, Starr was mentioned as a Republican Senate candidate in Virginia. Starr said he was considering a bid for the Republican Senate nomination in Virginia—Newsweek, February 15, 1993, and Roll Call, January 18, 1993.

In 1992 Starr was deeply involved in the Presidential campaign and was criticized in two Clinton campaign releases. On October 16, 1992, the Clinton campaign statement criticized Starr for actions taken in his role as former President Bush's Solicitor General. Specifically, Starr was criticized for backing a Federal court ruling allowing employers to cut health insurance coverage for seriously ill employees, including those who contract AIDS—Clinton campaign statement, October 16, 1992.

Again, on October 24, 1992, a Clinton campaign statement criticized Starr for filing a brief with the Supreme Court, reversing the Bush administration's opening on "Federal construction contracts to nonunion labor without regard to prevailing-wage requirements of the Davis-Bacon Act."

The point of this is that Kenneth Starr is a partisan Republican, and I am concerned. I am not calling for his resignation. But I am going to be watching this, I think like everybody will.

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

Mr. RICHARDSON. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman has been very measured and temperate in his observations with respect to this appointment.

I want to tell the gentleman, when I read about this in the paper, I was outraged. I believe, in my opinion, it calls into question the judgment of the judges who made the appointment. It calls into question the judgment of Mr. Starr, who took the appointment.

This is a very weighty matter. It is a very important matter that the American public know the full truth and that the judgment and recommendation made by the special prosecutor are not tainted with partisan politics.

It seems to me, based upon the information that the gentleman has discussed just now, that it is almost impossible to conceive of an outcome that would not reflect on the partisanship of the particular individual selected by the court.

I believe this matter needs further study and further comment, and I intend to do that in the future.

Mr. RICHARDSON. Mr. Speaker, I am including two newspaper articles and other documents at this point in the RECORD, as follows:

KENNETH W. STARR

Kirkland & Ellis Citicorp Center, 153 East 53rd Street, New York, New York, 10022-4675.

Political: Member, Fairfax County Republican Comm 1979-1981; Ops. chmn. Fairfax Co. Republican party Dranesville Dist., VA 1979-1980; Legal advisor CAB transition team office of pres.-elect 1980-1981; Legal advisor SEC transition team, 1980-1981, and Co-chairman of the 1994 Kyle McSlarrow congressional campaign to unseat Democratic Rep. James Moran of Alexandria. (Along with former federal law enforcement officials William P. Barr, Edwin Meese, Henry Hudson and Jay B. Stephens.)

Government Exp.: Clerk, Chief Justice Warren E. Burger 1974-1977; Counselor to U.S. Attorney General (William French Smith), 1981-1983; Circuit Judge, U.S. Court of Appeals, District of Columbia Circuit, 1983-1989; and U.S. Solicitor General, 1989-1993 (nom. 4/9/89; confirmed 5/18/89).

Work: Gibson, Dunn & Crutcher, 1974-1981 (Associate Partner, 1977-1981).

Born: July 21, 1946, Vernon, Texas

Concentration: Appellate Litigation; Commercial Litigation; Antitrust Law.

Admitted To Bar: 1973, California; 1979, Virgnia and District of Columbia.

Rating: AVT.

Position: Member.

Law School: Duke University (Formerly Trinity College of North Carolina) (J.D. 1973).

College: George Washington University (A.B. 1968); Brown U. (M.A. 1969).

Kirkland & Ellis lobbies for: American Ass'n for Laboratory Accreditation; the American Petroleum Institute; Amoco Corp.; CF Industries, Inc.; Chicago Board of Trade; General Motors Corp.; and Safe Buildings Alliance.

Personal: M. Alice Jean Mendell, 8/23/70; children; Randall, Carolyn, Cynthia.

[From the Washington Post, June 24, 1994]

THE COUNTRY LAWYER, TAKING A SWING AT GOLIATH

(By Kim Masters)

Maybe once in a lifetime it comes—terrifying, alluring, irresistible. The big one. The leviathan. Your own personal, say, Moby Dick. So it is with Gilbert K. Davis, the Fairfax lawyer who did not shrink from a task that no one else, it seemed, would undertake: suing the president of the United States on behalf of Paula Corbin Jones—accusing the commander in chief of sexual misconduct in the most repugnant detail. It is an unprecedented, ugly and politically charged case that has inflamed conspiracy theorists on the left and right while throwing the motives of all involved into question. Including the plaintiff's lawyers.

"He's an avid Republican who would go to any lengths, within the confines of propriety, to embarrass the president," says one former colleague.

Davis, who's taken on the case with co-counsel Joseph Cammarata, portrays himself in nobler terms. He's in it partly to establish the principle that in the United States, the president is not above the law. "We don't call our leader 'king,'" he says. "We call him Mr. President."

Gil Davis is a big man—a bulky, genial, double-chinned, pipe-smoking sort who occupies a small suite in an unremarkable office town house on Lee Highway. His bookshelves are lined with classics, though he cheerfully confesses, "I didn't read more than half of 'em." He is an avid teller of stories—even when he is the butt of the joke. The Jones case, however, he takes seriously.

It is uncertain whether his experience has prepared him for litigation in the most major of leagues. In local legal circles, it is fair to say, the 51-year-old Davis hasn't been especially visible in recent years. Much of his practice comes from what a colleague in Northern Virginia calls the "bib-and-overall crowd" in southwest Virginia mountain country—but even there, local attorneys say, he isn't a towering presence. "He's gregarious, likable—extraordinarily nice on a personal basis," says Jackson White, a veteran attorney in the area, "but I don't think he has been high-profile." Davis is no "dragon-slayer," White adds, but "he's not somebody that just handles speeding tickets and drunk driving."

Many of Davis's cases are personal-injury matters, usually for a percentage of the damages. He has handled an array of other matters—including, he says, several sexual harassment cases. But one of his most recent trials did involve a traffic ticket—and he lost.

Which leads to the question: How did Gil Davis end up representing a secretary from Arkansas in a suit filed in the federal courthouse in Little Rock just days before the deadline imposed by the statute of limitations.

Davis says no conservative group approached him. But his explanation of how he got the case—through "a friend" who "very coincidentally" happened to be in his office and mentioned it—has led to all manner of speculation about whether Davis or his co-counsel, Commarata, had secret connection to the religious right or other Clinton foes.

But the real explanation for Davis's involvement in the case holds no particular intrigue, says a former Davis colleague. "He just let it be known that he was available," says Frank Dunham, an Arlington lawyer and former fellow federal prosecuter who has discussed the case with Davis.

Pressed on this point, Davis is vague, "Either Joe Cammarata or I made a call or received a call from Mr. [Daniel] Traylor," he says, referring to Jones's attorney in Arkansas. "I have a feeling that Mr. Traylor heard about our names before. . . . But I don't know that to be the case."

A CASE FOR PARANOLA?

If there was no conspiracy behind Davis's entry into the case, that doesn't mean the Clinton camp shouldn't be on red alert. Already there are signs that Davis isn't exactly flying solo. High-powered Washington lawyer Kenneth W. Starr, who was the Bush administration's solicitor general, acknowledges that he may file a brief in the case supporting Jones's contention that the president is not immune from her suit. Starr says he was approached by counsel associated with Jones but he won't specify who.

Davis acknowledges that he is a Republican, and active enough that he usually attends the party's annual convention. But this year he stayed home to avoid the appearance of partisanship—for my client's purposes," he says. State and local GOP officials say they have seen little of him in recent years. "If somebody's trying to make a case that Gil is a partisan Republican who has been thirsting to make a political impact. I don't think that case can be made," says state party official Morton Blackwell.

Some fund-raising groups with conservative affiliations have said they will raise money for Jones. But Davis has attempted to eliminate any appearance of collision with politically motivated donors by getting a friend. Cindy Hays, to set up a fund to solicit contributions for Jones. Davis's fund-raisers cost the effort in terms that are personal or feminist, rather than political—but they are not divulging the names of contributors.

JOE BAG-O-DONUTS

Davis says he already has lost a client or two who objected to his decision to sue the president. That's nothing compared with the fate suffered by Cammarata, a 36-year-old tax and trial lawyer who worked with Davis part time before the suit was filed. Cammarata's other employer—the D.C. law firm of Beaozzi, Gavin & Craver—dropped him instantly when his investment in the Jones matter was announced. Several lawyers associated with that firm have ties to the Clinton administration. The firm declines to comment on Cammarata.)

Cammarata is an alumnus of the Justice Department's tax division, where former colleagues remember him as a bright young man. "I was not surprised when I saw him on CNN," says Boston attorney Ellen Carpenter, one of Cammarata's former associates. "He's always been very aggressive and—I don't want to use the word 'hustler,' but that's sort of the impression he would give, that he was very much out for his best benefit. . . He could alienate people. He's got that edge to him."

At Justice, Cammarata was assigned to handle Chicago cases and was dubbed "Joe Bag-o-Donuts" because of the gift he always proffered to assistant U.S. attorneys who helped handle his cases: He also coached the office softball team and helped organize an annual Red Cross fund-raiser in Alexandria. Cammarata appeared at that fund-raiser this month—rockin' to the music with his high-profile client.

Once he left the Justice Department, Cammarata worked for a D.C. tax firm but went out on his own after a couple of years. He spent part of his time at the Beaozzi firm, where a college classmate practices. And he hooked up with Gil Davis by picking his name out of a lawyers' directory and calling cold to offer his services.

PLENTY OF MOXIE

Cammarata and Davis face formidable white-collar attorney Robert Bennett—a man with famous clients and $450-an-hour fees. The clearly enjoy the image of themselves in a Davis-and-Goliath confrontation. Without visible outside assistance, they've taken on a complex case that raises novel constitutional questions. "What stirs a warrior's blood is battle," Davis intones.

His friends say he is quite capable of putting up an impressive fight on his own.

"Gilbie ain't no slouch," says Joseph Duvall, a former partner who cackles with glee at the consternation his one-time colleague must be causing Clinton. "He's got plenty of moxie."

"Gilbie" is the nickname Davis got as an assistant U.S. attorney in the Eastern District of Virginia. He came there out of the

University of Virginia law school in 1969, where he impressed his associates with his skill at trying criminal cases. "He was a natural from the very beginning, especially with juries," says former U.S. attorney Brian Gettings. "He demonstrated an easy ability to communicate and persuade and before long was winning more than his share of cases."

"He is a world-class lawyer," says Jim Tate, another former law partner. "These lawyers in Fairfax may not know it, but I know it."

Nonetheless, Davis never emerged as a lion of the local bar. He bounced in and out of a couple of partnerships but seemed destined to practice on his own. He says his biggest flaw is that he's "disorganized." Ron Lynch, who was one of a group that briefly teamed up with Davis years ago, remembers Davis as a man with an abundant ego: "I remember him sitting there saying, 'I know you fellows came over here to latch your wagon to my star'".

Duvall calls Davis a friend now but the two men quarreled when they were partners. Duvall actually had a deadbolt—"the Gilbie guard"—installed on his office door to prevent Davis from barging in. The story might suggest that Duvall bears Davis ill will—except that Davis tells it on himself, with evident relish.

A BRIEF POLITICAL FORAY

Davis says he decided to go to law school partly because he had read that Woodrow Wilson called law a path to politics. And he had noticed that a half-dozen sitting senators at that time—the mid- '60s—were U-Va.-trained lawyers.

His brief political career was a rocky one. He was elected chairman of the state Young Republican Federation in 1973 but a conservative faction quickly invalidated the election and won control of the group. Those who prevailed in that battle "weren't wild about Gil," recalls attorney Ray LaJeunesse, who represented the triumphant conservatives. In later years, he adds, Davis mended fences by supporting party nominees.

In 1975, Davis challenged Democratic Commonwealth Attorney Robert Horan in a campaign that became exceptionally bitter. Davis accused Horan of everything from fixing parking tickets to being soft on organized crime. Horan called Davis "an apostle of the half-truth" and trounced him in the election. "That inoculated me from seeking elected office," Davis says. From then on, he satisfied himself with supporting other people's candidacies. He was a Howard Baker man in 1980 and favored George Bush in 1988.

None of this suggests right-wing fervor. And those who know Davis well dispute a view held by more casual acquaintances that he would do anything to humiliate a Democratic president—or that he would take the case just for publicity. "Gil really doesn't care about his image," Dunkan says. "But he's not a sleazebag third-rate lawyer. He's a very educated, high-minded lawyer. And he takes the Constitution seriously. It's not a lark for him."

Others say Davis has an appetite for combat. "It's just his nature," says Tate, his former partner. "He just loves the challenge. When he found out other lawyers didn't want the case, I think that excited him the most."

Even if a couple of clients have abandoned him, Davis doesn't seem to be putting much on the line professionally by taking the Jones case. Locally, he hasn't had a newsmaking case since 1985, when one of his clients—then-owner of the Tony Galileo restaurant—faced drug charges (he received a fine and a five-year suspended sentence). Several years ago, Davis sent out letters soliciting drunk-driving cases—though he says he dropped the practice after he decided it was "kind of demeaning."

His practice hasn't made him rich or famous, but Davis says he enjoys the plain-folks cases he takes in the southwest part of the state. "It's refreshing because the people are sincere," he says. "They're not cases that you read about every day, but they're important to these people."

Davis also says he was slowed down after a 1991 wreck when a truck slammed into his van on Interstate 66. Hit from behind, he smashed into the windshield with so much force that he not only broke the wheel, but the steering column as well. He was pulled from his vehicle moments before it was engulfed in flame and had injuries that kept him in the hospital for two months.

But his sense of honor didn't flag. When he was wheeled into the emergency room, he recognized the doctor as one Herbert Lane, who had frequently testified as an expert witness in personal-injury cases—always disputing the injury claims of Davis's clients. The doctor had made so many such courtroom appearances, Davis says, that he was nicknamed "no-pain Lane." So Davis says he was relieved when he saw Lane in the emergency room.

"I said, 'Doctor, I'm so glad to see you're on the case,'" Davis remembers. "It must mean I'm not hurt."

A MATTER OF "PRINCIPLE"

Davis's practice may involve more traffic tickets than big tickets, but he could collect a percentage of a major payoff soon if the Kentucky Supreme Court doesn't reverse its own ruling in long-standing litigation against Bethlehem Steel Corp. Davis represents a family accusing the company of illegally mining its coal. The case has been on appeal since 1987 but his clients stand to collect more than $35 million if the verdict stands. Meanwhile, Davis says, he's been paying costs of that case—about $200,000—out of his own pocket.

If Jones's fund-raisers are unsuccessful, Davis would have to cover the potentially hefty cost of the Jones litigation. But he says he isn't worrying about money; to him, this is about America—about a country where the law levels the playing field. "Before the courts, we're all the same," he says. "I'm interested in establishing that principle * * * It says something about what this country is. In some countries, if you were to sue the president, you would be faced with a barrage of bullets rather than a barrage of cameras."

He is prepared to fight at least to the metaphorical death, he warns. "I'm like Lincoln," he says. "I think cases that go to trial—somehow there's been a failure because it's an expensive and time-consuming and difficult process for litigants. But once in the courtroom, it's a different matter. Then there is a winner and a loser. It is, as [lawyer-author] Gerald Spence has called it, a killing ground. The end result is that someone is wounded, mortally.

KENNETH STARR

1994 Starr Planned To File A Legal Brief Supporting Paula Jones' Lawsuit. Starr admitted that he was involved in discussions with attorneys for Paula Jones—but he won't specify who. [Washington Post, 6/24/94]

Starr said that he planned to file a legal brief supporting Paula Jones's contention that the President is not immune from her suit. It was widely reported in the press that Starr would in fact do so. [Washington Post, 6/24/94; 6/10/94; Dallas Morning News, 6/11/94]

Starr publicly criticized President Clinton's legal defense team for arguing to delay the Paula Jones lawsuit until after he has left office saying, "It's a very serious step to take to say that the President of the United States is simply too busy to respond to lawsuits." [Daily Telegraph plc, 6/30/94]

1994 Starr Served With Partisan Jay Stephens On McSlarrow Campaign. Starr joined Republicans Jay Stephens, William P. Barr, Edwin Meese, and Henry Hudson—on the list of co-chairmen of the Kyle McSlarrow campaign to unseat Democratic Rep. James Moran of Alexandria, Virginia. [Washington Times, 3/21/94]

1993 Starr Mentioned As A Republican Senate Candidate in Virginia. Starr said he was "considering" a bid for the Republican Senate nomination in Virginia. [Newsweek, 2/15/93; Roll Call, 1/18/93]

1992 Starr Criticized in Two Clinton Campaign Releases.

An October 16, 1992 Clinton campaign statement criticized Starr for actions taken in his role as former-President George Bush's Solicitor General. Specifically, Starr was criticized for backing a Federal court ruling allowing employers to cut health insurance coverage for seriously ill employees—including those who contract AIDS. [Clinton Campaign Statement, 10/16/92]

An October 24, 1992 Clinton campaign statement criticized Starr for filing a brief with the Supreme Court reversing the Bush administrations and opening "federal construction contracts to non-union labor without regard to prevailing wage requirements of the Davis-Bacon Act." [Clinton Campaign Statement, 10/24/92]

[From the Washington Times]

FRIEND OF COURT IS FOE OF CLINTON

STARR MULLS BRIEF AGAINST IMMUNITY

(By Michael Hedges)

Former Solicitor General Kenneth W. Starr is planning to file a legal opinion in the sexual misconduct lawsuit against President Clinton that could bolster arguments against immunity for the president.

Mr. Starr would examine the constitutional issues in his friend-of-the-court brief, delineating his reasoning that the presidency is not immune from lawsuits such as the one filed by former Arkansas state employee Paula Corbin Jones.

"I'm not going to comment at all on that," Mr. Starr, a short-list candidate for the Supreme Court during the Bush administration, said last night.

But informed sources said Mr. Starr has had discussions with Mrs. Jones' attorneys and, while not committed to doing so yet, was leaning toward writing an opinion exploring the constitutional issues the case raises.

Mr. Starr, now in private practice in Washington, already has partially signaled his views on the immunity issues.

Appearing on PBS' "MacNeil-Lehrer News Hour" in late May, he said, "It is a very serious step to take to say that the president of the United States is simply too busy to respond to lawsuits the way others have to, even if we're willing to bend over backward to protect his schedule and so forth."

On May 18, White House Counsel Lloyd Cutler asked the Justice Department to determine whether Mr. Clinton is immune from lawsuits. The move came shortly after Mr. Clinton's attorney in the Jones lawsuit. Robert S. Bennett, referring to a 1982 Supreme Court decision, said he would argue that a sitting president cannot be sued because it would paralyze the presidency.

Mr. Starr said in the PBS interview that concern that a president would be hamstrung by too many lawsuits could be addressed by Congress. He also said that federal judges have various methods to control case proceedings in a way that would protect the office of the presidency.

Mr. Bennett said "I don't want to comment on that at all" when asked if a brief by Mr. Starr would have an impact on the case.

Mr. Bennett said he continued work on Mr. Clinton's response to the charges. Under the law, those responses must be filed by mid-July.

Mrs. Jones' attorney, Gilbert K. Davis, said last night, "I have nothing to say on this matter."

Bruce Fein, a constitutional scholar, said if Mr. Starr files a brief in the case it could add weight to the Jones lawsuit.

"I think it certainly would be an exceptionally persuasive document," he said. "Kenneth Starr has exceptional credibility. It would place Paula Jones in the company of a legal opinion that would at least be the equal to any opinion on the constitutional issues filed for Mr. Clinton."

Erwin Chemerinsky, a law professor at the University of Southern California, said, "Mr. Starr is an extremely eminent attorney, and is also someone identified as sensitive to the executive branch of government. It is hard to imagine anyone filing a brief in this case that would have more influence than one filed by Mr. Starr."

As solicitor general, Mr. Starr, 48, handled virtually all the litigation involving the executive branch of government that went before the Supreme Court. The solicitor general's office handles about two-thirds of all the cases going before the Supreme Court each year.

Mr. Starr, a graduate of George Washington University and Duke Law School, was a law clerk for Chief Justice Warren Burger.

From 1983 to 1989, he was a judge on the U.S. Court of Appeals for the D.C. Circuit. In the year he became President Bush's solicitor general, Mr. Starr was considered very close to being picked for the Supreme Court when the openings occurred that were eventually filed by Justices David Souter and Clarence Thomas.

Mrs. Jones filed her lawsuit May 6 in U.S. District Court in Little Rock, seeking $175,000 on each of four complaints against Mr. Clinton for "willful, outrageous and malicious conduct" during a Governor's Quality Conference held May 8, 1991, in the Excelsior Hotel in downtown Little Rock.

Mrs. Jones, then 24-year-old Paula Corbin, was a low-level state employee and Mr. Clinton was the governor of Arkansas. In her four-count complaint Mrs. Jones said Mr. Clinton exposed himself and made abusive sexual overtures to her, then warned her to keep quiet about it. This was five months before he announced he would be a candidate for president.

Meanwhile, a second co-defendant in the suit, Arkansas State Trooper Danny Ferguson, is expected to file his response as early as next week, according to his attorney, Bill Bristow of Jonesboro, Ark.

Trooper Ferguson's account of what happened could prove critical to the issue of credibility in the case, legal experts have said.

Mrs. Jones said Trooper Ferguson escorted her to a room at the Excelsior at the request of Mr. Clinton. She said when she was alone with the governor, he solicited oral sex from her.

The White House and Mr. Clinton have said he had no recollection of ever meeting Mrs. Jones, and characterized her charges as "pathetic."

But Trooper Ferguson, in interviews with the American Spectator magazine and the Los Angeles Times newspaper, has said Mr. Clinton did direct him to approach a woman he identified as "Paula" on the same day Mrs. Jones said the incident occurred.

His only public comment about the suit so far came to reporters last month when he said he would "tell the truth" about Mrs. Jones' charges when he filed his answer to the lawsuit.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 50 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

We are grateful, O God, that You nourish us with Your good spirit all our days. From our own beginnings as infants to our last breath You have promised to bless us and provide Your nurture and grace so we will be Your people and belong to You. We give our thanks for faithful parents and caring friends who support us through our pilgrimage on Earth and who are witnesses to Your abiding presence and love. In Your name, we pray. Amen.

JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance?

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4624. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4624) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, Mrs. FEINSTEIN, Mr. BYRD, Mr. GRAMM, Mr. D'AMATO, Mr. NICKLES, Mr. BOND, Mr. BURNS, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4277) "An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendment of the Senate numbered 12 to the bill (H.R. 4429) "An Act to authorize the transfer of naval vessels to certain foreign countries."

NATIONAL SUPPORT FOR THE GEPHARDT HEALTH CARE BILL

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

Mr. DERRICK. Mr. Speaker, Congress gets elected to represent its various constituencies to the U.S. Government. But I doubt any representative suffers the illusion that Congress is America's only representative body.

Thousands of organized associations represent millions of Americans. I would like to introduce you to some of the national organizations with members in every congressional district who support the Gephardt health care bill.

There are the 5 million members of the Consumer's Union, the 150,000 members of Families USA, the 5 million members of the National Council of Senior Citizens, the 310,000 members of the National Letter Carriers, and the 1.3 million members of the American Federation of State, County, and Municipal Employees.

There are the 8 million children in the Children's Defense Fund, the 1.2 million members of the United Auto Workers, and the 2.2 million members of the American Nurses.

Health care reform. Let us not forget it is a national mandate.

HEALTH BILLS MAY HAVE NO SUBSTITUTE FOR BUREAUCRACY

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

Mr. HUTCHINSON. Mr. Speaker, the President now prefers the Mitchell health care plan to his own. He says it is an improvement; it is less bureaucratic, he says. Yet the Washington Post headline, on the front page, reads, "Health Bills May Have No Substitute for Bureaucracy."

Mr. Speaker, well, instead of 1,462 pages produced by the White House it is only 1.410 pages. It creates 20 new Government bureaucracies. It is more Government, more redtape, and more taxes.

Among the new Government expansions under the Clinton-Mitchell plan would be a National Health Care Cost and Coverage Commission, a National Health Benefits Board, a National Council on Graduate Medical Education, a National Quality Council, and on and on. The Clinton-Gephardt plan is even more bureaucratic.

The American people know that Government is too big and too bureaucratic. They do not support a massive expansion of Government into the health care arena.

KENNETH STARR'S APPOINTMENT AS INDEPENDENT COUNSEL

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

Mr. RICHARDSON. Mr. Speaker, I am concerned with Kenneth Starr's appointment. I am concerned that he is much too partisan a Republican to do an impartial job. I am most concerned, however, with the way in which he was selected. I was amazed to learn that the independent three-judge court which removed Republican independent counsel Robert Fiske on Friday after he had completed the Washington phase of his investigation and replaced him with a Reagan/Bush partisan had itself been contacted ex parte by a group of Senate and House Republican Members. This highly unusual and potentially inappropriate lobbying of Federal appeals court judges for partisan purposes casts a cloud over the judicial process by which Mr. Starr was selected. Mr. Speaker, we need to know who else wrote or called these judges and whether other nonpublic contacts have tainted the objectivity and judicial impartiality that these judges are supposed to maintain.

The independent counsel law was designed to instill public confidence in the investigative process, but that cannot happen if Federal judges are playing politics with appointments under this statute. If, like the famous Tinkers-to-Evers-to-Chance double play combination—Judge Sentelle received the toss from his Senate and House Republican sponsors to put Starr in play, then we need to reexamine this choice.

MFN FOR CHINA? NOT

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

Mr. WOLF. Mr. Speaker, tomorrow the Congress will have an opportunity to vote for human rights in China.

Some people say it does not work. Well, let me ask you a question. Ask Nelson Mandela, did human rights and pressure from the United States work in South Africa? And he will say "yes."

Ask Elena Bonner and those who are interested in the emigration of Soviet Jews to Israel and to the United States, did sanctions work there? They will say "yes."

Ask Father Ceaushu and the numbers in Romania that we used to get out of jail because of MFN sanctions. What will they say? They will say "yes."

Ask Vaclev Havel, who came and spoke to this very body and said how important it was, ask him if sanctions worked. Clearly they work.

Now, some say that President Clinton is going to veto this bill. That is his problem. But I will tell you this: The American people want this Congress to vote for sanctions to send a message to the People's Liberation Army that we stand not with the People's Liberation Army but we stand with the suffering, persecuted in China.

BASEBALL: LET US NOT DAMAGE THE GOLDEN GOOSE

(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, another strike in baseball; owners want more, players want more. The minimum wage is $109,000, the average wage is $1 million, and the average owner equity is about $150 million, but that is not enough.

I think everybody is overlooking good 'ole mom and dad. For about $150 they could take their three kids to the ballpark, $150. They can get stale peanuts, flat soda, and flat beer for about $3.50 a pop, and the hot dogs cost more than prime rib.

This is a national pastime, OK. I think it is going to become a thing of the past because there is an old axiom that baseball produced, "Three strikes and you're out."

Mr. Speaker, I think the problem with baseball is not the cork in the bats, I think it is the cork in the brain of all these people who are going to damage the golden goose and the golden egg.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RICHARDSON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

VETERANS' PERSIAN GULF WAR BENEFITS ACT

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4386) to amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf War veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4386

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 "Veterans' Persian Gulf War Benefits Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, chemoprophylactic agents, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

(3) The Technology Assessment Workshop on the Persian Gulf Experience and Health conducted by the National Institutes of Health concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced

complex adverse health effects in Persian Gulf War veterans and that it appears that no single disease entity or syndrome exists. Rather, it appears that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

(4) That workshop concluded that the data concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations are very limited and that such data were collected only after a considerable delay.

(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102-585, directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103-210, the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103-160 (the National Defense Authorization Act for Fiscal Year 1994) for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

(6) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified,

(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses,

(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of ongoing research activities, as well as the services and benefits to which they are currently entitled, and

(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

SEC. 4. DEVELOPMENT OF CASE ASSESSMENT PROTOCOL AND CASE DEFINITIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall—

(1) develop and implement at the earliest possible date a uniform case assessment protocol that will ensure thorough assessment, diagnosis, and treatment of all Persian Gulf War veterans suffering from illness attributed to service in the Southwest Asia theater of operations during the Persian Gulf War; and

(2) develop at the earliest possible date case definitions or diagnoses for illnesses associated with such service.

(b) CONSULTATION.—Development of a uniform case assessment protocol under subsection (a)(1) and development of case definitions or diagnoses under subsection (a)(2) shall be carried out by the Secretary of Veterans Affairs in consultation with the Secretary of Defense and the Secretary of Health and Human Services.

(c) REPORTS.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the status of the activities required by this section. The first such report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 5. PROVISION OF INFORMATION TO VETERANS OF THE PERSIAN GULF WAR.

(a) OUTREACH PROGRAM.—The Secretary of Veterans Affairs shall develop and implement a comprehensive outreach program and information system to provide Persian Gulf War veterans and their families with information regarding the following:

(1) The Persian Gulf War Veterans Health Registry established by the Persian Gulf War Veterans' Health Status Act (38 U.S.C. 527 note).

(2) Access to health services and health-related benefits provided by or under the auspices of the Department of Veterans Affairs, including—

(A) marriage and family counseling available under section 121 of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 1712A note);

(B) health care available under section 1710(e)(1)(C) of title 38, United States Code; and

(C) health examinations, consultation, and counseling available under section 703 of the Persian Gulf War Veterans' Health Status Act (38 U.S.C. 527 note).

(3) Compensation and benefits related to disabilities resulting from service in the Persian Gulf War, including disabilities resulting from illness that resulted from such service.

(4) Significant developments in research relating to the health consequences of service in the Persian Gulf War.

(5) Any other information that the Secretary determines to be appropriate.

(b) TOLL-FREE TELEPHONE NUMBER.—The information system required by subsection (a) shall include the establishment and staffing of a toll-free telephone number for the use of such veterans and their families.

(c) FURTHER INFORMATION.—Section 702(f) of the Persian Gulf War Veterans' Health Status Act (38 U.S.C. 527 note) is amended to read as follows:

"(f) ONGOING OUTREACH TO INDIVIDUALS LISTED IN REGISTRY.—(1) The Secretary of Veterans Affairs shall notify each individual listed in the Registry or, in the case of such an individual who is deceased, the surviving spouse, children, or parents of such individual, at least quarterly, by newsletter or by other means that the Secretary determines to be appropriate, of—

"(A) the status and findings of federally sponsored research relating to the illnesses of individuals who served as members of the Armed Forces in the Persian Gulf theater of operations during the Persian Gulf War or to the illnesses of the family members of such individuals;

"(B) compensation and benefits, including health care and other health-related benefits, that may be provided by the Department of Veterans Affairs or the Department of Defense to an individual who served as a member of the Armed Forces in the Persian Gulf theater of operations during the Persian Gulf War or, in the case of such an individual who is deceased, to the surviving spouse, children, or parents of such an individual; and

"(C) any other information that the Secretary determines to be appropriate.

"(2) In preparing the newsletter or other means used to provide information as required by paragraph (1), the Secretary shall consult with veterans' service organizations.

"(3) The requirement of paragraph (1) shall not apply regarding notification of any individual if that individual makes a written request to the Secretary of Veterans Affairs that the notification not be provided.".

SEC. 6. COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§1117. Compensation for disabilities associated with Persian Gulf War

"(a) The Secretary shall pay compensation under this subchapter to a Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that became manifest to a degree of 10 percent or more before the later of (1) October 1, 1996, or (2) the end of the two-year period beginning on the last date on which the veteran performed active military, naval, or air service in the Southwest Asia theater of operations while on active duty.

"(b) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

"(c) Compensation may not be paid under this section with respect to a disability occurring in a veteran—

"(1) where there is affirmative evidence that the disability was not incurred by the veteran during service in the Persian Gulf theater of operations during the Persian Gulf War; or

"(2) where there is affirmative evidence to establish that an intercurrent injury or illness which is a recognized cause of the disability was suffered by the veteran between the date of the veteran's most recent departure from that theater of operations while on active duty and the onset of the disability.

"(d) The Secretary may not make payments under this section with respect to a disability for which compensation is paid under this section for any month after the month during which the Secretary determines that such disability was not incurred as the result of service in the Southwest Asia theater of operations during the Persian Gulf War.

"(e) For purposes of this section, the term 'Persian Gulf veteran' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

"(f)(1) No payment may be made under this section for any month that begins after the end of the three-year period beginning on the date of the enactment of this section.

"(2) If, before the end of such three-year period, the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report stating that, as of the date of the report, no diagnoses for the illnesses referred to in subsection (a) can be made based on current medical knowledge, such three-year period shall continue for an additional three years.

"(3) The Secretary shall submit to those committees a report addressing the issue of diagnoses of such illnesses not later than April 1, 1997.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:

"1117. Compensation for disabilities associated with Persian Gulf War.".

(b) EFFECTIVE DATE.—Section 1117 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1994.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR PERSIAN GULF ILLNESS RESEARCH.

There is authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for each of fiscal years 1995 through 1997 for the conduct of research, which the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, determines would advance understanding of health risks and effects of service during the Persian Gulf War and effective means of treating such health effects.

SEC. 8. SURVEY OF PERSIAN GULF VETERANS.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Veterans Affairs such sums as are needed for fiscal year 1995 for the conduct of a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

(b) COORDINATION WITH DEPARTMENT OF DEFENSE.—The survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

(c) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

SEC. 9. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

(a) STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102-585) a finding that there is a sound basis for an epidemiological study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor, considers relevant to the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).

SEC. 10. EXTENSION OF MARRIAGE AND FAMILY COUNSELING AVAILABILITY FOR PERSIAN GULF WAR VETERANS.

(a) IN GENERAL.—Section 121(a) of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 1712A note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "December 31, 1998".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 121(g) of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 1712A note) is amended by striking out "and 1994" and inserting in lieu thereof "through 1999".

SEC. 11. COST-SAVINGS PROVISIONS.

(a) ELECTION OF DEATH PENSION BY SURVIVING SPOUSE.—Section 1317 of title 38, United States Code, is amended—

(1) by striking out "No person" and inserting in lieu thereof "(a) Except as provided in subsection (b), no person"; and

(2) by adding at the end the following:

"(b) A surviving spouse who is eligible for dependency and indemnity compensation by reason of any death occurring after December 31, 1956, may elect to receive death pension instead of such compensation.".

(b) POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES FOR FISCAL YEAR 1995.—The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

The SPEAKER pro tempore (Mr. TRAFICANT). Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 4386 and the next veterans bill on the agenda, H.R. 4088.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

I am proud to bring before the House H.R. 4386, as amended, the Veterans' Persian Gulf War Benefits Act, which I and several of my committee colleagues introduced on May 11.

I want to thank the gentleman from Kansas [Mr. SLATTERY], the gentleman from Florida [Mr. BILIRAKIS], and the ranking minority member of the committee, the gentleman from Arizona, [Mr. STUMP], for their cooperation in getting this bill to the floor.

The bill would provide compensation to Persian Gulf veterans who have disabilities that may have occurred from undiagnosed illnesses following service in the gulf region. We do not know the exact cause of these disabilities. Further research would be required and this bill provides that authorization.

VA Secretary Jesse Brown calls this bill a revolutionary measure. I agree with the Secretary. What we are doing is unprecedented. But, when disabled veterans are unable to work or to get answers about their health problems, we must act swiftly and compassionately.

Under current law, Secretary Brown does not have authority to grant compensation in these cases. This is also the administration's view. Therefore, we need to pass this bill to help disabled veterans and their families.

H.R. 4386 enjoys strong bipartisan support in the House and is strongly supported by the administration. The bill is cosponsored by 169 Members of the House.

Mr. Speaker, as I said, no one knows what these illnesses are, nor do we know what caused them. Scientists are unable to tell us how long it may take to find the answers to these questions. What we do know, however, is that there are a number of sick Persian Gulf war veterans who are facing serious challenges in their lives and they need help. The VA cannot favorably consider claims for compensation because the illnesses cannot be diagnosed. The veteran finds himself in a catch-22 situation. The veteran is suffering from something that is disabling. But because it does not have a name, the VA cannot provide benefits.

As a nation that prides itself on the manner in which it treats its veterans, it is very clear to me that we owe this small group of Persian Gulf veterans the full range of benefits available to others. I have come to this conclusion having heard from many veterans and family members during nine hearings in our committee.

Knowing that answers from the medical community will not be forthcoming any time soon, I have concluded that we have a moral obligation to grant some monetary relief for their disabilities.

□ 1210

Mr. Speaker, I will yield such time as he may consume to the very able chairman of our Subcommittee on Compensation, Pension and Insurance, the gentleman from Kansas [Mr. SLATTERY]. I want to congratulate the gentleman for his primary victory on Tuesday and wish him well in November.

I also want to thank him for moving this legislation quickly to the floor and for all of the work he has done, not only for Persian war veterans, but for all veterans since coming to the Congress. The gentleman from Kansas has stood firmly for our veterans and they are grateful for his strong support of programs that enhance their quality of life.

I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

Mr. Speaker, H.R. 4386, as amended, is landmark legislation that has several purposes.

First, and foremost, it would provide for the payment of compensation on a presumptive basis to those veterans of the Persian Gulf war who suffer chronic disabilities resulting from undiagnosed illnesses attributed to their service in the Persian Gulf region. The Secretary of Veterans Affairs has indicated that current law does not permit the VA to grant service connection in these cases due to the absence of a diagnosis of the underlying illness.

My colleagues, we cannot let the fact that these illnesses have not been diagnosed, prevent the granting of service-connected benefits for these wartime veterans. They are suffering as the result of their service to their country and we must take responsibility for their disabilities. H.R. 4386, as amended, is a reflection of our deep concern for these veterans and their families.

The presumption of service connection would be applied in the case of a Persian Gulf war veteran who manifested the disability in question within the later of 2 years from the date he or she left the Persian Gulf theater, or within a 2-year period following the effective date of the new statutory provision, which would be October 1, 1994. The committee believes this timeframe is reasonable, given the current state of science on these illnesses.

Second, it would require the Secretary to work with the Secretaries of Defense, and Health and Human Services, to develop, at the earliest possible date, uniform case assessment protocols and case definitions or diagnoses of the mystery illnesses. Recurring status reports would be required on these activities.

It would also direct the Secretary to implement an aggressive outreach program for the benefit of Persian Gulf war veterans through the establishment of a toll-free hotline and also through a recurring newsletter to be sent to Persian Gulf veterans who have signed onto the Persian Gulf Veterans Health Registry.

Third, the bill as amended would authorize funding for the conduct of appropriate research activities, which could include an epidemeiological study, if recommended by the National Academy of Sciences, and the conduct of a survey of Persian Gulf veterans to collect additional data on their health status. It is agreed by all concerned that further research must be conducted into the causes of the ailments from which these veterans suffer.

Fourth, the amended bill would extend the Secretary's authority to conduct a program of family counseling for Persian Gulf veterans and their families until the end of 1998.

Finally, Mr. Speaker, I would note that the amended bill contains cost-savings provisions sufficient to offset any estimated pay-go costs.

As Secretary Brown testified on June 9, H.R. 4386 has the strong support of the administration, and I am confident we will convince our colleagues in the other body of the necessity for this legislative relief.

I want to thank my good friend from Florida, MIKE BILIRAKIS, for helping me to craft the ultimate compromise on this bill, and I want to thank our distinguished ranking member, Mr. STUMP, and my able colleagues, LANE EVANS and JOE KENNEDY, for their efforts. But most of all, Mr. Speaker, I want to express my gratitude and admiration to my chairman, SONNY MONTGOMERY, because had it not been for his vision and strong leadership, we would not be acting on this beneficial legislation today. This is just another shining example of his excellent leadership on behalf of our veterans.

For the benefit of my colleagues, there follows an excerpt from the committee report on H.R. 4386, as amended, which contains a complete discussion of the reported bill:

DISCUSSION OF THE REPORTED BILL

The reported bill has four main purposes. The primary purpose is to provide disability compensation on a presumptive basis to certain veterans of the Persian Gulf War who suffer chronic disabilities resulting from undiagnosed illnesses attributed to their service in the Persian Gulf. The Secretary of Veterans Affairs has indicated that current law does not permit the VA to grant service connection in these cases due to the absence of a diagnosis of the underlying illness. As indicated in a June 10, 1994, memorandum to the Secretary of Veterans Affairs, it is the opinion of the VA's General Counsel that "because the VA is authorized to compensate only for disease-caused or injury-caused disabilities, unless the VA can ascribe a disability to a disease or injury, there is no authority to compensate. The pending legislation supplies that needed additional authority."

The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health (NIH Workshop), which met April 27 through April 29, 1994, was unable to develop a working case definition for the so-called "Persian Gulf Syndrome", concluding that it was impossible to establish a single case definition. It went on to state that a premature attempt to establish a case definition for this illness may be misleading and inaccurate. The NIH Workshop indicated that no single disease or syndrome is apparent, but rather multiple illnesses with overlapping symptoms and possible causes. *See* Report, NIH Workshop. (Appendix A)

The presumption of service connection, as embodied in section 6 of the reported bill, would be granted in the case of a Persian Gulf War veteran who manifested the chronic disability in question within the later of two years from the date he or she left the Persian Gulf theater, or before September 30, 1996, providing a two-year period following the effective date of the new statutory provision.

The Committee notes that the term "manifestation" should not be equated to the filing of a claim for benefits. Rather, the Committee intends that there must be some objective indication or showing of the disability which is observable by a person other than the veteran, or for which medical treatment has been sought.

As introduced, H.R. 4386 required that the disability be manifested within one year after the date the veteran departed from the Persian Gulf. However, virtually all of the veterans service organizations who testified in support of H.R. 4386 questioned the imposition of a one-year manifestation period, and many indicated that there should be no manifestation period. The Secretary of Veterans Affairs, who testified before the Subcommittee on Compensation, Pension, and Insurance on June 9, 1994, in strong support of H.R. 4386, suggested that a two-year period would be more appropriate. In a letter to the Honorable Jim Slattery, dated June 14, 1994, the Secretary clarified that the suggested two-year period was to begin on the date the veteran departed from the Southwest Asia theater of operations rather than the date on which the veteran was discharged from active duty. After further consideration of the matter, the Committee determined that, in order to ensure that no veteran of the Persian Gulf War be unfairly excluded, the manifestation period should be modified to provide a period of two years from the date the veteran left the Persian Gulf, with consideration given to those veterans who had not, while on active duty, presented themselves for examination due to concerns that they would be medically discharged as a result. In the case of any Persian Gulf veteran discharged prior to October 1, 1994, an additional two-year manifestation period would be provided.

The Committee wishes to note that, in response to concerns raised about the possibility of a servicemember being discharged because of a disability for which no diagnosis could be made, and in response to considerations regarding issues of compensation, the Honorable William Perry, then Under Secretary of Defense for Personnel and Readiness, indicated in a June 2, 1994, memorandum to the Service Secretaries that:

no individual on active duty who shows symptoms associated with Persian Gulf illness (may) be retired or separated unless (1) the member requests retirement or separation in writing or (2) the member can be medically retired or separated through the disability system with an established diagnosis.

The term "Persian Gulf veteran" would be defined to mean a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War. Current law defines the Persian Gulf War as the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law. Consequently, for purposes of benefits administered by the Secretary of Veterans Affairs, the Persian Gulf War is considered open-ended and, as a result, those members of the Armed Forces who are currently stationed in that region, or who may in the future be so located, are "Persian Gulf veterans", by definition, for purposes of this provision.

Payments of compensation under this authority would continue for a three-year period, but would be extended automatically for an additional three-year period if the Secretary reports to the Congress that the illnesses suffered by Persian Gulf veterans

remain undiagnosed. The Secretary would be required to submit to the Congress a report addressing the issue of diagnoses of these illnesses not later than April 1, 1997. The Committee wishes to emphasize that there is no intention on the part of the Committee to terminate compensation payments under this new authority for so long as issues concerning the underlying illnesses remain unresolved. If, at the end of the second three-year period provided for in this legislation, the issues surrounding diagnoses of these illnesses remain, it is the express intention of the Committee that appropriate action should be taken by Congress to either further extend the authority or make it a permanent provision. The Committee is committed to giving this group of veterans the benefit of the doubt for as long as it may take to find the answers to the medical questions that now exist. The Committee hopes and believes that these questions will be resolved in the near future and that, once the medical questions are resolved, it is the Committee's intent that the normal disability compensation provisions be applied to this group in the same manner as all other veterans.

The second purpose of this legislation is to require the Secretary of Veterans Affairs to work with the Secretaries of Defense, and Health and Human Services, to develop, at the earliest possible date, uniform case assessment protocols and case definitions or diagnoses of the mystery illnesses. This was a recommendation of the NIH Workshop, which also indicated that an assessment strategy modeled after the Centers for Disease Control and Prevention (CDC) protocol for chronic fatigue syndrome is recommended. The Committee concurs in this recommendation. Because of the Committee's desire that this action occur as soon as is practicable, the reported bill would require the Secretary to provide recurring status reports on these activities, with the first such report due to the Committees on Veterans' Affairs of the House and Senate not later than six months after the date of enactment of the Act.

The third purpose of the reported bill is to direct the Secretary to implement an aggressive outreach program for the benefit of Persian Gulf war veterans and their families. The Committee is cognizant of activities the Secretary has already undertaken to reach out to Persian Gulf veterans and appreciates the efforts that have been made on their behalf.

However, in order to ensure that continued outreach efforts are maintained or improved, the reported bill would require the development and implementation of a comprehensive outreach program and information system to provide information regarding the Persian Gulf War Veterans Health Registry, access to health services and benefits, compensation and benefit entitlement, and health research relating to the health consequences of service in the Persian Gulf to Persian Gulf War veterans and their families. It would require the VA to establish a new toll-free telephone number for the use of Persian Gulf veterans and their families. It is assumed by the Committee that this toll-free number would be staffed in the same manner as the already existing toll-free numbers, such as the Radiation Hotline. In addition, the Persian Gulf War Veterans' Health Status Act (38 U.S.C. 527 note) would be amended to include the provision of a quarterly newsletter to VA Health Registry participants, in consultation with veterans' service organizations, which would include information concerning the status of appropriate health research and benefits, including compensation and health care benefits. The Committee recognizes that the VA has already instituted a newsletter and that, to date, three issues have been published. The requirement for a quarterly newsletter will provide an assurance that regularly published information will be made available to Persian Gulf veterans and their families on a timely and recurring basis.

The fourth purpose of the reported bill would be to ensure that appropriate research activities and accompanying surveys of Persian Gulf veterans are properly funded and undertaken by the VA. Sections 7 through 9 of the reported bill embody the Committee's intentions in this area.

Section 7 of the reported bill would authorize the appropriation of $5 million in each of fiscal years 1995 through 1997, for the conduct of such research which the Secretary of Veterans Affairs, in consultation with the Secretaries of Defense and Health and Human Services, determines would advance the understanding of the health risks and effects of service during the Persian Gulf War and a productive means of treating these effects. The Committee strongly believes that further research must be conducted into the causes of the ailments from which these veterans suffer. However, it is not clear at this time as to what the nature of these activities should be.

In Public Law 102-585 the Congress required the Secretaries of Veterans Affairs and Defense to enter into a contract with the National Academy of Sciences (Academy) for the Medical Follow-Up Agency (MFUA) of the Institute of Medicine to review existing scientific, medical, and other information on the health consequences of military service in the Persian Gulf during the Persian Gulf War and required the submission of a report to the Secretaries and the Veterans' Affairs Committees on the results of the review. The law specified that the report include an assessment of the effectiveness of actions taken by the Secretary of Veterans Affairs and the Secretary of Defense to collect and maintain information that is potentially useful for assessing the health consequences of the military service; recommendations on means of improving the collection and maintenance of such information; and recommendations on whether there is sound scientific basis for an epidemiological study or studies on the health consequences of such service, and, if the recommendation is that there is sound scientific basis for such study or studies, the nature of the study or studies. In testimony before the Subcommittee on Compensation, Pension and Insurance on June 9, 1994, Mr. Richard Miller, Director MFUA, indicated that an interim report would be provided to the Committee by December 1994. The Committee has great respect for the opinions of the Academy and expects that the VA will give its recommendations very serious consideration.

Section 8 of the bill, as reported, would authorize the appropriation of such sums as may be needed in fiscal year 1995 for the conduct of a survey of Persian Gulf veterans to gather information concerning the incidence and nature of health problems occurring in this group of veterans and their families. This was also a recommendation of the NIH Workshop. *See* NIH Workshop Report (Appendix A). During the June 9, 1994, hearing before the Subcommittee on Compensation, Pension, and Insurance, Mr. Clyde J. Behney, Assistant Director, Congressional Office of Technology Assessment, testified that a survey should provide information for deciding what types of further studies are necessary. He also stressed that the results of a well-designed and conducted survey are a necessary prerequisite to a decision as to whether other major epidemiologic studies should be conducted.

Section 9 would authorize the VA to conduct an epidemiological study on the health consequences of service in the Persian Gulf if the Academy finds a basis for and recommends such study in the report required by Public Law 102-585 (described above), and would authorize the appropriation of such sums as may be needed to carry out such study. The VA would be authorized to contract with NAS for review of proposals, oversight, and review of findings of the study or with another appropriate scientific organization if it is unable to enter into an agreement with NAS. It would also require DOD and HHS to make relevant data available for the study. In the event that an epidemiological study is recommended by NAS, the Committee would intend that such study be conducted in a timely fashion and that interim progress reports be provided at reasonable intervals.

An additional purpose of the reported bill, embodied in section 10, would be to extend, through the end of calendar year 1998, the VA's authorization to provide marriage and family counseling to Persian Gulf War veterans, and to extend the authorization for the appropriation of $10 million for each year through fiscal year 1999 for such purpose. In Public Law 102-405, the Congress required the Secretary to establish a program of marriage and family counseling to veterans who were awarded campaign medals for active-duty service during the Persian Gulf War and their spouses and children, and veterans who are or were members of reserve components, including Reserve and National Guard forces, who were called to active duty during the war, as well as their spouses and children. The law specified that the authority to conduct the counseling program would expire at the end of fiscal year 1994. However, because the Committee recognizes that Persian Gulf War veterans and their families may still be suffering from the stress of military deployment in the Persian Gulf region, an extension of this program for an additional period would be appropriate.

Finally, the reported bill contains two cost-savings provisions that fully offset estimated Pay-Go costs. First, section 11 would provide that new rates in compensation and dependency and indemnity compensation (DIC) which may be enacted for fiscal year 1995 must be rounded down in the same manner as the fiscal year 1994 cost-of-living adjustment. This method for determining the new rates of compensation has been applied in previous years and has only a minimal impact on benefits. Second, the reported bill reflects the adoption of a recommendation by the VA that certain surviving spouses of veterans with no dependents who are receiving nursing-home care under Medicaid programs be permitted to elect to receive death pension in lieu of DIC, and thereby be treated in the same fashion as are veterans under the same circumstances.

Mr. Speaker, I strongly urge my colleagues to support this bill.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4386, as amended, the Veterans' Persian Gulf War Benefits Act.

I want to commend the gentleman from Mississippi [Mr. MONTGOMERY]

chairman of the Veterans' Affairs Committee, for addressing the needs of those Persian Gulf veterans who are showing signs of illness. His consistent dedication to our Nation's veterans has been unwavering.

I also want to recognize the gentleman from Kansas [Mr. SLATTERY], chairman of the Compensation, Pension, and Insurance Subcommittee, and the gentleman from Florida [Mr. BILIRAKIS], ranking minority member of the subcommittee, for their tireless assistance on developing this bipartisan legislation, moving it through the full committee and bringing it to the floor.

Many Persian Gulf war veterans have been suffering disabling illness since returning to the United States. Because no exact causes and diagnoses have been determined, these former service members have not been able to receive compensation from the Department of Veterans' Affairs. As of today, the only apparent causal link seems to be active duty in the Southwest Asia theater of operations.

Mr. Speaker, H.R. 4386, as amended, is precedent-setting; for the first time, we will be compensating veterans who have returned from war with as yet undiagnosed illnesses. This bill authorizes funds for further research into the unknown causes of Persian Gulf Syndrome, as well as greater outreach to these veterans and their families.

The Veterans' Affairs Committee is strongly committed to compensating the disabled men and women who served our country.

Mr. Speaker, I urge my colleagues to support H.R. 4386.

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

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. EVANS], a member of our committee.

Mr. EVANS. Mr. Speaker, over 3 years have passed since hostilities ended in the Persian Gulf war. For many of the men and women who fought there, the battle continues.

Thousands of Persian Gulf war veterans have reported unexpected health problems, including, chronic fatigue, weight loss, muscle weakness, and lung ailments.

The Persian Gulf war may have been the dirtiest war that we have ever fought. U.S. service personnel were exposed to a variety of toxic substances and parasitic diseases. For months, these men and women breathed the fumes of burning oil and trash and were given experimental drugs by the Department of Defense.

The reports of adverse health effects cannot be discounted. The short- and long-term health effects of exposure to these substances are not fully understood. What we do know, however, is that many of our veterans are sick and that it is our responsibility to ensure that these veterans get the assistance that they need.

VA's general counsel has decided that the Department lacks the authority to provide veterans benefits to Persian Gulf vets with undiagnosible diseases. While I disagree with this position, I commend Secretary Brown for his strong support of the legislation.

I also would like to remind our colleagues in the other body that our job is to care for veterans. If something is wrong, it is our responsibility to fix it. Congress cannot shirk its responsibility by simply saying that VA should fix the problem itself.

Nevertheless, I am very pleased that the House has learned from past battles. These veterans will not have to sit around and suffer as politicians play the same games that they did with Vietnam veterans exposed to agent orange and World War II veterans exposed to ionizing radiation.

Today, we lift the burden off the shoulders of these veterans. With the passage of this bill, we give Persian Gulf veterans the benefit of the doubt and show our resolve to prevent an awful chapter of history from repeating itself.

H.R. 4386, as amended, recognizes the service and sacrifices of Persian Gulf veterans and moves to provide them with their rightful VA benefits.

The measure reflects a solid bipartisan compromise on a variety of issues and I thank each of my colleagues who participated in the negotiations.

I would like to thank JIM SLATTERY for negotiating the compromise and to JOE KENNEDY, Chairman MONTGOMERY, MIKE BILIRAKIS, and BOB STUMP for their willingness to move on this measure. I also would like to thank the 84 sponsors of my legislation and recognize both the American Legion and the Vietnam Veterans of America for their contribution to this debate. Their assistance was critical in drafting and furthering this legislation.

On behalf of the men and women who served in the gulf, I urge that the Members support H.R. 4386, as amended.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to thank the Members who have spoken on behalf of this bill today.

Mr. Speaker, this must be pretty good legislation. The Washington Post stated in its lead editorial on July 30 that "the enactment of this legislation will break an old rule and set a new precedent." It is needed legislation, and I am confident that my colleagues will fully support the bill.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 4386, the Veterans' Persian Gulf War Benefits Act.

H.R. 4386 will provide compensation to Persian Gulf Veterans who are suffering from mysterious illnesses. Currently, these veterans are unable to be compensated since, to date, we have been unable to precisely define a causal link.

H.R. 4386 was introduced by our full committee chairman SONNY MONTGOMERY. I want to commend Chairman MONTGOMERY for his efforts to address the problems facing Persian Gulf veterans.

The compensation subcommittee adopted an amendment which made substantial improvements to H.R. 4386. This amendment was drafted in cooperation with Chairman MONTGOMERY, Chairman SLATTERY, BOB STUMP, LANE EVANS, and JOE KENNEDY. I would like to thank my colleagues for their valuable input.

With the passage of H.R. 4386, we will be setting a new precedent in veterans benefits. For the first time, we will be providing compensation for medical conditions for which there is no definitive scientific evidence that they are service-connected.

While we are setting a new precedent with this legislation, I think it is important to remember that we have responsibility for our servicemembers' financial well-being as well as their physical well-being. Many of the veterans suffering from these mysterious illnesses are no longer able to work. At the same time, they are unable to collect disability compensation from the VA. We cannot ignore the needs of our Persian Gulf veterans.

I believe H.R. 4386, as amended, is an appropriate step toward assisting our Persian Gulf war veterans. These veterans answered the call to duty, and we should not force them to wait for an irrefutable scientific diagnosis before we recognize their claims for disability compensation.

We made that mistake once and thousands of Vietnam veterans and their families suffered the consequences of our inaction. We must not allow this to happen again.

I urge my colleagues to support H.R. 4386.

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to strongly support H.R. 4386, the Persian Gulf war veterans' benefits legislation.

I commend the Veterans' Affairs Committee chair and members for moving this bill to the floor in an expeditious manner.

A number of constituents and veterans' groups have contacted me to describe their personal experiences, or that of family members, as they struggle with the baffling and debilitating symptoms of illness following their return from service in the gulf war. We must give them the support they so justly deserve.

I am also pleased that on this same day we are considering H.R. 4088, Veterans' Disability Compensation. The men and women who served our country so valiantly and have suffered service-connected disabilities and the families who lost loved ones are surely deserving of increased compensation to reflect the increase in the cost-of-living.

These bills merit our support.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4386, the Veterans Persian Gulf War Benefits Act. As a cosponsor of this legislation, I am pleased that the House of Representatives has the opportunity to discuss this important legislation. Furthermore, I praise the leadership of the Committee on Veterans' Affairs; its guidance has been invaluable in

ensuring that our Persian Gulf war veterans receive the medical care and treatment that they have valiantly earned.

For some time, I have been deeply concerned that our Nation's veterans were exposed to chemical or biological warfare agents during the Persian Gulf war. The relationship between the mystery symptoms that many of our Persian Gulf war veterans are experiencing—including fatigue, headaches, memory disturbance, skin rashes, and diarrhea—and their military service is something that we can no longer ignore. I strongly believe that our Nation's veterans should not and cannot be penalized for their military service.

As a supporter of H.R. 4386, I believe that it will assist our Nation's veterans in a variety of ways.

First, effective October 1, 1994, this legislation will provide compensation to Persian Gulf war veterans who suffer from chronic disabilities that are a result of their military service during the Persian Gulf war.

Also, H.R. 4386 directs the Departments of Veterans Affairs to work in conjunction with the Department of Defense and the Department of Health and Human Services in implementing uniform case assessment protocols for veterans that are displaying symptoms associated with their military service during the Persian Gulf war.

Furthermore, this legislation authorizes $5 million for fiscal year 1995, 1996, and 1997, to conduct research on Persian Gulf war veterans' health risks and treatment.

I believe this legislation is a positive first step in ensuring that our heroes of the Persian Gulf war are fully compensated and provided with the medical treatment and health care that they deserve. Accordingly, I urge my colleagues to join me in supporting this important measure.

Ms. SNOWE. Mr. Speaker, I rise today to express my strong support for H.R. 4386, the Persian Gulf War Veterans' Benefits Act.

I strongly support the effort to determine the true cause of the gulf war syndrome, but despite the best efforts of the medical science we have not yet found that cause. In the meantime, this bill is crucially important because it ensures the coverage of all the men and women who served their country during Desert Storm and are suffering from the gulf war syndrome.

Since the end of Operation Desert Storm, we have been hearing tragic stories about American soldiers with debilitating symptoms linked to their service in the Persian Gulf. Through the end of June, over 17,000 gulf war veterans suffering from this syndrome have contacted the Department of Veterans Affairs. These veterans are experiencing health problems that defy diagnosis.

The origins of their illnesses are still unknown, and the symptoms of this mysterious syndrome range from persistent headaches, unexplained weight loss, and fatigue to sore joints, mental confusion, and strange rashes. Theories abound about the cause of these symptoms—smoke from burning oil wells; unusual responses to vaccines; exposure to pesticides or other substances; or possible exposure to Iraqi chemical or biological warfare agents.

The veterans afflicted with this malady and their families have endured crippling physical, emotional, and financial hardships because of the Persian Gulf syndrome. This bill provides compensation to these veterans suffering from chronic disabilities resulting from undiagnosed illnesses connected to their service in the Persian Gulf. They desperately need this legislation to ensure that they receive the assistance necessary for them to put their lives back together.

When this bill was introduced by the distinguished chairman from Mississippi, the Secretary of Veterans Affairs hailed this bill as revolutionary. This bill directs the VA, in consultation with the Departments of Defense and Health and Human Services, to implement new case assessment strategies for veterans with this mystery illness, and it authorizes $5 million for the VA to conduct research on Persian Gulf war veterans' health risks and treatment. By our action today, the House will be sending the clear message that we will not let our veterans down.

We cannot wait while medical science strives to determine the cause of the Persian Gulf syndrome, because the brave men and women of our Armed Forces that went to the Persian Gulf to turn back the tide of aggression and liberate Kuwait need our help and they need it now.

The fact that the specific cause to the Persian Gulf syndrome is still not known does not lessen our responsibility to give our veterans the treatment and compensation they rightfully deserve.

I cannot emphasize enough how important this bill is, and I urge all of my colleagues to support it.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4386, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4088) to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Act of 1994".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COST-OF-LIVING ADJUSTMENT IN RATES OF COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 101. DISABILITY COMPENSATION.

Section 1114 is amended—

(1) by striking out "$87" in subsection (a) and inserting in lieu thereof "$89";

(2) by striking out "$166" in subsection (b) and inserting in lieu thereof "$170";

(3) by striking out "$253" in subsection (c) and inserting in lieu thereof "$260";

(4) by striking out "$361" in subsection (d) and inserting in lieu thereof "$371";

(5) by striking out "$515" in subsection (e) and inserting in lieu thereof "$530";

(6) by striking out "$648" in subsection (f) and inserting in lieu thereof "$667";

(7) by striking out "$819" in subsection (g) and inserting in lieu thereof "$843";

(8) by striking out "$948" in subsection (h) and inserting in lieu thereof "$976";

(9) by striking out "$1,067" in subsection (i) and inserting in lieu thereof "$1,099";

(10) by striking out "$1,774" in subsection (j) and inserting in lieu thereof "$1,827";

(11) by striking out "$2,207" and "$3,093" in subsection (k) and inserting in lieu thereof "$2,273" and "$3,187", respectively;

(12) by striking out "$2,207" in subsection (l) and inserting in lieu thereof "$2,273";

(13) by striking out "$2,432" in subsection (m) and inserting in lieu thereof "$2,504";

(14) by striking out "$2,768" in subsection (n) and inserting in lieu thereof "$2,851";

(15) by striking out "$3,093" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$3,185";

(16) by striking out "$1,328" and "$1,978" in subsection (r) and inserting in lieu thereof "$1,367" and "$2,037", respectively; and

(17) by striking out "$1,985" in subsection (s) and inserting in lieu thereof "$2,044".

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "$105" in subparagraph (A) and inserting in lieu thereof "$108";

(2) by striking out "$178" and "$55" in subparagraph (B) and inserting in lieu thereof "$183" and "$56", respectively;

(3) by striking out "$72" and "$55" in subparagraph (C) and inserting in lieu thereof "$74" and "$56", respectively;

(4) by striking out "$84" in subparagraph (D) and inserting in lieu thereof "$86";

(5) by striking out "$195" in subparagraph (E) and inserting in lieu thereof "$200"; and

(6) by striking out "$164" in subparagraph (F) and inserting in lieu thereof "$168".

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$478" and inserting in lieu thereof "$492".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) in subsection (a)(1), by striking out "$769" and inserting in lieu thereof "$792";

(2) in subsection (a)(2), by striking out "$169" and inserting in lieu thereof "$174";

(3) in subsection (a)(3), by striking out the table therein and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–7	$817	O–3	$923

E–8	863	O–4	976
E–9	[1] 901	O–5	1,075
W–1	836	O–6	1,212
W–2	869	O–7	1,309
W–3	895	O–8	1,433
W–4	947	O–9	1,536
O–1	836	O–10	[2] 1,685
O–2	863		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $971.

"[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,805.";

(4) in subsection (c), by striking out "$195" and inserting in lieu thereof "$200"; and

(5) in subsection (d), by striking out "$95" in subsection (c) and inserting in lieu thereof "$97".

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "$327" in paragraph (1) and inserting in lieu thereof "$336";

(2) by striking out "$471" in paragraph (2) and inserting in lieu thereof "$485";

(3) by striking out "$610" in paragraph (3) and inserting in lieu thereof "$628"; and

(4) by striking out "$610" and "$120" in paragraph (4) and inserting in lieu thereof "$628" and "$123", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "$195" in subsection (a) and inserting in lieu thereof "$200";

(2) by striking out "$327" in subsection (b) and inserting in lieu thereof "$336"; and

(3) by striking out "$166" in subsection (c) and inserting in lieu thereof "$170".

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on December 1, 1994.

TITLE II—DISABILITIES RESULTING FROM HERBICIDE EXPOSURE

SEC. 201. CODIFICATION OF PRESUMPTIONS ESTABLISHED ADMINISTRATIVELY.

Section 1116(a)(2) is amended by adding at the end the following new subparagraphs:

"(D) Hodgkin's disease becoming manifest to a degree of disability of 10 percent or more.

"(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree of 10 percent or more within 30 years after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.".

TITLE III—BOARD OF VETERANS' APPEALS ADMINISTRATION

SEC. 301. APPOINTMENT, PAY COMPARABILITY, AND PERFORMANCE REVIEWS FOR MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) IN GENERAL.—(1) Chapter 71 is amended by inserting after section 7101 the following new section:

"§7101A. Members of Board: appointment; pay; performance review

"(a) The members of the Board of Veterans' Appeals other than the Chairman (and including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman.

"(b) Members of the Board (other than the Chairman and any member of the Board who is a member of the Senior Executive Service) shall, in accordance with regulations prescribed by the Secretary, be paid basic pay at rates equivalent to the rates payable under section 5372 of title 5.

"(c)(1) Not less than one year after the job performance standards under subsection (f) are initially established, and not less often than once every three years thereafter, the Chairman shall determine, with respect to each member of the Board (other than a member who is a member of the Senior Executive Service), whether that member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f). Each such determination shall be in writing.

"(2) If the determination of the Chairman in any case is that the member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f), the member's appointment as a member of the Board shall be recertified.

"(3) If the determination of the Chairman in any case is that the member's job performance does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall, based upon the individual circumstances, either—

"(A) grant the member a conditional recertification; or

"(B) recommend to the Secretary that the member be noncertified.

"(4) In the case of a member of the Board who is granted a conditional recertification under paragraph (3) or (5)(C), the Chairman shall review the member's job performance record and make a further determination under paragraph (1) concerning that member not later than one year after the date of the conditional recertification. If the determination of the Chairman at that time is that the member's job performance as a member of the Board still does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall recommend to the Secretary that the member be noncertified.

"(5)(A) In a case in which the Chairman recommends to the Secretary under paragraph (3) or (4) that a member be noncertified, the Secretary shall establish a panel to review that recommendation. The panel shall be established from among employees of the Department other than members of the Board or of the Board's staff and may include Federal employees from outside the Department with appropriate expertise.

"(B) The panel shall review the matter and recommend to the Secretary whether the Board member should be noncertified or should be granted a conditional recertification.

"(C) The Secretary, after considering the recommendation of the panel, may either—

"(i) grant the member a conditional recertification; or

"(ii) determine that the member should be noncertified.

"(d)(1) If the Secretary, based upon the recommendation of the Chairman and after considering the recommendation of the panel under subsection (c)(5), determines that a member of the Board should be noncertified, that member's appointment as a member of the Board shall be terminated and that member shall be removed from the Board.

"(2) An individual so removed from the Board shall have the right to be employed by the Board in an attorney-advisor position.

"(e)(1) A member of the Board (other than the Chairman or a member of the Senior Executive Service) may be removed as a member of the Board by reason of job performance only as provided in subsections (c) and (d). Such a member may be removed by the Secretary, upon the recommendation of the Chairman, for any other reason as determined by the Secretary.

"(2) In the case of a removal of a member under this section for a reason other than job performance that would be covered by section 7521 of title 5 in the case of an administrative law judge, the removal of the member of the Board shall be carried out subject to the same requirements as apply to removal of an administrative law judge under that section. Section 554(a)(2) of title 5 shall not apply to a removal action under this subsection. In such a removal action, a member shall have the rights set out in section 7513(b) of that title.

"(f) The Chairman, subject to the approval of the Secretary, shall establish standards for the performance of the job of a member of the Board (other than a member of the Senior Executive Service). Those standards shall establish objective and fair criteria for evaluation of the job performance of a member of the Board.

"(g) The Secretary shall prescribe procedures for the administration of this section, including deadlines and time schedules for different actions under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

"7101A. Members of Board: appointment; pay; performance review.".

(b) SAVE PAY PROVISION.—The rate of basic pay payable to an individual who is a member of the Board of Veterans' Appeals on the date of the enactment of this Act may not be reduced by reason of the amendments made by this section to a rate below the rate payable to such individual on the day before such date.

(c) EFFECTIVE DATE.—Section 7101A(b) of title 38, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning after December 31, 1994.

SEC. 302. CONFORMING AMENDMENTS.

Section 7101(b) is amended—

(1) by striking out paragraph (2);

(2) by designating as paragraph (2) the text in paragraph (1) beginning "The Chairman may be removed"; and

(3) by striking out "Members (including the Chairman)" in paragraph (3) and inserting in lieu thereof "The Chairman".

SEC. 303. DEADLINE FOR ESTABLISHMENT OF PERFORMANCE EVALUATION CRITERIA FOR BOARD MEMBERS.

(a) DEADLINE.—The job performance standards required to be established by section 7101A(d) of title 38, United States Code, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this Act.

(b) SUBMISSION TO CONGRESSIONAL COMMITTEE.—Not later than the date on which the standards referred to in subsection (a) take effect, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's proposal for the establishment of those standards.

TITLE IV—ADJUDICATION IMPROVEMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans' Adjudication Improvements Act of 1994".

SEC. 402. REPORT ON FEASIBILITY OF REORGANIZATION OF ADJUDICATION DIVISIONS IN VBA REGIONAL OFFICES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report addressing the feasibility

and impact of a reorganization of the adjudication divisions located within the regional offices of the Veterans Benefits Administration to a number of such divisions that would result in improved efficiency in the processing of claims filed by veterans, their survivors, or other eligible persons, for benefits administered by the Secretary.

SEC. 403. MASTER VETERAN RECORD.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall implement a recordkeeping system whereby each veteran and other person eligible for benefits under laws administered by the Secretary shall be identified by a single identification number and through which information relating to that person, including that person's current eligibility or entitlement status with respect to each benefit or service administered by the Secretary, shall be available through electronic means to employees of the Department located in each regional office of the Veterans Benefits Administration or medical center of the Veterans Health Administration.

(b) DEADLINE FOR IMPLEMENTATION.—The recordkeeping system required by subsection (a) shall be implemented not later than two years after the date of the enactment of this Act

SEC. 404. REPORT ON PILOT PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report enumerating and describing each pilot program and major initiative being tested in the regional offices of the Veterans Benefits Administration that affect the adjudication of claims for benefits administered by the Secretary.

(b) CONTENTS.—The report shall include the Secretary's recommendations regarding the need, if any, for legislation to implement any of such pilot programs the Secretary may recommend. If the Secretary indicates that legislation is not required to implement one or more of such programs, the Secretary shall advise the Committees as to whether any such pilot program will be implemented and provide a timetable for such implementation.

SEC. 405. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR CLAIMS PURPOSES.

(a) STATEMENTS OF CLAIMANT TO BE ACCEPTED AS PROOF OF RELATIONSHIPS.—Chapter 51 is amended by adding at the end the following new section:

"§5124. Acceptance of claimant's statement as proof of relationship

"(a) For purposes of benefits under laws administered by the Secretary, the Secretary shall accept the written statement of a claimant as proof of the existence of any relationship specified in subsection (b) for the purpose of acting on such individual's claim for benefits.

"(b) Subsection (a) applies to proof of the existence of any of the following relationships between a claimant and another person:

"(1) Marriage.

"(2) Dissolution of a marriage.

"(3) Birth of a child.

"(4) Death of any family member.

"(c) The Secretary may require the submission of documentation in support of the claimant's statement—

"(1) if the claimant does not reside within a State; or

"(2) if the statement on its face raises a question as to its validity.".

(b) REPORTS OF EXAMINATIONS BY PRIVATE PHYSICIANS.—Such chapter, as amended by subsection (a), is further amended by adding at the end the following new section:

"§5125. Acceptance of reports of private physician examinations

"For purposes of establishing a claim for benefits under chapter 11 or 15 of this title, a report of a medical examination administered by a private physician that is provided by a claimant in support of a claim for benefits under that chapter shall be accepted without a requirement for confirmation by an examination by a physician employed by the Veterans Health Administration if the report is sufficiently complete to be adequate for disability rating purposes.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"5124. Acceptance of claimant's statement as proof of relationship.

"5125. Acceptance of reports of private physician examinations.".

SEC. 406. EXPEDITED TREATMENT OF REMANDED CLAIMS.

The Secretary shall take such actions as may be necessary to provide for the expeditious treatment, by the Board of Veterans' Appeals and by the regional offices of the Veterans Benefits Administration, of any claim that has been remanded by the Board of Veterans' Appeals or by the United States Court of Veterans Appeals for additional development or other appropriate action.

SEC. 407. SCREENING OF APPEALS.

Section 7107 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "Each case" and inserting in lieu thereof "Except as provided in subsection (f), each case"; and

(2) by adding at the end the following new subsection:

"(f) Nothing in this section shall preclude the screening of cases for purposes of—

"(1) determining the adequacy of the record for decisional purposes; or

"(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.".

SEC. 408. REVISION OF DECISIONS BASED ON CLEAR AND UNMISTAKABLE ERROR.

(a) ORIGINAL DECISIONS.—(1) Chapter 51 is amended by inserting after section 5109 the following new section:

"§5109A. Revision of decisions on grounds of clear and unmistakable error

"(a) A decision by the Secretary under this chapter is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decision shall be reversed or revised.

"(b) For the purposes of authorizing benefits, a rating or other adjudicative decision that constitutes a reversal or revision of a prior decision on the grounds of clear and unmistakable error has the same effect as if the decision had been made on the date of the prior decision.

"(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Secretary on the Secretary's own motion or upon request of the claimant.

"(d) A request for revision of a decision of the Secretary based on clear and unmistakable error may be made at any time after that decision is made.

"(e) Such a request shall be submitted to the Secretary and shall be decided in the same manner as any other claim.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5109 the following new item:

"5109A. Revision of decisions on grounds of clear and unmistakable error.".

(b) BVA DECISIONS.—(1) Chapter 71 is amended by adding at the end the following new section:

"§7111. Revision of decisions on grounds of clear and unmistakable error

"(a) A decision by the Board is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decision shall be reversed or revised.

"(b) For the purposes of authorizing benefits, a rating or other adjudicative decision of the Board that constitutes a reversal or revision of a prior decision of the Board on the grounds of clear and unmistakable error has the same effect as if the decision had been made on the date of the prior decision.

"(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Board on the Board's own motion or upon request of the claimant.

"(d) A request for revision of a decision of the Board based on clear and unmistakable error may be made at any time after that decision is made.

"(e) Such a request shall be submitted directly to the Board and shall be decided by the Board on the merits, without referral to any adjudicative or hearing official acting on behalf of the Secretary.

"(f) A claim filed with the Secretary that requests reversal or revision of a previous Board decision due to clear and unmistakable error shall be considered to be a request to the Board under this section, and the Secretary shall promptly transmit any such request to the Board for its consideration under this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7111. Revision of decisions on grounds of clear and unmistakable error.".

(c) EFFECTIVE DATE.—(1) Sections 5109A and 7111 of title 38, United States Code, as added by this section, apply to any determination made before, on, or after the date of the enactment of this Act.

(2) Notwithstanding section 402 of the Veterans Judicial Review Act (38 U.S.C. 7251 note), chapter 72 of title 38, United States Code, shall apply with respect to any decision of the Board of Veterans' Appeals on a claim alleging that a previous determination of the Board was the product of clear and unmistakable error if that claim is filed after, or was pending before the Department of Veterans Affairs, the Court of Veterans Appeals, the Court of Appeals for the Federal Circuit, or the Supreme Court on, the date of the enactment of this Act.

TITLE V—MISCELLANEOUS

SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CONCERNING COVERAGE OF RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988.

(a) RESTATEMENT OF ABSENCE OF STATUTORY LIMITATION TO UNITED STATES TESTS.—(1) Clause (i) of section 1112(c)(3)(B) is amended by inserting "(without regard to whether the nation conducting the test was the United States or another nation)" after "nuclear device".

(2) The amendment made by paragraph (1) shall take effect as of May 1, 1988.

(b) PROOF OF SERVICE CONNECTION OF DISABILITIES RELATING TO EXPOSURE TO IONIZING RADIATION.—(1) Section 1113(b) is amended—

(A) by striking out "title or" and inserting in lieu thereof "title,"; and

(B) by inserting ", or section 5 of Public Law 98–542 (38 U.S.C. 1154 note)" after "of this section".

(2) The amendments made by paragraph (1) shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1999".

SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.

Section 5306 is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (b), if a new application for pension under chapter 15 of this title or for dependency and indemnity compensation for parents under section 1315 of this title is filed within one year after renouncement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.".

SEC. 504. EFFECTIVE DATE OF DISCONTINUANCE OF COMPENSATION UPON DEATH OF CERTAIN VETERANS.

(a) IN GENERAL.—Section 5112 is amended by adding the following new subsection:

"(d) In the case of a veteran who, at time of death, was in receipt of compensation for a disability rated as totally disabling with an additional amount being paid for a spouse, if the Secretary determines that the surviving spouse of such veteran is not eligible for dependency and indemnity compensation, the effective date of the discontinuance of such compensation shall be the last day of the month in which such death occurred.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring after September 30, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4088, as amended, would provide a 3-percent cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

In addition, the bill would make certain changes in the claims and appeals processes at the Board of Veterans' Appeals and the VA regional offices.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Kansas [Mr. SLATTERY], and I would say again that I realize this might be the last bill he will handle in this House, and I thank him again for his great service.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 4088 affects a wide spectrum of benefits and issues concerning the provision of benefits to veterans or their survivors.

First, it would provide for a 3-percent cost-of-living adjustment in the rates of compensation and DIC payable to service disabled veterans or to their surviving spouses or dependents, effective on December 1, 1994.

Second, it would codify the administrative action taken by Secretary Brown to add four additional disabilities to the statutory list of disabilities for which a presumption of service connection is granted to Vietnam era veterans who were exposed to herbicides while serving in Vietnam.

Third, it would provide that members of the VA Board of Veterans' Appeals be compensated at basic rates of pay equivalent to administrative law judges. This provision recognizes that the work performed by Board members is very similar to the work performed by ALJ's. It also recognizes the greater responsibility we have given individual Board members in making decisions on veterans' appeals. This provision is intended to ensure that members of the Board not feel compelled to pursue ALJ positions, but rather to remain at the Board, where their expertise is badly needed.

Fourth, the bill, as amended, contains several provisions that would make several improvements in the adjudication process, including activities at both the local, regional-office level and at the Board of Veterans' Appeals. Many of these provisions were suggested to us by the veterans organizations and I am very confident of their support. We have labored long and hard to try to develop changes in the way VA conducts its business. It has not been an easy or quick process and much more work remains to be done. I do not pretend to suggest that these changes represent a panacea but, I do feel that they represent a step in the right direction for veterans.

Finally, the bill contains miscellaneous improvements in other areas that will benefit veterans and their survivors.

I again want to express my thanks to the gentleman from Florida [MIKE BILIRAKIS]. It has been a real pleasure to work with him these past 2 years. And, once again, I want to thank Chairman MONTGOMERY and BOB STUMP for their strong leadership and support of this very important measure which we have all worked so hard to enact.

Mr. Speaker, I also wish to recognize the gentleman from Florida [Mr. LEWIS] and thank him for his support of one of the very important provisions contained in this legislation.

Mr. Speaker, for the benefit of my colleagues, there follows an excerpt from the committee report on H.R. 4088, as amended, which contains a complete discussion of the reported bill:

DISCUSSION OF THE REPORTED BILL

TITLE I—COST-OF-LIVING ADJUSTMENT IN RATES OF COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

Title I of H.R. 4088, as reported, (sections 101 through 106) would provide, effective December 1, 1994, a 3.0 percent cost-of-living adjustment (COLA) in the rates of compensation and dependency and indemnity compensation.

The Administration's proposed fiscal year 1995 budget request, submitted earlier this year, recommended that increases in the service-connected disability compensation and DIC programs be directly tied to the annual change in the Consumer Price Index (CPI) to provide the same cost-of-living adjustment as the non-service-connected disability pension program and the Social Security program. The President recommended that Congress enact legislation to authorize the Secretary of Veterans Affairs to adjust the rates under these programs in an amount equal to the cost-of-living adjustment provided for Social Security. The Administration estimated that the cost-of-living increase for these programs, effective December 1, 1994, would be 3.0 percent, based on the changes in the CPI from the third quarter of calendar year 1993 to the third quarter of calendar year 1994.

During a hearing conducted by the Subcommittee on Compensation, Pension, and Insurance on April 28, 1994, spokesmen for the Department of Veterans Affairs (VA) testified that the Administration strongly supports COLA's based upon actual increases in the cost of living. In addition, it was indicated that the Administration believes that full COLA's should be provided for all compensation and DIC recipients. The Committee strongly believes that an annual COLA that, at a minimum, meets any adjustment provided for Social Security is warranted in the case of these two service-connected benefit programs.

Should the proposed 3.0 percent rate increase be enacted, the changes in compensation and DIC rates, effective December 1, 1994, would be as follows:

COMPENSATION AND DIC RATES EFFECTIVE DECEMBER 1, 1994

		Increase (monthly rate)	
		From	To
Percentage of disability or subsection under which payment is authorized:			
(a)	10 percent	$87	$89
(b)	20 percent	166	170
(c)	30 percent	253	260
(d)	40 percent	361	371
(e)	50 percent	515	530
(f)	60 percent	648	667
(g)	70 percent	819	843
(h)	80 percent	948	976
(i)	90 percent	1,067	1,099
(j)	100 percent	1,774	1,827
Higher statutory awards for certain multiple disabilities:			
(k)	(1) Additional monthly payment for anatomical loss, or loss of use of, any of the following: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss.	70	70
	(2) Limit for veterans receiving payments under (a) to (j) above.	2,207	2,273
	(3) Limit for veterans receiving benefits under (l) to (n) below.	3,093	3,187
(l)	Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eyes (5/200) visual acuity or less), permanently bedridden or so helpless as to require aid and attendance.	2,207	2,273
(m)	Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance.	2,432	2,504

COMPENSATION AND DIC RATES EFFECTIVE DECEMBER 1, 1994—Continued

		Increase (monthly rate)	
		From	To
(Percentage of disability or subsection under which payment is authorized:)			
(n)	Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural elbow action with prosthesis in place or anatomical loss of both legs so near hip as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis.	2,768	2,851
(o)	Disability under conditions entitling veterans to two or more of the rates provided in (1) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent or total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis.	3,093	3,185
(p)	(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed.	3,093	3,185
	(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear or service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed.	3,093	3,185
	(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected) rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed.	3,093	1,185
	(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of.	3,093	3,185
(q)	[This subsection repealed by Public Law 90–493.].		
(r)	(1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to such rates.	1,328	1,367
	(2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate.	1,985	2,044

COMPENSATION AND DIC RATES EFFECTIVE DECEMBER 1, 1994—Continued

		Increase (monthly rate)	
		From	To
(s)	Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound.	1,985	1,044
(t)	[This subsection repealed by Public Law 99–576.].		

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80 or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below.

	Increase (monthly rate)	
	From	To
If and while veteran is rated totally disabled and—		
Has a spouse	$105	$108
Has a spouse and child	178	183
Has no spouse, 1 child	72	74
For each additional child	55	56
For each dependent parent	84	86
For each child age 18–22 attending school	164	168
Has a spouse in nursing home or severely disabled	195	200

DEPENDENCY AND INDEMNITY COMPENSATION

Under the bill as reported, the rates of dependency and indemnity compensation payable with respect to service-related deaths occurring on and after January 1, 1993, (and payable with respect to any service-connected death if payments based on a veteran's rank would result in a lesser payment) would increase by 3.0 percent, from $769 to $792 for the base rate, and from $169 to $174 for the additional amount or "kicker" payable if the veteran suffered from a service-connected disability rated as totally disabling for a period of at least eight years immediately preceding death.

The following increases would be provided for surviving spouses of deceased veterans whose service-connected deaths occurred prior to January 1, 1993, and who are not receiving dependency and indemnity compensation (DIC) payments under the new rate structure at a higher rate:

Pay grade	Increase (monthly rate)	
	From	To
E–7	794	817
E–8	838	863
E–9	[1] 875	[1] 901
W–1	812	836
W–2	844	869
W–3	869	895
W–4	920	947
O–1	812	836
O–2	838	863
O–3	897	923
O–4	948	976
O–5	1,044	1,075
O–6	1,177	1,212
O–7	1,271	1,309
O–8	1,392	1,433
O–9	1,492	1,536
O–10	[2] 1,636	[2] 1,685

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $971.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,805.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates would be increased as follows:

	Increase (monthly rate)	
	From	To
One child	$327	$336
Two children	471	485
Three children	610	628
Each additional child	120	123

TITLE II—CODIFICATION OF DISABILITIES RESULTING FROM HERBICIDE EXPOSURE

Section 201 would codify the administrative action taken by the Secretary of Veterans Affairs pursuant to the authority provided under Public Law 102–4 to add four additional disabilities to the statutory list for which a presumption of service connection is granted to Vietnam era veterans who were exposed to herbicides while serving in Vietnam. The disabilities are as follows: Hodgkin's disease manifest to a degree of 10 percent or more; porphyria cutanea tarda manifest to a degree of 10 percent or more with one year after departure from the Republic of Vietnam during the Vietnam era; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) manifest to a degree of 10 percent or more within 30 years of departure from the Republic of Vietnam during the Vietnam era; and multiple myeloma to a degree of 10 percent or more. The Committee believes it is appropriate to amend the statutory list in section 1116 of title 38, United States Code, to reflect the Secretary's actions in this area.

TITLE III—BOARD OF VETERANS' APPEALS ADMINISTRATION

The VA Board of Veterans' Appeals (BVA or Board) has a long history of deciding appeals from denials of benefits by the Veterans Benefits Administration in a fair and impartial manner. Although statistics are available which indicate the rate at which previous decisions are sustained, overturned, or remanded, the Committee has never been apprised of evidence of any attempt to change a particular Board section's allowance or denial rate. The Board has no quotas for denial or allowance, and does not keep track of the amount of any benefits granted by the Board. These are indicators that the Board operates independently and without bias in deciding cases.

Section 301 of the reported bill would provide that members of the Board be compensated at basic rates of pay equivalent to Administrative Law Judges (ALJs). This provision recognizes that the work performed by Board members is very similar to the work performed by ALJ's. It also recognizes the greater responsibility Congress has given individual Board members in making decisions on veterans' appeals by virtue of the enactment of Public Law 103–271, signed by the President on July 1, 1994. This provision is

intended to encourage members of the Board to remain at the Board, where their expertise is badly needed.

The current pay disparity between Board members and Administrative Law Judges is producing a migration of Board members to the Social Security Administration and other federal agencies. According to the June, 1994, report submitted by the Select Panel on Productivity Improvement for the Board of Veterans' Affairs (Select Panel Report), ten percent of the 62 Board members have recently accepted positions as Social Security Administration ALJs. Of the remaining members, 29 percent are eligible for appointment and 40 percent have completed the arduous application process. With an anticipated increase in Social Security ALJ hiring and the current pay disparity, the loss of experienced members can be expected to accelerate. The Committee has thus adopted provisions to restore traditional pay equity between Board members and Administrative Law Judges, who, among other things, make similar disability determinations for the Social Security Administration.

The Committee is also concerned about the effect on employee moral and productivity caused by the potential termination of employment Board members now face. The Veterans' Judicial Review Act (Pub. L. No. 100–687) imposed term appointments on Board members. Prior to enactment of the Act, Board members held unlimited appointments, providing a relatively high degree of job security. The Select Panel Report concluded that the continuing uncertainty surrounding a Board member's prospect for long-term employment may well result in an adverse effect on productivity, as long-time Board members leave the Board for more certain employment as ALJs for the Social Security Administration or other federal agencies.

While persuaded that the restoration of permanent appointments for Board members is warranted, the Committee believes that there should be appropriate standards of accountability for Board members, who issue a total of anywhere from 30,000 to 40,000 decisions a year. Such decisions, as commentators have observed of Social Security disability claims, lend themselves to statistical comparisons because of their "high volume and relative fungibility." *Paul Verkuil et al., Admin. Conf. U.S., the Federal Administrative Judiciary* 157 (August 1992). In 1978, the Administrative Conference of the United States (ACUS) found that maintaining a judge's "decisional independence does not preclude the articulation of appropriate productivity norms or efforts to secure adherence to previously enunciated standards and polices underlying the . . . Administration's fulfillment of statutory duties." Recommendation 782, "Procedures for Determining Social Security Disability Claims," 1 CFR 305.78–2 (1991).

In a 1986 Report entitled, "Case Management as a Tool for Improving Agency Adjudication," ACUS added:

Use of internal agency guidelines for timely case processing and measurements of the quality of work products can maintain high levels of productivity and responsibility. If appropriately fashioned, they can do so without compromising independence of judgment.

1 CFR 305.86–7.

Support for this position can also be found in judicial decisions such as *Nash* v. *Bowen*, 869 F.2d 675, (2d Cir. 1989), where the court held that an agency's reasonable efforts to increase production levels did not infringe on decisional independence, observing that:

[I]n view of the significant backlog of cases, it was not unreasonable to expect ALJs to perform at minimally acceptable levels of efficiency. Simple fairness to claimants awaiting benefits required no less.

Given the large caseload facing the Board, the Committee is concerned about the problem, summed up by one Chief Administrative Law judge as follows:

Most of our ALJs are smart, hardworking and productive, but X likes golf a lot more than opinion writing, Y has lost the ability to analyze issues and evidence if he ever had it, and Z is such a compulsive perfectionist I can never get an opinion out of him.

Paul Verkuil et al., Admin. Conf. U.S., the Federal Administrative Judiciary 140 (August 1992).

In order to insure timeliness and quality in decision making, the Committee has thus conditioned receipt of the pay increase and the elimination of term appointments on the establishment of a system for periodic recertification similar to that in effect for members of the Senior Executive Service (SES). Under this system, a Board member would be subject to a performance evaluation every three years. It is the intention of the Committee that this evaluation be based on objective factors such as the timeliness of the work product, overall case management, quality of legal writing and the absence of "substantive error". Such substantive error would be determined by a member's reversal rate and remand rate for errors routinely noted in COVA decisions.

The Committee believes the objective factors to be considered for evaluation purposes should include the failure to state adequate "reasons and bases" for the decision, failure to support conclusions of law with findings of fact, and failure to address relevant evidence or credibility determinations. Substantive error would also be determined by a failure to identify and resolve dispositive issues or failure to identify and apply appropriate legal authority in a decision. In this connection, the Committee notes that a recent study by the VA's Office of General Counsel of cases remanded by the Court of Veterans' Appeals in the last quarter of 1993 found that 86 percent were remanded for reasons based on well-established court precedent. In 79 percent of those cases the reason for remand was either failure to state adequate "reasons and bases" or failure to address evidence/credibility in the Board's decision. Also frequently cited was failure to assist the claimant, necessitating additional medical examination (36 percent) or the securing of government records (13 percent).

The standards to be employed in determining whether a member's performance during the rating period has demonstrated the quality and quantity of work expected of a Board member are intended to be fair and impartial and, to the maximum extent feasible, to be based on objective, quantifiable standards developed by the Chairman and approved by the Secretary. In developing the standards, the Chairman may consult with any individual or entity, and the Committee suggests that consultation with the American Bar Association would be approriate.

The Committee notes, for the Chairman's consideration, that the ABA guidelines for ALJs contain the following criteria for evaluation:

(1) Integrity—avoidance of impropriety and appearance of impropriety, freedom from bias, impartiality;

(2) Knowledge and understanding of the law—legally sound decisions, knowledge of substantive, procedural and evidentiary law of the jurisdiction, proper application of judicial precedent;

(3) Communication skills—clarity of bench rulings and other oral communications, quality of written opinions, sensitivity to the impact of demeanor and other nonverbal communications;

(4) Preparation, attentiveness and control over proceedings—courtesy to all parties, willingness to allow legally interested persons to be heard unless precluded by law;

(5) Managerial skills—devoting appropriate time to pending matters, discharging administrative responsibilities diligently;

(6) Punctuality—prompt disposition of pending matter and meeting commitments of time according to rules of court;

(7) Service to the profession—attendance at and participation in continuing legal education, ensuring that the court is serving in the public to the best of its ability;

(8) Effectiveness in working with other judges—extending ideas and opinions when on multi-judge panel, soundly critiquing work of colleagues.

The Federal Administrative Judiciary: Establishing an Appropriate System of Preformance Evaluation for ALJS, 7 Administrative Law Journal 589, 608.

The Committee emphasizes that the recertification procedures should not in any way compromise the decisional independence of the Board member and that there should be no evaluation based on the rates in which appeals are either granted or denied.

In requiring the Chairman of the Board to establish performance standards for members of the Board, the Committee is aware of the potential conflict between an evaluation of the quality of a Board member's work and an evaluation of the number of cases decided. It has been alleged that pressure to decide a minimum number of cases affects the ability of the decision-maker to fairly consider each case, and may affect the quality of the decision as well as the Board member's independence. However, " . . . in order for an agency to fulfill its managerial responsibilities, it must be able to control ALJs to some extent." *Administrative Law Judges, Performance Evaluation, and Production Standards: Judicial Independence Versus Employee Accountability*, 54 The George Washington Law Review 591, 612 (1986). The Committee is convinced that an evaluation system can be established which respects Board members' independence, but which also requires that the member be productive in comparison to other Board members.

If the Chairman determines that a Board member's performance meets the performance standards established for all Board members, the individual shall automatically be recertified. In a case in which the Chairman determines that the member's performance does *not* meet the performance standards, the Chairman, based on the individual circumstances, shall either grant a conditional recertification to the member or recommend to the Secretary that the member be noncertified. If the member is granted a conditional recertification, the Board member shall be eligible to continue in that position for a period of one year, at which time the Chairman shall again render a determination with respect to the member's performance. If it is then determined that the member's performance still does not meet the Board's performance standards, the Chairman shall recommend to the Secretary that the member be noncertified. If, at that time, however, the member's performance is found to meet the standards, the member's appointment shall be automatically recertified.

In any case in which a noncertification is recommended by the Chairman, the Secretary shall establish a panel of individuals to review the recommendation. The panel will be established from among employees of the VA, other than members of the Board, and may include other Federal employees with appropriate expertise from outside the VA.

The panel will review the proposed noncertification and recommend to the Secretary whether the member should be noncertified or should be granted a conditional recertification. After considering the panel's recommendation, the Secretary may either grant the member a conditional recertification or determine that the member be noncertified.

In the event noncertification is decided by the Secretary, the member shall be removed as a member of the Board, but may be reinstated or employed as an attorney adviser at the Board of Veterans' Appeals.

The Committee notes that, in addition to removals based on performance, the reported bill also retains existing provisions regarding removal of Board members for reasons other than performance, with the existing safeguards and rights provided under title 5, United States Code, being fully retained by the members.

TITLE IV—ADJUDICATION IMPROVEMENTS

This title may be cited as the "Veterans' Adjudication Improvements Act of 1994".

Section 402 would require the Secretary of Veterans Affairs to submit to the House and Senate Committees on Veterans' Affairs, within 180 days after the date of enactment of this Act, a feasibility and impact report concerning reorganization of VA claims adjudication divisions. Administration of the compensation and pension programs is carried out in the 58 regional offices of the Veterans Benefits Administration of the Department, located in the fifty States, the District of Columbia, Puerto Rico, and the Republic of the Philippines. There is an adjudication division in each of these regional offices except one. By comparison, the Loan Guaranty Program is administered in 47 locations. Insurance programs are administered in two locations.

The purpose of this provision is to require the VA to carefully evaluate its existing adjudication structure in light of diminishing resources and in light of reductions in workforce, and to determine whether greater efficiency could be achieved through reorganization or consolidation of existing divisions. It does not direct the VA to initiate any consolidation activity nor does it intend that any regional offices be closed. To the contrary, the Committee strongly believes that the VA presence in the various localities, particularly in the form of benefit counselors, must be maintained. It is not clear to the Committee whether each regional office must have an adjudication division in order to meet the needs of the veterans served thereby. It is imperative, however, in light of continuing budgetary limitations, that the possibility of consolidation of resources be examined and considered. In this regard, the Committee notes a recent announcement by the Veterans Health Adminstration to integrate, or merge, two or more VA facilities to create a multi-division facility within a single management structure. The integration will affect 33 VHA facilities nationwide.

It is well known that claims for benefits are adjudicated, from time to time, in locations other than the regional office in which the claims were originally received. For instance, in special situations, a particular regional office may be designated as a centralized adjudication center, e.g., Persian Gulf War veterans' claims with environmental aspects (adjudicated in Louisville, Kentucky). In other instances, veterans' claims may be transferred to other offices in order to speed the adjudication of claims and alleviate the backlog of claims in a particular regional office. The Committee is also aware of instances in which larger regional offices have assisted smaller offices in close proximity when the need has arisen. The Committee has no reason to believe that this practice has created any inequities and it is believed that some consolidation of existing divisions would be extremely beneficial in improving the quality and timeliness in claims processing.

Section 403 of the reported bill would require VA to have in place, within 2 years of enactment of this Act, a master veterans' data system available to all VA regional offices and medical centers. It would require that all beneficiaries' records be identified by a single identification number and that the record include information regarding the individual's entitlement to each VA benefit or service. The development of a Master Veteran Record and the modernization of the VA's information infrastructure was the first recommendation affecting the VA in the National Performance Review's (NPR) report of September 7, 1993. However, the Administration's budget request for fiscal year 1995 did not request additional funds to facilitate the development of the Master Record through the use of outside contractors. Although establishment of a Master Veteran Record has long been included as part of the VA's modernization initiative, the Committee is concerned that the project has lost momemtum and may be substantially delayed or underfunded to the further detriment of the adjudication process.

Section 404 of the bill as reported would require the VA to submit to the House and Senate Committees on Veterans' Affairs, within 180 days of the date of enactment of this Act, a comprehensive report describing major pilot programs and initiatives affecting VA claims adjudication. The Committee is aware of numerous ongoing pilot programs and initiatives being developed within the various regional offices. However, information regarding these programs is not available to the Committee in a form which permits it to review or evaluate the individual initiatives. There is also lacking a clear policy as to which programs may be adopted for use on a national basis, nor is there a clear time frame for their adoption. The required report would include the Secretary's recommendations regarding the need for legislation to implement any of such pilot programs. If legislation is not considered necessary, the Secretary shall advise the Committees whether any such program will be implemented and provide a timetable for such implementation.

Section 405 of the reported bill would add a new section 5124 to chapter 51 of title 38, United States Code, to provide that for claims purposes, the written statement of a claimant shall be accepted as proof of relationships, which include marriage, dissolution of a marriage, birth of a child, and death of any family member. The submission of documentation in support of the claimant's statement would be required if the claimant does not reside in a State (defined in title 38, United States Code, to include each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico) or if the statement on its face raises a question as to its validity. The Committee would also intend that, if the statement conflicts with previous statements of the claimant, or if conflicting information is contained in the claimant's record, the Secretary could require documentation in support of the statements.

This section would also add a new section 5125 to chapter 51 to provide that the medical examination report of a private physician shall be accepted in support of a claim for benefits, without further examination by VA physicians, if the report is determined by the rating activity to be adequate for rating purposes. The Committee intends that the Secretary have considerable latitude in determining the question of "adequacy" for rating purposes. However, the Committee intends that determinations of adequacy for rating purposes include, at a minimum, consideration of the extent to which the report contains clinical manifestations and substantiation of diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, x-rays, and laboratory tests.

Section 406 of the reported bill would require the Secretary to take such actions as may be necessary to provide that claims remanded by the Board of Veterans' Appeals or by the U.S. Court of Veterans Appeals be treated expeditiously. According to a June 1994 report issued by the Secretary of Veterans Affairs' Select Panel on Productivity Improvement for the BVA, during fiscal year 1993, the average length of time required by regional offices to process appeals remanded from the Board was 353 days, nearly one year. This lengthy period was found to be in addition to the 366 days during which the claim had been pending at the regional office for the initial determination (188 days) and the amount of time it had been pending at the Board (178 days). The Committee finds this lack of responsiveness to be wholly unacceptable and unfair to veterans who have been forced to endure overly long delays in pursuing their claims.

Section 407 of the bill as reported would amend section 7107 of title 38, United States Code, to provide that cases pending on appeal before BVA may be screened at any point in the decision process to determine whether the record is adequate for decisional purposes. The Committee strongly believes that there is a great need for early screening of appeals once they are forwarded to the Board. Data from the select panel noted above indicates that some 178 days may pass before a case is reviewed. The Committee finds this length of time to be unacceptable and intends that new screening methods be immediately established at the Board to permit early reviews of appeals in order that cases needing additional development be quickly remanded for that purpose.

Section 408 would amend chapter 51 of title 38, United State Code, by adding a new section 5109A to provide that a decision by the Secretary may be revised in the case of clear and unmistakable error, with such revised decision to be effective as of the date of the prior decision. This would codify an existing regulatory provision set forth in section 3.105(a) of title 38, Code of Federal Regulations. It would provide that a request for review of a decision may be initiated by either the Secretary or the claimant at any time after the decision is made.

This section would also amend chapter 71 of title 38 by adding a new section 7111 to provide that a decision by the BVA may also

be revised in the case of clear and unmistakable error, with such revised decision to be effective from the date of the prior decision. It would provide that a request for review of a decision may be initiated by either the Board or the claimant at any time after that decision is made. The amendments made by this section would apply to any determination made before, on, or after the date of enactment of this Act.

In addition, this section would provide that, notwithstanding section 402 of the Veterans Judicial Review Act (38 U.S.C. 7251 note), which limits the jurisdiction of the Court of Veterans Appeals (COVA) to claims in which notices of disagreement were filed on or after November 18, 1988, the Court would be provided jurisdiction to review a decision of the Board on a claim alleging clear and unmistakable error in a previous BVA decision, without regard to when the notice of disagreement leading to the BVA decision may have been filed. The provision would apply to claims of clear and unmistakable error that are filed after, or which were pending before the VA, the BVA, COVA, the Court of Appeals for the Federal Circuit, or the Supreme Court on the date of enactment of this Act.

The Committee firmly believes that a veteran should have the statutory right to challenge a previous decision of the VA or the BVA on the grounds of clear and unmistakable error, regardless of when that decision may have been made, and that decisions of the BVA on such claims should also be subject to review by COVA.

TITLE V—MISCELLANEOUS

Section 501(a) of the reported bill would amend section 1112(c) of title 38, United States Code, by inserting clarifying language to include participation by a U.S. veteran in a foreign nuclear test as a "radiation-risk activity" for purposes of section 1112(c). Public Law 100-321, enacted on May 1, 1988, established a presumption of service connection for 13 cancers suffered by veterans who participated in atmospheric testing of nuclear devices during and after World War II, or in the occupation of Hiroshima and Nagasaki during World War II. Two additional cancers were added to this list by Public Law 102-578.

It is the Committee's strong view that the current VA regulation implemention of section 1112(c), 38 C.F.R. 3.309(d)(3)(ii)(A), in which the term "radiation risk activity" is defined to mean "[o]nsight participation in a test involving the atmospheric testing of a nuclear device *by the United States*" (emphasis added), is incorrect. Contrary to an opinion of the VA General Counsel, it is the Committee's view that there is nothing in the operative statutory language to support its limited interpretation as reflected in the regulation, nor was it ever intended that the language be interpreted in such a restrictive fashion. Because the Committee views the VA's present interpretation of this section as erroneous, this change is made retroactive to May 1, 1988. It is expected that the Secretary will take such action as may be needed to reopen and readjudicate any claim of a veteran denied on the basis of the existing regulation.

Subsection (b) of this section would clarify congressional intent with respect to the consideration of direct evidence as a means of establishing service connection for a disability resulting from a veteran's exposure to ionizing radiation. The issue was addressed in a decision of the United States Court of Veterans Appeals in *Combee* v. *Principi*, 4 Vet. App. 78 (1993); *en banc rev. denied*, 5 Vet. App. 248 (1993), in which the court upheld a VA determination that a veteran suffering from a disability (neutropenia) attributed to exposure to ionizing radiation could establish service connection on a direct basis only if the disability was enumerated on the list of diseases recognized by the Secretary (for purposes of Public Law 98-542) as being "radiogenic." In this instance the disease was not included on the list; thus, consideration of the veteran's claim for service connection of a disability based on radiation exposure through consideration of direct evidence was precluded.

The court apparently viewed Congress' enactment of Public Law 98-542 (and later, Public Law 100-321) as providing the exclusive means for establishing veterans' claims for compensation if radiation exposure was cited as the underlying cause of the disability. The court and the VA, however, failed to acknowledge the existence, or possible impact, of section 1113(b) of title 38, United States Code, which reflects congressional intent with respect to veterans' claims for service connection of disabilities which may also be affected by liberalizing statutes providing presumptions of service connection. Section 1113(b) states (as it did in 1993) that "[n]othing in section 1112 or 1116 of this title . . . shall be construed to prevent the granting of service connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service." The two sections referred to in this section, sections 1112 and 1116, contain specific statutory presumptions of service connection for certain disabilities suffered by certain groups of veterans, including former prisoners of war, Vietnam veterans, and veterans who were exposed to ionizing radiation through their participation in identified radiation-risk activities.

Contrary to the Secretary's interpretation as upheld by the court, Congress did not intend, in its enactment of Pubic Law 98-542, that the Secretary develop a means for determining veterans' claims for benefits with radiation-exposure aspects to the exclusion of other existing methods. Further, the Committee wishes to make clear that, when the Congress has enacted liberalizing legislation, such as that which providing benefits on a presumptive basis, there has been no intention on its part to adversely affect veterans' rights under existing laws. In order to fully clarify congressional intent in this area, the reported bill would amend section 1113(b) to specifically incorporate a reference to section 5 of Public Law 98-542, under which the Secretary has established additional procedures for adjudicating claims based on radiation exposures, other than those for which presumptions are provided, to insure that veterans be permitted to seek to establish their claims for compensation on a direct basis. The amendment made by this section would apply to claims filed on and after the date of enactment of this section.

Section 502 would extend the Secretary's authority to maintain the regional office in the Republic of the Philippines until December 31, 1999. This authority is now set to expire on December 31, 1994. The VA requested an extension of this authority in a letter to the Speaker of the House dated June 21, 1993. In a report issued in July 1993 (GAO/HRD-93-96), the General Accounting Office concluded that a premature closing of the Manila regional office could be costly and recommended that it should be maintained for an indefinite period until the VA can demonstrate that "(1) it can maintain proper internal controls of benefit payments if the office is closed and its functions moved to the United States, (2) closure would be cost effective notwithstanding possible higher administrative costs in the United States, and (3) VA can maintain adequate services to beneficiaries from the United States." In light of these recommendations, the Committee believes a 5-year extension of this authority is appropriate.

Section 503 would amend current law to provide that an application filed for nonservice-connected pension under chapter 15 of title 38, United States Code, or parent's DIC under chapter 13 of such title, made within one year of a renouncement of such benefits, shall be paid as if the renouncement had not occurred. Under current law if a veteran renounces his or her right to a benefit and then subsequently reapplies, the claim is treated as an original claim and only prospective income may be considered in determining the veteran's eligibility, or the amount of the benefit. The Committee has been advised that, in some instances, veterans may have renounced their benefits in anticipation of receipt of increased sums of income, and then, following such receipt, may have subsequently filed new claims for pension. The Committee believes such actions undermine the intent of these need-based programs and seeks to prevent this through the enactment of this amendment.

Section 504 would amend section 5112 of title 38, United States Code, by adding new subsection 5112(d) to provide that the effective date for the discontinuance of compensation due to the death of a veteran shall be the last day of the month of death in the case of a totally disabled veteran with a surviving spouse whose death does not result in an award of dependency and indemnity compensation (DIC) to the surviving spouse. This would result in the creation of one month's worth of accrued compensation which could be paid to the surviving spouse in accordance with section 5121 of title 38, United States Code.

Under current law, the effective date for the discontinuance of an award of compensation based on the death of the veteran is the last day of the month preceding the month in which the veteran dies. This is true whether the veteran dies on the first day of the month or the last. This provision is intended to address the limited situation where the veteran, although rated totally disabled as the result of a service connected disability, either does not die as a result of such disability or has not been so rated for a period of ten years. In these cases, the surviving spouses are not eligible for DIC. Given the fact that the current monthly rate for a totally disabled veteran with a spouse is $1,879 ($1,774 + $105), and that under current law that entire amount must be returned to the VA regardless of the date on which the veteran died, the Committee believes it is approriate to effect this change in the effective date for this limited category of surviving spouses.

Mr. Speaker, I urge my colleagues to support the passage of this important bill.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4088, as amended, the Veterans' Benefits Act of 1994.

I would like to commend the leadership of the Subcommittee on Compensation, Pension, and Insurance, namely chairman SLATTERY and the

ranking minority member, Mr. BILIRAKIS, for their efforts on behalf of our veteran population.

Also, of course, Chairman MONTGOMERY has lost no time in bringing this important bill to the House for consideration.

H.R. 4088 would provide for a 3-percent cost-of-living adjustment for service connected veterans and survivors of veterans who died as a result of their service.

In addition, H.R. 4088 codifies additional diseases presumed to be the result of herbicide exposure. This action was previously taken administratively by the Department of Veterans Affairs.

Finally, H.R. 4088 provides for adjudication improvements at the Board of Veterans' Appeals. The Board estimates as much as a 6-year wait for appeals by the end of fiscal year 1995. By offering compensation equivalent to that of administrative law judges, the Board will be able to retain many of its most experienced members, rather than see them become ALJ's at the Social Security Administration. Already, 10 percent of Board members have left to become ALJ's. By implementing a master veterans' record in all regional offices and medical centers, there will be greater access to files, and by allowing claimants to submit written statements as proof of relationship, instead of more formal evidence, claims files will be processed more timely.

Mr. Speaker, this bipartisan effort, supported by the full House Veterans' Affairs Committee, benefits the whole veteran community. I urge the support of my colleagues for H.R. 4088, as amended.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS].

□ 1230

Mr. LEWIS of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 4088 which makes important improvements to veterans' benefits. It also corrects an unfair situation I have fought hard to change.

The Department of Veterans Affairs was developed for one reason and I quote "To care for him who shall have borne the battle * * * and for his widow * * * and his orphan."

For too long now, the widows of veterans have been subject to a very cruel practice.

When a veteran who receives a disability compensation or pension passes away, the VA actually revokes that month's check from his widow.

This happened to a constituent of mine whose husband died just hours before midnight on the last day of March. She was forced to pay the VA over $1,200, money that was already spent on her husband's living expenses.

I cannot believe our VA would demand money from a recent widow of a veteran. To remedy this unfair situation, I came up with the following solution.

The VA would prorate the final compensation check a veteran gets to the day of death.

Mr. Speaker, in my opinion, this is the fairest way for Congress to pay the debt we owe our veterans' families. I am appalled the spouse of one of our veterans would be penalized by the VA.

The legislation before us includes a provision which will help some of our most needy veterans' spouses.

This is a start, and I hope my colleagues will see fit to further open this door for other spouses.

If passed, this bill will give the spouse of a totally disabled veteran his entire month's check, if she is not eligible for other widows benefits, such as DIC.

At least we can help the most needy spouse, the widow whose husband was totally disabled.

In passing this bill, we are sending a message to the VA that we will not tolerate this type of treatment of our veterans' families.

For acting in a bipartisan fashion to craft a workable compromise, I wish to thank the distinguished chairman, Mr. MONTGOMERY, the ranking member, the gentleman from Arizona [Mr. BOB STUMP], the gentleman from Kansas [Mr. SLATTERY], and my colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I also want to thank the gentleman from Florida [Mr. LEWIS], for his help in this legislation. It was constructive, and I appreciate the gentleman working with our committee. The gentleman is not a member of the committee, but he came in with this great idea.

Also, Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Post Office and Civil Service, and the gentleman from Indiana [Mr. MYERS], for their cooperation on title III of the bill. They let us bring this legislation to the floor.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. STUMP. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to thank the gentleman from Florida [Mr. LEWIS] for his contribution to this legislation and the hard work he has done for veterans, and once again my thanks go to Chairman MONTGOMERY for his leadership in bringing these two important bills to the floor.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 4088, the Veterans' Benefits Act of 1994. I commend my colleague, the gentleman from Kansas [Mr. SLATTERY] for introducing this legislation that ensures our Nation's veterans receive the compensation and the attention that they deserve.

Our Nation's veterans deserve the very best. They have, after all dedicated their lives to promoting the goals and ideals of our Nation. When the battle cry is sounded, our servicemen and women are quick to respond.

Based upon the sacrifices and contributions of our Nation's military, it is only fitting that we, as a nation, provide the benefits, the compensation, and the medical care that they have valiantly earned.

This legislation does just that. First, H.R. 4088 provides a 3-percent cost-of-living adjustment [COLA], for the Department of Veterans Affairs veterans' disability compensation programs.

Second, the legislation guarantees that Hodgkin's disease, porphyria cutanea tarda, respiratory cancers, and multiple myeloma are added to the list of diseases associated with herbicide exposure; and are therefore eligible for service-connected disability compensation.

Also, H.R. 4088 makes numerous improvements to the Department of Veterans Affairs claims adjudication process. The terms of H.R. 4088 specifically requires the VA to:

Report to Congress within 180 days of enactment on reorganizing VA claims and adjudication divisions and the agency's major pilot programs and initiatives;

Implement a veterans data system that is accessible to all regional offices and medical centers;

Accept written statements, as proof of relationship, for claims purposes, eliminating the need for certified copies of records;

Accept private physician medical reports for benefits claims;

Compensate Board of Veterans' Appeals members at a level consistent with the salaries of administrative law judges; and,

Treat claims that are returned by the Board of Veterans Appeals in an prompt and timely manner.

I am proud to support this legislation that does much to improve the benefits and services that are provided to our Nation's veterans. I urge my colleagues to join in support of H.R. 4088.

Ms. SNOWE. Mr. Speaker, I rise today in support of H.R. 4088, the Veterans' Benefits Act of 1994.

This bill is relatively straightforward, but it has a number of important provisions of great concern to many of this country's 27 million veterans.

H.R. 4088 sets a 3-percent cost-of-living adjustment for benefits paid to disabled veterans and their surviving spouses and dependents. It also adds Hodgkin's disease, respiratory cancers, and other diseases to the list of illnesses associated with herbicide exposure and presumed to be service connected.

One of the biggest challenges facing a disabled veteran is getting through the Department of Veterans Affairs' bureaucratic adjudication process. This bill strives to make much-needed improvements in that adjudication process and it requires the VA to submit a report about the feasibility of reorganizing its claims adjudication divisions. H.R. 4088 also requires the VA to develop objective performance standards for members of the Board of

Veterans Appeals, and to periodically evaluate their performance.

For many of our disabled veterans and their families who live on fixed incomes, this is an extremely important piece of legislation. The cost-of-living adjustment provided for in this bill will help many of the 150,000 veterans in the State of Maine, and all across the country, make ends meet. But the true meaning of this bill goes much deeper.

This bill reflects the responsibility we in Congress have to those who have borne the brunt of battle, and to the commitment we have made to their families. This responsibility and commitment on the part of the American Government toward our disabled veterans is one that I hold sacred, for this Nation owes a debt to these veterans that can never be repaid. They answered the call when their country needed them and the promises made at that time must be honored.

We must never forgot the sacrifices made by our disabled veterans or their families. In a small way, this bill is just one way that this body remembers and honors them.

I strongly urge all of my colleague to support this bill, and to show our disabled veterans that we do recognize the sacrifices they have made on behalf of their country.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 4088, the Veterans' Benefits Act of 1994.

H.R. 4088 provides a cost-of-living adjustment for disabled veterans and recipients of dependency and indemnity compensation [DIC]. This is a 3-percent cola effective December 1, 1994.

H.R. 4088 also adds a variety of illnesses ranging from Hodgkin's disease to multiple myeloma to the list of diseases associated with herbicide exposure. In this measure, we are simply codifying administrative action already taken by the VA. These presumptions for service connection are important for the thousands of veterans afflicted with these illnesses.

During its consideration of H.R. 4088, the compensation subcommittee adopted an amendment to the bill which makes improvements to the claims adjudication process. Throughout the 103d Congress, the subcommittee has been examining the VA's claims processing system. If enacted, H.R. 4088 will help reduce the huge backlog currently plaguing the system.

I would like to thank subcommittee Chairman JIM SLATTERY for his assistance in correcting a problem which I strongly believe has had a negative impact on the ability of the Board of Veterans Appeals to process veterans claims in a timely fashion. The problem I am referring to is the exodus of experienced Board members.

In the last year, a total of eight Board members have left to become administrative law judges [ALJ's] for the Social Security Administration. Overall, the Board has lost more than 10 percent of its current membership to the Social Security Administration. If losses to the Board continue, it will take many years to regain the knowledge, experience, and expertise departing members take with them.

One of the main reasons members are leaving the Board is the pay differential between Board members and administrative law judges. At one time, the Board members were recognized as performing professional responsibilities at least comparable to those of administrative law judges.

However, since the Federal Employees Pay Comparability Act of 1990, ALJ's have been placed on a pay scale that awards them compensation averaging at least $20,000 more per year than that of the average Board member.

I have introduced legislation, H.R. 69, that restores pay comparability between Board members and ALJ's. I am pleased that Chairman SLATTERY has recognized the seriousness of this issue and included a pay comparability provision in H.R. 4088.

In addition, H.R. 4088 eliminates term limits for members of the Board of Veterans Appeals. Term limits are another reason why many members are considering leaving the Board. While the compromise amendment eliminates terms, it sets up a new recertification process for Board members. I believe this new system will ensure that Board members are treated fairly and that veterans claims are adjudicated in a timely manner.

In closing, I want to take a moment to commend Chairman SLATTERY for the leadership he has brought to this subcommittee. JIM is leaving Congress at the end of the current session. I have enjoyed working with him on several important matters this Congress, and I want to wish him the best of luck in his future endeavors.

H.R. 4088 is a good bill which will benefit our Nation's veterans. I urge my colleagues to support H.R. 4088.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4088, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes."

A motion to reconsider was laid on the table.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the Senate bill (S. 1927) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1927

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 "Veterans' Compensation Cost-of-Living Adjustment Act of 1994".

SEC. 2. DISABILITY COMPENDATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans' Affairs shall, as provided in paragraph (2), increase, effective December 1, 1994, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code. The increase shall be the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (2 Stat. 1263) who are not in receipt of com pensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

MOTION OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MONTGOMERY moves to strike all after the enacting clause of the Senate bill, S. 1927, and to insert in lieu thereof the provisions of H.R. 4088, as amended, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity

compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4088) was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION AND SPACE POLICY ACT, FISCAL YEAR 1995

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and inspector general, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4489

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 "National Aeronautics and Space Administration Authorization and Space Policy Act, Fiscal Year 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Aeronautics and Space Administration will require a stable budget, adjusted for inflation, in order to carry out the initiatives now planned in human space flight and science, aeronautics, and technology;

(2) cooperation in space should continue to be a major element of the post-cold war foreign policy agenda through a broad range of scientific and engineering programs that have the potential to stabilize the scientific and industrial base of the former Soviet Union and encourage the transition toward political reform and a market-based economy;

(3) the National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and private sector systems; and

(4) in formulating a national space transportation policy, the National Aeronautics and Space Administration should take the lead role in developing advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and manned space systems.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. AUTHORIZATIONS.

(a) AUTHORIZATIONS.—There are authorized to the National Aeronautics and Space Administration for Human Space Flight, Science, Aeronautics, and Technology, Mission Support, and Inspector General, such amounts as may be appropriated for fiscal year 1995.

(b) OPERATING PLAN.—(1) Not later than 60 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an operating plan that provides a detailed plan for obligating fiscal year 1995 funds.

(2) To the maximum extent practicable, and except to the extent inconsistent with an appropriations Act, the operating plan required under paragraph (1) shall reflect the recommended authorizations set forth in Report No. 103-654 of the House of Representatives.

SEC. 102. SPECIAL PROVISIONS AND LIMITATIONS.

(a) GLOBAL OBSERVATIONS TO BENEFIT THE ENVIRONMENT.—Beginning in fiscal year 1996, amounts appropriated for the Global Observations to Benefit the Environment, or any other program established to perform substantially the same functions, may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

(b) SMALL SPACECRAFT TECHNOLOGY INITIATIVE.—No funds authorized to be appropriated under this Act may be obligated for the Small Spacecraft Technology Initiative—

(1) to duplicate private sector activities or to fund any activities that a private sector entity is proposing to carry out for commercial purposes; or

(2) for projects that are initiated after the date of enactment of this Act unless such projects require cost-sharing by industry at levels consistent with comparable joint Government-industry advanced technology development programs.

(c) SCIENTIFIC COOPERATION WITH RUSSIA.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the National Aeronautics and Space Administration should seek, to the maximum extent practicable, to undertake joint scientific activities with Russia with an initial focus on the robotic exploration of Mars. Such joint scientific activities may include other spacefaring nations, as appropriate.

(2) MARS TRANSITION PLAN.—The Administrator shall provide to the Congress by February 15, 1995, a detailed plan for the transition of the Mars Surveyor program to an integrated Mars exploration program with Russia and other spacefaring nations, as appropriate.

(d) VISITORS CENTER.—To the extent provided in advance in appropriations Acts, all unobligated funds available to the Administrator from appropriations for fiscal years before fiscal year 1995, but not to exceed $5,000,000, may be obligated for the establishment of a Visitor Center for the Lewis Research Center, if at least—

(1) an equal amount of funding;

(2) in-kind resources of equivalent value; or

(3) a combination thereof,

are provided for such purpose from non-Federal sources.

Subtitle B—Limitations and Special Authority

SEC. 111. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated pursuant to subtitle A for purposes other than—

(1) construction of facilities;

(2) research and program management, excluding research operations support; and

(3) Inspector General,

may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) LIMITATION.—None of the funds used pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 112. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 113. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Amounts appropriated pursuant to subtitle A for a construction of facilities project—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use for such purposes up to $10,000,000 of the amounts appropriated pursuant to subtitle A for construction of facilities purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator

has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 114. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding; and

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancilliary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 115. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Funds appropriated pursuant to subtitle A for Mission Support may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the authority of the Administrator.

SEC. 116. VOLUNTARY SEPARATION INCENTIVES.

The Administrator shall, to the maximum extent practicable, make voluntary separation incentive payments pursuant to the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) to employees of the National Aeronautics and Space Administration from funds appropriated for fiscal year 1995 and available for such payments.

SEC. 117. LIMITATION ON TRANSFERS TO RUSSIA.

(a) LIMITATION.—No funds authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1995 may be paid or otherwise transferred to Russia unless—

(1) the payment or transfer is made in exchange for goods or services that have been provided to the National Aeronautics and Space Administration in accordance with a written agreement between the National Aeronautics and Space Administration and Russia;

(2) the Government of the Russian Federation agrees to provide a monthly report to the National Aeronautics and Space Administration during the term of such written agreement, that fully accounts for the disposition of the funds paid or transferred, including information with respect to the preceding month on—

(A) the amount of the funds received, and the date of receipt;

(B) the amount of the funds converted from United States currency, the currency into which the funds have been converted, and the date and rate of conversion;

(C) the amount of non-United States currency, and of United States currency, that is disbursed to any contractor or subcontractor, the identity of such contractor or subcontractor, and the date of disbursement; and

(D) the balance of the funds not disbursed as of the date of the report;

(3) Russia has provided all monthly reports with respect to which an agreement was made pursuant to paragraph (2); and

(4) the President, before such payment or transfer and annually upon submission of the President's budget request for fiscal years after fiscal year 1995, has certified to the Congress that—

(A) the presence of any troops of the Russian Federation or the Commonwealth of Independent States; and

(B) any action by the Russian Federation or the Commonwealth of Independent States, in Estonia, Latvia, Lithuania, or any other independent state of the former Soviet Union do not violate the sovereignty of those independent states.

(b) DEFINITION.—For purposes of this section, the term "Russia" means the Government of the Russian Federation, the Russian Space Agency, or any agency or instrumentality of the Government of the Russian Federation or the Russian Space Agency.

SEC. 118. SPACE STATION SPENDING CAP.

The total amount of spending by the National Aeronautics Space Administration for the space station shall not exceed $2,120,900,000 for fiscal year 1995. The limitation in this section shall not apply to amounts provided for payments to Russia for phase I of the International Space Station Program.

SEC. 119. CONSORTIUM FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORK BUILDING.

The Consortium for International Earth Science Information Network may not obligate more than $27,000,000 for the construction of a new building. Such funds may not be obligated until 90 days after the completion of a building prospectus by the General Services Administration.

SEC. 120. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for carrying out the programs for which funds are authorized by this Act for any fiscal year after fiscal year 1995.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries."; and

(D) by adding at the end the following new item:

"Sec. 70120. Report to Congress.";

(2) in section 70102—

(A) by inserting "from Earth" after "and any payload" in paragraph (3);

(B) by redesignating paragraphs (10) through (12) as paragraphs (12) through (14), respectively; and

(C) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth.

"(11) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact.";

(3) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a) (3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES OR REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(4) in section 70105—

(A) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(5) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site"; and

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle";

(6) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries"; and

(B) in subsection (a)—

(i) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(7) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(8) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(9) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry" after "launch services" in subsection (a)(4);

(C) by inserting "or a reentry" after "launch services" each place it appears in subsection (b);

(D) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(E) by inserting "or reentry" after "launch site" in subsection (e);

(10) in section 70113 (a)(1) and (d) (1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(11) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(12) in section 70117—

(A) by inserting "or reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) in subsection (f)—

(i) by inserting "OR REENTRY" after "LAUNCH" in the subsection heading;

(ii) by inserting ", reentry vehicle," after "A launch vehicle";

(iii) by inserting "or reentered" after "that is launched"; and

(iv) by inserting "or reentry" after "the launch"; and

(D) in subsection (g)—

(i) by inserting "reentry of a reentry vehicle," after "or launch site," in paragraph (1); and

(ii) by inserting "reentry," after "launch," in paragraph (2);

(13) in section 70119, by inserting the following after paragraph (2):

"There are authorized to the Secretary of Transportation such amounts as may be appropriated to carry out this chapter for fiscal year 1995."; and

(14) by adding at the end the following new section:

"§ 70120. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) in subsection (a), by striking "receiving an application" both places it appears and inserting in lieu thereof "accepting an application in accordance with subsection (b)(2)(D)";

(B) by striking "and" at the end of subsection (b)(2)(B);

(C) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and"; and

(D) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting an application for a license under this chapter.".

(2) The amendment made by paragraph (1)(A) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(D) of this subsection.

SEC. 202. OFFICE OF SPACE COMMERCE AUTHORIZATION.

There are authorized to the Secretary of Commerce such amounts as may be appropriated for the activities of the Office of Space Commerce for fiscal year 1995.

SEC. 203. USE OF DOMESTIC PRODUCTS.

(a) GENERAL RULE.—Except as provided in subsection (b), the Administrator shall ensure that procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(b) LIMITATIONS.—This section shall apply only to procurements made for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of enactment of this Act.

(c) INAPPLICABILITY IN CASE OF VIOLATION OF INTERNATIONAL AGREEMENT.—This section shall not apply to the extent that the United States Trade Representative determines that a procurement described in subsection (b) would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(d) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

SEC. 204. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $5,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 205. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following new section:

"SEC. 109. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

"(a) The National Aeronautics and Space Administration, in coordination with other agencies that belong to the Committee established under section 102, shall establish the requirements and architecture for, design, and develop a Global Change Data and Information System that shall serve as the system to process, archive, and distribute data generated by the Global Change Research Program.

"(b) The National Aeronautics and Space Administration shall design the Global Change Data and Information System—

"(1) so that other Federal agencies may connect data centers operated by such agencies to such System; and

"(2) so as to minimize, to the extent practicable, the cost of connecting such data centers.

"(c) Each agency involved in the Global Change Research Program shall retain the responsibility to establish and operate Global Change Data and Information System data centers to process, archive, and distribute data generated by such agency's programs. Agencies may agree to assume the responsibility for processing, archiving, or distributing data generated by other agencies.".

SEC. 206. ACCESS TO CLASSIFIED DATA FOR GLOBAL CHANGE RESEARCH.

The Committee on Environment and Natural Resources shall develop and submit to the Congress within one year after the date of enactment of this Act a plan for providing access to data from classified archives and systems for global change research. The plan shall—

(1) determine whether the Global Change Data and Information System or other means should be used to provide access to such data for the scientific community; and

(2) identify what agencies should be responsible for particular parts of such data and any data centers needed to process, archive, and distribute such data.

SEC. 207. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

(b) DISCLOSURE OF TECHNICAL DATA.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting "or (c)" after "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(c)(1) The Administration may delay for a period not to exceed 5 years the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and the private sector.

"(2) The Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

"(3) Regulations issued pursuant to paragraph (2) shall include—

"(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

"(B) a requirement that a determination described in subparagraph (A) that particular data is technical data shall be reported to

the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(C) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

"(D) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

"(4) Along with the initial publication of proposed regulations under paragraph (2), the Administrator shall include a list of those experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration that may result in products or processes of significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base. Such list shall be updated biannually.

"(5) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.".

SEC. 208. COMPARATIVE ANALYSIS OF UNITED STATES AND FOREIGN EXPENDABLE SPACE LAUNCH SYSTEMS.

The National Aeronautics and Space Administration shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles. This study shall determine specific differences in the design, manufacture, processing, and overall management and infrastructure of current United States and foreign expendable space launch vehicles. The study shall also determine the approximate effect of these differences on the relative cost, reliability, and operational efficiency of such space launch systems. This study shall be conducted in consultation with the Department of Defense and, as appropriate, other Federal agencies, United States industries, and institutions of higher education. The results of this study shall be submitted to the Congress no later than October 1, 1995.

SEC. 209. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

(a) FINDINGS.—The Congress finds that—

(1) institutions of higher education offer a significant resource for the conduct of innovative scientific and technological research to advance the National Aeronautics and Space Administration's mission;

(2) the National Aeronautics and Space Administration should act to broaden the foundation of its research base by increasing the direct involvement of research laboratories of institutions of higher education in the development of technology for space science;

(3) the National Aeronautics and Space Administration should commit to strengthening research programs in technology of institutions of higher education beyond contracting with institutions of higher education for services in support of specific programs; and

(4) the National Aeronautics and Space Administration should develop mechanisms to foster innovative technological research at institutions of higher education that do not participate in the University Space Engineering Research Centers.

(b) STUDY.—The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technological innovation in the United States by using the Nation's institutions of higher education to help meet the National Aeronautics and Space Administration's research and development needs, by stimulating technology transfer between institutions of higher education and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation;

(2) is modeled on the Small Business Innovation Research Program;

(3) avoids duplication of existing National Aeronautics and Space Administration programs with the institutions of higher education; and

(4) derives funding from the Space Research and Technology program.

(c) COMPLETION.—The study required by subsection (b) shall be completed and its results submitted to the Congress within one year after the date of enactment of this Act.

(d) ADVICE.—In carrying out the study required by subsection (b), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 210. GEOGRAPHICAL DISTRIBUTION.

The National Aeronautics and Space Administration shall give consideration to geographical distribution of its research and development funds whenever feasible.

SEC. 211. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

(a) SELECTION IN DEPRESSED COMMUNITIES.—When consistent with the goals of the National Aeronautics and Space Administration and cost-effective, the Administrator shall select sites in depressed communities for new programs or functions of the National Aeronautics and Space Administration, unless those new programs or functions are so closely related to programs or functions carried out at an existing facility as to require being carried out at that existing facility.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

SEC. 212. RECIPROCITY.

(a) GENERAL RULE.—Except as provided in subsection (b), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of the United States.

(b) EXCEPTION.—(1) The Administrator may waive the rule stated under subsection (a) if the products or services required are not reasonably available from—

(A) companies organized under the laws of the United States; or

(B) companies organized under the laws of a foreign country which the Administrator finds affords comparable opportunities to companies organized under the laws of the United States.

Any such waiver shall be reported to the Congress.

(2) Subsection (a) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

SEC. 213. STUDY ON TDRSS AND COMMERCIAL SATELLITE SYSTEM CONVERGENCE.

(a) REQUIREMENT.—The Administrator shall conduct a study on the convergence of the National Aeronautics and Space Administration Tracking and Data Relay Satellite System (TDRSS) with commercial communications satellite systems. The study shall assess whether a converged system, from which the National Aeronautics and Space Administration would buy tracking and data relay services, could—

(1) satisfy the National Aeronautics and Space Administration's tracking and data relay requirements;

(2) reduce the National Aeronautics and Space Administration's expenses in satisfying tracking and data relay requirements through maintenance and operations of the TDRSS;

(3) be financed, developed, and operated by the private sector;

(4) serve commercial communication needs;

(5) be established to satisfy the National Aeronautics and Space Administration's requirements in time to obviate the need to procure TDRSS spacecraft beyond the tenth flight; and

(6) encourage the growth of the commercial satellite communications market.

(b) CONSULTATION.—In conducting the study, the Administrator shall consult with commercial satellite operators, including the International Telecommunications Satellite Organization, other international satellite operators, and United States satellite operators, as appropriate, and shall also consult with the Department of Defense concerning its requirements for tracking and data relay services.

(c) REPORT.—The Administrator shall report on the study's findings and recommendations on feasibility of convergence to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by February 15, 1995.

SEC. 214. STUDY ON CONVERGENCE OF GEOSAT AND EOS ALTIMETRY PROGRAMS.

(a) REQUIREMENT.—The Administrator shall conduct a study on the convergence of the National Aeronautics and Space Administration Earth Observing System (EOS) Altimetry mission with the Navy Geosat Follow-On program. The study shall assess whether a converged system, which may involve minor modifications to the Geosat Follow-On satellite, could—

(1) satisfy the needs of the Earth Observing System program for altimetry data;

(2) reduce the National Aeronautics and Space Administration's expenses in satisfying such needs;

(3) be available in time to serve as the follow-on to the Topex/Poseidon mission; and

(4) continue to meet the Navy's requirements for altimetry data at no additional cost to the Navy.

(b) CONSULTATION.—In conducting the study, the Administrator shall consult with the Navy and the scientific community, as appropriate.

(c) REPORT.—The Administrator shall report on the study's findings and recommendations on the feasibility of convergence to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by February 15, 1995.

SEC. 215. SPACE SHUTTLE COST REDUCTION INITIATIVES.

By February 1, 1995, the Administrator shall submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

(1) specifies the minimum number of Space Shuttle flights that would be required each fiscal year from 1995 through 2004 to implement payload and related activities provided for in the President's fiscal year 1995 budget request and supporting and ancillary documents thereto;

(2) outlines the Space Shuttle flight and payload manifest that could be implemented for each of the fiscal years 1995 through 1999 if the Space Shuttle flight rate for each of those years were 8 missions, if the flight rate were 7 missions, and if the flight rate were 6 missions;

(3) evaluates the extent to which various potential management consolidation initiatives could reduce the annual cost of the Space Shuttle program while preserving quality and safety; and

(4) evaluates the extent to which various potential contract incentives could be used to reduce the annual cost of the Space Shuttle program while preserving quality and safety.

SEC. 216. ADVANCED LAUNCH TECHNOLOGY PROGRAM.

(a) FUNDING POLICY.—The Administrator may use, and is encouraged to use, any funds appropriated for Space Shuttle operations, but not needed for such purposes because of a reduction in annual operating costs, for an advanced launch technology program, including the cost of technology development, flight demonstrators, and procurement of operational flight hardware.

(b) REPORT TO CONGRESS.—By February 1, 1995, the Administrator shall submit to the Congress a program plan for an advanced launch technology program that—

(1) clearly articulates the goals and objectives of the program and the flight hardware it will produce;

(2) describes the management structure and development philosophy that will be used to implement the program;

(3) outlines key milestones toward the achievement of the goals and objectives articulated under paragraph (1);

(4) estimates the total cost that will have been incurred upon completion of the program;

(5) defines the annual budgetary requirements of the program for the next 5 years; and

(6) identifies the source or sources of funding anticipated for the program for each of the next 5 years, including funds described in subsection (a).

SEC. 217. LAND CONVEYANCE.

The Administrator may accept the conveyance to the United States of certain parcels of land from the cities of Cleveland and Brook Park, Ohio, for the purpose of establishing a Visitor Center for the Lewis Research Center.

SEC. 218. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Advanced Concepts and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from nongovernment persons innovative technology concepts relating to the provision of space hardware, technology, or services to the National Aeronautics and Space Administration, and for the evaluation of such concepts by the National Aeronautics and Space Administration's Advisory Council against mission requirements.

(3) REQUIREMENT.—At least 2 percent of amounts appropriated pursuant to subtitle A for the Office of Advanced Concepts and Technology shall be used for innovative technology procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

(4) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from the nongovernmental sector with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(5) SUNSET.—This subsection shall cease to be effective 10 years after the date of its enactment.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially available space hardware, technology, or service exists and that no commercial method of procurement is available.

SEC. 219. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Administrator has certified to the Congress that the Administrator has reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 220. SPACE STATION ACCOUNTING REPORT.

Within one year after the date of enactment of this Act, and annually thereafter, the Administrator shall transmit to the Congress a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

SEC. 221. PURCHASE OF SPACE SCIENCE DATA.

(a) IN GENERAL.—To the maximum extent possible, the National Aeronautics and Space Administration shall purchase from the private sector space science data. Examples of such data include scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(b) COMPETITIVE BIDDING.—(1) Contracts for the purchase of space data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid or fulfillment of the contract, shall not be required of bidders.

(3) Conformance with military specifications (Milspec) or National Aeronautics and Space Administration specifications systems with respect to the design, construction, or operation of equipment used in obtaining space science data under contracts entered into under this section shall not be a requirement for a commercial provider bidding to provide such services.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

SEC. 222. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the use of remote sensing data is potentially a valuable resource to anticipate potential food, feed, and fiber shortages or excesses, and provide this information to the agricultural community in time to assist farmers with planting decisions;

(2) remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

(3) remote sensing data can inform the agricultural community as to the condition of crops and the land which sustains those crops;

(4) remote sensing data can be useful to allow farmers to apply pesticides, nutrients, and water, among other inputs, to farmlands in the exact amounts necessary to maximize crop yield, thereby reducing agricultural costs and minimizing potential harm to the environment;

(5) remote sensing data can be valuable, when received on a timely basis, in determining the needs of additional plantings of a particular crop or a substitute crop; and

(6) the National Aeronautics and Space Administration, using the expertise of the Earth Observations Commercialization Applications Program, and the Department of Agriculture should work in tandem to aid farmers to obtain data conducive to sound agricultural management and greater crop yields.

(b) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide farmers and other interested persons with timely information, through remote sensing, on crop

conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and any other information available through remote sensing.

(c) ENHANCED REMOTE SENSING PROGRAM.—(1) The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly evaluate the need for a radar imaging platform that could enhance United States remote sensing capability by providing information and data relating to agricultural resources, and which may have other commercial and research applications.

(2) In the event there is a finding of need for a platform as set forth in paragraph (1), the Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal, which maximizes private funding and involvement in the launch and operation of such platform, and in the management and dissemination of the data from such platform. The Secretary and the Administrator shall jointly submit the proposal, within 30 days of its development, to the Committee on Agriculture and the Committee on Science, Space, and Technology of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate.

(d) TRAINING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to inform farmers and other prospective users concerning the use and availability of remote sensing data.

(e) SUNSET.—The provisions of this section shall expire 5 years after the date of enactment of this Act.

SEC. 223. COORDINATION OF EDUCATION SUPPORT FOR UNDERREPRESENTED GROUPS.

The Administrator shall coordinate with other Federal agencies all National Aeronautics and Space Administration education activities to encourage the participation of women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities.

SEC. 224. SPACE EXPLORATION OPPORTUNITIES ASSESSMENT.

(a) NATIONAL ACADEMY OF SCIENCES CONTRACT.—The Administrator shall, to the extent provided in advance in appropriations Acts, enter into a contract with the National Academy of Sciences for the conduct of the assessment described in subsection (b).

(b) SPACE EXPLORATION OPPORTUNITIES ASSESSMENT.—The contract entered into under subsection (a) shall provide for an assessment of methods for maximizing, based on a variety of prospective funding levels, the quantity and quality of opportunities for space exploration, both human and robotic, using space vehicles and platforms available or expected to be available. Such assessment shall focus on the 5-year period after the date of enactment of this Act, and on each of the two subsequent 5-year periods. Such assessment shall address opportunities in connection with civilian and military domestic, and foreign, space vehicles and platforms, whether publicly or privately funded.

(c) REPORT TO CONGRESS.—The Administrator shall, within one year after the date of enactment of this Act, submit to Congress a report containing the results of the assessment conducted under subsection (b).

SEC. 225. CATALOGUE OF EARTH-THREATENING COMETS AND ASTEROIDS.

(a) REQUIREMENT.—To the extent practicable, the National Aeronautics and Space Administration, in coordination with the Department of Defense and the space agencies of other countries, shall identify and catalogue within 10 years the orbital characteristics of all comets and asteroids that are greater than 1 kilometer in diameter and are in an orbit around the sun that crosses the orbit of the Earth.

(b) PROGRAM PLAN.—By February 1, 1995, the Administrator shall submit to the Congress a program plan, including estimated budgetary requirements for fiscal years 1996 through 2000, to implement subsection (a).

TITLE III—REVISIONS TO LAND REMOTE SENSING POLICY ACT OF 1992

SEC. 301. AMENDMENTS.

The Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.) is amended—

(1) by amending section 2(9) to read as follows:

"(9) Because Landsat data are particularly important for global environmental change research, the program should be managed by an integrated team consisting of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration and coordinated by the Office of Science and Technology Policy.";

(2) in sections 3(6)(A), 101 (a) and (b), 103(b), and 504, by striking "Secretary of Defense" and inserting in lieu thereof "Secretary";

(3) in section 3(6)(B), by striking "Department of Defense" and inserting in lieu thereof "Department of Commerce";

(4) in section 101(b)(1), by striking ", with the addition of a tracking and data relay satellite communications capability";

(5) in section 101(b)(2), by striking all after "baseline funding profile" and inserting in lieu thereof "for the development and operational life of Landsat 7 that is mutually acceptable to the agencies constituting the Landsat Program Management;";

(6) in section 101(b), by inserting after paragraph (4) the following:

"The Director of the Office of Science and Technology Policy shall, no later than October 1, 1994, transmit the management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(7) in sections 101(c)(3), 202(b)(1), 501(a), and 502(c)(7), by striking "section 506" and inserting in lieu thereof "section 507";

(8) in section 102(b)(1), by striking "by the expected end of the design life of Landsat 6" and inserting in lieu thereof "by the predicted end of life of Landsat 5, or as soon as practicable thereafter";

(9) in section 103(a), by striking "section 105" and inserting in lieu thereof "section 104";

(10) by adding at the end of section 103 the following new subsection:

"(c) IMPLEMENTATION OF AGREEMENT.—If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (a)(1) through (8), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.";

(11) by striking section 104 and redesignating section 105 as section 104;

(12) in section 201(c)—

(A) by striking "120 days" and inserting in lieu thereof "90 days"; and

(B) by amending the second sentence thereof to read as follows: "If the Secretary determines that the license requested by the applicant should not be issued, the Secretary shall inform the applicant within such 90-day period of the reasons for such determination and the specific actions required of the applicant to obtain a license.";

(13) in section 202(b)(6), by inserting ", other than for the sale of data generated by the system in accordance with the license, that" after "of any agreement";

(14) in section 204, by striking "may" and inserting in lieu thereof "shall";

(15) by inserting at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Within 30 days after any determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed pursuant to this title, the Secretary shall report to the Congress the reasons for such determination, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Within 30 days after any action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall notify the Congress of such action and provide the reasons for such action.";

(16) in section 302—

(A) by striking "(a) GENERAL RULE.—"; and

(B) by striking subsection (b); and

(17) in section 507, by striking subsection (a) and subsection (b)(1) and inserting in lieu thereof the following:

"(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. Within 30 days after receiving a request from the Secretary, the Secretary of Defense shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendations have been received by the Secretary within such 30-day period, the Secretary may deem activities proposed in the license application to be consistent with the protection of the national security of the United States.

"(b) RESPONSIBILITY OF SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. Within 30 days after receiving a request from the Secretary, the Secretary of State shall recommend any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet existing international obligations of the United States. If no such recommendations have been received by the Secretary within such 30-day period, the Secretary may deem activities proposed in the license application to be consistent with existing international obligations of the United States.".

TITLE IV—AERONAUTICAL RESEARCH AND TECHNOLOGY

SEC. 401. FINDINGS.

The Congress finds that—

(1) the United States aeronautics industry has provided a major contribution to the competitiveness of the United States, and has accounted for over $80,000,000,000 in annual sales and over $20,000,000,000 in positive balance of trade;

(2) the international market share of the United States aeronautics industry has steadily eroded due to competition from foreign consortia that receive substantial direct subsidies from their governments;

(3) the United States aeronautics industry has been severely impacted by the reductions in defense spending, leading to reduced levels of research and development investment by industry;

(4) the foreign policy of the United States has included maintaining United States competitiveness and technology leadership in areas of strategic interest, such as aeronautics, but United States aeronautics has not been addressed in United States foreign policy with the same emphasis as United States international space endeavors;

(5) no effective means have been developed by which the National Aeronautics and Space Administration can accurately measure the contribution of its research toward achieving United States competitiveness and maintaining technological leadership; and

(6) maintaining experimental state-of-the-art facilities has been a key investment to retaining United States competitiveness and technological leadership, and these facilities have been heavily utilized by United States industry in their research and development programs.

SEC. 402. AERONAUTICS POLICY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the policy of the United States that—

(1) improving the competitive capability of the United States aeronautics industry shall be a fundamental goal of the aeronautical research and development programs of the National Aeronautics and Space Administration;

(2) the investment in aeronautics technology by the National Aeronautics and Space Administration shall be closely coordinated with United States industry;

(3) the establishment of industry-led, precompetitive consortia shall be encouraged to better prioritize and coordinate the industry requirements for advanced technologies and facilities;

(4) revitalizing national aeronautical facilities shall be a major element of Federal investment in aeronautical research and development; and

(5) industry and government cost-sharing for facilities construction and use shall be investigated to achieve aeronautics research and technology goals within a constrained Federal budget.

SEC. 403. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

(a) TECHNICAL CORRECTION AMENDMENT.—(1) Section 214 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 is amended by striking "(c)" both places it appears and inserting in lieu thereof "(d)".

(2) The amendment made by paragraph (1) shall be effective as of the date of enactment of the Act referred to in paragraph (1).

(b) OBJECTIVES.—Section 102(d) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(10) The economic growth, competitiveness, and productivity of the Nation through close coordination with industry in the conduct of innovative aeronautics technology validation and technology transfer programs; and

"(11) The improvement of the safety, capacity, and efficiency of the United States air transportation system through close coordination among the agencies of the Federal Government.".

SEC. 404. AERONAUTICAL BASIC RESEARCH INVESTMENT PLAN.

(a) PLAN.—The Administrator shall develop an aeronautical basic research investment plan which—

(1) describes the aeronautical basic research underway within the United States, including a review of the status of United States basic research in critical aeronautics disciplines including—

(A) aerodynamics;

(B) propulsion;

(C) materials and structures;

(D) controls, guidance, and human factors; and

(E) flight systems;

(2) establishes goals and objectives for United States aeronautical basic research to advance the critical disciplines required by United States industry for such research;

(3) identifies the priorities for aeronautical basic research required by industry to advance United States long-term competitiveness;

(4) describes the anticipated impact of aeronautical basic research on United States long-term competitiveness;

(5) encourages the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness; and

(6) identifies opportunities for aeronautical basic research to be performed by minority-owned and women-owned businesses within the aeronautical basic research industry.

The Administrator shall annually update the plan, including a report on progress in achieving the goals and objectives identified pursuant to paragraph (2).

(b) INDEPENDENT EVALUATION.—The Administrator shall submit the plan developed under subsection (a), and all subsequent annual updates thereto, along with appropriate programmatic technical, schedule, and financial information, to the National Research Council of the National Academy of Sciences for an independent evaluation of such plan.

(c) TRANSMITTAL TO CONGRESS.—The Administrator shall, along with the first annual budget request of the President occurring more than 1 year after the date of enactment of this Act, transmit to the Congress the plan developed under subsection (a) and the results of the independent review conducted pursuant to subsection (b). Subsequent annual updates to the plan and independent reviews thereof shall be transmitted to the Congress along with subsequent annual budget requests of the President.

SEC. 405. ROLE OF PROCUREMENT IN TECHNOLOGY INVESTMENT.

The Administrator, in carrying out aeronautical research and technology procurement, shall—

(1) promote the advancement of state-of-the-art research and technologies;

(2) assess and procure, where appropriate, commercially available technologies;

(3) where appropriate, use performance specifications in procuring technologies; and

(4) reduce the paperwork requirements associated with procurement.

SEC. 406. AERONAUTICAL TEST FACILITIES INITIATIVE.

(a) STRATEGY.—The President shall establish a strategy to coordinate with domestic aeronautical companies to establish the requirements of such companies and the Federal Government for aeronautical test facilities. The strategy shall—

(1) define the capabilities of aeronautical test facilities required by domestic aeronautical companies and the Federal Government over the next 30 years;

(2) assess the impact to United States competitiveness over the next 30 years resulting from the use of a combination of domestic and foreign aeronautical test facilities by domestic companies; and

(3) identify a funding method for procuring new aeronautical test facilities which includes cost sharing and risk sharing with domestic aeronautical companies, and which uses innovative financing schemes for the construction and operation of such new facilities.

(b) TRANSMITTAL TO CONGRESS.—The strategy established under subsection (a), along with anticipated budget requirements over the next 10 years associated with implementing the strategy, shall be transmitted to the Congress no later than 6 months after the date of enactment of this Act.

SEC. 407. JOINT AERONAUTICAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Administrator and the heads of other appropriate Federal agencies shall jointly establish a program for the purpose of conducting research on aeronautical technologies that enhance United States competitiveness. Such program shall include—

(1) research on next-generation wind tunnel and advanced wind tunnel instrumentation technology;

(2) research on advanced engine materials, engine concepts, and testing of propulsion systems or components of the high-speed civil transport research program;

(3) advanced general aviation research;

(4) advanced rotorcraft research; and

(5) advanced hypersonic aeronautical research.

(b) CONTRACTS AND GRANTS.—Contracts and grants entered into under the program established under subsection (a) shall be administered using procedures developed jointly by the Administrator and the heads of the other Federal agencies involved in the program. These procedures should include an integrated acquisition policy for contract and grant requirements and for technical data rights that are not an impediment to joint programs among the National Aeronautics and Space Administration, the other Federal agencies involved in the program, and industry.

(c) ELEMENTS OF PROGRAM.—The program established under subsection (a) shall include—

(1) selected programs that jointly enhance public and private aeronautical technology development;

(2) an opportunity for private contractors to be involved in such technology research and development; and

(3) the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness.

SEC. 408. HYPERSONIC RESEARCH INITIATIVE.

The Administrator shall conduct a study, through an organization not a part of the National Aeronautics and Space Administration, of strategies that would optimize the Hypersonic System Technology Program by integrating with the rocket-based hypersonic fight test experiments the necessary development program which would achieve a single-stage hypersonic research vehicle capable of Mach 15 or greater, in the shortest possible time frame. The objective of a program developed under the strategies identified through such study would be the development of a single stage to orbit air breathing aircraft. The Administrator shall report the

results of the study to Congress no later than 6 months after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California, [Mr. BROWN] will be recognized for 20 minutes, and the gentleman from Pennsylvania, [Mr. WALKER], will be recognized for 20 minutes.

The Chair recognizes the gentleman from California, [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4489 represents the culmination of many hearings and a great deal of hard work by the Committee on Science, Space, and Technology. I want to commend Mr. HALL and Mr. SENSENBRENNER of the Subcommittee on Space, and Mr. VALENTINE and Mr. LEWIS of the Subcommittee on Technology, Environment and Aviation for developing this legislation.

Mr. Speaker, I introduced this bill on May 25 of this year at a time when the funding picture for NASA was highly uncertain. A key issue for the committee and Congress was whether the funding that would eventually be appropriated for NASA would be sufficient to sustain the space station program.

Since that time, a great deal of this uncertainty has been resolved. Both the House and Senate Appropriations Committees have acted to provide NASA with funding levels which, although not as high as I would prefer, are sufficient to maintain balance within the space program. Both the House and Senate have also voted by overwhelming margins to continue funding for the space station.

Notwithstanding these major achievements, there is still much left to be decided in providing program and policy guidance for the space and aeronautics programs. The bill we have brought to the floor today is intended to fulfill this need.

The amendment that the committee is offering today is intended to focus primarily on policy. The bill contains no specific funding levels or spending authority. I would like to mention some notable policy provisions contained in the bill.

The bill contains a provision establishing a limited exemption from Freedom of Information Act for jointly developed technical data having commercial significance. We believe this is essential in encouraging Government/private sector partnerships for technology development.

The bill contains one provision establishing a university-based small business innovative research-type program. We would like to duplicate the success of the SBIR program in the university community.

The bill contains several provisions calling for convergence of the NASA's operational and research satellite systems with other commercial and defense programs. We believe it is essential in the post cold war environment to encourage cost savings and efficiencies through this type of convergence.

The bill requires a plan to provide access to classified data that could have global change significance. This is another area where our investments in defense can have a much broader significance.

The bill contains a provision requiring an accounting of space station funds that are sent to Russia. The provision also conditions transfers to Russia on withdrawal of Russian troops in Baltic States. We view very positively the new cooperative relationship with Russia in the space station program but we need to recognize the financial systems that need to be in place during this transition period.

A revision to the Commercial Space Transportation Act which gives the Secretary of Transportation authority to license reentry operations. This is an emerging area of space commerce which is related to the other authorities we have given the Transportation Secretary.

There are many other provisions contained in the bill and I will include in the record a summary of these sections.

Mr. Speaker, I intend to work with the Senate in achieving final passage of this bill. Last year, despite our best efforts, Congress did not enact an authorization bill for NASA. I believe that the lack of an authorization bill not only undermines the legislative system Congress has put in place, it leaves a vacuum in policy development that is unhealthy for Government agencies such as NASA.

I will be asking my colleagues in the other body to act expeditiously on this bill and I hope we can achieve a speedy compromise.

SUMMARY OF THE COMMITTEE AMENDMENT TO H.R. 4489

SECTION 1.—SHORT TITLE

Section 1 designates this Act as the "National Aeronautics and Space Administration Authorization and Space Policy Act, Fiscal Year 1995."

SECTION 2.—FINDINGS

Section 2 sets forth four findings establishing the general basis for the provisions contained in this Act.

SECTION 3.—DEFINITIONS

Section 3 sets forth definitions of two terms for purposes of this Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

SECTION 101.—AUTHORIZATIONS

Section 101 provides a statutory authorization for such sums as may be appropriated for Human Space Flight, Science, Aeronautics, and Technology, Mission Support, and Inspector General for fiscal year 1995. This section also requires the submission of an operating plan outlining specific funding levels.

SECTION 102.—SPECIAL PROVISIONS AND LIMITATIONS

Section 102 includes special limitations for certain NASA programs including:

A requirement for matching funds for the Global Observations to Benefit the Environment (GLOBE program)

A restriction on the extent to which small spacecraft initiatives may compete with the private sector

A provision calling for a plan to integrate U.S. and Russian robotic Mars exploration missions

A provision conferring authority to use past unobligated balance for a Lewis Visitor Center

SUBTITLE B—LIMITATIONS AND SPECIAL AUTHORITY

SECTION 111.—USE OF FUNDS FOR CONSTRUCTION

Section 111 provides authority for use of appropriations authorized for other purposes for construction of facilities.

SECTION 112.—AVAILABILITY OF APPROPRIATED AMOUNTS

Section 112 provides that appropriations authorized under subtitle A may remain available until expended.

SECTION 113.—REPROGRAMMING FOR CONSTRUCTION OF FACILITIES

Section 113 provides for variations in the cost of construction projects above amounts appropriated; and provides authority to use funds appropriated for construction of facilities purposes to support construction projects resulting from new developments in the national aeronautical and space program.

SECTION 114.—CONSIDERATION BY COMMITTEES

Section 114 prohibits expenditures for any program for which the Congress denies or does not provide funding, or for any program not presented to the Congress, unless certain notice and justification is submitted by the Administrator.

SECTION 115.—USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES

Section 115 authorizes up to $35,000 per fiscal year for scientific consultations.

SECTION 116.—VOLUNTARY SEPARATION INCENTIVES

Section 116 provides for voluntary separation incentives, to the maximum extent practicable, pursuant to the Federal Workforce Restructuring Act of 1994.

SECTION 117.—LIMITATION ON TRANSFERS TO RUSSIA

Section 117 conditions transfers of funds authorized under this Act to Russia on certain reporting requirements and Presidential certification that actions by Russia do not violate the sovereignty of any independent state of the former Soviet Union.

SECTION 118.—SPACE STATION SPENDING CAP

Section 118 limits expenditures for the Space Station in fiscal year 1995.

SECTION 119.—CONSORTIUM FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORK BUILDING

Section 119 limits obligation of funds for construction of a new facility for the Consortium for International Earth Science Information Network.

SECTION 120.—LIMITATION ON APPROPRIATIONS

Section 120 limits appropriations for programs authorized under this Act for any fiscal year after fiscal year 1995.

TITLE II—MISCELLANEOUS PROVISIONS

SECTION 201.—COMMERCIAL SPACE LAUNCH AMENDMENTS

Section 201(a) amends Chapter 701 of title 49, United States Code, to provide the Secretary of Transportation with authority to license reentry of reentry vehicles. This section also authorizes such sums as may be appropriated for fiscal year 1995 to support the activities of the Office of Commercial Space Transportation (OCST), and requires the Secretary to submit a report on OCST regulatory activities and effectiveness. Section 201(b) amends Chapter 701 of title 49, United States Code, to provide authority for regulations establishing criteria for acceptance of license applications.

SECTION 202.—OFFICE OF SPACE COMMERCE AUTHORIZATION

Section 202 provides such sums as may be appropriated for the Department of Commerce Office of Space Commerce.

SECTION 203.—USE OF DOMESTIC PRODUCTS

Section 203 sets forth requirements for procurement of domestic products, except to the extent the procurement violates an agreement to which the United States is a party.

SECTION 204.—REQUIREMENT FOR INDEPENDENT COST ANALYSIS

Section 204 requires the Chief Financial Officer to provide independent cost analyses for all new projects estimated to cost more than $5,000,000.

SECTION 205.—GLOBAL CHANGE DATA AND INFORMATION SYSTEM

Section 205 amends the Global Change Research Act to provide NASA with the responsibility of developing an interagency Global Change Data and Information System.

SECTION 206.—ACCESS TO CLASSIFIED DATA FOR GLOBAL CHANGE RESEARCH

Section 206 requires the Committee on Earth and Environmental Science to develop a plan for providing access to classified data for global change research.

SECTION 207.—NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS

Section 207 amends the National Aeronautics and Space Act of 1958 to authorize delay of unrestricted public disclosure of certain technical data generated in the course of developmental programs jointly funded by the Agency and private sector.

SECTION 208.—COMPARATIVE ANALYSIS OF UNITED STATES AND FOREIGN EXPENDABLE SPACE LAUNCH SYSTEMS

Section 208 requires NASA to conduct a study comparing United States and foreign expendable launch systems.

SECTION 209.—UNIVERSITY INNOVATIVE RESEARCH PROGRAM

Section 209 requires NASA to study the feasibility of a University Innovative Research program to promote use of universities to help meet NASA's research and development needs and stimulate technology transfer between universities and industry.

SECTION 210.—GEOGRAPHICAL DISTRIBUTION

Section 210 requires NASA to consider geographical distribution of research and development funds.

SECTION 211.—ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES

Section 211 provides for selection of sites in depressed communities for new programs.

SECTION 212.—RECIPROCITY

Section 212 requires reciprocity where NASA contracts with companies organized under foreign law.

SECTION 213.—STUDY ON TDRSS AND COMMERCIAL SATELLITE SYSTEM CONVERGENCE

Section 213 requires NASA to conduct a study on convergence of the Tracking and Data Relay Satellite System with commercial communication satellite systems.

SECTION 214.—STUDY ON CONVERGENCE OF GEOSAT AND EOS ALTIMETRY PROGRAMS

Section 214 requires NASA to conduct a study on convergence of the Earth Observing System Altimetry mission with the Navy's GEOSAT Follow-On program.

SECTION 215.—SPACE SHUTTLE COST REDUCTION INITIATIVES

Section 215 requires NASA to evaluate further cost savings in the Space Shuttle program.

SECTION 216.—ADVANCED LAUNCH TECHNOLOGY PROGRAM

Section 216 requires a report on development of a new Advanced Launch Technology Program, including availability of cost savings in the Space Shuttle program as a funding source.

SECTION 217.—LAND CONVEYANCE

Section 217 authorizes NASA to accept land for a Visitor Center at the Lewis Research Center.

SECTION 218.—PROCUREMENT

Section 218 establishes an expedited technology procurement demonstration program within the Office of Advanced Concepts and Technology, and authorizes 2 percent of funds authorized for this office to be used for the procurement demonstration program.

SECTION 219.—ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES

Section 219 provides that, prior to construction of a new facility, the Administrator must determine that no other federal facilities are appropriate for the intended use.

SECTION 220.—SPACE STATION ACCOUNTING REPORT

Section 220 requires an annual report setting forth an accounting of all expenditures for the Space Station program.

SECTION 221.—PURCHASE OF SPACE SCIENCE DATA

Section 221 requires NASA to purchase space science data for the private sector, to the maximum extend possible.

SECTION 222.—REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT

Section 222 establishes a cooperative initiative between NASA and the Department of Agriculture to make agricultural information obtained through remote sensing available to farmers.

SECTION 223.—COORDINATION OF EDUCATION SUPPORT FOR UNDERREPRESENTED GROUPS

Section 223 directs NASA to coordinate education activities with other Government agencies to maximize participation by underrepresented groups.

SECTION 224.—SPACE EXPLORATION OPPORTUNITIES ASSESSMENT

Section 224 provides for a National Academy of Science study on space exploration opportunities.

SECTION 225.—CATALOGUE OF EARTH-THREATENING COMETS AND ASTEROIDS

Section 225 requires NASA, in coordination with the Department of Defense and space agencies of other nations, at catalogue certain asteroids and comets within the next 10 years.

TITLE III—REVISIONS TO LAND REMOTE SENSING POLICY ACT OF 1992

SECTION 301.—AMENDMENTS

Section 301 amends the Land Remote Sensing Policy Act of 1992 to reflect a new Federal approach to management of the Landsat program, and changes to the licensing regime for commercial remote sensing satellites.

TITLE IV—AERONAUTICS RESEARCH AND TECHNOLOGY

SECTION 401.—FINDINGS

Section 401 contains six findings dealing with NASA aeronautics programs.

SECTION 402—AERONAUTICS POLICY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Section 402 contains five policies dealing with the scope, structure, and content of the NASA aeronautics programs.

SECTION 403.—AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

Section 403 amends the National Aeronautics and Space Act of 1958 to emphasize that the goals of NASA shall include the economic growth and competitiveness of the Nation through close coordination with industry, and that NASA shall closely coordinate with other agencies of the government to improve the safety, capacity and efficiency of the U.S. air transportation system.

SECTION 404.—AERONAUTICAL BASIC RESEARCH INVESTMENT PLAN

Section 404 directs the Administrator to develop a plan which assesses the state of U.S. aeronautical basic research, establishes the goals and objectives for U.S. aeronautical basic research, and identifies the impact which aeronautical basic research is anticipated to have on U.S. long term competitiveness. The plan shall be evaluated and updated on a regular basis.

SECTION 405.—ROLE OF PROCUREMENT IN TECHNOLOGY INVESTMENT

Section 405 directs the Administrator to carry our aeronautical research and development procurement with the goal for promoting technology advancement and the use of commercially available technologies where appropriate.

SECTION 406.—AERONAUTICAL TEST FACILITIES INITIATIVE

Section 406 directs that the President establish a strategy which coordinates with the domestic aeronautical companies to determine the federal and commercial requirements for aeronautical test facilities. This strategy includes an assessment of the required test facility capabilities over the next three decades, and an assessment of the impact to U.S. competitiveness if domestic companies utilize a combination of domestic and foreign facilities. This strategy also includes identifying a funding method for new aeronautical test facilities which involves risk sharing and innovative financing.

SECTION 407.—JOINT AERONAUTICAL RESEARCH AND DEVELOPMENT PROGRAM

Section 407 directs the Administrator to work with the heads of other appropriate agencies to establish a joint program for the conduct of research in aeronautical technologies.

SECTION 408.—HYPERSONIC RESEARCH INITIATIVE

Section 408 directs the Administrator to conduct a study which develops strategies that integrate the Hypersonic System Technology Program with the necessary development program that achieves a single stage

hypersonic research vehicle in the shortest possible time frame.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill that the Science, Space, and Technology Committee brings to the floor today is stripped to the authorization numbers. There was some concern expressed by Members on my side of the aisle about bringing a bill that involves a large authorization to the floor under suspension of the rules. That is the reason why the committee has stripped the authorization numbers, and the funding in here is pursuant to appropriations. So, therefore, this is a policy document, not an authorization document in terms of numbers.

Our intention in moving this bill is to pass some important policy provisions that will give guidance to NASA. We also hope that these provisions will eventually be enacted into law. I have long been involved in promoting commercial use of space. I believe that there is a need for us to find ways to involve the commercial sector in space activities because I believe that we are rapidly losing our ability to increase funding in any way, shape or form for space activities sponsored by the Government. So, therefore, the commercial use of space is the true promise of the future.

We are not at this time only entering the initial stages of realizing the vast commercial potential that awaits space entrepreneurs. With the commercial procurement provisions in this bill, as well as others that were included in H.R. 2731, the Omnibus Space Commercialization Act of 1993, I hope that we can seek to spark some interest in visionaries who will lead us into the 21st century and do so on money that is invested money rather than Government money.

H.R. 4489 contains a procurement provision with two parts. The technology procurement initiative encourages NASA to develop an ongoing pattern of acquiring commercially available off-the-shelf technology. In other words, as we are moving ahead with our space program, what we ought to be doing is using as much off-the-shelf technology as possible to encourage commercial ventures to develop technology that then can be used for that and other applications.

The Procurement Demonstration Program directs NASA to actively seek innovative technology concepts from the private sector that can be rapidly applied to the mission requirements of NASA, once again, also finding ways to get the commercial sector deeply involved in trying to help NASA move ahead. The intent of these provisions is to direct NASA's mindset so that the agency gets away from the idea that if it is not invented here, it is not good enough.

NASA can and should be benefiting from private sector inventiveness.

The bill also encourages NASA to buy space science data from the private sector. For those data sets with both scientific merit and commercial appeal, NASA can stimulate the growth of this market by attaining data faster and cheaper.

Mr. Speaker, I certainly urge my colleagues to support passage of H.R. 4489 in the form that we bring it to the floor.

I would also at this point like, if I could, to enter into a colloquy with the gentleman from California [Mr. BROWN].

During our committee markup of this bill, I offered an amendment to resolve the confusion that existed within the Landsat program management with respect to the meaning of section 103 of the Landsat Remote Sensing Policy Act of 1992. The purpose of the amendment was to merely restate what we presumed to have occurred upon completion of the negotiations envisioned by this section; namely, that operations contracts with commercial operations of Landsats 4 and 5 will be simply extended. Is that the understanding of the chairman?

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of California. This gentleman will state that that is his understanding.

Mr. WALKER. I would observe that it is not in the best interest of any of the parties, not the Government, not the user community, not the commercial operator and most assuredly not the taxpayer to add further to the indecision and disruption that has plagued this program for years. The amendment adopted by the committee was specifically intended to provide clear, unambiguous guidance to the administration that if, as we are informed, successful negotiations have been concluded, the administration should extend the existing contract.

Is that the understanding of the chairman?

Mr. BROWN of California. Yes.

Mr. WALKER. Mr. Chairman, I thank the gentleman very much.

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

Mr. BROWN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, in both the subcommittee and full committee, there has been strong bipartisan support for the aeronautics research provisions of the bill before the House. One of the reasons for this support, as I and other Members pointed out, was the positive impact of this research on U.S. competitiveness.

The NASA research program has produced technology which has made U.S. aircraft superior. However, foreign competitors are chipping away at our leadership. Therefore, it is more important now than ever before, that NASA have a strong research program in aeronautics.

H.R. 4489 accomplishes this with: Full support for the next-generation high-speed civil transport; an increasing subsonic research effort that will provide near-term technological solutions for improving existing aircraft; and a joint aeronautical research program with other Federal Agencies, to pull together technologies that could benefit the civilian sector.

I want to thank the subcommittee chairman, Mr. VALENTINE, for working in a bipartisan manner in drafting the aeronautics provisions in H.R. 4489.

I also want to thank Chairman BROWN and the ranking member, Mr. WALKER, for their support of the aeronautics portion in this legislation.

Mr. ROHRABACHER. Mr. Speaker, I want to first note this year's historic anniversary of the first manned Lunar landing. It is an amazing event to contemplate—25 years ago this Nation performed wonders.

But, Mr. Speaker, 25 years after the Lewis and Clark expedition, Conestoga wagons were moving west. And 25 years after the Wright Brothers' first flight, Americans were buying airline tickets. But it's been a generation since Aldrin and Armstrong first set spacecraft *Eagle* safely down on Lunar regolith, and we as a nation still don't seem to have routine access to space.

Access to space—the ability to get to low Earth orbit frequently, reliably, and inexpensively—I maintain is the greatest single issue facing our space program today—just as it has faced our space program from its very inception.

It is long overdue for this country to face up to addressing the problem of obtaining cheap access to space [CATS]. Inexpensive space access would save the Government—and the taxpayer—billions of dollars a year in costs, but more important, it would enable us all to do more in space than we can currently afford to do.

Mr. Speaker, this past year NASA came to the realization, through in-house technical examination, that single stage to orbit [SSTO] is technically feasible, and that SSTO is the preferred method to achieve cheap, reliable, and frequent space access. I agree. This is a position I have been advancing for some time now. So it is with some pride, Mr. Speaker, that I note that the bill we have here under consideration, H.R. 4489, is the first NASA authorization bill the House Science Committee has ever considered that has had a specific mention of SSTO development in it from the moment of the drafting of the bill.

Mr. Speaker, beginnings set directions for years. Beginnings are the time when it is easiest to make changes in the direction and content of programs. This is why it has been very important to me to see that the contents of this bill with respect to NASA's proposed SSTO activities, which NASA is just now beginning to plan, are right from the start.

Mr. Speaker, I disagreed with NASA's emphasis in its SSTO program as originally outlined to the Congress. It was not focused on building and flying an SSTO X-vehicle, but focused instead on general research. To change that I offered an amendment that changed the language of H.R. 4489 to make it clear that we in Congress expect NASA SSTO monies to go to building a machine that will fly, not to just "research a little, review a lot," as one of our witnesses said in a hearing on this subject before the Space Subcommittee. Another witness at that hearing quoted Yoda from the "Star Wars" movies: "Either do or do not." And that is the message of this bill language. NASA should move forward to build and fly X-vehicle demonstrators to demonstrate SSTO technologies—this is not just the inauguration of a job-creating, money-eating research project.

Those Members, Mr. Speaker, who would like to have a more detailed discussion of the course of action NASA should pursue in demonstrating SSTO, should read the "Additional View" in House Report 103–654 that I and several of my colleagues prepared.

Mr. Speaker, my amendment to H.R. 4489 was the result of a compromise worked out between my staff and the Space Subcommittee's staff, and I want to thank both for their fine work. I also want to thank Mr. BROWN of California, chairman of the House Science Committee, for supporting and adopting this amendment, as well as RALPH HALL for his continuing legacy of leadership as chairman of the Space Subcommittee. I would also like to thank the ranking Republican leader on the subcommittee, Mr. SENSENBRENNER, and Mr. WALKER, ranking on the full committee, for their perseverance in fighting for and pursuing a balanced and cogent national civil space effort.

Mr. Speaker, I urge the adoption of this bill by the House.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 4489, with an amendment. The bill authorizes such sums as may be appropriated for fiscal year 1995 for the National Aeronautics and Space Administration and for the commercial space programs of the Departments of Transportation and Commerce. More importantly, the bill also legislates important policy provisions for the guidance and implementation of these programs.

Mr. Speaker, H.R. 4489 is important legislation for the future of the U.S. civil and commercial space programs. It represents the hard work and thoughtful attention of the Members who serve so ably with me on the Committee on Science, Space, and Technology. In particular, I want to express my thanks to our chairman, Mr. BROWN, and the Ranking Republican member, Mr. WALKER, for their leadership in the true spirit of bipartisanship as we shaped this bill to meet the challenges ahead. And I want to commend my colleagues on the Subcommittee on Space for their cooperation and professionalism in addressing the many very tough choices that had to be made this year.

Over the past 2 years, the Subcommittee on Space conducted numerous hearings and performed extensive analyses on the full range of fiscal, programmatic and policy issues confronting the Nation's civil and commercial space sectors. H.R. 4489 is largely informed by these activities. Moreover, this body has already sanctioned a number of its provisions that were included in H.R. 2200, the NASA authorization bill for fiscal years 1994 and 1995 that the House passed about this time last year.

Some of the major policy provisions contained in the amendment to H.R. 4489 offered today include:

A sense of Congress that NASA should undertake cooperative science missions with Russia and other spacefaring nations, including Mars robotics missions. Greater reliance on an international approach to Mars exploration and other space science missions is critical in order to continue expanding our knowledge of the universe in an era of limited budgets.

A requirement for the NASA chief financial officer to establish an independent cost analysis function. We believe that it is essential to pursue reforms in contract procurement and management activities to realize maximal savings to the taxpayer.

A provision calling for an analysis of initiatives to reduce space shuttle operating costs. While NASA is to be commended for its progress in reducing annual operating costs for the shuttle program, we remain concerned about the impact of cost savings on safety.

Guidance for establishment of an advanced launch technology development and demonstration program. This provision responds to the critical need to begin the important work of developing our Nation's next generation space transportation system.

A requirement for NASA to catalog Earth-threatening comets and asteroids, in cooperation with the Department of Defense and the space agencies of other countries. Existing technology allows for defense of the Earth from an oncoming comet or asteroid, but the key is early detection of an impending impact.

Revisions to the Land Remote Sensing Policy Act to provide for a new management and funding approach, and to facilitate more expedited licensing of commercial remote sensing satellites.

These are only a sampling of the many useful and important policy provisions contained in this bill. I urge my colleagues to support suspension of the rules and passage of H.R. 4489 with an amendment.

Mr. ROEMER. Mr. Speaker, not long ago the House voted to keep the space station alive for another year. That program is contained in this bill we are considering today, and I therefore must oppose this legislation.

In the brief time since that deciding vote, a number of developments on the space station have come to light that I wish to share with my colleagues today.

A recent General Accounting Office report details deep flaws in NASA's assertion that the Russian space station partnership would save $2 billion. In fact, the partnership is instead going to add $2 billion to the station's cost. This is a seriously disturbing development.

Another development that should give us all pause in the financial health of the Russian space program. Few workers are being paid, and other signs of financial trouble are everywhere. Although the Russian space program continues to function, its future is in serious doubt. Few details are available about the exact financial straits of the Russian program, but a financial crisis during the space station construction period could be devastating to the U.S. space program as well.

The Russians have proven already that cooperation between the two nations will not be an easy task. The schedule for scientific research projects has already begun slipping. Such developments, added to already existing doubts about this program, should cause every Member of Congress who supported this program to rethink his or her position.

Mr. Speaker, I do want to credit our chairman, GEORGE BROWN, and the Space Subcommittee Chairman, RALPH HALL, for their hard work and important contributions to this debate.

It is important that we are here today to consider the authorization of the National Aeronautics and Space Administration for the upcoming fiscal years.

Some may wonder if, in light of the recent appropriations debate, whether this is a wise use of our time. I say that it is, and for very important reasons.

While our colleagues on the Appropriations Committee may affect programs by setting spending limits, we on the authorizing committee have a serious responsibility to set policy.

When we consider in particular the very tight budget limitations that we face, setting policy and priorities becomes even more crucial.

Chairman BROWN has exercised commendable leadership in crafting legislation to ensure that this committee's voice is heard in future space and aeronautics policy. I also want to acknowledge the contributions of the ranking members.

Although my focus seems to have been only on the space station, I want to make clear that there are a number of priorities within the NASA mission that I am concerned about. The budget caps have imperiled important programs—such as Cassini and AXAF—that I am not willing to see sacrificed in order to make life easier for the space station.

The space station, in my view, continues to absorb a disproportionate share of NASA funding. Although the station appears to have survived for another year, the funding levels will not.

In the near future, even more tough decisions are going to be required in order to keep the station alive, and I will be working to educate our colleagues and the public about the sacrifices that must be made to keep the space station in existence.

In conclusion, Mr. Speaker, I want to say that this debate in some ways crowns a year of very hard and intense work that we have all participated in producing. Many people's earnest and dedicated efforts have brought us to this day. I especially want to thank the Science Committee and Space Subcommittee staff for their continued expertise, willingness to help, and diligence in following the issues and keeping us all informed.

Although I do not support this legislation because of the space station provisions, I am pleased that this legislation does contain language I offered to limit the space station spending to the amounts promised by NASA

and the administration. This project has a far too long history of major cost overruns, and it is my hope that my amendment adopted by the Science Committee will change this habit, at least.

Mr. VALENTINE. Mr. Speaker, I wish to rise in strong support of the provisions within H.R. 4489, the NASA Fiscal Year 1995 Authorization Act, and I commend the chairman of the Science Committee for his leadership in bringing this measure to the Floor.

NASA has always been known for its exploits in space, and its reputation lives and dies on the success or failure of its high profile endeavors outside the earth's atmosphere.

However, NASA is more than a space agency, and I wish to draw attention in my remarks today to NASA's programs in aeronautics. NASA is entering a new phase in its research and development in aeronautics. Aeronautical research that was previously done for the aviation community, in the hopes that some day it might be useful, is now done with the aviation community, in a cooperative fashion that breaks new ground in the way NASA and U.S. industry conduct business. NASA aeronautical research is now keyed to the competitiveness of the aircraft and engine manufacturers, and of the airlines, while at the same time improving the capacity, safety, and efficiency of the airspace used by the flying public. As a consequence, NASA is now working as a partner with industry in new subsonic and high speed research which will result in newer and better U.S. aircraft that are cost competitive, safe, and durable.

This different approach to performing and transferring research to the user is a significant step for a Federal agency, but it is one that the Congress, and the Science Committee in particular, has encouraged for some time. The Science Committee, under the distinguished leadership of my colleague, Mr. BROWN of California, has emphasized the importance of performing science and technology in the national interest. The Technology, Environment, and Aviation Subcommittee, which I chair, has been particularly concerned about the erosion of this Nation's leadership in many of its greatest technological achievements, including aeronautics, and has emphasized the necessity to better orient our research priorities to improve the U.S. standard of living. NASA's aeronautics research will be a key to whether the U.S. civil aviation industry declines over the next decade or prospers.

In this regard, H.R. 4489 makes improvement of U.S. aviation competitiveness a fundamental goal of NASA aeronautical research by amending the NASA Organic Act to add these objectives to NASA's aeronautical programs. It also establishes increased industry involvement as a fundamental practice in the development and coordination of NASA aeronautics programs so the benefits of its research dollars are rapidly delivered to the U.S. aeronautics community.

As an example, NASA and the U.S. airframe industry recently announced a historic partnership in the next phase of the High Speed Research Program. By the year 2000, industry may be in the position to decide to spend upward of $15 billion of its own money to build the next generation supersonic transport aircraft. This would not be possible without NASA. In this effort, we are not alone. European and Asian, as well as U.S. manufacturers, are racing to achieve the breakthroughs necessary for their own aircraft to be marketed first, and we must protect our lead in this area through leadership in cutting edge aeronautics research. Although many technical, environmental, and cost issues remain to be solved before this aircraft ever sees the stratosphere, the possibilities surrounding routine supersonic transportation beg for a NASA-industry partnership in this effort.

H.R. 4489 also highlights the role played by basic aeronautical research in U.S. competitiveness. NASA's research and technology base has been cut for fiscal year 1995, and in addition, experienced personnel are leaving through employee buyouts. This attrition may arguably increase NASA's efficiency, but to do so, it must be carefully managed and executed. These cuts have not been conducted with the same precision which went into defining many of the new industry-led initiatives, and the result may be a loss in our long-term technology base 5 years from now.

Therefore, H.R. 4489 contains a provision requiring NASA to address the Nation's long-term aeronautical research requirements by developing an aeronautical basic research plan. The bill also requires NASA to develop a strategy for upgrading and constructing new aeronautical facilities, and to submit a report to Congress which includes the funding level, funding method, and site selection plans for two new wind tunnels recommended by the National Facilities Study.

I, therefore, urge my colleagues to cast their votes for H.R. 4489, and I thank my colleague from Florida, Mr. LEWIS, for his cooperation in helping to develop this legislation.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and pass the bill, H.R. 4489, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4489, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BRUCE R. THOMPSON UNITED STATES COURTHOUSE AND FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 3110, to designate the United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building."

The Clerk read as follows:

H.R. 3110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, is designated as the "Bruce R. Thompson United States Courthouse and Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the courthouse and Federal building referred to in section 1 is deemed to be a reference to the "Bruce R. Thompson United States Courthouse and Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, Judge Bruce R. Thompson of Reno, NV, had a long and distinguished judicial career. He was appointed as U.S. judge for the District of Nevada by President John F. Kennedy in 1963. He assumed senior status in 1978. Judge Thompson was a member of the American Bar Association, the American Law Institute, the American Judicature Society, and the American College of Trial Lawyers.

The Nevada Chapter of the Federal Bar Association, as well as the Washoe County Bar Association, have unanimously endorsed naming this courthouse in honor of Judge Thompson.

In recognition of his rich judicial career it is fitting and proper to acknowledge Judge Thompson in this manner. This bill has my strong support and the bipartisan support of the committee.

I urge adoption of H.R. 3110.

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

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3110, a bill to designate the Federal building under construction in Reno, NV, as the "Bruce R. Thompson U.S. Courthouse."

Bruce Thompson was born in Reno, NV, on July 31, 1911. He attended the University of Nevada, and received a law degree from Stanford Law School in 1936. Following admission to the Nevada bar, he entered the legal profession, and from 1942 to 1952 he served as assistant U.S. attorney for the District of Nevada.

On August 13, 1963, President John F. Kennedy appointed Bruce Thompson as U.S. judge for the District of Nevada. In 1978, Judge Thompson took senior status.

Naming of this building to be built has the endorsement of the Nevada Chapter of the Federal Bar Association and the Washoe County Bar Association. I urge enactment of the legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada, [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank my friends, the gentleman from Ohio, the gentleman from Pennsylvania, and the gentleman from Tennessee [Mr. DUNCAN]. I also want to thank Chairman MINETA and Mr. SHUSTER for ensuring this legislation's swift movement to the House floor.

Mr. Speaker, I rise in support of H.R. 3110, my legislation to name the new Federal courthouse in Reno, NV, after the late Judge Bruce R. Thompson.

I cannot think of a more deserving Nevadan on which to bestow this honor. Judge Thompson was one of Nevada's most prominent, respected, and beloved men in the Nevada legal community and led a long and highly distinguished career.

After graduating from the University of Nevada and Stanford law school, he practiced law with George Springmeyer and later Mead Dixon for 27 years until 1963. He served as Assistant U.S. attorney for the District of Nevada from 1942 to 1952 and as special master for the U.S. District Court of the District of Nevada from 1952 to 1953.

Judge Thompson was also president of the Nevada State Bar Association from 1955 to 1956. Following a term as regent to the State Planning Board in 1959, he served as its chairman from 1960 to 1961. In 1963, he was appointed U.S. district judge by President John Kennedy.

Judge Thompson was also a member of the American Bar Association, the American Law Institute, the American Judicature Society—of which he was director in 1959, the Institute of Judicial Administration, and the American College of Trial Lawyers. From 1975 to 1977, he was president of the Ninth Circuit district judges.

His outstanding career is coupled by the immense love and respect Judge Thompson earned from his colleagues. In fact, numerous organizations representing nearly the entire legal community of Nevada have endorsed this legislation.

These include, among many others, the Washoe County Bar Association, the State Bar of Nevada, the Nevada Trial Lawyers Association, the Association of Defense Council of Nevada, and the Northern Nevada Women Lawyers Association.

Mr. Speaker, Bruce Thompson's distinguished service has made the State of Nevada proud. I ask my colleagues to join me today in honoring Judge Thompson by designating the new Federal courthouse in Reno, NV, the "Bruce R. Thompson United States Courthouse and Federal Building."

□ 1250

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. FROST].

NOTIFICATION OF CHANGE IN DEADLINE FOR SUBMISSION OF PROPOSALS ON HEALTH CARE LEGISLATION

(Mr. FROST asked and was given permission to speak out of order for 1 minute.)

Mr. FROST. Mr. Speaker, I rise today to notify members regarding a change in the Rules Committee's plans with respect to the health care reform legislation.

In order to give legislative counsel adequate time to draft the various health care proposals, the committee is moving the deadline for submission of those proposals to the House Rules Committee to 6 p.m., Wednesday, August 10.

Mr. MINETA. Mr. Speaker, at the outset, I want to commend the distinguished gentleman from Ohio [Mr. TRAFICANT] as well as the gentleman from Tennessee [Mr. DUNCAN] for their efforts not only on this bill, but on all the public buildings and grounds bills they are bringing to the floor today.

Mr. Speaker, I, too, rise in support of H.R. 3110, a bill to name a U.S. courthouse and Federal building after Bruce R. Thompson.

Bruce Thompson was born in Reno, NV; graduated from the University of Nevada; and earned his law degree from Stanford Law School in California. After being admitted to the Nevada bar in 1936, Thompson was in private practice from 1936 until 1942.

From 1942 until 1952, he served as assistant U.S. attorney for the District of Nevada. He then served as a special master for the U.S. District Court, District of Nevada, for the next year.

In 1963, President Kennedy appointed Thompson as a U.S. district judge where he has served with distinction.

Mr. Speaker, H.R. 3110 is a fitting tribute to a great jurist and I urge support for the bill.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I urge an aye vote.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3110.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3110, the legislation just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MATTHEW J. PERRY, JR. UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4543) to designate the U.S. courthouse to be constructed at 907 Richland Street in Columbia, SC, as the "Matthew J. Perry, Jr. United States Courthouse."

The Clerk read as follows:

H.R. 4543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, shall be known and designated as the "Matthew J. Perry, Jr. United States Courthouse."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Matthew J. Perry, Jr. United States Courthouse."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from South Carolina [Mr. CLYBURN], a hard-working member of the subcommittee.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when I was a teenager growing up in Sumter, SC, my mother closed her beauty shop one day and took me with her to the Sumter County Court House because, as she said, she wanted me to see what it was I could be when I grew up. What I saw there that day was Matthew J. Perry, Jr., representing the local chapter of the NAACP, which had been sued by some local citizens in order to stop its efforts to integrate the society in that part of the State.

Mr. Speaker, the next time I saw Judge Perry was a few years later, when I was a student at South Carolina State College. There, as one of the organizers and leaders of the sit-in movement, it fell to my lot to be represented by Judge Perry when around

288 students were arrested, locked up on a cold day in the outside, and Judge Perry selected me to be his chief witness.

Mr. Speaker, Judge Perry, on the day I met him in Sumter, lost that case, but he won the hearts, minds, and souls of hundreds of people. On this day in Orangeburg, with my help, I would like to think, Judge Perry won. He went on to win hundreds of cases on behalf of over 7,000 college students throughout South Carolina.

Mr. Speaker, last week, on August 3, the date that my first grandchild, Walter A. Clyburn Reed, was born, Judge Perry celebrated his 73d birthday. I can think of no better way for this Nation to pay respect and honor to a man who has done so much to help us live out the constitutional guarantees of our Nation than to name this new court house to be built in Columbia, SC, the Matthew J. Perry Court House.

Mr. Speaker, there has been some confusion about this new court house. There have been some references made to it as an annex of the current J. Strom Thurmond Federal Building and Court House. Mr. Speaker, I checked with the General Services Administration and I have been told that this is a separate entity. It is going to be built a block away from the current Federal building and court house, down the street and across from the current building.

Mr. Speaker, I have checked with Senators THURMOND and HOLLINGS, and both of them are in support of this legislation. In fact, it was Senator THURMOND who recommended Matthew Perry to sit on the Military Court of Appeals, and it was Senator HOLLINGS who recommended that Matthew Perry should become a Federal judge. Both of them join me in this legislation.

Mr. Speaker, I am proud, honored, and humbled to come before this body and ask my colleagues to pay respect to an outstanding South Carolinian, a great American, and one who is deserving of this great honor.

I introduced H.R. 4543 to pay honor and tribute to a gentleman who is held in the highest regard and, yes, even reverence, in my home State of South Carolina.

Matthew Perry was born on August 3, 1921, in Columbia, SC, and attended South Carolina State College from 1939 to 1942. His education was interrupted from 1943 to 1946 when he served on active duty in the U.S. Army during World War II.

After the war, Mr. Perry completed his bachelor's degree and law degree from South Carolina State, and he was admitted to the South Carolina bar in 1951.

During the next 24 years, Mr. Perry distinguished himself in the legal community by joining in the successful defense of more than 7,000 black students who were arrested because of their participation in protest activities against segregation in the South.

Mr. Speaker, it was my great honor to have been involved with Mr. Perry as a litigant in the cases of Fields versus South Carolina and Edwards versus South Carolina. In fact, I was Mr. Perry's only witness in the Fields case, and it was during that litigation that a relationship fostered between Mr. Perry and me which continues to blossom even until this day.

Among the other cases Mr. Perry represented were Gantt versus Clemson College, resulting in the admission of Harvey Gantt to Clemson College, which had never admitted a black student prior to this case, and Montieth versus University of South Carolina, which resulted in the admission of the first black student to the University of South Carolina since reconstruction.

In 1975, Matthew Perry was nominated by President Ford and unanimously confirmed by the U.S. Senate, to serve as a judge on the U.S. Court of Military Appeals here in Washington.

Matthew Perry's ability, courage, and tenacity were further recognized on June 28, 1979, when President Carter nominated him for appointment to the U.S. district court for South Carolina. Again, Judge Perry's confirmation by the Senate was unanimous. Upon his confirmation, Judge Perry became the first African-American to sit on the Federal bench in South Carolina.

On the bench, Judge Perry is known far and wide for his superior judicial temperament and excellent demeanor. Lawyers who have appeared before him have commented, "His legal ability is outstanding. He's a progressive judge." "He's eminently fair." "He hears all parties thoroughly and completely." "He's the most courteous judge probably in America."

Mr. Speaker, Matthew Perry was involved in virtually all the litigation which broke racial barriers in South Carolina during this century. I know of no living South Carolinian whom I hold in higher esteem, and it is for his outstanding and exemplary service to his State and Nation that I introduced this legislation to name the new Federal courthouse which will be built in Columbia, SC, the Matthew J. Perry, Jr. United States Courthouse.

Let me also note, there has been some confusion about whether the new courthouse will be a separate entity or an extension of the Strom Thurmond Federal Building and Courthouse. I have checked that point with the General Service Administration. Officials in that agency advise me that although initially referred to as an annex, the new courthouse is a separate building, not an addition to the Strom Thurmond Building. The new courthouse is across the street from the existing courthouse, and is on a wholly separate parcel of land. By naming the new building the Matthew Perry Courthouse, it does not affect the Strom Thurmond Federal Building and Courthouse Complex in any way.

I have also checked with Senators THURMOND and HOLLINGS, and in view of this clarification, they endorse this legislation. It was Senator THURMOND who first promoted Judge Perry for a Federal judgeship in the U.S. Court of Military Appeals. President Ford appointed Judge Perry upon Senator THURMOND's sponsorship. Senator HOLLINGS recommended Judge Perry to President Carter to be a Federal district judge. Judge Perry was appointed to the district court bench upon Senator HOLLINGS' sponsorship. I commend both Senator THURMOND and Senator HOLLINGS and thank them for their support of this legislation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I rise in strong support of this legislation and want to pay special recognition to the gentleman from South Carolina, the sponsor of the bill, Congressman CLYBURN, for his leadership and perseverance on this measure.

Mr. Speaker, Matthew J. Perry, Jr. was born in 1921 in Columbia, SC. He began attending South Carolina State College, but interrupted his education to serve from 1942 to 1946 in the U.S. Army during World War II. After the war, Perry completed his education, graduating from South Carolina State College in 1948, and then from law school at South Carolina State in 1951.

For the next 24 years, Perry engaged in the private practice of law, courageously defending many African-American students arrested during numerous civil rights demonstrations of the 1960's. Also in the civil rights cause, Perry served on the board of directors of the NAACP and as one of the organization's several vice presidents.

In 1975, Perry was appointed judge on the U.S. Court of Military Appeals in Washington DC. Judge Perry's judicial skill was further recognized in 1979 when he was appointed to the U.S. district court for South Carolina. Upon unanimous confirmation by the U.S. Senate, Judge Perry became the first African-American to serve on the Federal bench in South Carolina. As a result of his great courage and wisdom, it is a fitting and deserving honor to have the U.S. courthouse to be constructed at 907 Richland Street in Columbia, SC, designated as the Matthew J. Perry, Jr. United States Courthouse.

Mr. Speaker, I urge support for the bill.

□ 1300

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4543, a bill to designate the Federal

building to be constructed in Columbia, SC as the "Matthew J. Perry, Jr. United States Courthouse."

Judge Matthew Perry is a native of Columbia, having been born there on August 3, 1921. He attended South Carolina State, where he received a law degree in 1951. For the next 24 years Matthew Perry defended over 7,000 African-American students arrested during civil rights demonstrations.

In 1975, he was nominated to serve as judge on the U.S. Court of Military Appeals in Washington, DC, and in 1979, President Carter appointed him to the U.S. district court for South Carolina, becoming the first African-American to sit on the Federal bench in South Carolina. I urge enactment of the bill.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

The distinguished gentleman from South Carolina is very modest. The gentleman from South Carolina [Mr. CLYBURN] is the sponsor of this legislation and is, in fact, the major moving force of this legislation. I want to commend him for his beautiful statement and for what he had seen firsthand as a young boy, with his mother taking him to see this tremendous individual.

Mr. Speaker, Judge Matthew J. Perry, Jr., of South Carolina, has had a remarkable, distinguished judicial career. He was and is a preeminent leader in the struggle for civil rights. He has been deeply involved in civil rights cases which have become landmark cases. In 1979, Matthew Perry was appointed to serve as a judge on the U.S. District Court for South Carolina. Judge Perry's many contributions to ending segregation in South Carolina reflect his great personal courage and wisdom. Naming this courthouse after him is most appropriate.

The bill has my enthusiastic support, and the bipartisan support of the committee. We are all deeply honored to be associated with Mr. CLYBURN's bill. I urge adoption of H.R. 4543.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4543.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THOMAS F. EAGLETON UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4790) to designate the United States courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse."

The Clerk read as follows:

H.R. 4790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse under construction at 111 South Tenth Street in St. Louis, Missouri, shall be known and designated as the "Thomas F. Eagleton United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Thomas F. Eagleton United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT], will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield whatever time he may consume to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, let me first of all express my thanks to the chair of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], as well as to the gentleman from Tennessee [Mr. DUNCAN] and in his place the gentleman from Pennsylvania [Mr. CLINGER] for their role in bringing these measures to the floor.

Mr. Speaker, I, too, rise in support of H.R. 4790.

Senator Thomas Eagleton was born in St. Louis, MO, in 1929. Eagleton had an impressive educational background, having graduated from Amherst College in 1950, and Harvard Law School in 1953.

Eagleton chose a career of public service. In 1956, at the age of 27, he was elected circuit attorney of St. Louis. Four years later, he was elected attorney general of Missouri. He was elected Lieutenant Governor of Missouri in 1964, and in 1968, Eagleton was first elected to the U.S. Senate.

In 1972, George McGovern tapped Senator Eagleton to be his running mate on the Democratic presidential ticket. He was reelected to the Senate in 1974 and 1980 and completed his Senate service in 1987.

In recognition of his devotion to public service, not only in Missouri but also in the U.S. Senate, it is fitting and proper to honor Senator Thomas F. Eagleton by designating the United States courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse."

Mr. Speaker, I urge adoption of the bill.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4790, a bill to designate the U.S. Courthouse to be constructed in St. Louis, MO as the "Thomas Eagleton United States Courthouse."

Thomas Eagleton is a native of St. Louis, having been born there on September 4, 1929. His education was interrupted by military service in the U.S. Navy from 1948 to 1949, and upon return to civilian life, was graduated from Amherst in 1950. In 1953 he received a law degree from Harvard.

He returned to St. Louis, where he became circuit attorney at the age of 27. Four years later he was elected attorney general of the State of Missouri, and 4 years later, he was elected Lt. Governor of Missouri.

In 1968, he was elected to the U.S. Senate, where he served with distinction until his retirement in 1987. I urge passage of the bill.

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

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senator Thomas F. Eagleton of Missouri was elected to Congress in 1968. He gained a respected reputation in the Senate for progress, reason and justice.

Prior to his re-election in 1974 Senator Eagleton was chosen to be on the Democratic Presidential ticket as the Vice-Presidential candidate in 1972. After the election, he returned to the Senate where he continued to serve his Missouri constituents. He was re-elected in 1974 and 1980 and completed his Senate service in 1987.

The subcommittee joins majority leader GEPHARDT in supporting this bill, and it is fitting and proper to honor Senator Eagleton by designating the courthouse in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse."

□ 1310

This bill has my strong personal support and the support of the chairman of Public Works, the gentleman from California [Mr. MINETA]. It is bipartisan, with the support of the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Pennsylvania [Mr.

CLINGER], the gentleman from Pennsylvania [Mr. SHUSTER], and others.

Mr. Speaker, I urge adoption of H.R. 4790.

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

Mr. CLINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in support of H.R. 4790, a bill to designate the U.S. courthouse to be constructed in St. Louis as the Thomas Eagleton United States Courthouse.

Tom Eagleton has been a dedicated public servant throughout his entire career. He entered politics at the age of 27 with election to the position of circuit attorney of St. Louis, and at the age of 31, he became attorney general of Missouri, and at the age of 35, he was elected Lieutenant Governor. In 1968 Tom Eagleton was elected to the U.S. Senate and served there with distinction until his retirement in 1987.

He returned to St. Louis upon his retirement, where he resides today, teaching, writing at least a weekly political commentary for many Missouri newspapers, and engaging in the practice of law.

This is an appropriate honor that we do Tom Eagleton. I am delighted to be a cosponsor of the bill and to urge my colleagues to vote for its passage.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the sponsor and the mover of this bill, the majority leader, the gentleman from Missouri [Mr. GEPHARDT], and also for the outstanding work of two cosponsors, the gentleman from Missouri [Mr. WHEAT] and the gentleman from Missouri [Mr. CLAY], and I also want to commend the fine gentleman on our subcommittee, the gentleman from Missouri [Mr. EMERSON], for his work on that.

With that, I urge adoption of this bill.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of H.R. 4790—to name the new Federal courthouse to be constructed in St. Louis in honor of a true friend of the American people, former U.S. Senator Thomas F. Eagleton.

H.R. 4790 is cosponsored by the entire Missouri delegation. I am pleased that Senators JACK DANFORTH and KIT BOND are leading this effort in the U.S. Senate.

Senator Eagleton will probably be embarrassed by this gesture, because he never wanted a monument to his good works. To him, waking up every day and working to improve the lives of the people of Missouri is its own reward. And the people he has helped—the families he has fought for—are the greatest monument he ever hoped to have.

To this day, Tom Eagleton is as unassuming, as understated, as quietly effective as the day he was first elected St. Louis circuit attorney at the age of 27. Even as the youngest prosecutor in the Nation in the mid-1950's, stature and success never got the better of him.

But throughout his career as my State's attorney general, as Lieutenant Governor, and as a respected Member of the Senate, Tom Eagleton's calm and quiet voice was also a voice of passion, and progress—a voice for reason, and justice—a voice that sought to lift up all people, and make our country a better place.

He championed the Older Americans Act, the cornerstone of so many Federal social programs for the elderly. He authored the War Powers Act. He was a leader of his party and a dear friend to his colleagues.

We often say in the House of Representatives that the mark of a good Congressman is that he never forgets where he came from. Well, in the case of Tom Eagleton, not only didn't he forget—in spirit, in concern, and in commitment, he never really left the State of Missouri. That may be why he moved right back to St. Louis after he left the Senate, and remains a pillar of my community back home.

When he first campaigned for the Senate, he acknowledged that "One Senator cannot alone resolve the * * * inconsistencies of our age." But he also knew that "One Senator, believing in our country's dedication to the redress of grievances and inequities of the past, can join * * * a chorus of hope for social and economic improvement."

Each and every day of Senator Eagleton's career here on Capitol Hill, his voice rang through that powerful chorus.

It inspired so many of us to work harder for justice, and fairness, and progress.

That's why I want his name to adorn this new hall of justice, in the State he loves so much and served so well—so that this legacy may continue to inspire, and his calm and quite decency may always endure.

I urge all of my colleagues to support this bill, and help establish the Thomas F. Eagleton U.S. Courthouse. I ask you to do it out of respect for an extraordinary leader, and out of commitment to the causes we share with the distinguished former Senator from the great State of Missouri.

Mr. WHEAT. Mr. Speaker, thank you for the opportunity to express my support for H.R. 4790, a bill to name the new Federal courthouse under construction in St. Louis, MO, after one of the most distinguished public servants I have ever been privileged to know, former Senator Thomas F. Eagleton.

He rose from the wards of south St. Louis powered by a driving intellect, a powerful charisma, and an ambition to see justice done for the people he served. Tom Eagleton was circuit attorney at 27, State attorney general at 31, and Lieutenant Governor at 35. Before he was 40, Tom Eagleton was a U.S. Senator. The 18-year Senate career that followed was marked by a passion for peace, a desire to better the economic condition of his constituents, and a fiery independence.

Tom Eagleton was a master lawmaker, using his unsurpassed political intellect to achieve progressive policy results. Sitting in a committee meeting one day in 1973, troubled by how to further his opposition to the war in Southeast Asia, he scrawled an amendment that banned the horrific bombing in Cambodia. When Turkey invaded the island of Cyprus, Senator Eagleton led the American reaction, sponsoring a cut-off of aid to the aggressor nation.

At home, too, the Senator was driven by courageous dedication to principle. He crafted the Older Americans Act, which extended new services to senior citizens. Also, the Clean Air Act Amendments of 1970, the Water Pollution Control Act of 1972, the District of Columbia Home Rule Act of 1974, the 1978 Inspectors General Act, the 1979 rescue of the Chrysler Corp., and many other pieces of legislation necessary for jobs, an improved quality of life, and a more efficient government had his active support and benefited by the application of his parliamentary acumen.

Tom Eagleton's political career is a study in dedication. It stands as a model of selfless public service. When I arrived in Congress, Senator Eagleton sought me out to offer advice and encouragement. He was one of my earliest and most influential mentors. After giving decades of his life to creative, enthusiastic public service as an elected official, the Senator decided to continue giving, this time as a teacher of Missouri's young people about the important role that an innovative, compassionate Government can play in our lives.

Mr. Speaker, I am proud to honor Thomas Eagleton's legacy, and I ask the committee to join me in supporting H.R. 4790.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4790.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4790, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THOMAS D. LAMBROS FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4727) to designate the Federal building located at 125 Market Street in Youngstown, OH, as the "Thomas D. Lambros Federal Building."

H.R. 4727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 125 Market Street in Youngstown, Ohio, shall be known and designated as the "Thomas D. Lambros Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Thomas D. Lambros Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Judge Thomas D. Lambros of Ohio has had a long and impressive judicial career. His devotion to the concept and ideal of social justice is widely known. He provided legal defense for indigent defendants before the Landmark Gideon versus Wainwright Supreme Court case. Judge Lambros was appointed a U.S. District Judge for the northern district of Ohio by President Lyndon B. Johnson in 1967. He became chief judge in 1990, a position he still holds.

I am personally knowledgeable of Judge Lambros' great intelligence and integrity and am honored to introduce and support this legislation.

This bill has my strong support, and the bipartisan support of the committee. I urge adoption of H.R. 4727.

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

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise in support of H.R. 4727, a bill to designate the Federal building in Youngstown, OH, as the "Thomas D. Lambros Federal Building."

Thomas Lambros was born to immigrant parents on February 4, 1930, attended local schools, was graduated from Fairmount State College, and received a law degree form Cleveland Marshall Law School in 1952. In 1960, he was elected judge of the court of common pleas for the State of Ohio, Ashtabula County.

In 1967, President Johnson appointed Judge Lambros U.S. district judge, northern district of Ohio. In 1990 he became chief judge of the northern district, where he resides today. I urge passage of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Judge Thomas D. Lambros is one of the finest men we have ever had in the northern district of Ohio. The people love him. He is fair. He takes the time.

His actions, in fact, have brought more people to understand America, especially immigrants who have come over to this country. He takes great pride in those types of ceremonies to make, and in fact let the new immigrants know, what a citizen of America means and what it stands for.

This is one very beautiful man and a beautiful family. I am very honored to bring this legislation.

I urge the Congress to pass the legislation.

Mr. MINETA. Mr. Speaker, I join in support of H.R. 4727.

Thomas D. Lambros was born in 1930 in Ashtabula, OH. After graduating from Ashtabula High School in 1948, he attended Fairmont State College in West Virginia, and received his law degree from Cleveland Marshall Law School in 1952. Lambros served in the U.S. Army from 1954 to 1956.

In 1960, at the age of 30, Lambros was elected judge of the court of common pleas for the State of Ohio, Ashtabula County. He was reelected to a second term without opposition in 1966.

In 1967, Judge Lambros' substantial judicial contributions were recognized when President Johnson appointed him U.S. district judge for the northern district of Ohio.

Judge Lambros was responsible for many important reforms such as the voluntary public defender program which provided indigent criminal defendants free counsel. His work in this area preceded the landmark U.S. Supreme Court decision, Gideon versus Wainright, which guaranteed free counsel to indigent criminal defendants. In 1990, Judge Lambros became chief judge of his court.

During his tenure as a Federal judge, Chief Judge Lambros has established a reputation as an innovative and committed public servant. He currently resides in Ashtabula, OH, and continues to serve as the chief judge of the U.S. district court.

In recognition of Judge Lambros' outstanding contributions to the judicial system, it is a fitting tribute to designate the Federal building located at 125 Market Street in Youngstown, OH, as the "Thomas D. Lambros Federal Building." Mr. Speaker, I urge support for the bill.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4727.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4727, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WALTER B. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4772) to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 4772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, shall be known and designated as the "Walter B. Jones Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper,or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Walter B. Jones Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. LANCASTER], one of our fine Members.

Mr. LANCASTER. Mr. Speaker, I am pleased to cosponsor and support H.R. 4772, a bill to honor our late friend and colleague Walter B. Jones by naming the Federal building and U.S. Courthouse in Greenville, NC, for him.

Walter Jones served the people of eastern North Carolina in this House from February 1966 until his death in September 1992. Early in 1992, he had announced his intention to retire from public life at the end of the year; because of his untimely death, his colleagues of the House did not have the normal opportunity to let him know what he meant to them.

During his 26 years in Washington, he demonstrated time and again that he considered his duty to his constituents to be his highest priority. The people of the former First Congressional District sensed his love for them, and they returned that love in many forms and on numerous occasions.

He chaired the Merchant Marine and Fisheries Committee for a dozen years and lead that panel in a quiet but effective way. He was known for his bipartisan fairness in his leadership of the Committee.

Walter Jones had many legislative achievements in this House. They include:

Sponsorship of the landmark Oil Pollution Act, Congress' response to the *Exxon Valdez* oil spill.

Amendments to the Coastal Zone Management Act which overturned a Supreme Court decision which had diminished a State's right to review Federal actions that affected that State's coastal areas;

Successful opposition to Coast Guard user fees on recreational boaters;

Protection of the North Carolina Outer Banks from offshore oil drilling;

Successful resistance to efforts to eliminate the Sea Grant College Program and initiation of a research vessel fleet rebuilding program for the National Oceanic and Atmospheric Administration;

Sponsorship of the Shipping Act of 1984, a major rewrite of the laws regulating the ocean transportation of goods to and from the United States;

Major expansion of the National Marine Sanctuary Program; and

Sponsorship of the Foreign Shipping Practices Act, a statute which enables the U.S. Government to combat discrimination by foreign nations against U.S. vessels.

When I came to the House in 1986, Walter Jones was quick to befriend me and was always ready to offer guidance and advice when I sought it. In 1992, when it became apparent that redistricting would bring many of his constituents into my new congressional district, he diligently helped me become known to his many, many supporters and friends.

It is altogether fitting that this House honor Walter by passing this legislation. I congratulate and thank Mr. TRAFICANT for bringing it to us today.

□ 1320

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4772, a bill to designate the Federal building and U.S. courthouse in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse".

Walter Jones was a native of Fayetteville, NC, where he was born in 1913. He entered politics in 1949, having been elected mayor of Farmville, NC. He spent 6 years in the North Carolina legislature, and was elected to the U.S. Congress in 1966 to fill an unexpired term. He was reelected to succeeding Congresses through the 102d Congress. In 1981 Congressman Jones became chairman of the Committee on Merchant Marine and Fisheries, where he served with distinction until his death in 1992. I urge enactment.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as she consume to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to come before the House of Representatives to speak on behalf of the constituents of the First Congressional District of North Carolina, which I now represent, in honoring Congressman Walter B. Jones. To name a building after him is a gesture which will be appreciated by all those people served by Congressman Jones during his tenure in the House of Representatives.

Congressman Jones was elected to the House of Representatives in 1966 and served so ably for 26 years. During that time he served as chairman of the House Merchant Marine and Fisheries Committee from 1980 until his death in 1992. This was a post he held with pride because much of his district was coastline and this enabled him to respond to the concerns of much of his constituency.

Walter Jones loved the State of North Carolina—he loved the people of North Carolina. His goal was to be responsive to those people who elected him because they trusted him. He worked for the farmers, the businessmen, the veterans, the elderly, and all other constituents alike. No constituent problem was too large or too small for him to try to try to resolve. He was admired by his constituents for just that reason—that he was responsive to their needs and would go the extra mile to assist anyone who called on him. He knew no boundaries in his efforts to help—he was a willing listener and a friend to all.

I share in this tribute to my predecessor and am proud to be a cosponsor of H.R. 4772 to designate the Federal Building and U.S. Courthouse in Greenville, NC, as the Walter B. Jones Federal Building and Courthouse.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume, and I want to compliment the gentlewoman from North Carolina [Mrs. CLAYTON] and the gentleman from North Carolina [Mr. LANCASTER] for their efforts in response to this bill.

Mr. Speaker, I loved Mr. Jones. He would advise me on occasion and tell me not to fight so much; but every time I got into a fight he helped me.

I can remember when I passed the first Buy American amendment. If it was not for his help at 1:30 in the morning, it would not have passed. Mr. Speaker, that is the kind of man he was.

Mr. Speaker, Walter B. Jones of North Carolina, had a remarkable career as a public servant. Following election to numerous positions in North Carolina, he was elected to Congress in 1966. He then served until 1992. From the 97th through the 102d Congress, he served as chairman of the Committee on Merchant Marines and Fisheries. Congressman JONES was a dedicated and successful servant of his State and the Nation. He was a friend whom I greatly admired.

It is fitting that Chairman Jones be honored by having this Federal building and U.S. courthouse named after him.

This bill has my strong support, and the bipartisan support of the committee. I urge adoption of H.R. 4772.

Mr. MINETA. Mr. Speaker, I, too, rise in strong support of H.R. 4772, to honor our late friend and colleague, Walter B. Jones, by naming the Federal building and courthouse in Greenville, NC, after him.

Walter Jones was born in Fayetteville, NC, in 1913. He attended Fayetteville public schools and the Elise Academy in North Carolina. After graduating in 1934 from North Carolina State University, he engaged in an office supply business for 15 years.

In 1949, Walter B. Jones entered public office as the mayor of Farmville, NC, and served until 1953. He was elected to the North Carolina general assembly in 1955, 1957, and 1959, and the North Carolina State Senate in 1965. He began his service in the U.S. Congress after winning a 1966 special election, and was reelected to the 11 succeeding Congresses, serving from February 5, 1966, to January 3, 1989. Jones was a member of the powerful Agricultural Committee and served as chair of the Committee on Merchant Marine and Fisheries from the 97th through the 100th Congresses.

A dedicated servant of his State and country, Walter B. Jones resided in Farmville, NC, until his death on September 15, 1992. Congressman Jones was well-respected during his long career in Congress, and was known for his fairness and steadfast leadership. This naming bill is a fitting tribute to his accomplishments, and I urge support for the bill.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4772.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ACQUISITION OF OLD U.S. MINT

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4812) to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, CA, and for other purposes.

The Clerk read as follows:

H.R. 4812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD U.S. MINT, SAN FRANCISCO, CALIFORNIA.

Not later than 1 year after the date of the enactment of this Act, the Administrator of General Services shall take such actions as may be necessary to acquire by transfer, without consideration, the property referred to as the "Old U.S. Mint", located at Fifth and Mission Streets in San Francisco, California, together with any improvements, structures, and fixtures located on the property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the primary purpose of H.R. 4812 is to transfer the title of a very special building in San Francisco, CA, the Old U.S. Mint, from the Treasury Department to the General Services Administration, at no cost. This legislation will enable GSA, through the Federal buildings fund, to repair and renovate this historic landmark building.

The impressive granite building, treasured by the residents of San Francisco, and Californians, is on the National Register of Historic Places. The building was damaged during the Loma Prieta earthquake and needs extensive repair and restoration so that the public may once again enjoy it. This bill has my strong support, and the bipartisan support of the committee. I urge adoption of H.R. 4812, and reserve back the balance of my time.

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

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4812, a bill to direct the Administrator of General Services to transfer, without monetary consideration, the Old U.S. Mint in San Francisco, CA, from the Department of the Treasury to the General Services Administration.

The Old U.S. Mint was constructed between 1869 and 1874, and is steeped in historical significance. It was built with granite, and has withstood earthquakes and fires.

In 1937 it ceased operating as a mint, and in 1972 was transferred from the mint to the Department of the Treasury, which operated the building as a museum. In 1993, the building was briefly closed, due to the discovery of damage caused by the 1989 earthquake.

Extensive renovations are needed, and the transfer of this property to GSA is the best way to accomplish repairs. GSA will submit a detailed prospectus to Congress on the proposed renovations. The committee will have an opportunity at that time to review the request, and will also have an opportunity to review future use of the building.

I support this no-cost transfer, and I urge enactment of the legislation.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI], who has worked very hard on this initiative.

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding this time to me.

I commend the gentleman and his committee for bringing this legislation to the floor. I appreciate Representative CLINGER's remarks in support of this legislation and also want to thank our chairman, the gentleman from California [Mr. MINETA], who I see is in the room, the author of this legislation. I want to thank him for making this possible for us to speak to this legislation today.

Mr. Speaker, I rise in support of this legislation.

The Old Mint Building was constructed between 1869 and 1874. Its nickname is "Granite Lady," being one of the first stone buildings completed in San Francisco and now remains as the city's oldest stone structure.

□ 1330

It has stood fast throughout the passage of time. It survived the earthquake and fire that devastated much of San Francisco in 1906. It is now on the National Register of Historic Places and has been designated a National Landmark building. Today, it houses the Old Mint Museum, where thousands of tourists and schoolchildren visit each year, and various administrative operations for the San Francisco Mint.

In December of last year, suddenly, and without warning, the Old Mint Museum was closed by the Treasury Department which cited an engineering report conducted to study the damage caused by the Loma Prieta earthquake of 1989. The study concluded that the "Granite Lady" could no longer adequately protect the basic life safety and health of employees and visitors.

Now, as it approaches its 120th birthday this November, the "Granite Lady," needs our help.

The National Trust for Historic Preservation has designated the Old Mint building as one of the Nation's most endangered landmarks.

The San Francisco community, including its elected officials, historic preservationists, major newspapers, and the school children who have held bake sales and letter-writing campaigns, all have banded together to keep the Old Mint Museum open, but, ultimately, this is a Federal responsibility.

As a national historic landmark, this building will not be torn down. Nor can it remain a potential life safety hazard to the community. Therefore, as Senator BOXER, who has been exceptional in her leadership on this issue, has said in introducing her companion legislation in the Senate, it is our responsibility to find a way to ensure that it will be repaired.

The legislation before my colleagues is a simple transfer of title from Treasury to the General Services Administration, as the gentleman from Pennsylvania [Mr. CLINGER] mentioned, to accomplish the goal of rehabilitating the Old Mint. I urge the swift adoption of this bill, as we are facing deadlines for closure from the Treasury Department.

Mr. Speaker, I would like to quote from a letter from Secretary of the Treasury Lloyd Bentsen. It is a letter to former Congresswoman, now Senator BOXER:

> As you know, I have sent letters to the Senate Committee on the Environment and Public Works and the House Committee on Public Works and Transportation supporting efforts to obtain a special authorization to fund this retrofit. This legislation would transfer ownership of the Old Mint from the Department of the Treasury to the General Services Administration in order to pay for the improvements from the Public Buildings Fund.

Mr. Speaker, I am very pleased to place Secretary Bentsen's request in the RECORD, and, with that, Mr. Speaker, I know I was yielded such time as I may consume, but, if I may, I want to commend the gentleman from Ohio [Mr. TRAFICANT] for his leadership and commend the chairman of the full committee and author of this legislation for moving this bill through so expeditiously.

Mr. TRAFICANT. Mr. Speaker, no one has looked after the interests of California better than the now chairman of the Committee on Public Works and Transportation, and he is doing the same job for all of America.

I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding me this time to me.

Mr. Speaker, I rise in support of H.R. 4812 and would like to command the gentlewoman from California [Ms. PELOSI], my colleague, for joining me

in cosponsoring this very, very important piece of legislation.

Mr. Speaker, H.R. 4812 would transfer title to the Old United States Mint located in San Francisco to the General Services Administration at no cost. It will enable GSA, through the Federal buildings fund, to repair and renovate this historic landmark building.

Mr. Speaker, the Old Mint Building was constructed between 1869 and 1874. It is one of the first stone buildings constructed in San Francisco and now remains as the city's oldest stone structure. It is on the National Register of Historic Places and has been designated a national landmark building. Today it houses the Old Mint Museum where thousands of tourists and school children visit each year, as well as various administrative operations for the San Francisco Mint.

Last year, Mr. Speaker, the mint was closed because of damage caused by the Loma Prieta earthquake. Now, as it approaches its 120th birthday in November, the Old Mint needs our help.

Mr. Speaker, the legislation before us is a simple transfer of title from Treasury to the General Services Administration to accomplish the goal of rehabilitating the Old Mint to preserve one of your Nation's most endangered landmarks. I urge adoption of H.R. 4812.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just join in commending the gentleman from California [Mr. MINETA] and the gentlewoman from California [Ms. PELOSI] for this measure which I think is overdue and is obviously moving us in the direction to preserve this vital landmark and important historical building for posterity.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from Tennessee [Mr. DUNCAN], the ranking member, for all their work on all this legislation. I commend the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

With that, Mr. Speaker, I would urge an "aye" vote.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 4812.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 2739, FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

Mr. MINETA. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

The Clerk read the title of the bill.

(For conference report, see proceedings of the House of Friday, August 5, 1994, at page 20112).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the conference report on H.R. 2739, the Federal Aviation Administration Authorization Act of 1994.

At the outset, I want to thank my colleagues who have worked long and hard to pass this important piece of legislation. The Chair and ranking member of the Subcommittee on Aviation, Congressmen OBERSTAR and CLINGER, have labored for over a year to pass a bill that adequately meets the needs of the aviation community.

I would also like to recognize the ranking member of the full committee, Congressman SHUSTER, for his support of this legislation. In addition, due to the face that the Senate amendment included a comprehensive trucking provision, I would like to thank the Chair and ranking member of the Subcommittee on Surface Transportation, Congressmen RAHALL and PETRI, for their efforts to resolve an issue with major economic consequences for the motor carrier industry.

Also, I would be remiss if I failed to acknowledge the contributions of the Committees on Ways and Means, Science and Technology, Banking, Education and Labor, and Foreign Affairs, without whose valuable assistance this conference report would not have been possible.

Last, I want to acknowledge the work of my Senate colleagues, the Chair and ranking member of the Senate Committee on Commerce, Senators HOLLINGS and DANFORTH, as well as the Chair and ranking member of the Subcommittee on Aviation, Senators FORD and PRESSLER, who were instrumental in reaching a final agreement.

Mr. Speaker, in a few minutes, Congressman OBERSTAR will describe in detail the conference agreement with respect to the aviation issues. For my part, I want to note two issues which I consider important.

The conference report provides for the establishment of a 5-year term of office for the FAA Administrator. For too long the FAA has not had the experienced leadership it requires because its Administrators rarely stay more than 18 months. No sooner does an Administrator obtain the experience and knowledge necessary to effectively run the complex agency, when he would leave. I believe the term of office provision sends a strong signal that this is unacceptable.

Perhaps most importantly, this legislation would establish funding for the Airport Improvement Program through fiscal year 1996. I think I speak for many individuals and airports when I say that I am glad to see a multiyear authorization in this bill. This will enable airports and the FAA to develop long term planning of airport projects, and it will provide the necessary stability and continuity for doing so.

Mr. Speaker, I would also like to address a very important motor carrier issue which is included in the conference report.

In the interest of saving the American consumer $3 to $8 billion annually, this conference report would preempt State regulation of price, routes and services of motor carriers, as well as air carriers and carriers affiliated with direct air carriers through common controlling ownership when transporting property in intrastate commerce. We are preempting State economic regulation in the trucking industry as we did many years ago in the airline industry.

At the same time, States will continue to be able to regulate other noneconomic aspects of the industry, that is, safety, routing for hazardous cargo, and minimum amounts of insurance as well as certain other regulations that apply to trucks.

In addition, motor carriers are provided with options regarding certain standard transportation practices which they may choose to be regulated in, by States that regulate those practices, as long as that regulation is no more burdensome than Federal regulation of those practices.

The bill sent over from the Senate contained a provision which preempted State regulation of price, routes, and services for only some carriers and retained regulation for others. This would have created considerable inequities within the motor carrier industry.

Our response was to craft a provision which would free all motor carriers and trucking services of air carriers from the constraints of State regulation relating to price, routes, and services; thereby creating a level playing field for all.

I want to emphasize that the trucking provisions in this conference report are part of a major effort by this Congress to reduce economic regulation of the trucking industry, to increase reliance on competitive market areas, and to reduce the size and role of Government bureaucracies.

This first step was the enactment of the Negotiated Rates Act late last year. That bill untangled a major regulatory mess which burdened shippers all over America.

The second step is this conference report, which will eliminate State economic regulation of truck transportation.

And the third step will be adoption of legislation dramatically cutting back the regulatory role of the ICC over interstate trucking—specifically by eliminating the requirement to file rates with the ICC. We hope to have legislation accomplishing this third step on the House floor very soon.

Taken together, these three bills will constitute the largest deregulation initiative in the transportation industry since the Motor Carrier Act of 1980. And while the Negotiated Rates Act has temporarily increased the responsibilities of the ICC, the cutback in ICC's interstate regulatory functions will allow the total size of the agency to be reduced by one-third.

We will have accomplished not just agency reduction, but also regulatory reduction. American industry will benefit both from the lower cost of a reduced regulatory burden and from the increased efficiencies of a more marketplace-driven transportation industry.

Mr. Speaker, in all, the conference agreement on H.R. 2739 strikes a delicate balance on important aviation and motor carrier issues facing our Nation.

□ 1340

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

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has taken a long time to get to this point—too long, I think most of us would point out. But I am pleased to join the chairman of the committee, the gentleman from California [Mr. MINETA], and the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], in bringing the conference report on the airport improvement program to the floor today.

It was just about a year ago that this body passed the multiyear reauthorization of the AIP program. Since then other issues such as product liability and airport fees have held up further action in the other body, but mercifully the logjam was finally broken and the bill was passed in the other body and the differences between the House and the Senate were resolved in a 1-day conference last week.

The conference report makes many important legislative changes. The one that got the most attention as a matter of fact was not even an aviation issue. Rather, it was a surface transportation issue involving the deregulation of trucks. The legislation makes a very significant change in this area, as Chairman MINETA has pointed out, by removing unnecessary and anticompetitive State trucking regulations that impede efficient interstate and intrastate trucking operations. This is going to save businesses and consumers more than $5 billion. The bills on the earlier deregulation initiatives of the Reagan and Bush administrations and the conference substitute modifies the original Senate provision by leveling the playing field among all segments of the industry and including all intrastate trucking firms within its coverage. It is in effect absolute deregulation of the entire industry.

In aviation, the most controversial aspect of this legislation was the provision on airport rates and changes. This provision is designed to give some relief to financially strapped airlines and, more importantly, ensure that airports do not build up surpluses that can then be converted to nonaviation purposes. The threat of revenue diversion was probably the prime motivation for the rates and changes provisions within the regulation.

There is an old saying: "Don't tax you, don't tax me, tax the guy behind the tree." Mr. Speaker, in this case, it is the airline passenger who is the "guy behind the tree." Many cities with significant revenue needs may see the airline passenger as an easy mark, a patsy. The passenger passing through the local airport is in no position to complain if higher airport fees on airlines are passed on to the customer. Yet those fees can raise the cost of air travel and at the same time undermine the national air transportation system. Therefore, it is important that cities not be tempted to view their local airport as a cash cow that can be milked to the detriment of airline passengers. This legislation takes a strong stand against that practice.

At the same time we recognize that procedures established in this bill should not undermine the legitimate efforts of airports to raise funds to improve their facilities. It is important that this legislation not be used by airlines to block airport improvement projects that could and would increase airline competition.

Therefore, the conferees were very careful to modify some of the more onerous provisions. In particular, the escrow provision as modified in a way that was acceptable to the financial community while still insuring that airlines would get paid if they win in a fee dispute case. This was a very delicate negotiation, but I think it was one that left everybody relatively satisfied with the result.

Also with respect to the civil penalty provision, the conferees explained that the ability to compromise a civil penalty includes giving an airport the chance to cure a violation.

Another provision with perhaps far-reaching implications is the section on slots. The slot restrictions at the four high-density airports have become a significant constraint on ensuring competition on international air service and on service to smaller communities. This legislation will ensure that small communities that have lost service to the O'Hare Airport can get it back with flights that are at times of maximum passenger demand. This should save the Government money since in many cases the service to O'Hare can be provided without subsidy, thereby replacing subsidized service that now goes to other airports.

Lost in all the discussion of these legislative provisions, Mr. Speaker, is perhaps the most important aspect of this bill—the release of new funds for airport improvements.

□ 1350

Our airports have important infrastructure needs that this legislation will help to meet. In this connection, I would like to once again draw attention to the disturbing decrease in the obligation ceiling for the airport improvement program. Some have indicated that the importance of AIP funding is diminished by airports' ability to assess passenger facility charges. Nothing could be further from the truth. The PFC is only intended to supplement the AIP program. This was made clear when the PFC was enacted in 1990, and it is just as true today.

Therefore, Mr. Speaker, I would urge full funding in the future for the AIP program. For now, I would urge the FAA to spend the money provided by this bill wisely, fairly considering the needs of all our airports, both large and small.

I want to at this time commend the gentleman from Minnesota [Mr. OBERSTAR], chairman of the subcommittee, for the very hard work that has gone into this legislation, for his always skillful ability to blend together disparate views into a very good bill, and the gentleman from California [Mr. MINETA], the chairman of our full committee, and the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the full committee. I think it has been a notable effort on all hands and it is going to benefit the air travelers in our country.

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

Mr. MINETA. Mr. Speaker, I am pleased to yield such time as he may consume to the very distinguished gentleman from Minnesota [Mr. OBERSTAR] the chairman of our Subcommittee on Aviation who has done such an excellent job in his stewardship of this subcommittee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from California [Mr. MINETA] our chairman, for those kind words and for yielding time. I also express my appreciation to the gentleman from Pennsylvania [Mr. CLINGER] for his kind words and extend to him my gratitude and my appreciation for the working relationship we have had throughout these many years, and particularly again on this legislation. The gentleman from Pennsylvania has always been available at any time needed, has always contributed thoughtful suggestions and insights into legislation that we handle, and has been a craftsman of the first order, and I appreciate the working relationship we have had throughout these years.

Mr. Speaker, the conference report will enact the 3-year Federal Aviation Administration programs at a total program authorization level over the 3 years of $28.38 billion. The legislation, of course, includes reauthorization on a multiyear basis of the Airport Improvement Program which we have been trying to pass on a multiyear basis since 1992. Unfortunately, the bill has been held hostage to continuing delays in the other body by other unrelated issues, which under Senate rules make it an easy target when there is legislation that is of a must nature, as the AIP program certainly is.

We do have to act quickly. $800 million hangs in the balance, funding that airports desperately need, as the gentleman from Pennsylvania said just a moment ago, to get underway with capacity enhancement projects.

At the beginning of this decade we in the Subcommittee on Aviation, after extensive hearings and consultation with a wide range of aviation experts, including airport managers, airport executives, airlines, airline labor, the traveling public as represented by various groups, identified a need of $10 billion a year over the balance of this decade to enhance capacity at our airports and at least hold down, if not totally reduce at certain airports, delays.

So this legislation is critically important if we are to keep faith with the traveling public and put to best use the aviation tax dollars that they are contributing every time they board an aircraft to fly throughout this country.

The conference report I believe is an outstanding product that includes almost all the provisions of the House bill. I especially am pleased that the conference report includes a 5-year term for the FAA administrator.

This provision will do more for FAA than practically anything else we could do by giving the continuity of leadership, which is so urgently needed, to reform this agency, to give it stability, to give it a sense of direction, to give the administrator the leadership authority that the administrator needs, to ensure that we stay on schedule and within budget on the $30 billion modernization program for the Air Traffic Control Program.

The conference report made important changes in provisions adopted by the other body. In particular, I am pleased that the conference report does not include the Senate provision that would have allowed the State of Hawaii to regulate intrastate air transportation. That provision could very well have set a precedent that could have spread to other States in similar circumstances and seriously undermined the deregulation of interstate air transportation, which has proven to be so successful in saving passengers billions of dollars in air travel costs.

The conference report also modifies the controversial provision in the Senate bill that requires, or would have required, airports to place proposed increases in airport fees in an escrow account while DOT would review the challenge over fees. The financial community was concerned that the escrow provision could delay payments to bondholders, and that as a result, buyers of bonds would demand higher rates of interest, thereby increasing airport construction costs.

To eliminate this provision, the conferees, after long deliberation, agreed to replace this escrow account concept with a procedure in which airlines would pay disputed fees under protest with the airport being required to post a surety bond guaranteeing that the fee would be repaid if the airport should lose the case.

The bond community has agreed that the payment under protest provision is not likely to lead to higher interest rates, and this compromise has received wide acclaim throughout the aviation community.

The conference report also allows airports to use passenger facility charges to finance compliance with Federal mandates on the air side of the airport, such as the Americans with Disabilities Act, the Clean Air Act, the Federal Water Pollution Control Act.

That eligibility, I want to emphasize, is limited to compliance required, with Federal mandates, to build airfield capacity. It would include environmental mitigation efforts to permit air side development to go forward. We are not extending funding with PFC's to Federal mandates on the land side of the airport.

This PFC authority will give airports an additional means of financing their required compliance with Federal mandates where such requirements are directly related to and part of a capacity enhancement project. I want to make it very clear what we are doing with this language is very limited, applies to the air side only, and I do not want any subsequent expanision of this language to include anything other than what the conferees have very strictly and carefully limited this language to.

The bill outlaws gambling on international flights, including those on foreign airlines. This provision will remove a competitive inequity, that is, that under existing law, U.S. airlines are prohibited from offering gambling on international flights, but foreign airlines are not.

There is not time to discuss all of the 70-some aviation items covered by the conference agreement, but I will include a very brief summary of the main provisions. Especially I want to call attention to the slot language that is so important.

I particularly want to pay tribute to counsel on the Subcommittee on Aviation, Dave Heymsfeld, who has devoted an enormous amount of time, and particularly some very, very creative suggestions as we went along through this process that helped resolve some difficult roadblocks or items that could have been roadblocks between our version and the Senate version of this language.

I would also like to pay tribute to David Shaffer on the Republican side who has participated, as this staff always does, on a totally bipartisan basis and contributed many hours of time and creative ideas to helping to get this legislation through, and also want to mention all the other members of our staff who contributed yeoman work.

Mr. Speaker, I urge the passage of the conference report.

Mr. Speaker, I include for the RECORD the main provisions of the conference report.

MAIN PROVISIONS OF CONFERENCE REPORT—FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

(1) AIP Authorization: $2.105 billion for FY 94 ($889 million already authorized by interim act, P.L. 103-260); $2.161 billion for FY 95; $2.214 billion for FY 96.

(2) F&E Program: Authorizes a total of $7.9 billion for FY 94-96.

(3) FAA operations: Authorizes a total of $14 billion for FY 94-96 and limits spending from Trust Fund to 70% of FAA's budget (current law 75%).

(4) Establishes a fixed term of office of 5 years for the FAA Administrator.

(5) Slots:

(a) Requires Secretary to ensure that slots are made available for the Essential Air Service program. Slots are to be provided by exemption unless exemption would significantly increase operational delays. Slot transfers would be required only if an exemption could not be issued.

(b) Authorizes exemption for the creation of additional slots at airports other than Washington National for foreign air transportation and new entrants.

(c) Permits carriers to "slide" slots from one hour to another at Washington National Airport, so long as this does not increase the

total number of daily slots, or produce an increase of more than two slots in any single hour.

(6) Requires DOT to complete on going study of the high density rule by January 31, 1995 and to undertake follow up rulemaking.

(7) Airport Fees:

(a) Establishes new expedited procedures for resolving airport fee disputes, with an initial decision by administrative law judge, and a 120 day deadline for DOT's final decision.

(b) During the 120 day period, increased fees may be paid under protest and the airport must post a surety bond or letter of credit to guarantee immediate repayment to the airlines if the fee case is successful.

(8) Revenue Diversion:

(a) Establishes new and enhanced sanctions to enforce the assurance against revenue diversion, including civil penalties (up to a limit of $50,000), and denial of new AIP and PFC applications.

(b) Prohibits the imposition by a state or local government of a new tax or charge imposed exclusively on airport businesses or airport permitees if the tax proceeds are not used for airport purposes.

(c) Adopts House provisions that use of airport revenue off-airport will be a factor militating against AIP discretionary grants (modified to apply only in cases in which the dollar amount of revenue diverted increases above 1994 level).

(9) Allows PFCs to be used to fund compliance with specified federal mandates (ADA, Clean Air Act, Federal Water Pollutions Control Act) in the case of airside construction or environmental mitigation to permit airside construction.

(10) Requires DOT to complete in 6 months the ongoing rulemaking to reduce the rate of random drug testing for aviation personnel.

(11) Prohibits airports from imposing PFCs on frequent flyers.

(12) Provides that before approving a PFC, DOT must find that the application includes adequate justification for each of the projects proposed.

(13) Prohibits the transportation or use of gambling devices on international flights to the U.S. by U.S. carriers or by foreign air carriers. Requires a DOT study of whether gambling should be permitted, including legislative recommendations.

(14) The Conference agreed not to include the controversial provision in the Senate bill allowing the state of Hawaii to regulate intrastate air transportation.

Mr. CLINGER. Mr. Speaker, I yield myself 30 seconds, just to join with the gentleman from Minnesota [Mr. OBERSTAR], the chairman of the subcommittee in commending the staffs on the hard work that went into this bill, Mr. Heymsfeld, Mr. Shaffer and others, who worked long and diligently to bring this bill to fruition. It was not an easy assignment, and it required a great deal of diligence and fortitude to stick with it. But they did a superb job and I commend them for it.

Mr. Speaker, I yield 5 minutes to a very valued member of the committee, the gentleman from Wisconsin [Mr. PETRI].

□ 1400

Mr. PETRI. Mr. Speaker, I rise in strong support of the conference report to H.R. 2739. With approval of this conference report, we will finally reauthorize the Airport Improvement Program—which has remained unauthorized since October of last year—and allow for the distribution of critical airport construction funds. Several other important aviation reforms will also be accomplished.

As the ranking Republican on the Surface Transportation Subcommittee, I also want to take a moment to highlight section 601 of the conference report. Section 601 preempts State regulation of prices, routes and services of air carriers and all motor carriers when transporting property.

I want to emphasize that all motor carriers are exempted from State economic regulation. One of the concerns regarding the provision as passed by the Senate was that the language was so vague that it was unclear which carriers would be covered by the preemption and which would not. But it was clear that not all carriers would be deregulated. The concern raised by this unequal treatment was evident at a recent hearing on this issue held by the Surface Transportation Subcommittee.

So one of our major purposes in crafting the language included in this conference report was to be sure that all carriers were treated equally and that no type or class of carrier had a competitive advantage over another.

I believe we have accomplished that here.

I also want to be clear that we are preempting prices, routes, and services only—we are not preempting State authorities relating to safety, hazardous materials, truck size and weights, or insurance requirements. Those authorities and others remain unchanged by section 601.

In addition, carriers may elect to come under regulation of certain standard transportation practices if a State chooses to regulate in certain specified areas, but the State regulation must be no more burdensome than Federal regulation on these same matters.

Just as the Motor Carrier Act of 1980 led to dramatic changes in the way of doing business in interstate trucking, so will section 601 lead to important changes in intrastate trucking. Carriers currently face a patchwork of regulation in 41 States, resulting in operational inefficiencies, higher costs, and a paperwork burden. Under section 601, these will be removed, to be replaced with a competitive marketplace that allows for greater efficiencies and innovation on the part of the trucking industry.

Mr. Speaker, I urge the House to adopt the conference report.

Mr. Speaker, in addition to reauthorizing the Airport Improvement Program and allowing for the distribution of critical airport construction funds, the conference report includes another very important provision which will revolutionize our transportation industry.

Section 601 of H.R. 2739 preempts State regulation of prices, routes, and services of air carriers, carriers affiliated with a direct air carrier through common controlling ownership, and all other motor carriers (including motor private carriers) when transporting property. The preemption for air carriers and carriers affiliated with a direct air carrier is found in section 41713(b)(4) of title 49 of the United States Code (the Federal Aviation Act) and is identical to the current intrastate preemption for air carriers in section 41713(b)(1). All other motor carriers are deregulated under the Interstate Commerce Act, section 11501 of title 49.

The preemption applies only to economic regulation of prices, routes and services and does not restrict authorities of the States to regulate safety, insurance requirements, truck size and weights, and hazardous materials. However, no new authority is provided in these areas.

In addition, a State may choose to regulate four specific standard transportation practices—relating to uniform cargo liability rules, uniform bills of lading or receipts, uniform cargo credit rules, and antitrust immunity for interlining, classifications and mileage guides—but may do so only in a manner that is no more burdensome than Federal regulation on the same subject matter. Importantly, it is up to each individual carrier to determine whether it wants to come under State regulation in terms of these four operating practices. Conferees decided to make regulation of these practices optional on the part of carriers since the industry was divided as to its desire to be covered under this regulation.

While the intrastate deregulation provisions originally passed by the Senate in S. 1491 would have applied only to certain carriers, language we have included in this conference report will provide equal treatment to all carriers and no type or class of carrier will have a competitive advantage over another. We believed that this equitable treatment was essential and was our primary goal in modifying the Senate provision.

Just as the Motor Carrier Act of 1980 led to dramatic changes in the way of doing business for interstate trucking, so will section 601 lead to important changes in intrastate trucking. Currently, carriers face a patchwork of State regulation in 41 States relating to intrastate transportation. While some State regulation is minor, other States impose very heavy, restrictive regulations and requirements on carriers which result in operational inefficiencies, higher costs, and a paperwork burden. As officials from the Department of Transportation testified at a July 20, 1994 Surface Transportation Subcommittee hearing on this issue, it is estimated that State regulation costs shippers between $3 billion and $8 billion per year. Obviously, these costs are then passed on to consumers.

State economic deregulation will undoubtedly lead to shifts in the trucking industry as carriers must adjust to the new way of doing business. Some carriers may find it hard to compete in an unregulated market. Nevertheless, it seems apparent that the overall benefits of deregulation are worth it. Many carriers and States have contacted the Surface Transportation Subcommittee warning of dire consequences resulting for the preemption of State regulation. I believe it is important to note that 9 States and the District of Columbia

currently do not regulate intrastate prices, routes and services—and some never have. My own State of Wisconsin deregulated over 10 years ago and we are prospering. Customers, both urban and rural, continue to be well served, safety has not been compromised, and trucking rates and services are competitive.

Mr. Speaker, I urge adoption of this conference report in order to reauthorize needed aviation programs and to provide for greater efficiencies and competition in intrastate trucking.

Mr. CLINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON] a very valued member of the committee and one who has been a leader on this issue of track deregulation.

Mr. EMERSON. Mr. Speaker, I wholeheartedly endorse H.R. 2739, the Aviation Infrastructure Investment Act of 1994 and urge its passage. As most of us are aware, this bill contains the necessary provisions that once and for all will bring about a level playing field for the motor carrier industry. I want to thank our distinguished chairman of the Public Works and Transportation Committee, Chairman MINETA and Surface Transportation Subcommittee Chairman RAHALL, as well as our distinguished ranking Republicans, Mr. SHUSTER and Mr. PETRI, for working with a whole host of folks to see this to fruition, and, of course, Aviation Subcommittee Chairman OBERSTAR and ranking member BILL CLINGER for their recognition of the intermodal imperatives of this competitive era.

For several years now, our committee has been attempting to address the issue of economic deregulation of the trucking industry. Over the years, we have heard from small, medium and large trucking companies, consumer groups, highway users, union representatives, and State regulatory interests—just to name a few. The persistence on the part of the Members of the House Public Works and Transportation Committee as well as its dedicated staff has, indeed, paid off. I am particularly pleased to see that the legislative provisions adopted in this bill are almost identical to a bill that I introduced last year, H.R. 2860, the Trucking Regulatory Reform Act of 1993. Those of us who have pushed for the removal of these costly, antiquated barriers are elated to see them finally being removed. The work done by the Congress to reform the trucking industry will create jobs and allow for the more efficient transportation of goods and services thereby saving millions of dollars for the consumer.

The time has come that we act on correcting the costly inefficiencies and waste of the current system of interstate and intrastate trucking regulation. We've all heard the horror stories of it being cheaper to ship something from Dallas to New Orleans in Louisiana than from Dallas to Houston in Texas. Why? Because State regulations have a stranglehold on shipping goods inside the State. These regulations, many of which originally were enacted to insulate intrastate trucking interests from interstate competition, that may have been appropriate at some point in the historic development of our transportation industry, are not in this modern competitive era.

If we look across the Atlantic, there is an excellent example of deregulation. The European Community has recognized the benefits of eliminating its internal barriers; it is imperative that the United States follow suit. Strong evidence and study after study have shown that the Motor Carrier Act of 1980 has resulted in substantial savings for the American consumer. There is no doubt that reduced rates, improved services, and greater inventory flexibility and efficiency have occurred since 1980. Currently, domestic goods require an average of 6 to 10 truck trips before reaching the consumer, whereas imports require only 1 or 2. Removing Federal economic barriers would allow for market expansion, increase competition and lower prices. The inefficiencies of circuitous routing and empty backhauls would be eliminated. It is estimated that it would save billions in shipping, merchandising, and inventory costs. At the same time, leaving these regulations cost American businesses and consumers $5 to $12 billion a year.

The provisions in this bill calling for the economic deregulation of the trucking industry are supported by over 200 small, medium, and large companies, trucking firms, shippers, brokers, and consumer groups. Mr. Speaker, in my mind, it is hard not to recognize the overwhelming arguments for deregulation of the trucking industry, and I think Congress has to come to this realization. I urge the passage of this bill and hope my colleagues will support it. We have a real opportunity here to enhance American productivity, competitiveness, profitability, and most fundamentally, jobs.

Mr. CLINGER. Mr. Speaker, I commend the gentleman on his efforts on intermodal imperatives on which he has been a leader.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, title III, the research, engineering, and development, portion of the legislation before the House, represents a strong bipartisan effort to enhance the Agency's research programs. This is illustrated by the fact that all the House conferees on title III signed the conference report.

The conference report includes the House mandate that FAA establish a long-term research program in cabin air quality.

Airplane cabin air quality has not shown to be harmful. However, that is the heart of the problem. The potential transmission of diseases by bacteria and viruses has never been studied scientifically.

The conference report agreed with the mandates in the House passed provision, that if there is a problem, it should be addressed before major health problems occur.

On the other hand, if the cabin air quality and disease transmission are not problems, then FAA, with assistance from the Centers for Disease Control, will have a scientific data base on which to base future decisions.

The conference report also includes the House provision requiring the Agency to establish a joint dual-use aviation research and development program.

The program calls for the establishment of a joint FAA-Federal agency, including DOD, aviation research and development program, which will be conducted by grants to industry.

The intent is to assist the Defense sector in making the transition to civilian sector. This would preserve both the high technology involved and the jobs. Moreover, the program would provide the civilian aviation sector with expertise developed by the military.

In order to make advancements in aviation safety and to develop future technologies, FAA must have a strong research program.

This conference report before the House, accomplishes that goal.

I want to thank Science Committee Chairman BROWN, and ranking Republican member WALKER for their leadership and support of the FAA research programs.

I also want to thank subcommittee Chairman VALENTINE for his willingness to work in a bipartisan manner throughout the development of the research programs I discussed earlier.

Finally, I want to thank Public Works Chairman MINETA and ranking member SHUSTER, as well as Mr. OBERSTAR and Mr. CLINGER for their cooperation and support.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], chairman of the Subcommittee on Aviation.

Mr. OBERSTAR. Mr. Speaker, the bill before us is a truly remarkable bipartisan product. It is legislation which both sides have participated in. The reason it is so and is here on the floor today with virtually no controversy is a tribute to the leadership and demeanor of our chairman, the gentleman from California [Mr. MINETA], who has participated in every aspect of the formulation of the legislation, especially in this case with the complexity of the trucking deregulation provision added on to aviation.

His partnership and participation and, of course, his 8 years of chairmanship of the Subcommittee on Aviation to which he came in the early years of

deregulation and masterfully watched over and hovered over the crafting of deregulation in such a way that it really benefited the entire traveling public.

I pay special tribute to our chairman for his partnership and his leadership.

□ 1410

Every year, Mr. Speaker, over a billion people world wide travel by air. Over half of them travel in the United States. Air travel will continue to grow as the world adds the population of New York City every year, and over a billion people by the end of the decade. Air travel will continue to grow, continue to be a point of fascination and of economic stimulus. It is a $6 billion sector of our domestic economy.

Mr. Speaker, the United States is the recognized world leader in aviation. This legislation will help keep us at the forefront of leadership in aviation worldwide.

Mr. MINETA. Mr. Speaker, I wish to commend our colleague, the gentleman from Minnesota [Mr. OBERSTAR], for his gracious comments a little while ago.

Mr. Speaker, I am very, very proud to be chairman of the Committee on Public Works and Transportation. More importantly, I am very, very proud of the members of our committee, who work on a very strong bipartisan basis as a regular way of doing business.

Whether it is the gentlemen from Pennsylvania. Mr. SHUSTER and Mr. CLINGER, or the gentleman from Wisconsin, Mr. PETRI, or any number of our other colleagues on the committee who are Chairs, we do work, both staff and Member-wise, on a bipartisan basis. Again, I wish to thank everybody for their hard work.

Mr. RAHALL. Mr. Speaker, the conference agreement on H.R. 2739 contains a provision that originated in the Senate, but which was substantially modified by the House conferees, relating to the preemption of State economic regulation of intrastate trucking.

The distinguished chairman of the Committee on Public Works and Transportation, NORM MINETA, has explained this provision in detail and the reasons why it is contained in the pending conference report. I applaud him and our staff and our ranking minority for their hard work on this bill.

I would note that in my capacity as chairman of the Subcommittee on Surface Transportation, and a conferee on this bill, it has been my position that if we were to travel down the path of preempting State regulations relating to rates or prices, routes and services, we should only do so by treating all motor carrier operations equally.

Further, there are certain aspects of State regulation which clearly should not be preempted; primarily relating to safety requirements.

The Senate passed provision, however, utilized terminologies and language which created a great deal of confusion as to its ultimate scope and effect, and a level playing field for all.

The House proposal, adopted by the conferees, provides for a much more clear and concise reading.

As such, under the provision pending before us today, regardless of whether you are an air carrier that also happens to own trucks, a motor carrier that also happens to own airplanes, or a motor carrier with no air component whatsoever, you would receive equal treatment with respect to the preemption of State laws pertaining to prices, routes, and services.

In addition, if you are a motor carrier operating in a State which regulates items such as uniform cargo liability rules, uniform bills of lading, uniform cargo credit rules and antitrust immunity for classifications and mileage guides, you could continue to be covered by those regulations at your option.

Mr. Speaker, I am not known as a fan of further motor carrier deregulation.

This preemption provision came to the House floor by means other than being approved by my subcommittee and reported by the Committee on Public Works and Transportation.

However, subsequent to the Senate action, we found ourselves in a position where the majority of the committee members favored taking action on this matter. I have also been contacted by a great many Members of this body who urged our favorable consideration of the Senate provision.

I respect their views and the majority wishes on this matter.

In addition, I can certainly understand the competitive concerns being advanced by companies like UPS and others that gave rise to this legislation in the wake of the 1991 Ninth Circuit Court of Appeals decision in Federal Express versus California Public Utilities Commission.

This is a ruling which found that FedEx was essentially an air carrier and as such immune to State motor carrier regulations.

At the same time, I do not think we can ignore the concerns of the independent, smaller, and often family-run trucking companies who fear the uncertainties this legislation means to their operations.

And we must not forget the working men and women of the motor carrier industry who have already suffered greatly during the deregulatory atmosphere of the 1980's. They, too, will be subjected to further uncertainties under this bill.

With the enactment of this legislation, it will be a brave new world in which many trucking companies and their employees will seek to operate.

Ultimately, though, the conference committee clearly felt that the pending legislation is in the overall public interest: Consumers, shippers, motor carriers, and their employees alike will benefit.

I trust that the judgment of the conferees, and this body, will be upheld over the course of the implementation of this legislation.

Mr. Speaker, with this said, I am compelled to urge the adoption of this conference report on H.R. 2739.

Mr. DEFAZIO. Mr. Speaker, I am strongly opposed to legislation that would deregulate the intrastate trucking industry. It's bad for shippers, bad for highway users, and bad for rural America. If you liked Frank Lorenzo, you're going to love this bill.

Deregulation flies in the face of every lesson we've learned over the past 16 years. Interstate motor carrier bankruptcies—caused in large part by the last round of deregulation—topped 1,600 in 1990, and the list is growing. Along the way, thousands of family wage jobs have been lost, lives have been ruined, and small businesses have been squeezed out of existence.

I don't think it's appropriate for Federal law to substitute its judgment for that of States when it comes to regulating motor carrier use. Oregon, for example, is one of eight States that rely on a weight-distance tax to help finance highway repairs necessitated by tractor trailer use. Most everyone in the State agrees that its a fair and efficient way to allocate costs. Yet this legislation will make the tax extremely difficult to collect and the State will have to find other ways to supplement repair costs. It's a safe bet that ordinary citizens and commuters will now have to shoulder this extra burden.

I also don't believe this legislation is neutral toward safety. Common sense tells us that a carrier facing bankruptcy will cut costs wherever it can, usually starting with equipment maintenance and hours-of-service limits. After all, safety costs money. Cutthroat competition can spread like a cancer. Before you know it, a lowest common denominator syndrome will grip the industry and everyone will hedge on safety to stay competitive. That's what happened in commercial aviation after deregulation. That's exactly what will happen here.

And finally, I'm not convinced that deregulation will improve service. Two-thirds of the population in my State live in rural areas. Many of these communities are isolated by mountains or the Pacific coastline, and are far from population centers. Without regulation of rates and service, most carriers in the State will probably bypass these routes altogether.

This legislation is a disaster waiting to happen. Rushing headstrong into the biggest regulatory change in a decade will surely produce unintended effects, many of which could be ruinous for States like Oregon. I urge my colleagues to join me in opposing this short-sighted proposal.

Mrs. MORELLA. Mr. Speaker, as a conferee, I am pleased to rise in support of H.R. 2739, the Aviation Infrastructure Investment Act conference report. I am especially pleased that my amendment to combat aircraft noise, which was accepted by the House last October, has been included in the conference report.

Mr. Speaker, aircraft noise is a serious problem. It is an invisible pollutant that causes stress, hearing loss, and impaired health. The residents of my district, and the districts of many of our colleagues, are experiencing the harm of adverse effects resulting from aircraft noise first-hand, having to endure constant, daily, and nightly overflights of their homes and their neighborhoods.

In testimony before the Science Committee's Technology, Environment, and Aviation Subcommittee, a number of witnesses have advocated the need for greater technological efforts to reduce aircraft noise. In addition, the airline industry supports adding more research

for aircraft noise. Not only will quieter aircraft meet standards within the United States and provide our constituents with quieter airspace, it will also enhance our international competitiveness. The need to develop quieter aircraft technologies will permit U.S. manufactured aircraft to meet noise standards in other countries and remain competitive.

To address all of these concerns, in the Aviation Safety and Capacity Interim Amendments Act of 1992, Public Law 102–581, Congress directed the Federal Aviation Administration [FAA] to conduct more research on aircraft noise abatement for existing aircraft, and for new aircraft. The FAA was directed to conduct a research program, jointly with the National Aeronautics and Space Administration [NASA], to develop new technologies for quieter subsonic jet aircraft engines and airframes.

Yet, in recent years, the FAA has not been able to meet this directive as a result of inadequate funding. For example, the President's budget for fiscal year 1994 requested only $4.361 million for research and development in efforts such as airport noise abatement. This figure represented an 8-percent reduction below the fiscal year 1993 appropriation level.

My House-passed amendment reprogrammed the bill's funding to provide for adequate funds to perform aircraft noise abatement research and development, without creating the need for new additional Federal spending. The conferees retained the intent of the amendment by agreeing to an authorization of $8.124 million for aircraft noise reduction research in fiscal year 1995. The authorization represented an increase of $2.695 million from the President's budget request of $5.429 million, with the increase in the research offset by reprogramming funds from other accounts in the bill.

The reprogramming would have the same effect for fiscal year 1996. The conferees agreed to an authorization of $8.532 million for aircraft noise reduction research in fiscal year 1996.

Mr. Speaker, I urge all my colleagues to support the conference report to H.R. 2739. Passage of the conference report is important for both our constituents discomforted by aircraft noise and for our international competitiveness.

Mr. BROWN of California. Mr. Speaker, I wish to rise in support of H.R. 2739, the FAA Airport Improvement Program Authorization Act of 1994, and I would like to commend my colleagues in both the House and the Senate for their cooperative approach in bringing this conference report to the floor today. I am always happy to have the opportunity to work alongside my good friend and colleague from California, Mr. MINETA, and it brings me particular satisfaction when it involves legislation authorizing funding for aviation programs which, as we all know, are a significant contributor on the U.S. economy.

Mr. Speaker, the conferees are reauthorizing the FAA research and development programs for fiscal years 1995 and 1996. These programs form the base for the improvements that are made by the FAA in the national airspace system to increase system capacity, reduce the number and length of delays, and automate the outdated hardware and software used by our air traffic control system. In this regard, H.R. 2739 authorizes a relatively modest amount of funds for research and development at the FAA, and it is arguable that this funding should be significantly higher given the large number of technological and operational issues these programs are meant to address.

Overall, I believe aviation research and development as conducted by FAA and other agencies under the jurisdiction of the Science, Space, and Technology Committee, such as NASA, are critical to the technological advances which must be made in order to increase safety, capacity, and security of the U.S. airspace. But I also believe Congress at some point needs to rationalize FAA, NASA, and perhaps Defense Department R&D programs across the breadth and depth of the Government and determine a better method of investing the Federal dollar in this crucial area. Too often, important areas of research can be neglected or given low priority in the scramble to keep programs on schedule, and someone eventually pays in the long run—usually the Government through more funding, but unfortunately, occasionally the flying public through accidents and delays.

I urge my colleagues to recognize the important contributions made by aviation to our Nation's preeminence, and to support the conference report to H.R. 2739. I yield back the balance of my time.

Mr. CLEMENT. Mr. Speaker, I rise in very strong support of H.R. 2739, the Aviation Infrastructure Investment Act of 1993. I urge all my colleagues to support this legislation.

When the House passed this legislation last October, the bill's title was the Aviation Infrastructure Investment Act. Today, the conference report should be more aptly titled, the Aviation Infrastructure and Surface Transportation Competitiveness Act of 1994. Like ISTEA, this bill is truly an intermodal transportation bill.

Most importantly, this legislation will continue our strong Federal commitment to fund the development and improve the capacity of our Nation's aviation system. And, as Secretary Peña stated in his letter of August 1 to me and the other House conferees, quick enactment of this bill will allow the FAA to make the needed apportionments of funds in time to take advantage of the remaining construction season. Our airports deserve nothing less and I think considerable credit goes to our respective chairmen and the House and Senate staffs who whittled the list of unresolved issues for the conferees to resolve to less than a dozen.

Equally important, the Senate added language to provide intermodal, all-cargo carriers relief from intrastate rate, route, and service regulation.

As many of my colleagues know, I have a long track record on this issue. First, as a member of the Tennessee Public Service Commission, I learned, first-hand, how the trucking business operates. Last Congress, I introduced H.R. 3221, the Intermodal Carriers Competitiveness Act, which provided the legislative underpinnings for the trucking deregulation provision now contained in H.R. 2739. Both my bill and H.R. 2739 accomplish the same important goal—and that is to allow the small package express industry to compete—fair and square—with each other and their foreign competitors.

Since our hearings before the Public Works and Transportation Subcommittee on surface transportation last June, I have come to the conclusion that the Senate trucking deregulation provision was a good starting point, but that we now need to go further in leveling the playing field for trucking firms of all sizes. Under the Senate's original language, large- and medium-sized trucking firms, as well as the small package express industry, would be deregulated at the State level. However, since many small trucking firms do not utilize an air carrier 15,000 times a year, they would remain regulated under the Senate provision. I now believe that all economic regulation should be ended.

Thus, when the conferees met last week, I supported the trucking deregulation language offered by the Committee on Public Works and Transportation because it will treat all truckers alike when it comes to State regulation or prices, routes, and services.

This provision will not only benefit new business startups but also save shippers and consumers between $4.5 and $8 billion per year in transportation costs.

Mr. Speaker, This is a good transportation bill. And, as a member of the House Committee on Public Works and Transportation, I am proud to join my chairman in bringing this legislation to the House floor. I urge all of my colleagues to vote yes on final passage.

Mr. VALENTINE. Mr. Speaker, I wish to rise in support of H.R. 2739, the FAA Airport Improvement Program Authorization Act of 1994, and in particular, the research and development provisions it contains.

The conferees are reauthorizing the FAA research and development programs at a very unsettling time within the Agency. The FAA is confronted with an unprecedented technological leap in an enormous number of areas, including global positioning systems, advanced automation systems, and the en route and oceanic air traffic control systems. The FAA is betting billions of taxpayer dollars that these systems will work and work well. Too often recently, FAA has been losing these bets, thereby aggravating the delays and inefficiencies that are faced every day by the flying public. This explosion of technology is all the more painful because in many cases, the technology has been under development for years; a little foresight on the part of the FAA to better fund its R&D programs to explore these technologies could have saved a lot of the pain and trouble which is presently dogging the FAA.

The FAA's current R&D programs are the cornerstone of many of the improvements which will be made in the next two decades. Therefore, we want the FFA to think strategically so that the technological base will be available and proven when these changes begin to take place. To encourage the strengthening of these programs, the conferees have fully funded the administration's FAA R&D request for fiscal year 1995 and authorized a 5-percent increase for fiscal year 1996. This increase is consistent with the recommendations made by the Commission chaired by Norman Augustine which, after an

independent review of the FAA's R&D programs, recommended that these programs receive significant increased in funding to achieve the objectives laid out for them.

The funding for these programs already exists in the airport and airways trust fund. Full funding of this authorization will require only a fraction of the current trust fund balance of over $4 billion. The FAA research and development program is a very modest investment which can potentially offer enormous savings and huge returns in the future.

I thank the conferees for their cooperation in achieving this significant legislation and I yield back the balance of my time.

Ms. FURSE. Mr. Speaker, I rise today to express my concerns with the trucking deregulation provision of the Conference Report on H.R. 2739. While I do support legislation to level the playing field between United Parcel Service and Federal Express, I am concerned that blanket intrastate trucking deregulation would have a serious, long-term negative affect on the quantity and quality of service provided to citizens I represent, particularly those in rural areas.

I have heard from numerous groups in my community who do not feel that they have had adequate time to provide input on the implications of such a dramatic shift in policy, particularly regarding the link between route and safety regulation. Congress must be certain that any policy regarding intrastate trucking be in the best interest of citizens and our communities.

Mr. MINETA. Mr. Speaker, there being no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and agree to the conference report on the bill, H.R. 2739.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING THE SENSE OF CONGRESS CONCERNING ELECTIONS IN MEXICO

Mr. TORRICELLI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 250) expressing the sense of the Congress in support of efforts by the Government of Mexico, and the major political parties and concerned members of civic society in Mexico, to reform Mexico's political and electoral processes and ensure free and fair elections, as amended.

The Clerk read as follows:

H. CON. RES. 250

Whereas the United States and Mexico share a common border;

Whereas the people of the United States and the people of Mexico have extensive cultural and historical ties that bind together families and communities across national boundaries;

Whereas a close relationship between the United States and Mexico, based on mutual respect and understanding, is important to the people of both nations;

Whereas the North American Free Trade Agreement, which is designed to increase trade, promote expanded economic activity, and enhance cooperation on issues of mutual interest among the United States, Canada, and Mexico, entered into force on January 1, 1994;

Whereas the implementation of the North American Free Trade Agreement presents new opportunities for an even closer relationship among the United States, Canada, and Mexico;

Whereas this relationship will be furthered by free and fair elections in Mexico on August 21, 1994;

Whereas Mexican leaders from across the political spectrum and representatives of civic society recognized the need for political and electoral reform and have taken steps to achieve these goals;

Whereas recent reforms being implemented in Mexico seek to overcome previous assertions of electoral irregularities which have been highlighted by civil demonstrations and political unrest;

Whereas in January 1994, Mexico's major political parties joined together in an agreement, known as the Agreement for Peace, Democracy, and Justice, designed to reform Mexico's electoral system and to establish procedures for free and fair elections;

Whereas the Federal Electoral Institute has invited representatives of the United Nations to provide technical assistance and financing to domestic Mexican election observers who request this support to help foster their independence, nonpartisanship, and objectivity; and

Whereas the spirit of the North American Free Trade Agreement facilitates cooperation in achieving high standards of democracy: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its support for efforts undertaken by the Government of Mexico, the major political parties, and civic groups to reform Mexico's political and electoral processes and for their ongoing efforts to ensure free and fair elections;

(2) welcomes steps taken in recent months by the Mexican Government and the nation's political parties to increase the impartiality of the Federal electoral authorities, review the accuracy of the voter registry list, ensure fair media access, and reform campaign finance practices, in accordance with the commitments enumerated in the January 1994 Agreement for Peace, Democracy, and Justice, and encourages continued progress on electoral reform;

(3) applauds the invitation extended by the Government of Mexico, with the concurrence of the major political parties and concerned members of civic society, to representatives of the United Nations to provide technical assistance and financing to domestic Mexican election observers, and encourages representatives of the United Nations to work closely and directly with Mexican observers during the electoral process;

(4) takes note of the efforts of the Mexican domestic observer groups to encourage citizen participation throughout the electoral process and to contribute to the success of this process by serving as monitors during the August 21, 1994, presidential and congressional elections;

(5) welcomes the opportunity made available by the Mexican Congress for international visitors to be present during and to witness such elections; and

(6) expresses the hope that the efforts of the Government of Mexico, the major political parties, and concerned members of civic society to reform the electoral process will be successful, and lead to elections that are accepted by all parties as fair and valid.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to congratulate the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], for offering this resolution, and for all of his work through the years in working for human rights around the globe, and in this case, in particular, for the people of Mexico.

Mr. Speaker, I would also like to congratulate and thank the gentleman from New Jersey [Mr. SMITH] for his cooperation, without which bringing this resolution to the floor would not have been possible; and, Mr. Speaker, indeed, each and every member of the subcommittee and the full Committee on Foreign Affairs who, on unanimous basis, bring this resolution before the House on this day.

Mr. Speaker, only a year ago the eyes of the world were on Mexico as the United States, Canada, and Mexico embraced a NAFTA treaty. The judgment was that Mexico would enter into the world economy and would raise its economic standards to compete and be part of the rising standards of the international community.

Mr. Speaker, in only 2 weeks Mexico will reach another point of judgment in its history. In every respect, the August 21 elections will have all the importance politically and for social and political justice in Mexico that the NAFTA judgment held for its economic future.

Mr. Speaker, the preparations for those elections have, indeed, been impressive. Extensive registrations have been conducted. Lists have been prepared with the best technology available to ensure the fairness of the process. Voter identification cards have been issued. In every technological

sense possible, these promise to be free and fair elections.

Yet, Mr. Speaker, to be fair, there is the unmistakable shadow of Mexico's political history that looms just on the horizon: 65 years of political domination by a single political party; election results that have ensured 68 to 98 percent and better of the vote for a single party; elections that have been blatantly manipulated, at best, or fraudulently stolen by dominant political forces; a public which has become skeptical of the truthfulness of election results and their own rights within that process; gubernatorial elections, indeed, only a year ago which needed to be canceled and reversed because of widespread public skepticism.

Therefore, despite the promise of honest elections, Mr. Speaker, and extraordinary preparations for better elections, the public remains dubious about what they are about to engage in. Indeed, there are current reasons, why they continue to question the electoral process: wide-scale use of Government resources for the dominant political party and unequal access to electronic media to try to manipulate public sentiments.

Against this backdrop, of course, there is the tragic Colosio assassination of only months ago, and the unmistakable concern because of the uprising in Chiapas by a rebel group which has taken to violence because of its belief that peaceful change was not possible.

Mr. Speaker, Robert Kennedy said, at another time of uprising in Latin America and upheaval in our own Nation, that "Those who make peaceful evolution impossible make violent revolution inevitable." There is no better example of this tragic potential of a violent future for Mexico than these elections which are now before us.

Mr. Speaker, we join in the hope that Mexico's elections are honest, the promise of her constitution and her previous revolution is kept, that faith is kept with the poor and the struggling people of Mexico, who want as good and great a political future for their country as NAFTA and the economic reforms of the Salinas administration hold for her economic future.

Mexico deserves not only a prosperous economic future, Mr. Speaker. She deserves a political future that gives power based on the consent of the governed.

Mr. Speaker, Americans would always have an interest in Mexico's political future because of our common history, the things that bind us in culture, the presence of so many Mexican-Americans in our country, but NAFTA gives us another reason. This Government of the United States has encouraged Americans to invest in Mexico, and promised Americans that there will be a better economic future because of a common economic future with Mexico.

Indeed, Mr. Speaker, that is what NAFTA was all about, but we all recognize that there is just so far economic reforms can go, just so much we can promise our own people for investing in Mexico if violent revolution continues, if there is not a confidence in Mexican society about the elections that are being held.

Therefore, Mr. Speaker, this resolution is offered, with the hope that a stable democracy can be achieved, and that the promise of these elections, that so many have labored so much to produce, can be kept.

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

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

□ 1420

Mr. Speaker, I believe House Concurrent Resolution 250 advances our relations with Mexico in that it conveys our keen and conscientious interest in and support for democratic reforms underway in that country.

Since 1990, a semiautonomous body, staffed by nonpartisan workers, has been responsible for Mexico's Federal elections. An electoral tribunal was established to address any irregularities. The Senate was expanded, and the law ensures minority representation in both the upper and lower Chamber of the Congress.

Photo ID's have been distributed to eligible voters. Voter lists have been updated and corrected. Campaign finance reforms—including spending limits—have been adopted.

On election day, hundreds of thousands of political party representatives will monitor the balloting and counting. Hundreds of international visitors—including a 60-member U.S. delegation under the auspices of the International Republican and Democratic Institutes—will also be on hand.

Mr. Speaker, this planning has laid the groundwork for free and fair elections, but the hardest part is ahead. We hope that the spirit of honest reform will prevail on election day, that the process will be transparent, and that the peoples' choice will be respected. Above all, we urge all parties to commit themselves to a peaceful transition.

Mr. Speaker, I will include for the RECORD a summary of cooperation between United States and Mexican companies to help produce and distribute 45 million photo identification cards for voters in the far-reaches of that country. This project illustrates the complex preparation for the upcoming elections.

Mr. Speaker, the summary of cooperation follows:

POLAROID ID SYSTEMS CASE HISTORY

THE MEXICAN VOTER ID PROGRAM—THE REGISTERED VOTERS OF AN ENTIRE NATION PHOTOGRAPHED FOR THE FIRST TIME

Location: Republic of Mexico.

Number of photo cards issued: 45,000,000.

Number of photo receipts issued: 45,000,000.

Introduction: From August 1991 to December 1994, in conjunction with Mexico's Federal Electoral Institute (IFE), Polaroid designed and implemented the largest voter identification program ever attempted. Prior to the 1994 national elections, using Polaroid's high-security integrated system, the IFE captured photographs and demographic data for every Mexican voter for the first time in history. The program continues as a means of registering and identifying citizens who change status or who reach voting age each year.

Background: Mexico is the seventh largest country in the world, roughly two-thirds the size of Western Europe, with a population of more than 90,000,000. The nation is a democracy comprising 31 states and a Federal District. In 1990, IFE awarded Polaroid a contract to jointly design and implement this program.

Program design: The contract allowed eight months for completion of the first 40,000,000 cards. To meet this goal, the combined IFE and Polaroid design team efficiently engineered a solution that involved the following components:

Production facilities: Polaroid established a printing facility in Mexico City capable of producing .5 million records per day. Simultaneously, Polaroid engineered card production facilities, first in the United States and later in Mexico, to produce up to .5 million cards per day. Within six months, Polaroid had transferred all card production to its Queretaro, Mexico, manufacturing facility.

In addition, the customized security film needed for this program was produced at Polaroid's Queretaro facility.

Image capture and issuance: For each of the 6,900 issuing stations, Polaroid designed a high security issuance process including: An instant camera, customized to endure both high volumes and extreme climates and topographical conditions; a virtually impenetrable security cabinet that provided secure overnight storage of the camera, cards, receipts, film, and other materials; customized modular flow processes.

Cooperation with the IFE: Success of the program demanded continued communication and cooperation between the highest levels of Polaroid and the IFE. Cooperative efforts included:

Personnel: Polaroid and IFE profiled and trained 26,000 government operators at 6,900 card issuing locations.

Nationwide public awareness: The phrase "Come and have your photo taken!" appeared on billboards, trees, public walls, and along major highways throughout the country. The promotion of the photo voter card—along with the Mexican Voter ID Program and other Polaroid identification elements acquired for the card—generated a positive aura around the Voter Identification Program. This campaign led to excellent participation of registered voters and achievement of the national goal ahead of schedule.

Security Issues: *Card security:* The IFE Voter Identification Card includes the following security features: Color portrait; thumb print; visible hologram bridging the photo and data portions of the card; invisible UV coating; bar code; a unique optical character recognition (OCR) serial number of each recipient.

In addition to these criteria, IFE required customized film with built-in security features. Polaroid designed the film to specification, and serialized each film pack to meet high-security logistic requirements.

Production security: At the data center in Mexico City, a specially designed computerized control system assured that data for each citizen properly matched the voting district and other voter data. Storage facilities throughout Mexico City remained unidentified to prevent document theft. Facility team leaders established systems for high-volume inventory and materials management, production, process engineering, and process control. Security measures include scrap control for all waste produced and "Zero Gap" issuance to prevent missing or duplicate cards.

Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I support this resolution and I want to express my appreciation to the gentleman from New Jersey [Mr. TORRICELLI], the chairman of the Subcommittee on Western Hemisphere Affairs, for his leadership, energy, and dedication in bringing this resolution forward. He indeed deserves the credit for the fact that this resolution is on the floor today.

I want to also commend the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip, for his support of this resolution and his contributions to it.

House Concurrent Resolution 250, as amended, clearly states the support of the U.S. Congress for democracy in Mexico and for the efforts of the Mexican Government, political parties, and people to enhance and strengthen their democratic process.

Mexico is a very important friend and a neighbor of the United States. We have extensive ties that bind our two nations and a relationship based on respect and understanding. The unprecedented partnership of NAFTA is one important symbol of this deepening relationship. It is in this spirit of friendship and deepening ties that this resolution welcomes important reforms that Mexico is undertaking in its democratic institutions.

On January 27, a broad spectrum of Mexico's political parties, including opposition parties, signed an historic agreement to strengthen democracy and effect significant electoral reforms. We applaud these efforts and trust that these accords will be fully and fairly implemented.

This resolution does not seek to impose a judgment on Mexico or the Mexican people. Rather, the resolution demonstrates support for shared values which transcend national boundaries.

House Concurrent Resolution 250, as amended, looks forward to a productive relationship with the new Mexican Congress and the new Mexican President.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the distinguished ranking member of the Subcommittee on Western Hemisphere Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from New York, for yielding me the time. First let me commend my good friend and colleague, the gentleman from New Jersey [Mr. TORRICELLI], for crafting a very thoughtful resolution that I think expresses and embodies our hopes as well as our concerns about the upcoming election in Mexico.

Mr. Speaker, when Mexicans go to the polls in what is expected to be record numbers on August 21, the electoral process will reflect a confluence of political will, presidential vision for reform, compromise by the major political parties, and insistence on integrity in the electoral process by Mexican voters. Significantly more than 90 percent of the eligible population is included in the new electoral registry, and an estimated 22 to 27 million voters are expected to go to the polls on the 21st of this month. Mr. Speaker, all signs indicate that this election will likely result in the largest voter turnout in Mexican history.

Mr. Speaker, the reform and modernization of Mexico's political process is of particular importance to the United States because of our geographic proximity, our strong ethnic and cultural ties, our economic bonds, and a common aspiration for democracy.

I believe House Concurrent Resolution 250, as amended, reflects our respect for the breadth of electoral reforms already undertaken by the Salinas government, and our expectations of an honest, fair, and transparent process. House Concurrent Resolution 250 recognizes the significant reforms which have been made, such as broadening the impartiality of the Federal Electoral Institute's General Council, screening for accuracy in the voter registry list, protecting the right of fair media access, and reforming the criminal code to add teeth to anticorruption initiatives. President Salinas should be applauded for the commitment he has made during his term to these historic changes which promise to change the face of the electoral process in Mexico.

Mr. Speaker, the Mexicans have faced many challenges throughout this electoral reform era and campaign season, not the least of which is the trauma caused by the assassination on March 23 of Presidential candidate Luis Donaldo Colosio. Undeterred, however, in pushing reform, the Mexican election will be marked by a plethora of firsts: The universal use of transparent ballot boxes; the most accurate and meticulously prepared registry list; the most candidates who are seeking the Presidency; the largest number of election officials; television debate among the Presidential candidates; and extensive press coverage of the elections. Mr. Speaker, the Mexican electorate has understandably raised its expectations of a transparent and fair electoral process with transparency at all levels, and they must determine whether or not the outcome reflects the voters' will.

Mr. Speaker, on July 12, the presidential candidates from eight of the nine political parties signed a historic Agreement for Civility, Harmony, and Justice. Only the Democratic Revolutionary Party decided it would not sign this accord. The agreement recognizes that "democracy is a system that guarantees our unity as a nation, without undermining regional diversities or the ethnic, religious, political, and cultural pluralities that identify and enrich us." The political parties committed themselves to proceed with strict adherence to the law; to ensure greater access, opening, objectivity, and impartiality from the media coverage of the election; and to encourage open and pressure-free participation by the electorate. The document recognizes that "it is not through violence that democratic progress will be accomplished: the establishment of democracy can only nurture itself through the improvement of institutions in the republic and as a result of broad participation by society."

The election is likely to be one of the—if not the most—important in Mexican history as our neighbors south of the border elect a new President; 500 members of the Chamber of Deputies; 96 Senate seats; as well as political leaders in 6 States and the Federal district of Mexico City. Because of the sweeping electoral reforms pushed by President Salinas, the United Nations is now on the ground, providing training and technical assistance for domestic election observers. Additionally, international visitors have been invited, and adjustments have been adopted in recent months to accommodate the concerns of the various political parties.

Mr. Speaker, I believe the resolution introduced by my friend, BOB TORRICELLI, reflects both our hopes and concerns about the upcoming national elections in Mexico. As ranking member of the Western Hemisphere Subcommittee, I rise in support of the resolution, as reported by the Foreign Affairs Committee, and urge my colleagues to join us in this show of support and encouragement to the Mexicans and their Government.

In closing, Mr. Speaker, I wholeheartedly concur with one of the conclusions of the July 12 agreement, that "reaffirmation to the state of law and peace [does] not end with the 21 August election process. * * * A climate of peace and harmony, as well as adherence to the state of law, will contribute to encouraging the economic environment, promoting greater investments

as well as more employment opportunities—[and] a better quality of life, especially for those who are less privileged.'' Mr. Speaker, our passage of this resolution today is a reflection of our commitment to seek closer ties with our neighbor south of the border, and major trading partner, and our hope that, indeed, a climate of peace and harmony will be the outcome of this electoral process.

Mr. BONIOR. Mr. Speaker, passage of this resolution today will put Congress in firm support of the important electoral reforms that have taken place in Mexico in recent months.

With the passage of NAFTA, the United States has a new relationship with Mexico. Our economies are now linked as never before. Our futures are intertwined. And as such, I believe we have both the opportunity and the responsibility to do what we can to encourage and support free and fair elections in Mexico on August 21.

Today, there are many people in Mexico, from across the political spectrum, both inside and outside the government, who are working hard to make Mexico a more democratic nation.

And let's be frank. They have their work cut out for them. The people of Mexico today are struggling to overcome decades of rigged elections and entrenched political corruption.

It wasn't that long ago—in 1988, during the last presidential election—when the computers broke down in the middle of counting the votes. When they were restored, the vote had dramatically changed and the ruling party candidate was once again declared the winner.

Also fresh in the minds of many in Mexico are last December's elections in the State of Yucatan, where voter turnout rates neared or exceeded 100 percent in over 20 precincts. One local official commented that Yucatan seemed to have an excess of democracy.

The case was similar last March in the State of Morelos, where widespread voting fraud was witnessed and widely reported.

On the eve of the August 21 election, Mexico is struggling with a rebel uprising in the State of Chiapas. It's still reeling from the assassination of Donaldo Colosio, the ruling party's original presidential candidate. It's still witnessing massive demonstrations throughout the country calling for greater democracy and a more open electoral process.

Perhaps most troubling is the lack of trust the Mexican people themselves have in the electoral process. According to recent polling, less than 40 percent of the Mexican electorate expects the balloting to be clean.

So, those are some of the hurdles Mexico has to clear. But while there are hurdles, there are also great opportunities.

In the wake of last fall's NAFTA debate, Mexican leaders from across the political spectrum have recognized the need for political reform and have begun to work together.

Last January, Mexico's major political parties joined together in an historic agreement—known as the Agreement for Peace, Democracy, and Justice—to reform the electoral system. Among other things, the agreement called for the establishment of an independent election monitoring authority, strict campaign spending limits, and equal access by all parties to the mass media.

Since then, the Mexican Congress has met several times to make the statutory changes needed to turn that agreement into law. In an unprecedented development, in May, Mexico witnessed its first nationally televised presidential campaign debate. The debate was seen by almost half the population.

And this spring, for the first time in Mexico's history, the Government of Mexico together with the major political parties invited the United Nations to provide technical assistance to domestic Mexican election observers.

These are good signs that Mexico is moving in the right direction. I believe we should be applauding this progress and encouraging Mexico to continue down the road to democratic reform.

During the 2 weeks remaining until the election, Mexican officials can make that happen by proactively ensuring the impartiality of electoral authorities at all levels, providing equal television time to the two major opposition parties, and by vigorously enforcing electoral laws.

And finally, though it is now too late for the sort of United Nations and Organization of American States observer missions that have contributed to the credibility of elections elsewhere in our hemisphere, the Mexican Government should also relax restrictions on foreign observers and allow them direct access to polling places and to the vote count.

That's exactly what this resolution is about today. It offers our support to Mexico for the courageous steps they have already taken. And it expresses our best hopes that the genuine legal reforms that have taken place, and the spirit of cooperation that seems to have taken root, will, indeed, result in free and fair elections on August 21.

I hope my colleagues will join me in sending that message of hope, support, and encouragement to the people of Mexico.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRICELLI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from New Jersey [Mr. TORRICELLI] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 250, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE AMERICAN ACADEMY IN ROME ON ITS 100TH ANNIVERSARY

Mr. TORRICELLI. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution, (S.J. Res. 204) recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

The Clerk read as follows:

S.J. RES. 204

Whereas the American Academy in Rome was established 100 years ago in Italy as the foremost American overseas center for independent study and advanced research on the fine arts and the humanities;

Whereas the American Academy in Rome has been a constant, active force for the enrichment of American culture, as year after year its Fellows and Residents have returned to the United States, enriched by the cultural heritage of Italy, and have conveyed their enrichment to their compatriots;

Whereas the American Academy in Rome has maintained and expanded upon the basis of its founding, and currently serves more than 3,000 people annually with its fellowship and residency programs, its unique research library, a series of summer programs, and projects in archaeology and publishing, and serves thousands of other people who participate in Academy concerts, lectures, symposia, exhibitions, and other special events in Rome and the United States;

Whereas the central purpose of the American Academy in Rome is its fellowship program, the Academy being committed to identifying and nurturing the most promising American talent available through the annual Rome Prize Fellowships competition and related programs;

Whereas since its founding, the American Academy in Rome has awarded more than 2,500 fellowships and residencies in the fields of architecture, design arts, landscape architecture, conservation and historic preservation, literature, musical composition, visual arts, classical studies archaeology, art history, modern Italian studies, and post-classical humanistic studies;

Whereas the American Academy in Rome provides its gifted Fellows and Residents with the opportunity to develop and refine their professional, artistic, and scholarly potential through working on their own projects, interaction with their colleagues, and association with members of the Italian and European scholarly and artistic communities;

Whereas Fellows and Residents of the American Academy in Rome have included 2 Nobel Prize winners, 4 United States Poets Laureate, 7 National Medal of Arts winners, 9 MacArthur Fellows, and 30 Pulitzer Prize winners, and have won numerous other honors and awards;

Whereas the American Academy in Rome's library contains 111,000 volumes and ranks among the world's richest in its holdings in the fields of Roman topography and archaeology, and is further distinguished for its collection of rare books, periodicals, and works on Italian art and architecture;

Whereas the American Academy in Rome has always represented and fostered excellence in scholarship, having a distinguished scholarly faculty, having many of its Fellows and Residents go on to occupy chairs and posts of high responsibility in the final colleges and universities in the United States, having publications which rival in quality the best that Europe produces, and having alumni who are the recipients of many academic degrees, honors, and awards;

Whereas the American Academy in Rome can be proud of its reputation in Roman archaeology, having been committed to this lofty and exacting pursuit from its very inception, having revolutionized the history of Roman republican architecture and town

planning by it's excavations at Cosa in Etruria, and by continuing to further the development of the field through its perennial engagement in the training of excavators and the work of excavation;

Whereas the American Academy in Rome relies entirely on the income from its endowment, and the financial support of philanthropic individuals, foundations, corporations, colleges and universities across the United States, and the National Endowments for the Arts and for the Humanities; and

Whereas the American Academy in Rome is committed to ensuring the availability of the Rome Prize Fellowships to future generations of Americans as the United States approaches the 21st century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the American Academy in Rome, an American overseas center for independent study and advanced research based in Rome, Italy, which has played a pivotal role in the transference of culture between the United States and Italy, fostering international cultural relations between the two countries, be recognized for its contributions to America's cultural and intellectual life on the occasion of the 100th anniversary of its founding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was adopted by the Senate by voice vote on July 15 and agreed to by the Committee on Foreign Affairs last Wednesday. Senate Joint Resolution 204 is straightforward. It commemorates the 100th anniversary of the founding of the American Academy in Rome. The academy currently serve thousands of people in a variety of programs, ranging from fellowships and residency programs to concerts, lectures, symposia, and other exhibits. The academy is also the site of one of the most extensive collections of literature on Roman topography and archaeology, as well as rare books, periodicals, and works on Italian art and architecture. The American Academy is an enduring symbol of the long and productive relationship between our Government and the Government of Italy, as well as between the American and the Italian people.

The academy has also played an important role in promoting international cultural relations for the last century, and this resolution rightfully recognizes the importance of its contributions.

Mr. Speaker, I urge members to support the Senate joint resolution.

Mr. Speaker I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill recognizes the many achievements of the American Academy in Rome which, for 100 years, has provided a valuable center for scholarship in the fine arts and humanities. I would like to give special thanks to our colleague, the gentleman from New York [Mr. ENGEL], who has taken the initiative in seeing that this resolution is enacted. Although we are working on the version adopted by the Senate, Mr. ENGEL has been circulating a similar measure in the House which I had been pleased to cosponsor.

The American Academy in Rome has acquired a distinguished reputation over the century of its existence. It has been a center for learning which has furthered our appreciation of our Western cultural heritage. Since its founding, the Academy has provided its facilities to over 2,500 residents and fellows who have in turn shared their learning with students throughout the world.

The Academy has included among its fellows and residents two Nobel Prize winners, four U.S. Poets Laureate, seven National Medal of Arts winners, nine MacArthur Fellows, and 30 Pulitzer Prize winners. These accomplishments attest to the Academy's role in nurturing the arts and humanities which enrich us all. It also has served as an American link with the rich culture of Italy.

I hope all that House Members will now join in adopting this resolution which provides for Congress' befitting recognition of the achievements of the American Academy in Rome.

Mr. ENGEL. Mr. Speaker, I rise to offer my strong support to the resolution recognizing the American Academy in Rome on the occasion of its 100th anniversary.

One hundred years ago, the American Academy in Rome was established to encourage the transference of culture between the United States and Italy. Founded in 1894, the academy was chartered as a private institution by an act of Congress in 1905 in recognition of its contribution to America's intellectual and cultural life.

It rapidly took its place as the foremost American overseas center for independent study and advanced research on the fine arts and the humanities. The academy has consistently proven itself as an active focal point for the enrichment of the American cultural experience. Each year, more of its fellows and residents, who have included two Nobel Prize winners and four United States poets Laureate, return to the United States with a deep understanding and feeling for Italian cultural heritage to share with family, friends, and colleagues.

Since its founding, the American Academy in Rome has awarded more than 2,500 fellowships and residences in various fields of fine arts. As the cradle of the Renaissance, Italy offers these students of Western cultural history a location unmatched for its importance in areas ranging from musical competition to architecture to visual arts.

Today, the American Academy in Rome serves more than 3,000 people annually. Its unique research library, summer programs, and numerous projects play a pivotal role in the exchange of culture the United States and Italy, fostering the sharing of traditions by our two countries.

Mr. Speaker, I believe that this effort to recognize the 100th anniversary of the founding of the American Academy in Rome represents a fitting tribute to the superior work of this fine institution and a reiteration of the friendship between Italy and the United States. I urge my colleagues to support passage of this resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRICELLI. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from New Jersey [Mr. TORRICELLI] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 204.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TORRICELLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 250 and Senate Joint Resolution 204, the resolutions just agreed to and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING PROGRAMS FOR PREVENTION AND TREATMENT OF TRAUMATIC BRAIN INJURY

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 725) to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes, as amended.

The Clerk read as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 703 of Public Law 103-183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317G. The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects

to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 2. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 3. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve access to health and other services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall advise and make recommendations to the State on ways to improve services coordination regarding traumatic brain injury. Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 4. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(1) In collaboration with appropriate State and local health-related agencies—

(A) determine the incidence and prevalence of traumatic brain injury; and

(B) develop a uniform reporting system under which States report incidences of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(2) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(A) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(3) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury"

means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1995 through 1997.

SEC. 5. STATE STANDARDS.

Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)) is amended—

(1) in paragraph (1), by inserting at the end the following: "except that this paragraph does not apply to a standard of identity of—

"(A) a State or political subdivision of a State for maple syrup which is of the type required by sections 401 and 403(g), or

"(B) of a State for fluid milk which is of the type required by sections 401 and 403(g) and which specifies a higher minimum level of milk components than is provided for in the corresponding standard of identity promulgated under section 401,", and

(2) by adding at the end the following: "For purposes of paragraph (1)(B), the term 'fluid milk' means liquid milk in final packaged form for beverage use and does not include dry milk, manufactured milk products, or tanker bulk milk.".

SEC. 6. SELENIUM.

The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.

The SPEAKER pro tempore (Mrs. COLLINS of Illinois). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 725, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

DESCRIPTION OF BILL

The purpose of S. 725 is to establish programs within the Public Health Service for the prevention and treatment of traumatic brain injury. Traumatic brain injury [TBI] has become a leading cause of death and disability of young people. It is estimated that 90,000 Americans suffer severe brain injury each year which result in a debilitating loss of function. TBI is most often the result of motor vehicle accidents, sporting accidents and falls. TBI is a distinct disorder and does not include brain dysfunction caused by congenital or degenerative disorders.

The provisions of S. 725 are virtually identical to sections 701–704 of H.R. 3869 which passed the House May 23. Like H.R. 3869, S. 725 establishes Traumatic Brain Injury programs within the Centers for Disease Control and Prevention, the Health Resources and Services Administration and the National Institutes of Health.

I want to note the leadership and tireless efforts of the gentleman from Pennsylvania [Mr. GREENWOOD] who not only persuaded the committee to include these provisions in H.R. 3869 but worked closely with our Senate colleagues to secure passage of a freestanding bill. House passage of S. 725 will clear the legislation for the President's signature.

Madam Speaker, I also want to note that this Senate bill also contains an amendment which would exempt maple syrup subject to State standards of identity, from Federal standards of identity prescribed by the Food and Drug Administration. This is a minor, noncontroversial amendment which makes permanent the temporary exemption Congress has previously afforded this product. We support the amendment and know of no objection.

The House amendment also allows the States to maintain their own standards of identity for fluid milk even if those standards are different from the Federal standard of identity. It also allows the Food and Drug Administration's 1987 food additive regulation relating to selenium to remain in place until December 31, 1995, while a legal issue concerning the regulation is resolved. The 1987 regulation is important to the health of certain animals.

Madam Speaker, passage of S. 725 will allow the new Traumatic Brain Injury initiatives to be considered by the appropriations committee for funding in fiscal year 1995.

I urge support for the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 725.

The provisions of S. 725 that deal with traumatic brain injury are identical to those included in H.R. 3869, the Minority Health Improvement Act which passed the House on the suspension calendar by voice vote.

These provisions were negotiated by the gentleman from Pennsylvania during the energy and commerce consideration of H.R. 3869. This language was then adopted by the other body on the Senate floor. I wish to commend the gentleman for his efforts on this legislation.

The traumatic brain injury provisions: First, authorize the Centers for Disease Control and Prevention [CDC] to carry out projects to prevent traumatic brain injury; second, authorize the National Institutes of Health [NIH] to conduct research into the prevention and treatment of traumatic brain injury; and third, authorize grants to States and public and nonprofit private entities for the establishment of projects to improve the availability of health services regarding traumatic brain injury. The grant program is authorized at $5 million for fiscal year 1995 and at such sums in fiscal year 1996 and fiscal year 1997.

S. 725 also includes 2 provisions providing for an exception to the Federal standards of identity for maple syrup sold in the State of Vermont and for milk sold in the State of California. These State standards are higher than the Federal standards.

Under the Nutrition Labeling Act of 1990 State laws regarding a host of requirements on food manufacturers, were preempted. A petition process was established for States for seek exemptions from the Federal standards from the Food and Drug Administration. While both States have filed petitions with FDA, the agency has yet to act. As of now, FDA for a variety of reasons has not stopped the two States from enforcing their laws and their laws have not yet been affected by the preemption requirements. These provisions would allow these two States to continue to require that milk and maple syrup meet their respective State standards.

In addition, the bill includes a provision which waives, for 1 year, the required environmental impact statement for an additive to animal feed known as selenium. Selenium is considered to be an essential nutrient for some animals, particularly pork and dairy cattle.

Madam Speaker, I support S. 725 and urge my colleagues to join me.

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Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this week the Congress will begin a momentous and controversial debate about health care. What will not be of controversy is the excellent progress that has been made by our emergency medical service system.

We now have enhanced abilities to rapidly respond to the scene of vehicle accidents and other mishaps with highly trained personnel to airlift victims to state-of-the-art trauma centers and provide them with miraculous life-saving procedures during the postinjury golden hour.

Ironically, we now have thousands of our sons and daughters, and fathers and mothers who have survived serious brain injury and who must be cared for humanely.

We must continue to develop in-home residential and long-term care facilities where those recovering from head injury can receive physical therapy, occupational therapy and cognitive rehabilitation so that, whenever possible, they may resume their places at home with their loved ones.

I rise in strong support of S. 725, the Traumatic Brain Injury Act. I am pleased to report that this legislation is the result of a strong bipartisan effort in both Chambers. I want to especially thank Chairmen KENNEDY and WAXMAN, as well as Senator HATCH and Representatives SLATTERY and PALLONE for their willingness to work with me to secure enactment of this important bill. The beneficiaries of this cooperation are the millions of individuals who sustain a severe brain injury each year.

Traumatic brain injury has become the No. 1 killer and cause of disability of young people in this country. Millions of individuals, in every age bracket, suffer serious head injuries resulting from automobile and bicycle accidents, assaults, abuse, falls or other tragic circumstances. According to the National Head Injury Foundation [NHIF], a survivor of a severe brain injury typically faces 5–10 years of intensive medical and related services at an annual cost of approximately $86,000. Estimated lifetime costs to care for a traumatic brain injury survivor can exceed $4,000,000.

Through enactment of this legislation, the Congress has recognized the need to coordinate traumatic brain injury services at the Federal and State level. This bipartisan compromise will: First, expand efforts to identify methods to prevent traumatic brain injury; second, expand biomedical research efforts to prevent or minimize the extent, severity and progression of dysfunction as a result of traumatic brain injury; and third, develop initiatives to improve the quality of care of individuals who have suffered traumatic brain injuries. The Secretary of Health and Human Services, in collaboration with appropriate State and local health-related agencies, is directed to conduct a study to determine the incidence and prevalence of traumatic brain injury and establish a unified reporting system under which hospitals, State and local health-related agencies would report the occurrence of traumatic brain injury.

That study will: First, assess the effectiveness of therapeutic interventions; second, identify preventive efforts at the State and local level; third, identify treatment and long-term rehabilitation service needs of individuals with traumatic brain injuries; and fourth, recommend practice guidelines for the treatment of traumatic brain injury.

Enactment of this legislation is an important step toward preventing, understanding, and effectively beating these devastating brain injuries. I urge my colleagues to support this important legislation.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

Before yielding back our time, I want to commend the gentleman from Pennsylvania [Mr. GREENWOOD] for this important legislation.

The House has already passed this provision as part of another bill. The gentleman from Pennsylvania [Mr. GREENWOOD] worked with the Senate to get a freestanding bill on this very subject. It is an important one. I think he is due a great deal of credit for his leadership on this.

I am pleased to join with him in supporting it.

I want to thank the gentleman from Virginia [Mr. BLILEY], the other members of the subcommittee, and the leadership of our full committee for moving this bill to the time now where it can be passed by the House.

Mr. GILMAN. Mr. Speaker, I rise today to support S. 725, Traumatic Brain Injury Act. I would like to commend the gentleman from Pennsylvania [Mr. GREENWOOD] and the chairman of the House Subcommittee on Health and the Environment, the gentleman from California [Mr. WAXMAN] for all of their efforts on behalf of those who have suffered with a traumatic brain injury.

S. 725 authorizes grants to States, public agencies, and private nonprofit organizations to study the occurrence, prevention and treatment of traumatic grain injuries. This important measure also defines traumatic brain injury as an acquired injury to the brain not including brain dysfunction caused by congenital or degenerative disorders.

Mr. Speaker, each year, over 90,000 people become disabled as a result of brain injury. Many sufferers and their families want these kinds of injuries to be distinguished from other disabilities because of the serious consequences of, and the lack of education programs and treatment for, the injury.

Accordingly, I urge all of my colleagues to vote in favor of this important measure.

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I stand up here today in support of the Traumatic Brain Injury Act. As a sponsor of this legislation in the House of Representatives, I have been working to bring more awareness and understanding to the courageous individuals who live every day with head injuries. Each year, 2 million persons suffer serious head injuries and nearly 10,000 die. These are individuals who want to be productive members of society—and with a little help, they can do just that.

Passage of the TBI Act will not only promote research into new therapies and modalities of care for TBI patients, but it will also provide needed dollars to actually rehabilitate and treat head injured patients. The cost of medical treatment, rehabilitative efforts, and disability payments for head injuries totals as high as $25 billion a year. This cost imposes an enormous financial burden on society. But, more draining than the financial cost, is the emotional burden that serious head injuries cause survivors, friends, and family. With this legislation we will begin to make the inroads necessary to more compassionately and effectively threat TBI patients.

The bill also provides Federal dollars for innovative education programs to help prevent TBI. Serious head injuries are the leading cause of death and disability in young Americans age 15 to 24. The real tragedy of these injuries is that many are preventable. With better public education campaigns we can give people the knowledge to make more informed and better safety decisions. We owe it to our children to arm them with the knowledge that can help them lead safer lives.

But perhaps most important of all, this legislation lets all survivors of traumatic brain injury know that they are not alone in their struggle to lead normal lives and there are efforts to help them achieve their goals.

In this period of partisan wrangling over health care reform, this bill is an example of how both parties can work together to pass legislation that helps real people.

I want to thank Chairman DINGELL for his help in moving this piece of legislation, as well as all the head injury survivors who made the trip down to Washington earlier this year and have kept up the pressure to pass the TBI Act. This legislation is a great step forward and I hope we can have it on the President's desk before the end of the year.

Mr. MOORHEAD. Mr. Speaker, I rise in support of S. 725.

The provisions of S. 725 that deal with traumatic brain injury are identical to those included in H.R. 3869, the Minority Health Improvement Act which passed the House on the suspension calendar by voice vote.

These provisions were neogitiated by the gentleman from Pennsylvania during the Energy and Commerce consideration of H.R. 3869. This language was then adopted by the other body on the Senate floor. I wish to commend the gentleman for his efforts on this legislation.

S. 725 also includes two provisions providing for an exception to the Federal standards of identify for maple syrup sold in the State of Vermont and for milk sold in the State of California. These State standards are higher than the Federal standards.

Under the Nutrition Labeling Act of 1990, State laws concerning a variety of requirements on food manufacturers, were preempted. A petition process was established for States to seek exemptions from the Federal standards from the Food and Drug Administration. While both States have filed petitions with FDA, the Agency has yet to act. As of now, FDA for a variety of reasons has not stopped the 2 States from enforcing their laws and their laws have not yet been affected by the preemption requirements.

The practical effect of these provisions is that California can continue to require that all milk sold in the State must meet the California standard of identify for milk in order to be marketed as whole milk; and in Vermont all maple syrup sold in the State must continue to meet the Vermont maple syrup standard of identify in order to be marketed as maple syrup.

I am especially pleased that the legislation includes the exemption for California milk. The

California milk standards which have been in place since 1961 require more solids-not-fat than the Federal standard. This standard results in milk that tastes better and adds a significant percentage of calcium, protein, and other nutrients. Medical research has demonstrated the important role of calcium in the diet, especially of children, teenagers, and women.

I would also like to point out that this exemption will have no adverse impact on interstate commerce. Fluid milk is a local product, not a product that is packaged in one place and marketed across the country. Only 2 percent of the milk packaged in California moves outside the State. And less than 1 percent of the milk sold in California comes from out of State, and it meets the State's standard.

Mr. Speaker, for all these reasons I support S. 725 and urge my colleagues to join me.

Mr. WAXMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. COLLINS of Illinois). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the Senate bill, S. 725, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

"MADE IN AMERICA" TOLL-FREE NUMBER

Mrs. COLLINS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3342) to establish a toll-free number in the Department of Commerce to assist consumers in determining if products are American-made, as amended.

The Clerk read as follows:

H.R. 3342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PILOT PROGRAM.

(a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in rulemaking under section 2, that—

(1) interest among manufacturers is sufficient to warrant the establishment of a 3-year toll free number pilot program, and

(2) manufacturers will provide fees under section 2(c) so that the program will operate without cost to the Federal Government,

the Secretary shall establish such program solely to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2, which shall be funded entirely from fees collected under section 2(c).

(c) USE.—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall propose a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number;

(3) for the establishment under section 1(a) of the toll-free number pilot program; and

(4) to solicit views from the private sector concerning the level of interest of manufacturers in registering products under the terms and conditions of paragraph (1).

(b) PROMULGATION.—If the Secretary determines based on the comments on the regulation proposed under subsection (a) that the toll-free number pilot program and the registration of products is warranted, the Secretary shall promulgate such regulations

(c) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term "made in America or the equivalent thereof" means—

(A) an unmanufactured end product mined or produced in the United States; or

(B) an end product manufactured in the United States if the value of its components mined, produced, or manufactured in the United States equals 90 percent or more of the total value of all of its components.

(2) The term "product" means a product with a retail value of at least $250.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, and rules of the Federal Trade Commission under such Act regarding the use of the term "made in America or the equivalent thereof" in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

The SPEAKER pro tempore (Ms. SCHENK). Pursuant to the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GREENWOOD] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the American public is confused, and understandably so, about what the claim that a product is "Made in America" actually means. Their confusion is not only leading them to make consumer choices they may otherwise not make, it is costing American workers badly needed manufacturing jobs.

We have all heard reports of products being imported and then repackaged in boxes that say "Made in America", with virtually no work being done here. Manufacturers have used emblems and slogans to give the impression that products are made in our country, by American workers, when, in fact, nearly as many parts are imported from abroad as produced here.

Foreign car manufacturers operating in the United States would have the American public believe that the cars they make are American products; yet, the U.S. content is not sufficiently high for a single one of their cars to qualify as a domestically produced U.S. automobile.

The Federal Trade Commission says that a 100 percent of a product should be made in America, if the product is to be labeled "Made in America." The problem is that the Commission does not rigorously enforce this standard. In effect, manufacturers face little restriction is using "Made in America" labels and slogans, even when a large part of the product is foreign, not U.S. content.

The American consumer clearly has a different view than many manufacturers about what "Made in America"

means. According to surveys done by the Federal Trade Commission, consumers believe that products which are labeled "Made in America" should be mostly, if not entirely, made from U.S. materials and components. In addition to materials and components, I would personally like to also believe that such products were manufactured by American workers.

The bill we are considering today will give U.S. consumers the ability to actually find out if, what should be true about claims that products are "Made in America," is, in fact, TRUE.

The Congressional Reference Division of the Library of Congress says that it receives, and I quote,

> Many request for lists of American-made products or for assistance in determining whether specific products are American made. We know of no Government agency which collects and publishes this information.

The bill we are considering would provide consumers with information about American-made products that the Library of Congress says does not now exist. Under the provisions of this bill, consumers will be able to get information about products that are made in America through the operation of a 1-800 telephone service that will be entirely funded by fees collected from manufacturers.

No Federal funds would be needed to establish and operate this program; it would be entirely funded by fees collected from manufactures who register their products. The bill also provides that the operation of this program be contracted out so that federal employees will not be needed to administer this program.

All products having a retail value of at least $250 and a U.S. content of 90 percent or more would be eligible to be registered under this program.

Madam Speaker, this legislation has broad bipartisan support. The compromise we have before us today has been agreed to by both the majority and minority members of our committee. I want to thank Mr. DINGELL, chairman of the Committee on Energy and Commerce for his help; as well, I would like to thank my colleague on the committee, Mr. SHERROD BROWN, for his assistance in getting the bill through the committee.

I also want to thank the ranking minority member of the committee, Mr. MOORHEAD, and in particular, the ranking minority member of the Subcommittee on Commerce, Consumer Protection and Competitiveness, Mr. STEARNS and Mr. GREENWOOD for their significant help and support. Without the cooperation and willingness of the bill's sponsor, Mr. TRAFICANT, to make needed changes, the broad consensus of support we now have for this legislation would not have been possible.

Madam Speaker, in conclusion I believe there is a real need for the program this legislation would establish. Consumers want and should have better information about products that are labeled "Made in America." At the same time, the bill would require no direct Federal spending. I urge my colleagues to support this legislation.

□ 1450

Madam Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3342. This legislation, which was introduced by the gentleman from Ohio [Mr. TRAFICANT], would authorize the Commerce Department, working with U.S. manufacturers, to establish a toll-free telephone number to provide consumers with information on American-made products.

In an effort to limit the cost to U.S. taxpayers and unnecessary Government involvement, the Subcommittee on Commerce, Consumer Protection, and Competitiveness unanimously approved an amendment in the nature of a substitute that made several important changes to this legislation.

This bill, as amended, provides a joint private-Federal partnership to promote products made in the United States. It does so without cost to American taxpayers or creation of additional Government bureaucracy. The establishment of this toll-free number will be a useful tool for consumers who truly want to buy American-made products, and will assist our domestic manufacturing industry in marketing their goods.

Under the legislation reported by the subcommittee and the full Energy and Commerce Committee, the Secretary of Commerce would determine whether there is sufficient interest in establishing a 1-800 number for consumers to call to find where they may purchase American-made products. If sufficient interest is found, the manufacturers who wish to have their products registered with the toll-free number would bear the cost of running the program.

Madam Speaker, I commend Mr. TRAFICANT for his tireless efforts to promote American-made products. Given the chance, I believe most Americans prefer to purchase American-made goods.

I also would like to commend Mrs. COLLINS, Mr. STEARNS and Mr. MOORHEAD for their leadership in securing the unanimous support of the Committee on Energy and Commerce for this bill.

I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Madam Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT], the author of this legislation.

Mr. TRAFICANT. Madam Speaker, I thank the gentlewoman from Illinois [Mrs. COLLINS] for yielding this time to me.

I want to start out by commending the chairwoman, the gentlewoman from Illinois [Mrs. COLLINS]. Without her help, it would not have happened. Without her help, the amendment on fraudulent labeling in the crime bill, which is now in conference, would not have happened. I want to thank her very much.

I want to thank the gentleman from Florida [Mr. STEARNS], the gentleman from Pennsylvania [Mr. GREENWOOD], for the tremendous job they have done in helping to fashion some of the compromises necessary, from the original intent of the bill.

The gentleman from California [Mr. MOORHEAD] and the gentleman from Michigan [Mr. DINGELL]—I think everybody knows nothing comes out of that committee without their close review.

I think that is good.

I thank the gentleman from Ohio [Mr. BROWN], for taking an interest in this legislation as well.

Very simply, this legislation says, "Look, we can't tell people what to buy, but I think the American people should be able to find out what is made in our country."

Now, I believe the Department of Commerce stands for the promotion of commerce, not for a lot of other technicalities that we are embroiled in. I think the American people will buy, as the gentleman from Pennsylvania [Mr. GREENWOOD] said, will buy American. They do not know at times what is made in America.

So as you can see, I have tried to address those issues, and the amendment in the crime bill, as I understand it, is still in there; it says, "Look, if it is made by some Chinese laborer in a prison camp, don't put a 'made in America' label on it." But if an American citizen is going to buy a refrigerator, they should be able to find out what is made in America, what models.

Now, we cannot mandate that that happens, but this legislation would create a mechanism whereby a consumer in Peoria, IL, could call and find out what models of refrigerators are still made in this country.

And with the tailoring and help of the committee, the committee has said, "Look, I think maybe there is another way to go about it and do it that is even more effective." There is now a cost factor that is not on the Federal Government list but if those manufacturers want to have their products listed and if they are made in America, they should be proud to list their products. I think there is a growing awareness in America where people want to buy American products and they are willing to buy American-made products.

But they have been deceived. We have not enforced that. More so than

that, I think we cannot force people what to buy, but we can make sure and insure they know what is available for them to purchase.

Madam Speaker, it is a very simple piece of legislation. I think it has an awful lot of common sense in it. I think we can have the same type of common sense that has taken place in the House occur in the other body, if that is completely possible, I don't know if that is completely possible. I do not know.

Then, again, I want to thank the fine gentlewoman from Illinois, Mrs. COLLINS, for her efforts, Mr. GREENWOOD, Mr. STEARNS, and everybody associated with this legislation. I think it is a good bill. I need your help now to try to get it on some vehicle if the other body does not deal with it. I appreciate the fact that it has been passed and has given us this opportunity.

I think it is good for the country and I want to thank you again.

Madam Speaker, as the author of H.R. 3342, on behalf of the bill's 234 cosponsors, I rise in strong support of the bill.

I want to thank and commend the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, JOHN DINGELL, for acting so expeditiously on this legislation.

I also want to thank the gentleman from California, the ranking minority member of the committee, Mr. MOORHEAD, for his cooperation and support.

I especially want to thank the hard working and distinguished gentlelady from Illinois, the chairperson of the Subcommittee on Commerce, Consumer Protection and Competitiveness, CARDISS COLLINS.

I want to thank Chair COLLINS and her excellent staff, and the gentleman from Florida, the ranking minority member of the subcommittee, Mr. STEARNS, for working closely with me and my staff on improving the bill and moving it forward.

I support the changes in the bill that Mrs. COLLINS made in the form of a substitute amendment approved during subcommittee markup. In fact, I recommended most of these changes in my testimony before her subcommittee earlier this year.

I think it is important to note that the Department of Commerce did not support my original bill. Shortly after introducing the bill I wrote to the Commerce Department to solicit their comments and suggestions to improve the bill.

The Commerce Department never even gave me the courtesy of the response, despite the fact that the bill had 234 cosponsors.

Nevertheless, after listening to the Commerce Department's concerns, I worked with the subcommittee and we addressed all of their concerns. The bill before us today is an excellent piece of legislation.

As originally introduced, H.R. 3342 directed the Commerce Department to establish a toll-free number consumers could call to get information on products made in this country.

The bill also directs the Commerce Department to publicize the number and to develop a registration system for American companies to have their products included in the program.

The bill would subject any companies providing false information to Federal penalties.

In response to recommendations I made during my testimony before the subcommittee and in response to concerns raised by the Commerce Department, the subcommittee made several changes to the bill.

The major change is to have the Commerce Department contract the program out and have the program be self-financed through the imposition of a modest annual registration fee.

Another change in the bill directs the Commerce Department to canvass American companies to determine the level of interest in the program and to determine what the annual registration fee would be.

I want to emphasize that the bill before us today will not require the Commerce Department to hire more people or create a new unit.

The only expense to the department would be to prepare language for the Federal Register and to prepare bid documents.

The program will be contracted out and run by a private company.

All the program would do is provide American consumers with information on what products are made in America.

When making a big purchase, most Americans want to buy American. This program will help them make an informed—and hopefully patriotic—decision.

Once again, I thank the gentlelady from Illinois and the gentleman from Florida for their cooperation and support.

I urge my colleagues to support the bill.

Mr. GREENWOOD. Madam Speaker, we have no further requests for time, and I yield back the balance of my time.

Mrs. COLLINS of Illinois. Madam Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Ms. SCHENK). The question is on the motion offered by the gentlewoman from Illinois [Mrs. COLLINS] that the House suspend the rules and pass the bill, H.R. 3342, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS OF 1994

Mr. SHARP. Madam Speaker, I move to suspend the rules and pass the bill, (H.R. 4752) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4752

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 "Energy Policy and Conservation Act Amendments of 1994".

SEC. 2. TABLE OF CONTENTS AND STATEMENT OF PURPOSES.

(a)(1) In the table of contents of the Energy Policy and Conservation Act, strike the items relating to sections 102, 153, 155, 158, and 164, and strike the items relating to parts A and C of title II.

(2) The item in the table of contents of the Energy Policy and Conservation Act relating to section 159 is amended to read as follows:

"Sec. 159. Development, operations, and maintenance of the Reserve.".

(3) The item in the table of contents of the Energy Policy and Conservation Act relating to section 165 is amended to read as follows:

"Sec. 165. Reports.".

(b) Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (1) by striking "standby authority to the President, subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and" and inserting in lieu thereof "authority to the President"; and

(2) by striking paragraphs (3) and (6) and redesignating paragraphs (4), (5), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

SEC. 3. TITLE I AMENDMENTS.

Title I of the Energy Policy and Conservation Act is amended—

(1) by striking section 102 (42 U.S.C. 6211);

(2) in section 151 (42 U.S.C. 6231)—

(A) in subsection (a) by striking "limited" and by striking "short-term"; and

(B) by amending subsection (b) to read as follows:

"(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1,000,000,000 barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products or to carry out obligations of the United States under the international energy program.";

(3) in section 152 (42 U.S.C. 6232)—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively; and

(B) in paragraph (10) (as so redesignated by subparagraph (A) of this paragraph) by striking ", the Early Storage Reserve";

(4) by striking section 153 (42 U.S.C 6233);

(5) in section 154 (42 U.S.C. 6234)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) A Strategic Petroleum Reserve for the storage of up to 1,000,000,000 barrels of petroleum products shall be created pursuant to this part.";

(B) in subsection (a)(2)(D), by striking "160(h)" and inserting in lieu thereof "160(e)";

(C) by amending subsection (b) to read as follows:

"(b) The Secretary, acting through the Strategic Petroleum Reserve Office and in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.";

(D) by amending subsection (c) to read as follows:

"(c) The Secretary, not later than 6 months after the date of enactment of this subsection, and every two years thereafter, shall prepare and transmit to the Congress a Strategic Petroleum Reserve Operating and Readiness Plan. Such plan shall describe the long-range operational, maintenance, refurbishment, product replacement, testing, withdrawal and distribution, and readiness requirements to enable the implementation of the policy declared in section 151."; and

(E) by striking subsections (d) and (e).

(6) by striking section 155 (42 U.S.C. 6235);

(7) in section 156(b) (42 U.S.C. 6236(b)) by striking "To implement the Early Storage Reserve Plan or the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a), the" and inserting in lieu thereof "The";

(8) by amending section 157 (42 U.S.C 6237)—

(A) in subsection (a), by striking "The Strategic Petroleum Reserve Plan shall provide for the establishment and maintenance of" and inserting in lieu thereof "The Secretary shall establish and maintain as part of the Strategic Petroleum Reserve"; and

(B) in subsection (b), by striking "To implement the Strategic Petroleum Reserve Plan, the Secretary shall accumulate and maintain" and inserting in lieu thereof "The Secretary shall establish and maintain as part of the Strategic Petroleum Reserve";

(9) by striking section 158 (42 U.S.C 6238);

(10) in section 159 (42 U.S.C. 6239)—

(A) by amending the section head to read as follows:

"DEVELOPMENT, OPERATIONS, AND MAINTENANCE OF THE RESERVE";

(B) by striking subsections (a), (b), (c), (d), (e), (h), and (i), and redesignating subsections (f), (g), (j), (k), and (l) as subsections (a), (b), (c), (d), and (e), respectively;

(C) by amending subsection (a) (as so redesignated by subparagraph (B) of this paragraph) to read as follows:

"(a) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may—

"(1) issue rules, regulations, or orders;

"(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

"(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

"(4) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary and appropriate;

"(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve, including the Regional Petroleum Reserve;

"(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

"(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

"(8) require an importer of petroleum products or refiner to acquire and to store and maintain, in readily available inventories, petroleum products in the Industrial Petroleum Reserve, under section 156;

"(9) require the storage of petroleum products in the Industrial Petroleum Reserve, under section 156, on such reasonable terms as the Secretary may specify, in storage facilities owned and controlled by the United States or in storage facilities other than those owned by the United States if those facilities are subject to audit by the United States;

"(10) require the maintenance of the Industrial Petroleum Reserve; and

"(11) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.";

(D) in subsection (b) (as so redesignated by subparagraph (B) of this paragraph)—

(i) by striking "implementation" and inserting in lieu thereof "development"; and

(ii) by striking "Plan";

(E) by amending subsection (c) (as so redesignated by subparagraph (B) of this paragraph) to read as follows:

"(c) When the Secretary determines that a 750,000,000 barrel inventory can reasonably be expected to be reached in the Reserve within 5 years, the Secretary shall submit to the Congress a plan for expansion of the Strategic Petroleum Reserve to a capacity of 1,000,000,000 barrels."; and

(F) by amending subsection (e) (as so redesignated by subparagraph (B) of this paragraph) to read as follows:

"(e) During any period in which drawdown and distribution are being implemented, the Secretary may issue rules, regulations, or orders to implement the drawdown and distribution of the Strategic Petroleum Reserve, without regard to the requirements of section 553 of title 5, United States Code, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).";

(11) in section 160 (42 U.S.C. 6240)—

(A) in subsection (a), by striking "The Secretary" and all that follows through "transport, or exchange" and inserting in lieu thereof "For the purpose of implementing the Strategic Petroleum Reserve, the Secretary may acquire, place in storage, transport, or exchange";

(B) in subsection (b)—

(i) by striking ", including the Early Storage Reserve"; and

(ii) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(C) by striking subsections (c), (d), and (e) and redesignating subsections (f), (g), and (h) as subsections (c), (d), and (e), respectively;

(12) in section 161 (42 U.S.C. 6241)—

(A) by striking subsections (b) and (c) and redesignating subsections (d) through (i) as subsections (b) through (g), respectively;

(B) by amending subsection (b)(1) (as so redesignated by subparagraph (A) of this paragraph) to read as follows:

"(b)(1) No drawdown and distribution of the Strategic Petroleum Reserve may be made unless the President has found drawdown and distribution is required by a severe energy supply interruption or by obligations of the United States under the international energy program.";

(C) by amending subsection (c) (as so redesignated by subparagraph (A) of this paragraph) to read as follows:

"(c)(1) The Secretary shall sell any petroleum product withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts and for the period the Secretary considers appropriate, and after a notice of sale the Secretary considers appropriate.

"(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and distribution under this section."; and

(D) in subsection (e) (as so redesignated by subparagraph (A) of this paragraph)—

(i) in paragraph (1), by striking "Distribution Plan" and inserting in lieu thereof "distribution procedures";

(ii) by striking paragraphs (2) and (6) and redesignating paragraphs (3), (4), (5), (7), and (8) as paragraphs (2), (3), (4), (5), and (6), respectively; and

(iii) in subsection (f)(1)(A) (as so redesignated by subparagraph (A) of this paragraph) by striking "subsection (d)" and inserting in lieu thereof "subsection (b)";

(13) by striking section 164 (42 U.S.C. 6244);

(14) by amending section 165 (42 U.S.C. 6245) to read as follows:

"REPORTS

"SEC. 165. The Secretary shall, not later than 6 months after the date of enactment of the Energy Policy and Conservation Act Amendments of 1994, and every 6 months thereafter, transmit a report to the President and the Congress on—

"(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum in the Reserve;

"(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including those carried out as part of operational maintenance or extension of life activities;

"(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing such remedial actions;

"(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on such rates and capabilities;

"(5) an identification of purchases of petroleum made in the preceding 6 months and planned in the following 6 months, including quantity, price, and type of petroleum;

"(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

"(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the preceding 6 months;

"(8) a summary of operating and capital expenses for the preceding 6 months, and the number of Federal and contractor employees;

"(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part; and

"(10) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary and appropriate to implement this part.";

(15) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated such sums as may be necessary to implement this part.";

(16) in section 167 (42 U.S.C. 6247)—

(A) in subsection (b)—

(i) by inserting "test sales of petroleum products from the Reserve," after "Strategic Petroleum Reserve,";

(ii) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated by clause (ii) of this subsection) by striking "after fiscal year 1982"; and

(iv) in paragraph (2) (as so redesignated by clause (ii) of this subsection) by striking "160(f)" and inserting in lieu thereof "160(c)";

(B) in subsection (d), by striking "160(f)" and inserting in lieu thereof "160(c)"; and

(C) by amending subsection (e) to read as follows:

"(e) The Impoundment Control Act of 1974 (2 U.S.C. 681–688) shall apply to funds made available under subsection (b).";

(17) in section 171(b)(2)(B) (42 U.S.C. 6249(b)(2)(B)) by inserting ", as such section

was in effect before the date of enactment of the Energy Policy and Conservation Act Amendments of 1994," after "section 154(e)";

(18) in section 172 (42 U.S.C. 6249a) by striking subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(19) in section 181 (42 U.S.C. 6251) by striking "1994" both places it appears and inserting in lieu thereof "1999".

SEC. 4. TITLE II AMENDMENTS.

Title II of the Energy Policy and Conservation Act is amended—

(1) by striking part A (42 U.S.C. 6261 through 6264);

(2) in section 251(e)(1) (42 U.S.C. 6271(e)(1)) by striking "252(l)(1)" and inserting in lieu thereof "252(k)(1)";

(3) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking "allocation and information provisions of the international energy program" and inserting in lieu thereof "international emergency response provisions";

(B) in subsection (d)(3), by striking "known circumstances" and inserting in lieu thereof "circumstances known at the time of approval";

(C) in subsection (f)(2) by inserting "voluntary agreement or" after "approved";

(D) in subsection (i) by inserting "annually, and at least" after "least" and by inserting "during an international energy supply emergency" after "months";

(E) in subsection (k) by amending paragraph (2) to read as follows:

"(2) The term 'international emergency response provisions' means—

"(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program; and

"(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

"(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

"(ii) complementary actions taken by governments,

during an existing or impending international oil supply disruption."; and

(F) by amending subsection (l) to read as follows:

"(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.";

(4) by adding at the end of section 256(h) (42 U.S.C. 6276(h)) "There are authorized to be appropriated for fiscal years 1996 through 1999 such sums as may be necessary to carry out this part.";

(5) by striking part C (42 U.S.C. 6281 through 6282); and

(6) in section 281 (42 U.S.C. 6285), by striking "1994" each place it appears and inserting in lieu thereof "1999".

SEC. 5. MISCELLANEOUS ADDITIONAL AMENDMENTS.

(a) Title III of the Energy Policy and Conservation Act is amended—

(1) in section 365(f) (42 U.S.C. 6325(f)) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (2), for the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1995 through 1999 such sums as may be necessary."; and

(2) by amending section 397 (42 U.S.C. 6371f) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1995 through 1999 such sums as may be necessary.".

(b) Section 507 of the Energy Policy and Conservation Act (42 U.S.C. 6385) is amended by striking ", which was collected" and all that follows through "Information Administration".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 6(d) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12005(d)) is amended by striking "fiscal year 1994" and inserting in lieu thereof "the period encompassing fiscal years 1996, 1997, and 1998".

SEC. 7. ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION EXPENDITURES.

Section 9 of the Elwha River Ecosystem and Fisheries Restoration Act (Public Law 102–495; 106 Stat. 3178) is amended by striking "for expenditure through the Assistant Secretary for Fish, Wildlife, and Parks".

SEC. 8. SIZE LIMITATIONS OF ELIGIBLE FACILITIES UNDER PURPA.

(a) EXTENSION.—Section 3(17)(E) of the Federal Power Act (16 U.S.C. 791a and following) is amended as follows:

(1) By striking "1994" and inserting "1996".

(2) By striking "1999" and inserting "2001".

(b) STUDY.—Before January 1, 1996, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission, shall conduct a study to review the current implementation of the Public Utility Regulatory Policies Act of 1978 and submit a report to Congress containing the results of such study. Such report shall include an examination of the mandatory purchase requirements under such Act, the implementation of avoided cost requirements by various State public service commissions and ownership restrictions imposed under such Act. In conducting the study, the Secretary shall consult with State public service commissions and other State regulatory authorities with jurisdiction over electric power sales.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes, and the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4752 is bipartisan, consensus legislation that extends key energy security programs needed for a possible future oil crisis, continues important energy conservation programs, and maintains renewable domestic energy to our citizens.

The bill's two energy security programs—

Extend through 1999 the President's authority to use our 590 million barrel Strategic Petroleum Reserve, the SPR, in a future oil crisis;

Extend through 1999 laws backing up U.S. participation in the International Energy Agency, a group of over 20 mostly western nations formed after the 1973 oil embargo to seek joint solutions to their energy security problems.

The bill's conservation provisions reauthorize appropriations for the Council on Energy Efficiency, Commerce, and Trade [COEECT]; the State Energy Conservation Program under EPCA; and the Institutional Conservation Program under EPCA.

The bill's renewable energy provisions:

Reauthorize appropriations for the Council on Renewable Energy, Commerce, and Trade [CORECT];

Reauthorize appropriations for renewable energy demonstration and commercial application projects under REEETCA, the Renewable Energy and Energy Efficiency Techonolgy Competitiveness Act of 1989; and

Extend for 2 years the incentives under PURPA, the Public Utility Regulatory Policies Act of 1978, for solar, wind, waste, and geothermal powerplants of any size.

Mr. Speaker, the administration supports this legislation. Our minority has worked closedly with us on it, and supports it.

If you're worried about rising oil imports and an unstable Persian Gulf, vote for this bill. If you want to expand U.S. exports of renewable energy technologies and more energy efficient equipment, vote for this bill.

If you agree that energy conservation is one of our biggest domestic supply sources, vote for this bill. Finally, if you want to maintain incentives for the clean, renewable electric power techonogies of the future, vote for this bill.

Madam Speaker, I commend my colleagues for their wisdom and cooperation on these matters, especially Messrs. MOORHEAD, SYNAR, BILIRAKIS, TAUZIN, and LEHMAN. I urge an "aye" vote.

Madam Speaker, let me detail the provisions of this legislation, which amends the Energy Policy and Conservation Act [EPCA] to reflect both global changes in the oil market and budget realities here in Congress.

The strategic petroleum reserve [SPR] serves as our Nation's only insurance policy against the disastrous consequences of oil supply and price disruptions. Lack of money has limited our original goal of building and filling a 1 billion barrel SPR. The SPR now holds 590 million barrels, which is a considerable tool in the event of a disruption, but we simply don't have the $10 billion needed to get to 1 billion barrel goal. Many of us in Congress, on a bipartisan basis, understand the importance of a large and usable SPR, but the will has simply not been there—given our deficit and other, more pressing spending priorities—to find the money to continue the SPR fill.

I regret that too few have recognized the importance of a larger SPR—especially after we failed to use SPR early in the 1990 Iraqi crisis, and especially in view of our ever rising dependence on oil imports.

But we also face costly difficulties in keeping our existing SPR in working order. These difficulties, such as wornout pumps and hot and gassy oil, are limiting the availability of the

590 million barrels of oil we do have. At a minimum, we should keep the SPR in good shape with the limited funds we have. And the Department of Energy has said it intends to do just that.

The bill keeps several critical SPR policies in place: The goal of a 1 billion barrel reserve is maintained, and the President's authority to use the SPR in a crisis is unchanged.

The bill also moves the International Energy Agency [IEA] away from its focus on the outdated oil sharing program, to the more effective crisis strategy of joint use of IEA nations' strategic oil stocks. These stocks—our SPR and similar stocks of other countries—hardly existed in 1974, and that's why the IEA was forced to draw up an emergency oil allocation plan as a second best solution. But now we can replace a shortage, instead of merely sharing it. Accordingly, the bill updates the IEA provisions of EPCA.

State energy conservation programs are also in EPCA. The bill reauthorizes appropriations for two very successful State programs, the State Energy Conservation Program [SECP] and the Institutional Conservation Program [ICP]. The SECP funds State energy offices which develop State energy plans and assist in directing State efforts to conserve energy. The ICP provides funds on a matching basis for energy efficiency investments at hospitals and schools.

The bill authorizes appropriations for two EPCA programs which help our domestic industries promote energy efficient equipment and renewable technologies exports overseas, the Council on Renewable Energy, Commerce and Trade [CORECT] and the Council on Energy Efficiency, Commerce and Trade [COEECT]. The global energy efficiency market is estimated at $60 to $90 billion annually. We have an edge in this area. Exploiting it means more U.S. jobs and less energy pollution worldwide. The programs leverage very small expenditures into very large purchases of U.S. technologies. In a recent case, a $30,000 expenditure resulted in $20 million in contracts with Thai utilities and equipment manufacturers. These programs stand to bring a dramatic return on the investment of Federal dollars.

H.R. 4752 reauthorizes appropriations for renewable energy projects under the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 [REEETC]. REEETC authorizes Federal assistance to selected demonstration and commercial application projects for renewable energy power plants, such as biomass energy, photovoltaics, fuel cells, wind and geothermal power.

Projects must undergo a merit selection process under the direction of the Secretary of Energy, and must meet 50 percent cost sharing requirements to leverage taxpayer funds.

The bill makes no changes to this program. It simply reauthorizes appropriations in the same amount—$50 million—which Congress approved for these projects in 1992. This amount can be spent over the 3-year period starting in fiscal year 1996 and ending in fiscal year 1998.

Elwha: Section 7 of this bill is a technical amendment to the Elha River Ecosystem and Fish Restoration Act [EREFRA]. The amendment strikes the reference in section 9 of EREFRA to the Assistant Interior Secretary for Fish and Wildlife and Parks. With this change, the Secretary of the Interior would administer the EREFRA funds, as is usually the case. The amendment makes no other changes to the program. The program will continue to be operated through the Assistant Secretary of the Interior.

Finally, H.R. 4752 extends incentives for renewable energy powerplants set by PURPA, the Public Utility Regulatory Policies Act of 1978. For several years, these incentives—hook-up requirements, wheeling rights, and power purchases at avoided cost rates—have been available to solar, wind, waste, and geothermal powerplants of any size. Unless we act now, that will stop at year's end, and only small generators under 80 megawatts will get these incentives.

My colleagues on the Energy and Commerce Committee, who unanimously reported this measure last week, agree that we want more clean renewable energy, not less. A size restriction at years's end will give us less economical electricity, because small powerplants lose some economies of scale, and will discourage the cleanest of electricity generation technologies.

Accordingly, the bill retains the status quo, and maintains the PURPA incentives for small and large renewable powerplants for 2 more years.

□ 1500

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill to reauthorize the programs under the Energy Policy and Conservation Act. The conservation and efficiency programs of EPCA help us to use less energy, which results in decreased dependence on imported energy sources. Without this reauthorization, these programs will expire this year.

EPCA contains a number of programs which play an important role in assuring U.S. energy security and helping to reduce U.S. vulnerability to potential shut-offs of our imported oil supply. First, the Strategic Petroleum Reserve Program is vital in protecting us from world petroleum supply shortages. In addition, our participation in the international energy program provides us with important foreign cooperation when oil supplies are short.

Second, EPCA programs provide money to States to assist in funding energy efficiency and conservation programs at schools and hospitals. It also funds State energy conservation programs which promote energy efficiency, the adoption of renewable energy measures, and increased use of alternative fuels.

Third, this bill reauthorizes the councils on Renewable Energy Commerce and Trade and Energy Efficiency Commerce and Trade. These programs provide domestic energy efficiency and renewable energy industries with marketing information and financing opportunities overseas; increasing their ability to expand exports of these types of technologies to foreign countries.

Finally, Mr. Speaker, we support the measures contained in the chairman's amendment to EPCA. These amendments would reauthorize the Renewable Energy and Efficiency Technology Competitiveness Act of 1989 for another 3 years, make a technical change to the Elwah River Ecosystem and Fish Restoration Act, and maintain, for another 2 years, the existing exemption from the size limitation on renewable powerplants to qualify under the Public Utility Regulatory Policies Act.

Again, Mr. Speaker, I think each of the programs which we reauthorize today make important contributions in guaranteeing our energy security and I urge my fellow Members to support this bill.

Mr. SHARP. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in very strong support of the legislation.

Mr. Speaker, I rise in strong support of the bill under suspension, H.R. 4752, the Energy Policy and Conservation Act Amendments. H.R. 4752 contains a small provision which will amend Public Law 102–495, the Elwha River Ecosystem and Fisheries Restoration Act, to allow the Secretary of the Interior flexibility in determining where funding will be dispersed for purposes of implementing the Elwha project.

Let me express my great appreciation to Chairman DINGELL and his staff for working with myself and others in the Washington State congressional delegation on this important issue. I would also like to express my appreciation to the chairman of the Natural Resources Committee, Mr. MILLER, the chairman of the Merchant Marine and Fisheries Committee, Mr. STUDDS, the ranking minority on the full Natural Resources Committee, Mr. YOUNG, and the ranking minority on the Natural Resources Subcommittee on Oversight and Investigations, Mr. SMITH of Oregon, all of which have been supportive of having the Elwha provision included in this bill, H.R. 4752.

We are at a critical stage in the implementation of activities associated with the restoration of the Elwha River. An Environmental Impact Statement [EIS] has been initiated by the Interior Department, which should be completed in a year, and as early as the next fiscal budgetary cycle the Secretary will be ready to initiate the acquisition of the two dams involved, the Elwha and Glines Canyon.

The Elwha dams project is an extremely high priority for Secretary Babbitt and the administration, and it is important that the Secretary has the full range of flexibility in funding the implementation of the Elwha legislation.

The Elwha provision included in the Energy Policy and Conservation Act amendments, will help provide more predictability and certainty as the Elwha project moves forward. The greater certainty will help interested parties such as the Daishowa Co., which has a mill employing 600 workers in the city of Port Angeles.

The provision will also be welcomed by the city of Port Angeles, whose water supply will be affected by the project, and the Lower

Elwha Tribe, which has much at stake for its future in the outcome of this process. Finally, this provision is strongly supported by the administration, which welcomes the opportunity to proceed with the implementation of the Elwha statute.

Again, let me thank the chairman and those who helped craft this legislation. I urge my colleagues to support the passage of H.R. 4752.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 4752, as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENTS OF 1994

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4751) to reauthorize appropriations for the weatherization program under section 422 of the Energy Conservation and Production Act, as amended.

The Clerk read as follows:

H.R. 4751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 422. For the purposes of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal years 1995 and 1996 such sums as may be necessary.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes, and the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4751 is bipartisan, consensus legislation that authorizes appropriations for the Weatherization Assistance Program for fiscal years 1995 and 1996.

The Weatherization Program is a State block grant program administered by the States through community action agencies, State energy offices, and other appropriate agencies. It provides funding for insulation, home energy efficiency repairs, and other programs for low-income residents.

An evaluation done by DOE in 1990 found that the program saves energy, lowers fuel bills for low-income citizens, and improves the health and safety of dwellings occupied by low-income people. In other words, the program works.

There has been a longstanding dispute between regions of the country over the weatherization allocation formula. Southerners have thought that too much of the funding goes to northern States. Northern States disagree.

There is no specific statutory formula in this law, and our bill makes no change to any of the statutory factors DOE uses to arrive at its allocation formula.

However, DOE, since the beginning of the Clinton administration, has been trying to resolve this dispute and issue a new regulation—under their broad administrative discretion—containing a more equitable formula. We continue to urge DOE to conclude this process.

DOE believes that it could achieve consensus on a formula change if funding for the program were increased enough—about $20 million—to give more to the southern States, while protecting northern States from any funding cuts. We have urged, and will continue to urge the Appropriations Committee to provide at least this level of funding.

I commend all my colleagues for working so well together to try to resolve this regional dispute. Blessed indeed are the peacemakers, and accordingly I want to especially single out Messrs. SYNAR, MOORHEAD, TAUZIN, and BILIRAKIS. They have shown great cooperation and wisdom. I urge an "aye" vote.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we often hear talk about using taxpayer dollars to make investments that will alleviate the need for future spending. While many of the spending programs that are sold as investments are of suspect long-term benefit, the Department of Energy's weatherization assistance program is one investment that provides measurable returns.

In many areas of our country, heating or cooling is a necessity, not a luxury. While we have programs that provide direct payments to low-income persons in these areas, the weatherization assistance program makes improvements to the homes of low-income families, permanently reducing their energy costs and their reliance on those other Government assistance programs.

Because this is a valuable program, I, along with many other Members from southern and urban States, am frustrated with the fact that our constituents continue to be denied the full benefits of the weatherization program. The current formula used by DOE to distribute funds heavily favors northern and rural States.

Extreme heat is just as dangerous to a person's health as extreme cold. This is especially true in the low-income population of my home State of Florida, which includes a higher than average proportion of children and seniors who are vulnerable to extreme temperatures.

In 1990, Congress amended the Energy Conservation and Production Act, requiring DOE to promulgate a new formula that would provide for a more equitable allocation of funds to warm-weather and urban States. Four years later, DOE has not yet done so.

DOE has assured Congress that it is working to derive a new formula that will provide more funding to citizens in southern and urban areas. Based upon these assurances, members of the Energy and Commerce Committee adopted an amendment that would limit the reauthorization period to 2 years. DOE will have 2 years to come up with a fair allocation formula before it must return for reauthorization of the program.

While I urge my fellow members to support the reauthorization of the weatherization assistance program, I would also strongly encourage DOE to comply with the terms of the 1990 amendments as quickly as possible, so that this valuable program can be easily reauthorized in 1996.

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Mr. Speaker, I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 4751.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

Ms. SCHENK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4545) to amend the Federal Railroad Safety Act of 1970, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4545

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Railroad Safety Authorization Act of 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a)(1) of title 49, United States Code, is amended by adding after subparagraph (B) the following new subparagraphs:

"(C) $68,289,000 for fiscal year 1995.
"(D) $75,112,000 for fiscal year 1996.
"(E) $82,563,000 for fiscal year 1997.
"(F) $90,739,000 for fiscal year 1998.'.

SEC. 3. HOURS OF SERVICE PILOT PROJECTS.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:

"SEC. 21108. PILOT PROJECTS.

"(a) WAIVER.—A railroad or railroads and all labor organizations representing any class or craft of directly affected covered service employees of the railroad or railroads, may jointly petition the Secretary of Transportation for approval of a waiver, in whole or in part, of compliance with this chapter, to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the requirements of this chapter to such class or craft of employees, including requirements concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary may, after notice and opportunity for comment, waive in whole or in part compliance with this chapter for a period of no more than two years, if the Secretary determines that such waiver of compliance is in the public interest and in consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

"(b) REPORT.—The Secretary of Transportation shall submit to Congress, no later than January 1, 1997, a report that—

"(1) explains and analyzes the effectiveness of all pilot projects established pursuant to a waiver granted under subsection (a);

"(2) describes the status of all other waivers granted under subsection (a) and their related pilot projects, if any; and

"(3) recommends appropriate legislative changes to this chapter.

"(c) DEFINITION.—For purposes of this section, the term 'directly affected covered service employees' means covered service employees to whose hours of service the terms of the waiver petitioned for specifically apply." .

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

"21108. Pilot projects.".

SEC. 4. CONFORMING AMENDMENT REGARDING HOURS OF SERVICE VIOLATIONS.

Section 21303(a)(1) of title 49, United States Code, is amended by inserting "or violating any provision of a waiver applicable to that person that has been granted under section 21108 of this title," after "chapter 211 of this title".

SEC. 5. TECHNICAL AMENDMENT REGARDING FEDERAL RAILROAD SAFETY.

Section 20111(c) of title 49, United States Code, is amended by inserting "this chapter or any of the laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e) (1), (2), and (6)(A) of section 6 of the Department of Transportation Act, as in effect on June 1, 1994, or" after "individual's violation of".

SEC. 6. BIENNIAL FEDERAL RAILROAD SAFETY REPORTING.

(a) Section 20116 of title 49, United States Code, is amended—

(1) by striking in its heading "**Annual**" and inserting in lieu thereof "**Biennial**";

(2) by striking "not later than July 1 of each year a report on carrying out this chapter for the prior calendar year. The report shall include the following information about the prior year" and inserting in lieu thereof "every two years, on or before July 1 of the year due, a comprehensive report on the administration of this chapter for the preceding two calendar years. The report shall include the following information about such calendar years"; and

(3) in paragraph (1), by inserting ", by calendar year" after "casualties by cause".

(b) The item relating to section 20116 in the table of sections for chapter 201 of title 49, United States Code, is amended to read as follows:

"20116. Biennial report.".

SEC. 7. REPORT ON BRIDGE DISPLACEMENT DETECTION SYSTEMS.

Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary on railroad bridge displacement detection systems.

SEC. 8. TRACK SAFETY.

Section 20142 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "September 3, 1994" and inserting in lieu thereof "September 1, 1995";

(2) in subsection (a)(1), by inserting ", including cold weather installation procedures" after "attendant structure"; and

(3) by adding at the end the following new subsection:

"(d) IDENTIFICATION OF INTERNAL RAIL DEFECTS.—In carrying out subsections (a) and (b), the Secretary shall consider whether or not to prescribe regulations and issue orders concerning—

"(1) inspection procedures to identify internal rail defects, before they reach imminent failure size, in rail that has significant shelling; and

"(2) any specific actions that should be taken when a rail surface condition, such as shelling, prevents the identification of internal defects.".

SEC. 9. RESIDENCE OF EMPLOYEES.

The amendments made by section 7 of the Amtrak Reauthorization and Improvement Act of 1990 shall apply to all periods before and after the date of their enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California [Ms. SCHENK] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from California [Ms. SCHENK].

GENERAL LEAVE

Ms. SCHENK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 4545.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SCHENK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the subcommittee chairman, the gentleman from Washington [Mr. SWIFT] for his fine work and for his expeditious handling of this matter. I also would like to commend the ranking member, the gentleman from Ohio [Mr. OXLEY], for his efforts and his cooperation.

Mr. Speaker, the Federal Railroad Administration has the enormous responsibility of ensuring that our Nation's freight and passenger trains travel safely throughout our rail system. This is no small task when you consider that there are over 297,000 miles of track and more than 1.2 million cars and locomotives. The legislation before us today, H.R. 4545, the Federal Railroad Safety Authorization Act of 1994, provides the Federal Railroad Administration with the necessary tools to continue fulfilling its safety mission.

The overall safety record of the Nation's railroads has improved dramatically since the late 1970's. For example, in 1978, there were nearly 11,000 train accidents. In 1993, there were just over 2,600 accidents. Despite the fact that last year was the second safest year ever for the Nation's railroads, there were still a number of serious train accidents which resulted in loss of human life and significant damage to railroad equipment and freight. There probably is not a Member of this body who cannot immediately call to mind a vivid image of a train accident that has happened sometime in the last year or two.

We should all be pleased that the FRA is pursuing a very aggressive safety agenda. The agency currently is working on over 40 safety regulation projects and reports to Congress, some of which were mandated by the Congress in previous authorizations and some of which the agency has initiated on its own.

The legislation before the House today allows FRA to continue its safety agenda while addressing two additional areas which were raised in hearings before the Subcommittee on Transportation and Hazardous Materials. First, it requires FRA to report on any action it has taken with regard to railroad bridge displacement detection systems. And second, it requires FRA to look into some of the issues of concern related to track structure and integrity.

Safety is of paramount concern to the FRA and the Department of Transportation as evidenced by Secretary Pena's recent announcement of his plans to convene a rail passenger safety summit. The Congress expects FRA to do a thorough and comprehensive job on each of its safety initiatives. H.R. 4545 allows the agency to do just that. I urge its adoption.

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

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this safety legislation. I want to commend Subcommittee Chairman SWIFT and our entire committee, including Chairman DINGELL and our ranking Republican, Mr. MOORHEAD, for the expeditious handling of this reauthorization. Rail safety is an area that affects every American, whether as a traveler, a neighbor of rail facilities, or as a user of the many products that depend upon rail transportation. Many Americans probably are unaware of it, but the rail transportation system is a vital and necessary part of their lives, even if they never ride a train as passengers.

The safety programs of the Federal Railroad Administration are going forward on a steady course. This legislation recognizes that FRA already has a substantial agenda with the rulemakings and other tasks that were mandated in prior authorizations. Consequently, the provisions are mostly in the category of midcourse corrections.

One notable exception is a provision that could revolutionize shiftwork in the railroad industry. That is the permission in this bill for labor and management to obtain waivers from the Hours of Service Act to conduct experiments with new approaches to work shifts for rail workers. This is a great opportunity to bring safety regulation into tune with current scientific knowledge about human physiology and circadian rhythm. It could well revolutionize the practices of the railroad industry concerning unpredictable or irregular work hours.

One topic that I want to emphasize is the views expressed in the committee report on H.R. 4545 on a bipartisan basis concerning FRA's responsibilities as they interact with the jurisdiction of the Occupational Safety and Health Administration [OSHA]. The committee has made it quite clear that the railroad industry—both labor and management—are entitled to clear delineation of the respective authorities of the two agencies. We, therefore, expect FRA to act expeditiously to pursue a new memorandum of understanding or similar arrangement to spell out a clear boundary between those matters that are properly the province of FRA, and those that should be handled by OSHA. Labor deserves clear guidance on where to take its complaints, and management should be free of ambiguous, conflicting, or overlapping regulatory requirements.

At our hearing, I raised the example of confusion and ambiguity between FRA and OSHA over the handling of silica dust hazards to maintenance-of-way personnel, even after FRA indicated that it was going to pursue this matter in its own regulatory proceeding. This is the type of situation which illustrates the urgent need for a prompt and clear demarcation of authority between the two agencies. In my view, it is quite obvious that only FRA has the expertise to deal with safety issues in uniquely rail-related situations, such as rights-of-way and railroad operations. Moreover, FRA's regulatory requirements are by nature uniform across the Nation, in all States. On the other hand, OSHA's expertise lies in traditional shop or factory-type settings, such as repair facilities and shops. In addition, as I understand OSHA's statute, it allows considerable latitude for State participation and even State-by-State variation in regulatory requirements. As applied to the railroad industry, this would appear acceptable for fixed facilities, but not for right-of-way and operating safety issues.

I strongly support H.R. 4545, Mr. Speaker, and I urge its prompt approval by the House.

Mr. DINGELL. Mr. Speaker, I commend the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his hard work in crafting this legislation. I am sorry that he is leaving and will miss his guidance and counsel. I also want to thank the ranking Republican member of the committee, Mr. MOORHEAD, and the ranking member on the subcommittee, Mr. OXLEY, for their help and support.

Although the overall safety record of the Nation's railroads has improved dramatically since the late 1970's and traveling by train is still one of the safest ways to travel, recent rail accidents have underscored the need to remain focused on rail safety. Congress and the Federal Railroad Administration need to carry on our efforts to improve the safety of our Nation's railroads.

The Committee on Energy and Commerce passed comprehensive railroad safety legislation in 1988 and 1992. These bills mandated significant rulemaking and reporting actions by FRA as part of its safety enforcement responsibilities. The legislation we are considering today, H.R. 4545, does not seek extensive new enforcement powers or duties, recognizing the need for the FRA to complete its current list of regulatory responsibilities as soon as possible.

FRA has a challenging safety agenda. At no time in its history that I can recall has the agency's task of overseeing the safety of our Nation's railroads been more important. FRA currently is working on over 40 safety regulatory projects and reports to Congress. The current funding authorization for FRA's safety program expires on September 30, 1994.

What will this legislation do? First, it allows FRA to approve pilot projects and grant waivers related to the hours of service requirements in current law. By determining how these consensual pilot projects may affect railroad safety, FRA can then decide whether or not some of these rigid requirements could be changed for the better. I would like to mention as well that representatives of rail labor and rail management have been engaged in a task force to examine many of these safety issues. I commend them for their efforts and urge their continued work in this regard.

H.R. 4545 contains an important new section relating to track safety. The National Transportation Safety Board, in testimony before the Subcommittee on Transportation and Hazardous Materials, noted that a closer examination is needed of track installation and maintenance as well as detection of internal rail defects. This bill calls for DOT and FRA to examine these issues thoroughly.

Another section in this legislation requires the Secretary of Transportation to report on action taken by the Department with regard to bridge detection systems. FRA currently is studying this matter as a result of the tragic train accident that occurred in Saraland, AL on September 22, 1993.

This is an important piece of legislation which I strongly support. I believe it promotes the railroad safety goals established by the Committee on Energy and Commerce.

I want to conclude by thanking Secretary Peña and Administrator Molitoris for their efforts to improve railroad safety.

I urge my colleagues to support this legislation.

Mr. MOORHEAD. Mr. Speaker, I rise in strong support of this rail safety reauthorization. I commend our committee's leadership on both sides of the aisle—Chairman DINGELL, subcommittee ranking member OXLEY, and subcommittee Chairman SWIFT—for their diligent work to move this legislation forward on a timely basis.

Rail safety is critically important not only on its own merits, but as a key ingredient in public confidence in our rail transportation system. It often takes only a single accident to undermine public confidence in a system that functions flawlessly in thousands of other operations. This is particularly true of passenger rail service, which is becoming an increasingly important element of our transportation system.

One important change in the law allowed by the bill is permission for railroad labor and management to obtain joint waivers of the usual requirements of the Hours of Service Act in order to conduct test programs to improve the safety practices bearing on wake-sleep cycles and rest periods for train crews. This is an area where medical and scientific knowledge is advancing rapidly, and we need to give the Federal Railroad Administration and the industry the flexibility to keep up with this improved understanding of human physiology.

I also want to commend the committee for focusing this legislation on giving basic, general directives to the Federal Railroad Administration, without micromanaging its regulatory activities. We have given FRA a full plate of rulemakings and other projects in the two previous authorizations, and the agency needs to be allowed to bring its regulations into conformity with that legislation.

I strongly support this legislation, and I urge its prompt approval by the House.

Mr. SWIFT. Mr. Speaker, I rise in strong support of H.R. 4545, the Federal Railroad Safety Authorization Act of 1994. I introduced this legislation on June 8, 1994 at the request of the administration. H.R. 4545 reauthorizes the safety programs of the Federal Railroad Administration [FRA] through fiscal year 1998.

The importance of FRA's safety efforts is underscored every time we turn on the television or open the newspaper to see sobering

photographs of a recent train accident. Tragically, there have been a number of train accidents in recent months which have resulted in the loss of human life and severe damage to railroad equipment and freight. The causes of these accidents are sometimes bizarre—whether its a barge hitting a railroad bridge as in the case of the accident near Saraland, AL or the apparent shifting of cargo on a passing train. In some cases, there are measures the FRA, railroad industry, and its employees could have taken which may have helped prevent the accident from occurring.

The safety portions of title 49 of the United States Code—formerly known as the Federal Railroad Safety Act—set the framework for FRA's safety mission. The agency is currently pursuing a very aggressive safety agenda—many of the safety projects underway at FRA were required by the Congress in previous authorizations. However, the agency, under the leadership of Administrator Jolene Molitoris, has commenced other critical safety initiatives.

H.R. 4545 builds on the FRA's current safety program without overburdening the agency. Specifically, the legislation allows rail management and rail labor to petition the Secretary of Transportation for waivers from the hours of service requirements so that the industry can try some alternative work/rest arrangements. In addition, the legislation addresses two safety areas which were highlighted during the oversight and legislative hearing process of the Subcommittee on Transportation and Hazardous Materials. First, H.R. 4545 requires the Secretary to report on any action which has been taken with regard to railroad bridge displacement detection systems. And secondly, the bill requires FRA to specifically address track shelling and cold weather installation of continuous welded rail.

Mr. Speaker, H.R. 4545 received unanimous approval by the Subcommittee on Transportation and Hazardous Materials and the Committee on Energy and Commerce. I urge my colleagues to adopt H.R. 4545.

Mr. QUINN. Mr. Speaker, I rise today in strong support of H.R. 4545, the Federal Railroad Safety Authorization Act of 1994. I would like to complement my colleagues, the distinguished chairman from Michigan, Mr. DINGELL and the distinguished ranking Member from California, Mr. MOORHEAD for bringing this much needed legislation before the House today.

Mr. Speaker H.R. 4545 authorizes railroad safety programs by the Federal Railroad Administration for four years. This legislation will help make our railroads safer across the country. Just last week, in western New York, a terrible accident occurred when an Amtrak train derailed 30 miles outside of Buffalo, NY. The cause of that accident is not yet known, but I hope that the passage of this legislation will help us gain greater understanding of how these accidents happen, and how to avoid future incidents from occurring.

I strongly urge my colleagues to support H.R. 4545, the Federal Railroad Safety Act of 1994, and urge its immediate passage.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

Ms. SCHENK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California [Ms. SCHENK] that the House suspend the rules and pass the bill, H.R. 4545, as amended.

The question was taken.

Ms. SCHENK. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1520

EXPORT-IMPORT BANK AUTHORIZATION

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4455) to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes, as amended.

The Clerk read as follows:

H.R. 4455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following:

"(I)(i) Subparagraph (A) shall not apply to a transaction involving defense articles or services if—

"(I) the Bank determines that—

"(aa) the defense articles or services are nonlethal; and

"(bb) the primary end use of the defense articles or services will be for civilian purposes; and

"(II) at least 15 calendar days before the date the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

The preceding sentence shall not apply after September 30, 1997.

"(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

"(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the 2nd preceding fiscal year.".

SEC. 2. REPORT TO THE CONGRESS.

Section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by inserting "or described in subparagraph (I)(i)" before the period at the end of the 1st sentence.

SEC. 3. PROMOTION OF EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES.

(a) IN GENERAL.—The 1st section 11(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-5(b)) is amended—

(1) by inserting before "The Bank shall" the following:

"(1) IN GENERAL.—";

(2) by inserting "(such as by encouraging environmentally sustainable development, promoting efficient use of resources, and promoting energy efficiency)" before the period at the end of the 1st sentence; and

(3) by adding after and below the end the following:

"(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriated to the Bank not more than $35,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of supporting such exports.".

(b) TECHNICAL CORRECTION.—Such Act is amended by redesignating the 2nd section 11 (12 U.S.C. 635i-8) as section 14.

The SPEAKER pro tempore (Mr. KOPETSKI). Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this bill is the amalgam of two very good ideas put forward by members of the subcommittee that has jurisdiction over the Export-Import Bank.

I would note, Mr. Speaker, I did this last week, this is a bill that comes forward from the House Committee on Banking, Finance and Urban Affairs with bipartisan support. It joins a couple other bills that passed the House last week with bipartisan support of members of the Committee on Banking, Finance and Urban Affairs.

I just want to stress that while we on the Committee on Banking, Finance and Urban Affairs have disagreed about some issues recently, that has not in any way interfered with our ability to move forward constructively on some very important matters that will advance the economic well-being of the country.

This one makes two changes in the Export-Import Bank operation. First, and the sponsor of this was the ranking minority member, the gentleman from Nebraska, who has been an ardent and thoughtful advocate of sensible export policies for this country, we clarify that nonlethal uses are what will govern when we decide what to export and not potential uses.

That is especially important now when we are dealing with the question of conversion. We have many Americans who have worked very hard at

their country's request to produce various items that have been used for the national defense. Fortunately, because of benign developments in the world, we do not need as much of that as we used to. This leaves us with hard-working people who face economic problems.

It is a universally agreed-upon principle that we have an obligation at the Federal Government to help people make the transition from producing these defense items into other economic activity.

To the extent that we can use some of the same people and the same skills and the same manufacturing products and the same processes for nonmilitary purposes, that is obviously a great advantage. But there has been language in the Export-Import statute that called into question the ability of that entity to provide financing for what are called dual-use products, products which are intended by the recipient for nondefense use but which might theoretically have a military purpose. Radar is an example.

This is especially relevant in several areas, transportation, surveillance of various sorts. What the gentleman from Nebraska has very sensibly done is to draft language which makes it clear that the American Government can offer Export-Import Bank financing to American companies that are seeking to export material that is intended for nonlethal purposes, that is intended for civilian uses, even if it might theoretically have some military use. I believe the legislation also includes various safeguards that will guarantee that this is the case.

I think the gentleman from Nebraska deserves a great deal of credit for this. And I also want to pay tribute to the Export-Import Bank, Mr. Brody and his staff, for working with us and helping to reassure people that we will be using this for material of a purely non-lethal purpose.

In addition, the gentleman from Massachusetts [Mr. KENNEDY] is the author of another part of this bill which deals with an explicit encouragement to the Export-Import Bank to focus on environmental control equipment. This is an obvious area for the United States. We are among the leaders in the world in environmental controls. It benefits our country when others do environmental controlling in their countries, both from the standpoint of cleaning up the environmental but also from the standpoint of economic competitiveness. The language of the gentleman from Massachusetts [Mr. KENNEDY] will direct that a certain percentage of the Export-Import Bank funds be used to make sure that we maximize our ability to export environmental services.

Taken together, these two provisions sponsored by my two colleagues will enhance our Nation's economic position in very sensible ways. I am very pleased to present them for passage on behalf of the Committee on Banking, Finance and Urban Affairs.

EXPLANATION OF H.R. 4455 (AS AMENDED)

EXPORT OF NONLETHAL DEFENSE ARTICLES AND SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

The bill allows the Export-Import Bank of the United States to provide financing, subject to certain conditions, for the export of nonlethal defense articles and services when their primary end use will be for civilian purposes.

The bill explicitly restricts the exception to those articles and services which are nonlethal and primarily for civilian use, such as radar for air traffic control systems when the primary use will be civilian. The Committee is opposed to having the Export-Import Bank provide financing for any exports of defense goods and services that are lethal, offensive, or primarily or solely for military use. The Committee's understanding of the term "end use" is the intended application or use of an item or service as represented by an applicant for Export-Import Bank financing, and confirmed at the point of application by the Export-Import Bank, according to the best evidence then available to it.

The bill sets a ceiling for such financing at ten percent of the loan, guarantee, and insurance authority available to the Bank in a fiscal year, to avoid funding distortions or a crowding out of financing of other desirable non-defense exports.

The bill requires 15-day advance notification of the intention to provide such financing to the Banking Committee and the Appropriations Committee in the House of Representatives and in the Senate, respectively.

The provision will expire on September 30, 1997 and therefore in effect requires an assessment of experience under the provision prior to the next reauthorization of Export-Import Bank programs.

By September 1 of each fiscal year, the GAO, in consultation with the Bank, must submit a report to certain Congressional committees on the end uses of any defense articles or services financed under this section during the second preceding fiscal year in order to monitor actual end uses.

The Committee expects the Export-Import Bank to develop a policy requiring that it work with other appropriate U.S. government agencies to review transactions with military sales potential to determine whether such transactions meet the standards established in this legislation regarding nonlethal nature and the condition that the primary end use of such sales be for civilian purposes. The Bank is expected to develop a formal written policy requiring that it will, with reasonable regard for the resources at its disposal, take at least the following steps: investigate the prospective use of dual-use items and those sold to military buyers; require that the buyer or user provide a certificate affirming that the use of the article or service satisfies the intent of the legislation by stating that civilian use is primary according to a standard requiring unquestionable and predominant civilian use; monitor the actual use of the items with the help of other appropriate U.S. Government agencies. Such policy should enumerate at least these possible consequences if the buyer misrepresented the intended use: accelerated repayment of loans where feasible; administrative actions or sanctions as determined by the Export-Import Bank according to the nature of the loan; suspension or debarment from access to future Export-Import Bank credits, and that of other U.S. Government agencies, for those buyers, users, or sellers who have violated agreed limitations on the nature or the use of the defense articles or services financed by the Bank.

Section 2 of the bill adds such transactions to an existing reporting requirement. The Committee recommends review of the reporting requirement on an annual basis.

FINANCING EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES

Section 3 of the bill encourages the export of goods and services that would promote environmentally sustainable development, energy efficiency, and effective use of resources. The Export-Import Bank is given an additional authorization of $35 million dollars in credit subsidy in an effort to help American firms capture as large a portion of the new environmental market as possible, a market that is expected to reach $600 billion by the end of the decade.

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

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member would like to rise in support of H.R. 4455 which was introduced by this Member, and to thank his distinguished colleague from Massachusetts, the chairman of the Subcommittee on International Development, Finance, Trade and Monetary Policy, Mr. FRANK, and the chairman and the ranking member of the full Banking Committee, Mr. GONZALEZ and Mr. LEACH, for their support and assistance in moving this legislation to the floor today with the unanimous, bipartisan support of the Committee on Banking, Finance and Urban Affairs.

The principal purpose of the bill, which will be explained at greater length in a minute, is to permit the Export-Import Bank, which now cannot finance any defense good and service unless it is used solely for civilian purposes or is used primarily for antinarcotics purposes, to consider financing for defense goods and services that are nonlethal but only in the narrow set of circumstances when the unquestionably primary use will be for civilian purposes. Without this legislation, we do not have a U.S. Government export finance program that can accommodate dual-use items that are used primarily for civilian purposes.

Mr. Speaker, H.R. 4455, as amended, was passed by the Committee on Banking, Finance and Urban Affairs on June 29, 1994 by voice vote. It was reported by the Subcommittee on International Development, Finance, Trade and Monetary Policy on June 24 by a vote of 17 to 0. The amended version includes the provisions of my original bill, H.R. 4455 and other provisions added to respond to concerns raised by Members in the course of the hearing and other consideration of H.R. 4455. In section 3 the amended bill also includes a separate provision added by Representative KENNEDY relating to Eximbank promotion of exports of environmental goods and services.

The original bill, corresponding to the first fourteen lines of the amended bill, provides an exception to the current prohibition on Eximbank financing of exports of defense articles and services, but only in cases where the article to be exported is both nonlethal and the primary end use is for civilian purposes. Thus, the bill provides a narrow exception to the current law, and it is this Member's intention to keep the exception narrow. This Member does not consider the Eximbank to be an appropriate agency for financing defense sales for primarily military purposes nor for sales of lethal items. Many other Members share this view.

An example of an item which cannot now be financed by Eximbank, but which would be permitted if this bill is passed, is radar for air traffic control systems, if the radar feeds into both civilian and military air traffic control systems. The bill would allow such export sales to be considered for Eximbank financing as long as the primary use is for civil air traffic control. It does not make sense to cede to our trade competitors the whole field of high-technology dual-use electronics when the military use or involvement is clearly secondary and subsidiary to the civilian use. This step is consistent with the direction of conversion that many defense industries are seeking and being encouraged to pursue, and the current inflexible policy impedes export sales of such nonlethal dual-use items that are destined primarily for civilian purposes.

The bill is supported by the Aerospace Industries Association and the Electronic Industries Association, among others.

Six items have been added to the original bill in an abundance of caution. First, there is a requirement that each transaction proposed for financing under this exception must be reported to the House and Senate Committees on Banking and on Appropriations at least 15 calendar days in advance of final approval by the Eximbank Board of Directors. This is similar to the reporting requirement of the Appropriations Committees. This provision has been included to respond to the desire of Members that close, ongoing congressional oversight of the implementation of this provision is needed in order to ensure that this discretion is properly and narrowly construed.

Second, as an additional safeguard, the provisions of this legislation will sunset on September 30, 1997. At that time, after about 3 years of experience, it will be timely to assess whether this provision should continue in law in the context of the next full reauthorization of the Export-Import Bank.

Third, as a further safeguard against crowding out of other commercial sales, the bill limits the amount of Eximbank's funding that can be devoted to funding the sales made possible by this bill. The cap is set at 10 percent of Eximbank's available subsidy appropriation under credit reform.

Fourth, the GAO will be consulting with Eximbank annually and reporting on the end use of articles financed under this provision to provide a followup assessment of the actual use of articles financed.

Fifth, section 2 of the amended bill requires a quarterly report on any transactions financed under the authority provided in the earlier part of the bill. Eximbank already files a quarterly report with the two Banking Committees on any transaction involving a defense sale which will be used solely for civilian purposes. The transactions financed under section 1 of the bill would be added to this quarterly report.

Lastly, in section 3, there is a provision on Eximbank promotion of exports of environmental goods and services added by Representative KENNEDY's amendment during committee consideration. This provision was also the subject of a separate hearing by the subcommittee earlier this year.

In response to questions raised by Members at the hearing about the necessity of guarding against fraudulent representation of the primary end use of a sale, our staff had lengthy discussions with Eximbank personnel about the current Eximbank practice in assessing sales with military potential. The committee expects the Export-Import Bank to continue its present policy of working with other appropriate U.S. Government agencies to review transactions with military sales potential to determine whether they meet the standards established in this legislation regarding nonlethal nature and the primary end use being for civilian purposes. The Bank is expected to continue its present practices of: investigating the prospective use of dual-use items and those sold to military buyers; requiring the buyer or user to provide a certificate that the use of the article or service satisfies the requirements of the legislation; assessing whether civilian use is primary according to a standard requiring unquestionably and strongly predominant civilian use; monitoring the actual use of the items, especially if there is any reason to suspect that the actual use does not conform to the agreed use; requiring accelerated repayment of loans if the buyer has misrepresented the intended use, and using other available sanctions such as debarring from access to future Export-Import Bank credit any buyer or user that violates agreed limitations on the nature or use of the defense articles or defense services financed by the Bank. The Banking Committee expects that the Eximbank will continue these procedures with respect to transactions financed under H.R. 4455 in order to guard against and deter any fraud and misrepresentation.

The committee's understanding of the term "end use" is the intended application or use of an item or service as represented by an applicant for financing from the Export-Import Bank.

It is worth noting that H.R. 4455 only addresses the question of export finance. Any sale of controlled items requiring export licensing still must have whatever licenses are required before being eligible for export, with or without Eximbank financing.

It is further worth noting that while the bill slightly widens the universe of goods and services that Eximbank is allowed to finance, Eximbank would not have to provide financing in any particular situation. It would still be using its normal financial standards to assess the merits of a particular export deal.

□ 1530

Mr. Speaker, again, this Member would like to thank the Chairman, the gentleman from Massachusetts [Mr. FRANK], and a number of other Members, including Appropriation Chairman OBEY and Representatives KENNEDY and WATT, for their assistance and that of their staff in crafting amendments to the original bill in a form that apparently satisfies their concerns about oversight, concerns about crowding-out of other lending, and concerns about guarding against abuse. Adoption of this bill will help bolster U.S. exports of dual-use goods for primarily civilian purposes and create and sustain good, high skill jobs in the United States.

Mr. Speaker, as I prepare to yield my time, I cannot help mentioning the fact that a very valuable staff aide to the Congress, and specifically to the Committee on Banking, Finance and Urban Affairs, working with me and other Members in the minority, but also with the majority, Nelle Temple Brown, will be leaving our committee for an assignment, a high level assignment in Washington with the World Health Organization.

She has had an outstanding and positive effect on hunger legislation, on development legislation, and on a variety of banking legislation, and most especially, the Multilateral Development Banks and the Export-Import Bank. We will miss her greatly, and wish her well in her new duties with the World Health Organization, where she will continue to pursue some of the objectives that we have pursued on the committee.

Mr. Speaker, I urge my colleagues to give their strong support to H.R. 4455, as amended.

Mr. KENNEDY. Mr. Speaker, I rise in support of this bill, the Export-Import Bank Authorization Act. First, I want to recognize the efforts of Representative BEREUTER, who authored the first two sections of this bill, and the subcommittee chairman, BARNEY FRANK, who worked with Mr. BEREUTER and me to come to

the finished product. I also thank Chairman GONZALEZ for his expeditious consideration of the legislation.

H.R. 4455 includes a bill I authored called the Environmental Exports Promotion Act. It authorizes an additional $35 million in credit subsidy for the U.S. Export-Import Bank to support exports of about $500 million in environmental exports.

Mr. Speaker, every week we read about another corporate giant laying off American workers. Since January 1993, for example, just 6 companies laid off 250,000 workers. At the same time, America's entrepreneurs—small business men and women—are creating millions of new jobs.

One of the greatest concentrations of successful entrepreneurs is in the field of environmental technologies. The United States has between 45,000 and 60,000 small environmental firms that have produced the most advanced technologies in the field. These firms create high value-added goods and services; they are creating high-paying jobs; and they are helping solve some of the most difficult environmental issues facing our planet.

Moreover, the world market is gigantic. Today's market is about $200 to $300 billion, and it will grow to $600 billion by the end of the decade. Mexico alone is a huge market, and we have not yet begun to take adequate advantage.

In fact, we export less as a percentage of our environmental production than the Japanese, the French, or the British. We must do better, and I believe the Federal Government can play a constructive role in making this happen.

This bill will help create an atmosphere that helps tens of thousands of small businesses find the environmental markets abroad and, then, makes sure they have the access to capital and financing necessary to win those markets against our industrial competitors.

The Eximbank, under the leadership of President Ken Brody, is working hard to reach out to small businesses and other new exporters. The Bank is pursuing new markets aggressively, and it is working with the other agencies of Government—Department of Commerce, U.S. Trade Development Agency, and OPIC—to make sure U.S. envirotechnology companies are prepared to do battle for these new markets. This legislation will give the Bank a new and important tool to achieve this goal.

H.R. 4455 also opens up the Export-Import Bank for use to promote exports of nonlethal defense goods for primarily civilian purposes. This raises several important issues that need some discussion.

The U.S. Congress has worked carefully for many years to keep the Export-Import Bank of the United States out of the business of the export of military goods. There have been several efforts to use the Eximbank in this way as U.S. defense spending has dropped; proponents have wanted Eximbank to start financing the export of defense goods as a way to maintain production and reduce the painful effects of defense cuts. Each of these efforts has been defeated.

While sympathizing with the employment and economic effects defense cuts entail, I have always opposed the use of the Eximbank to encourage exports of defense goods. I have two primary concerns: first, the United States has already become the primary arms exporter in the post cold war era in the world by far. I fear that this will promote widespread instability in several regions around the world. Our soldiers often face foreign troops with American-made arms.

However, putting aside this important argument, the main reason for opposing Eximbank's involvement has been economic; American economic growth will depend in the near future on exports of civilian goods. There is no shortage of markets. However, there is a shortage of financing. Military deals tend to be very big deals, costing a lot of money, that are relatively easy to put together. Eximbank's limited funds could be quickly depleted after a small number of these sales, thereby crowding out the civilian sector.

The goal of this legislation is to open up a number of lucrative markets to U.S. exporters where a good is designed to be used for civilian purposes, though there might be a military use as well. An example frequently cited is the sale of air traffic control equipment for a civilian airport to a government where the military is in charge of both civilian and military air traffic. This good is nonlethal. Its use is primarily civilian, though it is controlled by the military.

Clearly, this is a case where U.S. manufacturers should be able to compete on the same basis as companies from other nations. Therefore, I supported this bill. However, I raised several concerns about the bill in committee, and I offered two important amendments to address these concerns.

The first amendment caps the amount of credit subsidy the Eximbank can use to support nonlethal defense exports at 10 percent of its total. This will prevent these exports from crowding out the other business of the Eximbank. At the same time, it will allow the Bank to support at least $1.5 billion of these new exports, a figure that should allow for plenty of the new business.

The second amendment addresses the difficulty of ensuring that the end use of a product really is "nonlethal and primarily civilian." The amendment requires the General Accounting Office [GAO] to work with the Eximbank to investigate the previous year's loans to make sure they are being used for the purposes stated. The amendment requires an annual report of the findings of this investigation to the committee. This look back provision will go a long way towards preventing the misuse of these exports. With these two important additions, I support this new legislation and urge my colleagues to pass it.

Mr. WALSH. Mr. Speaker, today, the House of Representatives approved the Export-Import Bank Authorization Act with unanimous, bipartisan support. H.R. 4455 permits the Export-Import Bank to finance dual-use exports of defense articles and services when the items are nonlethal and the primary end-use is for civilian purposes.

Current policy impedes export sales of high-technology, dual-use electronics when military use or involvement is secondary to the civilian use. With American companies moving forward with defense conversion and major opportunities opening up for dual-use satellites, communications equipment, and data processing products, it would be senseless to cede these markets to our trade competitors.

This legislation will provide financing necessary to enable the sale of millions of dollars of American goods and technologies to developing countries. We must do all we can to promote these exports. They are the driving force behind the creation of highly skilled jobs and the good salaries that accompany them.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOPETSKI). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 4455, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHACOAN OUTLIERS PROTECTION ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1562) to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1562

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 "Chacoan Outliers Protection Act of 1994".

SEC. 2. CONFORMING AMENDMENT.

Section 501(b) of Public Law 96-550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96-550 (16 U.S.C. 410ii-1(b)) is amended to read as follows:

"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled 'Chaco Culture Archeological Protection Sites', numbered 310/80,033-B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-nine archeological protection sites totaling approximately 14,273 acres identified as follows:

Name:	*Acres*
Allentown	*380*
Andrews Ranch	*950*
Bee Burrow	*480*
Bisa'ani	*131*
Casa del Rio	*40*

	Acres
Casamero	*160*
Chimney Rock	*3,160*
Coolidge	*450*
Dalton Pass	*135*
Dittert	*480*
Great Bend	*26*
Greenlee Ruin	*60*
Grey Hill Spring	*23*
Guadalupe	*115*
Halfway House	*40*
Haystack	*565*
Hogback	*453*
Indian Creek	*100*
Jacques	*66*
Kin Nizhoni	*726*
Lake Valley	*30*
Manuelito-Atsee Nitsaa	*60*
Manuelito-Kin Hochoi	*116*
Morris 41	*85*
Muddy Water	*1,090*
Navajo Springs	*260*
Newcomb	*50*
Peach Springs	*1,046*
Pierre's Site	*440*
Raton Well	*23*
Salmon Ruin	*5*
San Mateo	*61*
Sanostee	*1,565*
Section 8	*10*
Skunk Springs/Crumbled House	*533*
Standing Rock	*348*
Toh-la-kai	*10*
Twin Angeles	*40*
Upper Kin Klizhin	*60.*

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ACQUISITIONS.

Section 504(c)(2) of Public Law 96–550 (16 U.S.C. 410ii–3(c)(2)) is amended to read as follows:

"(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 505) to accomplish the purposes of archeological resource protection at those sites described in section 502(b) that remain in private ownership.".

SEC. 5. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96–550 (16 U.S.C. 410ii–5) is amended by adding the following new subsection at the end thereof:

"(f) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93–638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1562, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1562, which was introduced by my colleague on the Natural Resources Committee, Mr. RICHARDSON, makes several changes in the act designating the Chaco cultural archeological protection sites. The Subcommittee on Natural Parks, Forests and Public Lands held a hearing on this legislation on May 24, 1994, and the Committee on Natural Resources reported H.R. 1562 favorably to the House on July 27, 1994.

Chaco Canyon, located in the San Juan basin in northwestern New Mexico, was the center of the Anasazi civilization, which emerged and then mysteriously disappeared within a brief 400-year period from A.D. 900 to A.D. 1300. The canyon, which contains the archeological remains the Chacoan Anasazi Indian culture, was designated a national monument in 1907.

After the establishment of the monument, a number of outlying sites were discovered, and the monument was expanded to include some of these in the late 1920's. Further discoveries provided the impetus for Public Law 96–550 enacted in 1980, which renamed the monument as the Chaco Culture National Historical Park, and designated 33 outlying sites as Chaco culture archeological protection sites. These archeological protection sites are managed primarily by the Bureau of Land Management, the Bureau of Indian Affairs, and the Navajo Nation.

The legislation, as amended by the Committee on Natural Resources, deletes two sites from the current list of protection sites and adds eight. One of the deleted sites has been incorporated into El Malpais National Monument, and the other is owned and protected by the Ute Mountain Tribe which prefers to manage this site. The additions are all publicly owned. The bill further modifies the boundaries of sites remaining on the list and authorizes the Secretary to assist the Navajo Nation in the protection and management of protection sites located on Navajo land. Finally, the legislation includes land acquisition language which should provide clear direction to the affected agencies to undertake acquisition of threatened sites before the sites are looted or destroyed beyond salvage.

Mr. Speaker, these are valuable cultural and natural resources which have suffered significant damage. The 1980 Chaco legislation began the process of recognizing, preserving, and protecting these sites without requiring Federal ownership of the properties. The legislation before us continues those efforts and I urge my colleagues' support.

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1562 provides for the expansion of the Chaco Culture National Historical Park. I commend Mr. RICHARDSON for bringing before this committee a park expansion bill that will cost the taxpayer very little. There are no visitor centers and there is no acquisition of expensive private lands. This legislation will insure the preservation of these unique archeological sites and will complete the mission of the park.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON]. He has long worked on this project for the last 10 years, and it has been difficult to finally come up with a policy that has won the type of acclaim and support that this has. I commend the gentleman for his work.

□ 1540

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today in strong support of H.R. 1562, legislation I introduce last year to protect outlying sites at the Chaco Culture Archaeological Protection Site in my congressional district in northwestern New Mexico.

I would like to thank both Chairman MILLER and Chairman VENTO for their leadership and decisive action in scheduling this bill for consideration today. The New Mexico congressional delegation has spent the better part of 10 years working to correct several inequities resulting from passage of the last Chaco-related legislation in 1980. The cooperative attitude of their staffs and the speed with which both Chairman MILLER and Chairman VENTO have moved this legislation from hearing to full committee markup is to be commended.

The Chaco Culture site in New Mexico contains spectacular archaeological remains of the Native American past, which have long been recognized as representing an archaeological peak in Anasazi Indian prehistory. The name Chaco Canyon comes from the Chaco culture, the single most prehistoric culture in the Western United States, which is known to have lived in the area.

During consideration of H.R. 1562 by the Natural Resources Committee this year, several changes were made to the bill as originally introduced in March

of 1993. The changes include the addition of the Morris 41 site to the list of what will now be 39 outlying sites, the addition of clarifying language regarding the role of the National Park Service in working fully with the Navajo Nation to ensure that the sites are managed responsibly, and the addition of new language authorizing the acquisition of lands for the purpose of completing the inclusion of the new outlying sites.

In conclusion, I would like to recognize the hard work and dedication to the issue of additional protection for Chaco exhibited by Senator PETE DOMENICI and his staff. New Mexico's senior Senator has worked with me every step of the way to secure passage of this important legislation and I would like to take this opportunity to thank him for his assistance.

I am confident that the changes we have made to the legislation are reflective of the unique needs of this culturally significant site and I look forward to this legislation's swift passage today and its enactment into law in the very near future.

Mr. VENTO. Mr. Speaker, I thank the gentleman for his kind comments and for his support so that I can work on these measures, and that of the staff and subcommittee members who have obviously been working very hard these past years.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOPETSKI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1562, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill H.R. 1562, as amended was passed.

A motion to reconsider was laid on the table.

SANTA FE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3964) to expand the boundary of the Santa Fe National Forest, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3964

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 "Santa Fe National Forest Boundary Adjustment Act of 1994".

SEC. 2. BOUNDARY MODIFICATION.

The boundary of the Santa Fe National Forest is hereby modified and expanded as generally depicted on a map entitled "Santa Fe National Forest Boundary Expansion 1994", dated July 19, 1994. The map shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, DC.

SEC. 3. ATALAYA PEAK EXCHANGES.

(a) IN GENERAL.—The Secretary of the Interior is authorized to exchange public lands and interests in lands managed by the Bureau of Land Management for private lands and interests therein depicted on the map referenced in section 2.

(b) WITHDRAWAL.—Upon the acquisition of lands under subsection (a) by the Secretary of the Interior, and subject to valid existing rights, such lands are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing.

SEC. 4. INTERCHANGE OF FEDERAL LANDS IN NEW MEXICO.

(a) IDENTIFICATION OF LANDS.—In conjunction with the land exchange under section 3, the Secretary of Agriculture and the Secretary of the Interior shall identify federally-owned lands and interests in lands currently situated within the Santa Fe National Forest which are suitable for transfer to and administration by the Bureau of Land Management. The identification of National Forest lands available for such transfer shall utilize criteria which are mutually agreeable to both of the Secretaries.

(b) LANDS ACQUIRED FOR THE BUREAU OF LAND MANAGEMENT.—

(1) TRANSFER BY SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer, to the Bureau of Land Management, those lands and interests in lands identified pursuant to sub section (a). The transfer shall be effective upon publication in the Federal Register of notice of such transfer that identifies such lands and interests.

(2) BOUNDARY MODIFICATION.—The boundary of the Santa Fe National Forest shall be modified as of the date of notice under paragraph (1) to exclude such lands transferred to the Secretary of the Interior.

(3) MANAGEMENT.—Lands transferred under paragraph (1) shall be added to and administered by the Bureau of Land Management as part of the public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(c) LANDS ACQUIRED FOR THE FOREST SERVICE.—

(1) ADDITION TO SANTE FE NATIONAL FOREST.—Lands or interests in lands—

(A) acquired by the Secretary of the Interior pursuant to section 3, or

(B) acquired by the Secretary of Agriculture within the areas identified as "potential acquisition" on the map referenced in section 2,

shall, upon acquisition, be added to and administered as part of the Santa Fe National Forest in accordance with the laws relating to the National Forests.

(2) MANAGEMENT PRESCRIPTION.—The Secretary of Agriculture shall manage the lands and interests in lands referred to in paragraph (1) primarily to preserve open space and scenic values and to preclude development.

(3) AVAILABILITY OF CERTAIN FUNDS.—For purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(1)), the boundary of the Santa Fe National Forest, as modified pursuant to this Act, shall be treated as if it were the boundary as of January 1, 1965.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act shall affect the authorities of the Secretary of Agriculture to acquire lands in New Mexico by purchase or exchange and, notwithstanding the Act of June 15, 1926 (16 U.S.C. 471a), all such lands heretofore or hereafter acquired by the exchange of National Forest lands shall be managed as a part of the National Forest System.

SEC. 6. IMPLEMENTATION.

The procedures used in carrying out the land transfers by this Act shall be those procedures agreed to between the Secretary of the Interior and the Secretary of Agriculture.

SEC. 7. SEARCH AND RESCUE.

As provided in section 4(c) of the Wilderness Act, mechanical transport, including motor vehicles, motorized equipment, and the landing of fixed-wing and rotary aircraft, shall be permitted anywhere within the boundaries of the Santa Fe National Forest with respect to any emergency involving the health or safety to an individual within the national forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3964, as amended, the bill before us now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3964, introduced by Representative RICHARDSON, expands the boundary of the Santa Fe National Forest in New Mexico. It authorizes the Secretary of Agriculture to acquire the lands within the modified boundary by exchange with the Bureau of Land Management.

The purpose of the bill, is to preserve sections of Atalaya Mountain, which serves as a scenic backdrop to the city of Santa Fe and as public open space. There are several proposals to develop parts of the mountain for homes and this legislation is needed to prevent this. The bill would add 1,000 acres of the mountain to the Santa Fe National Forest.

There is broad public support for preserving this area from development. Many of the private landowners who own property on the mountain are willing to exchange their lands with the Federal Government to preserve the mountain's scenic beauty. The rapid growth of Santa Fe with the accompanying problems of overcrowding, pollution, and lessening quality of life have alarmed many of Santa Fe's citizens. This legislation is part of an effort to protect the scenic beauty of Santa Fe and its quality of life.

H.R. 3964 is noncontroversial, and I urge my colleagues to support it.

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation has been fully explained by Chairman VENTO. I am concerned that H.R. 3964 is basically intended to control growth patterns in the Santa Fe area. Since land use planning is properly a function of local governments, I do not believe the Federal Government should be used to usurp their power. This legislation will only encourage other localities to have Congress solve their land use planning disputes.

However, I am strongly supportive of section 7, dealing with search and rescue, that was inserted by the gentleman from Utah [Mr. HANSEN]. This amendment permits motor vehicles, motorized equipment and the landing of fixed-wing and rotary aircraft within the Santa Fe National Forest to deal with search and rescue emergencies.

This amendment is intended to prevent the Forest Service from repeating its recent actions which forced a 14-year-old Boy Scout, who was lost in the Pecos Wilderness Area, to spend 2 nights in the wilderness. This situation occurred because the Forest Service did not consider this emergency sufficient to allow him to be rescued by helicopter until there was a public uproar. Hopefully, this amendment can be attached to bills dealing with other national forests throughout the Nation.

Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to first commend my colleague, the gentleman from New Mexico [Mr. RICHARDSON], for his strong work on the Santa Fe National Forest as represented in this bill. I particularly want to echo what my colleague just stated as a reason for supporting this bill in the provision that deals with search and rescue.

I believe that the amendment of the gentleman from Utah [Mr. HANSEN], which has been accepted by the committee, was based upon a bill that I introduced, H.R. 4826, dealing with search and rescues. The bill itself deals with an incident that occurred in a wilderness area, but I believe that it could be equally applicable in a national forest area that is set aside to be open space and nondeveloped. Apparently the Committee on Natural Resources felt that way because they did on a unanimous vote put the provision into the bill.

Specifically this provision and my bill are intended to address a problem that occurred in New Mexico several weeks ago. This situation was a 14-year-old became separated from his party in a national forest in New Mexico. He was located by the New Mexico State Police helicopter but when the helicopter asked for permission to land and rescue the young man, permission was denied by the Forest Service. The reason that the Forest Service denied the right to land is they believed that the young man was going to be rescued in the next couple of hours by a ground-based search and rescue crew that was already looking for him.

The ground-based search and rescue crew did not locate the boy. He spent another night in the national forest in which he was lost, and the next day the State Police helicopter was again called out and this time was allowed to pick up the young man.

Why did the Forest Service deny the helicopter the right to land and pick up this lost youth the first time around? The answer to that, Mr. Speaker, is that the Forest Service interprets the law on wilderness areas to mean that they must decide how much of an emergency really is enough of an emergency to allow a motorized vehicle, in this case, a helicopter, to be used to make a landing.

It is my view, and I believe the view of many others as represented by the inclusion of this provision in this bill, that when there is a lost individual, the Forest Service, or any other agency of government, should not be charged with the responsibility of trying to figure out how much of a threat to health and safety warrants an immediate rescue if that rescue can be done by a motorized vehicle.

□ 1550

It is the intent of this provision not to put Federal employees in that kind of bind through their present interpretation of this law, and to directly state in an emergency situation if a motorized vehicle can effect a rescue, that rescue should take place. This is not intended to violate the intent of the Wilderness Act or of open space or any other goal of the U.S. Congress, but to make sure that the protection of human life and safety is of paramount concern when there is a threat to that life and safety.

I thank the gentleman for yielding the time.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], and I thank him for his work on this legislation.

Mr. RICHARDSON. Mr. Speaker, to my colleague the gentleman from New Mexico [Mr. SCHIFF], again my thanks for his support on this legislation and for the very constructive issue he has raised. As the gentleman knows, Chairman VENTO accepted an amendment which in my judgment does deal with the issue the gentleman raised. I do again want to thank him for his support on this legislation and many other public lands issues that he has shown leadership on throughout our State.

Mr. Speaker, I rise this afternoon to express my strong support for H.R. 3964, legislation I introduced earlier this year to protect an environmentally sensitive, and visually important mountain east of Santa Fe, NM by expanding the boundaries of the Santa Fe National Forest.

As many of our colleagues may know, Santa Fe, which is nestled in the mountains about 60 miles from Albuquerque, is one of the most beautiful State capitals in the United States. Santa Fe is known all over the world for its arts and crafts, Native American and Hispanic cultural links, and scenic beauty. However, many of my constituents fear that Santa Fe is also becoming a concrete example of the perils of commercialism. With its rapid growth, expansion of tourist services and new home and business construction, the historic nature of Santa Fe is in jeopardy.

Nowhere has this threat been more apparent than on Atalaya Mountain, with its scenic vista to the east of town. A recent controversy about development of housing and other new construction on the mountainside has driven much of the community to work together to protect the area from further development.

Just last week, the Santa Fe Conservation Trust reached oral agreement with all of the individuals owning land in the areas on Atalaya which are affected by H.R. 3964 and immediately threatened by development. These multiparty agreements involve a complex mix of donation and land exchange. However, none of these agreements will move forward without passage of this legislation. As Bill deBuys of the conservation fund in Santa Fe has written to me, "Consummation of these transactions are entirely contingent upon passage of this bill."

Mr. Speaker, I am very grateful to Chairman VENTO and Chairman MILLER for the speed with which this legislation has been considered. Their appreciation of the delicate balance of growth and development now in place in Santa Fe, and the threat further development places on that balance is indicative of their willingness to move forward with this legislation. I would like to thank them both for their leadership and assistance.

The American West is increasingly being threatened by battles between development and preservation. It is my hope that other situations similar to the one we are experiencing in Santa Fe can also be resolved in the forthright, positive way in which we have all attempted to deal with Atalaya. The exemplary leadership of community leaders and elected officials has

been the key to getting this legislation to the floor.

In addition, the important role of Senators JEFF BINGAMAN and PETE DOMENICI in moving this legislation through the Senate is to be commended. With their cooperation and the swift passage of this legislation today, I am confident that H.R. 3964 can be enacted into law promptly.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Mexico for his comments and commend this bill to the Members. We did reaffirm the wilderness policy in terms of motorized, fixed wing or helicopters for search and rescue operations. Of course, there was a mistake made in this particular instance, so I think this is an important point to be made insofar as the importance of safety and health purposes here for wilderness, and we need to provide that opportunity. I think the bill adequately addresses that as well as the major theme, of course, and that is the protection of Atalaya Mountain and the expansion of the boundary against this backdrop which Santa Fe finds very important for its community.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOPETSKI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3964, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PISCATAWAY PARK EXPANSION ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1703) to expand the boundaries of the Piscataway National Park, and for other purposes, as amended.

The Clerk read as follows:

S. 1703

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 "Piscataway Park Expansion Act of 1994".

SEC. 2. EXPANSION OF PARK.

(a) The boundaries of Piscataway Park in Maryland are hereby revised to reflect the addition of approximately 163 acres of lands as generally depicted on the map entitled "Proposed Boundary Map—Piscataway Park", numbered 838-80137, and dated November 17, 1993.

(b) The Secretary of the Interior is authorized to acquire lands and interests therein within the areas added to the park pursuant to subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1703, the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. I yield myself such time as I may consume.

Mr. Speaker, S. 1703, which passed the Senate on June 16, 1994, is legislation introduced by Senator PAUL SARBANES to expand the boundaries of Piscataway Park in Charles County, MD. A companion bill, H.R. 3973, was introduced by Representative STENY HOYER.

Piscataway Park was authorized in 1961 to preserve the natural and scenic resources of the Potomac River and preserve the historic overview of the Maryland shore from Mount Vernon, home to the United States' first President, George Washington. It consists of 4,260 acres, of which some 2,700 acres are protected through scenic easements.

Due in large part to the establishment of Piscataway Park, the historic view of the Maryland shore from Mount Vernon has changed little since George Washington's Presidency. In response to increasing development pressures in the area, the Mount Vernon Ladies Association hired a consulting firm in 1991 to conduct a study of the viewshed from Mount Vernon. The analysis showed that 98 percent of the viewshed outside of Piscataway Park can be protected by local low density zoning which controls building heights. This study also revealed that the viewshed would be diminished if development occurred on certain parcels.

S. 1703 would expand the boundary of Piscataway Park to include approximately 163 acres to protect the historic viewshed from Mount Vernon. The land is located between Fort Washington Historical Park and the existing Piscataway Park, both managed by the National Park Service. Because of the steep slopes of the three parcels and their location directly across open water from Mount Vernon, any development of these parcels would significantly detract from the historic view. The parcels also support a variety of wildlife including bald eagles, herons, and deer and include some prehistoric archeological sites. This legislation has broad public support in the area and is also supported by the administration.

The Committee on Natural Resources made minor amendments to the legislation to delete the word "National" from the bill title and the short title. The original statute and subsequent statutes as well as all National Park Service informational brochures and indexes list this area as Piscataway Park. The national park designation is reserved for only those areas which contain a variety of significant resources and encompass large land or water areas. Piscataway Park is not such an area and should not be referred to as such in law.

Mr. Speaker, this is a worthy measure to protect an important historical and natural resource and I urge its passage today.

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the subcommittee, Mr. VENTO, has described the substance of the bill, a proposal to spend $3 million of taxpayer funds to protect the viewshed from the privately owned Mount Vernon.

Mr. Speaker, Congress should be spending the scarce NPS dollars which would be diverted to this proposal on some of the real needs facing the agency. NPS is facing a shortfall of $1–2 billion in land acquisition funding, a shortfall of 25 years at the existing funding rate. Instead of spending money to buy lands to protect the Everglades, or complete the Appalachian Trail, or purchase land at Gettysburg, or even to buy out some poor inholder who has been waiting for years to be acquired, we will be protecting the viewshed of Mount Vernon from houses 4 miles away.

Mr. Speaker, there is something very wrong with the priorities Congress establishes for our limited Federal funds, and this bill is one more good example of it.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to commend the gentleman from Maryland [Mr. HOYER], who has worked very diligently on this measure. As I said, this particular parcel lies between Piscataway Park in Maryland and the George Washington Park on the Virginia side.

They have been very interested, and the fact is that they have now an option on a willing seller-willing buyer basis on the 163 acres. This will really tie together along the banks of the Potomac a green corridor, continued corridor in which, when you view it, as I

said, from the Virginia side, you see this wonderful site that has been really virtually unchanged in nearly 200 years.

The gentleman from Maryland has arrived, and I want to, as I say, commend him again.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER] concerning the Piscataway Park addition.

Mr. HOYER. Mr. Speaker, I thank the chairman for his courtesy and for yielding this time to me.

Mr. Speaker, I rise in strong support of S. 1703, the Piscataway Park expansion. As the sponsor of the House legislation, H.R. 3973, I am thankful to Chairman VENTO and his staff for their hard work.

Piscataway Park was created in 1961 to protect the historic viewshed of Mt. Vernon, the home of our Founding Father George Washington, after it was threatened by intense commercial development in the late 1950's.

This effort was so successful that pictures taken today of the Maryland shoreline differ little when compared to colonial era paintings of the land.

This is truly an extraordinary sight, and I encourage my colleagues to visit Mt. Vernon to truly appreciate its significant impact on one of our country's most important historical attractions.

Since 1961 though, Piscataway National Park has gained an important identity apart from Mt. Vernon. With a functioning colonial farm, nature trails, an environmental educational farm for schoolchildren, and Indian burial grounds, Piscataway not only offers citizens a view of the tremendous biological diversity which exists along the Potomac, But it reaches back nearly 5,000 years to document the first inhabitants of this area.

Lying only 15 miles from Washington, Piscataway Park offers excellent recreational and historic opportunities to a large and diverse group of people.

However, much of the effort during the last 30 years is at risk. Three years ago, the Mt. Vernon Ladies Association identified a section of the viewshed which was not protected from development and which is adjacent to Piscataway Park.

With the concern over development of this property—which includes two bald eagle nesting sites—the owner of the property willingly agreed to sell the property to someone who would protect it. Right now, the trust for public land has an option to buy this property, giving the Federal Government the time to purchase the land and add it to Piscataway Park.

With cosponsors from 11 different States, H.R. 3973 attracted broad support, as did S. 1703, which was passed unanimously be the Senate.

I appreciate the opportunity to have this legislation on the floor of the House today, and I encourage the House to follow the Senate's actions and pass S. 1703.

Mr. Speaker, I greatly appreciate the time that the subcommittee chairman and the ranking member, Congressman HANSEN, have given me, and I would like very much to work with both of them to protect the Mt. Vernon viewshed and the other important treasures Piscataway National Park offers.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1703, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to expand the boundaries of Pascataway Park, and for other purposes.".

A motion to reconsider was laid on the table.

EXPANDING BOUNDARIES OF RED ROCK CANYON NATIONAL CONSERVATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3050) to expand the boundaries of the Red Rock Canyon National Conservation Area as amended.

The Clerk read as follows:

H.R. 3050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY EXPANSION.

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended to read as follows:

"(2) The conservation area shall consist of approximately 195,610 acres as generally depicted on a map entitled 'Red Rock Canyon National Conservation Area—Proposed Expansion', numbered NV-RRCNCA-002, and dated July 1994.".

SEC. 2. OTHER AMENDMENTS TO THE RED ROCK CANYON NATIONAL CONSERVATION AREA ESTABLISHMENT ACT OF 1990.

(a) DEADLINE FOR MANAGEMENT PLAN.—Section 5(a)(1) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-3(a)(1)) is amended by striking "Within 3 full fiscal years following the fiscal year in which the date of enactment of this Act occurs," and inserting in lieu thereof "No later than January 1, 1997,".

(b) EXCHANGE AUTHORITY.—Section 7 of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-5) is amended—

(1) by striking "Except as specifically authorized" and inserting in lieu thereof "(a) Except as specifically authorized"; and

(2) by adding at the end thereof a new subsection, as follows:

"(b) The Secretary may transfer to the owner of the Old Nevada recreation facility the approximately 20 acres of Federal lands within the conservation area which, on March 1, 1994, were used to provide parking for visitors to such facility, in exchange for lands of equal or greater value within the conservation area acceptable to the Secretary.".

(c) PRIORITY DATES.—Section 10(b) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-8(b)) is amended by striking "Act." and by inserting in lieu thereof "Act, except that as related to rights associated with lands added to the conservation area after such date, the priority date shall be the date of enactment of the Act adding such lands to the conservation area.".

SEC. 3. POTENTIAL CONSERVATION LANDS.

(a) WITHDRAWAL.—Subject to valid existing rights, the lands identified in subsection (b) are hereby withdrawn from all forms of entry under the public land laws, including the mining laws, and from operation of the mineral and geothermal leasing laws: *Provided*, That nothing in this subsection shall limit the issuance of any necessary licenses or public land rights-of-way for any hydroelectric project involving such lands.

(b) LANDS.—The lands referred to in subsection (a) are the approximately 1,280 acres of public lands as generally depicted on the map entitled "Potential Conservation Lands: Possible Hydroelectric Project" dated July, 1994.

(c) FUTURE STATUS.—(1) Effective on the date 5 years after the date of enactment of this Act, the lands described in subsection (b) shall be added to the Red Rock Canyon National Conservation Area unless before such effective date all necessary licenses and public land rights-of-way have been issued for a hydroelectric project involving some or all of such lands.

(2) For purposes of section 10(b) of the Red Rock Canyon National Conservation Area Establishment Act of 1990, as amended by this Act, the date on which the lands identified in subsection (b) of this section are added to the Red Rock Canyon National Conservation Area shall be deemed to be the date of enactment of an Act adding such lands to the conservation area.

SEC. 4. AUSTIN, NEVADA MUSEUM.

(a) LANDS.—The Austin Historic Mining District Historical Society (hereafter referred to as "the Historical Society") shall be permitted to use the lands located in Austin, Nevada, identified as township 19 North, range 44 East, section 19, block 38, lots 1 through 16, assessor's parcel number 01-147-01, amounting to approximately 0.59 acres, in accordance with the requirements of this section.

(b) USES.—The Historical Society's use of the lands identified in subsection (a) shall be subject to the requirements of this section and shall be limited to use for a museum or other facility to illustrate the history of the Austin Historic Mining District.

(c) TERMS AND CONDITIONS.—(1) The Secretary of Agriculture shall permit the Historical Society to use the lands identified in subsection (a) for a period of 20 years after the date of enactment of this Act. After such period, the Historical Society may continue to use such lands, at the discretion of the Secretary of Agriculture.

(2) During the period of 20 years after the date of the enactment of this Act, the Historical Society, if it elects to use the lands identified in subsection (a), shall pay to the Secretary of Agriculture, on behalf of the United States, an annual rental of $100.

(3) If the Secretary of Agriculture permits continued use of the lands identified in subsection (a) after the end of the period of 20

years after the date of enactment of this Act, the Secretary of Agriculture shall require payment of such annual rental as the Secretary determines reasonable.

(4) At all times that the lands identified in subsection (a) are used by the Historical Society, the Historical Society shall be solely responsible for all necessary maintenance and repairs of all structures and improvements on such lands and for all necessary payments for utilities or other services.

(5) All rentals received by the Secretary of Agriculture under this section shall be deemed to have been deposited with such Secretary pursuant to the Act of December 4, 1967 (16 U.S.C. 484a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3050, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3050, a bill by the gentleman from Nevada [Mr. BILBRAY], would amend the law designating the Red Rock Canyon National Conservation Area, so as to add additional BLM-managed public lands to that area.

This national conservation area, which is managed by the Bureau of Land Management, lies immediately west of Las Vegas, and has very important natural, scenic, recreational, and other resources and values.

Together with the immediately adjacent Spring Mountain National Recreation Area managed by the Forest Service, the Red Rock Canyon National Conservation Area is one of Nevada's most-visited natural attractions, and its proposed expansion enjoys very strong support in Nevada and elsewhere.

During the Natural Resource's Committee's consideration of the legislation, some concerns were expressed about how the bill would affect BLM's planning activities and management of other public lands in the Las Vegas Area. I myself have a number of concerns about BLM's policies as they affect the larger landownership patterns in that part of Nevada.

However, the committee was able to resolve those concerns sufficiently so that the bill was reported without controversy, and I do not believe any controversy should exist with the measure today on the floor of the House.

The committee made a number of changes that are reflected in the bill now before the House. As introduced, the bill would have added about 93,100 acres of BLM-managed lands to the conservation area; as we bring it to the floor, it instead would add about 112,200 acres, a significant increase. This total reflects addition to the NCA of lands with significant occurrences of the blue-diamond cholla and other cactus species, as well as other BLM-managed lands that would be added to the northern and eastern parts of the conservation area.

At the same time, the new conservation boundary has been revised to exclude some lands affected by a flood control project and also lands adjacent to an existing highway and powerline near the northeastern boundary of the conservation area.

In addition, about 1,280 acres that the bill would have put into the conservation area would instead be put into a holding pattern because of the possibility that a hydroelectric project might be built nearby. Under the bill, these lands would be withdrawn, so as to maintain their suitability for possible future management as part of the conservation area, and would be automatically added to the conservation area 5 years after enactment of the bill, unless prior to that date the hydroelectric project has received all necessary licenses and public-land rights-of-way.

The bill also includes several revisions of the existing law designating the conservation area. These would extend the deadline for completion of the management plan for the conservation area, so that the plan can deal with the additional lands that the bill would add to the conservation area; would also provide the BLM authority to deal with an existing trespass situation through an exchange; and would clarify the water-rights priority date with respect to the lands the bill adds to the conservation area.

Finally, the committee adopted an amendment by the gentlewoman from Nevada [Mrs. VUCANOVICH] to allow a local historical society to lease a half-acre tract of land in the town of Austin, NV, for at least 20 years for purposes of a museum. This tract was formerly a Forest Service ranger station, but now is vacant.

Mr. Speaker, this is a good bill, which makes a significant contribution to the protection and sound management of the Red Rock Canyon National Conservation Area, a very special place that provides important recreational, educational, and other opportunities in close proximity to one of the fastest-growing metropolitan areas in the Nation.

The gentleman from Nevada [Mr. BILBRAY] deserves commendation for his leadership and persistence in introducing this bill and enabling us to bring it before the House today. The other Member from Nevada, our committee colleague, Mrs. VUCANOVICH, has also played a valuable role and earned our thanks.

Mr. Speaker, I urge approval of the bill.

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

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3050, a bill to expand the Red Rocks National Conservation Area. Red Rock Canyon lies within my congressional district just west of Las Vegas, NV. My colleague in the delegation, JIM BILBRAY, sponsored this bill to expand the boundary of the recently established conservation area with which is managed by the Bureau of Land Management. Together with the Spring Mountains National Recreation Area, managed by the U.S. Forest Service, an area of public land approaching one-half million acres in size will be set aside for recreation, hunting, fishing, and other outdoor activities.

Mr. Speaker, Red Rock Canyon is receiving visitors in unprecedented numbers as the population of the Las Vegas Valley increases and as the many families visiting Las Vegas choose to add a nearby nature experience to their vacation plans as well. Red Canyon is an international rock-climbing destination and it is an important habitat for desert tortoise, desert bighorn sheep, and other species residing in the transition zone between the Mojave Desert and Mount Charleston's high coniferous forests to the north.

Mr. Speaker, I wish to thank the subcommittee chairman, BRUCE VENTO, and ranking member, JIM HANSEN, for their efforts to ensure the boundaries of the proposed expansion meet the needs of the visitors and Clark County residents alike. Several adjustments were made so that proposed flood control projects would remain outside the national conservation area. Similarly, the Blue Diamond proposed pump storage project, undergoing Federal Energy Regulatory Commission licensing procedures, was granted a window of opportunity to achieve permitting. If at the end of 5 years the necessary approval is not forthcoming, the area will revert to NCA status.

On the other hand, the subcommittee added acreage to protect the rare blue diamond cholla—a cactus that grows only on gypsum-bearing soils, and otherwise adjusted boundaries in consultation with the Nevada delegation. Furthermore, the subcommittee resisted efforts to delete some 2,900 acres from the expansion area northwest of Las Vegas that was being sought for high density residential development. The fact remains that there simply is no water to serve homes that would be built in that remote area far from current water mains. The water district, the county planning commission, and local elected officials all opposed removing this acreage from the bill, as

did JIM BILBRAY and I. Again, I thank Messrs. VENTO and HANSEN for agreeing with Nevadans' wishes despite an intense lobbying effort to do otherwise.

Lastly, Mr. Speaker, the final section of the bill would provide for a 20-year lease by the Forest Service of an unused small parcel which formerly housed a ranger station in Austin, NV. The local historical society will use it for a museum portraying the mining history of Austin. I thank Chairman VENTO for his assistance in seeing this amendment through as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commented on the work of the gentleman from Nevada [Mr. BILBRAY] on this matter which was outstanding. As I said, it became quite a topic of debate and discussion before it was all done.

This was not one of the easy ones to do, Mr. Speaker. I want to commend the gentleman from Nevada [Mr. BILBRAY] and the gentlewoman from Nevada [Mrs. VUCANOVICH], and the delegations who were involved, from the various States of interest.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of H.R. 3050, legislation I introduced to expand the boundaries of the Red Rock Canyon National Conservation Area [NCA]. At the outset, I would like to thank Chairman VENTO and the subcommittee staff for all of their hard work in bringing this bill to the floor today. I would also like to thank Chairman MILLER for expediting his committee's consideration of this legislation and Congresswoman VUCANOVICH for her strong leadership among the minority members of the Natural Resources Committee.

Mr. Speaker, H.R. 3050 would add approximately 112,000 acres to the existing 83,400 acre Red Rock Canyon National Conservation Area. As you will recall, Mr. Speaker, the Red Rock NCA was established several years ago by legislation sponsored by myself and Senator REID. The primary purpose of the expanded NCA embodied in the legislation before us today is to provide for the protection of additional lands and resources from the pressure of urban growth and to allow for additional recreational opportunities for the rapidly growing Las Vegas community. It is estimated that next year over 1 million visitors will come to Red Rock Canyon to enjoy a variety of experiences, such as hiking, biking, rock climbing, archaeological exploration, and solitude. Expansion of the NCA will hopefully disperse some of these activities and relieve pressure from the scenic loop and canyon area that are heavily burdened by visitor traffic.

The largest addition envisioned by H.R. 3050, which includes roughly 100,000 acres to the north of the current NCA, would provide for increased protection of a magnificent Joshua tree forest, as well as important habitat for the threatened desert tortoise. Heightened protection for this area will also put the BLM in a better position to crack down on illegal dumping that threatens the natural beauty of this desert ecosystem. Another new area to be added to the NCA by this legislation will provide for the protection of the blue diamond desert cholla, an endemic species of cactus threatened with extinction. It is my hope that the inclusion of the approximately 900 acres of cholla habitat in the NCA will provide the necessary impetus for the recovery of this species without triggering the procedures required under the Endangered Species Act. Other areas to be included in the NCA would protect important watersheds for the Las Vegas valley, thereby preserving the valley's natural groundwater recharge process and minimizing flood control problems.

It is also important to view these additional areas as component parts of a much larger ecosystem in need of protection from sprawling urban encroachment. Combined with the recently established Spring Mountains National Recreational Area, the expanded Red Rock NCA will provide protection for nearly one-half million acres of public land on the outskirts of Las Vegas. As is well known to many long-time visitors to the area, the Spring Mountain Range is a unique desert ecosystem teeming with endemic species of plants and animals. H.R. 3050 would benefit the Spring Mountains NRA by protecting the low-lying desert areas that serve as the gateways to the Spring Mountains.

I would like to speak briefly about what many would consider a minor, technical amendment that was adopted in committee. This amendment gives the BLM an additional 2 years to complete its general management plan for the Red Rock NCA. I want to state for the record that I have received numerous complaints regarding the perceived direction of the management plan. Many people feel that the plan has focused too much on accommodating the recreational needs and desires of visitors at the expense of the need to protect the various biological and natural resources in the NCA. It is my belief, as the sponsor of this legislation, that the original Red Rock Canyon National Conservation Area Establishment Act was intended to provide for recreational opportunities for visitors, but only if those activities did not diminish or harm the fragile environment of the NCA. Conservation is the paramount goal of this legislation. Recreational pursuits should only be conducted in the context of an overall policy of conservation. I trust that the BLM understands this, and will develop their management plan accordingly.

Mr. Speaker, in addition to the goal of expanding the Red Rock NCA, H.R. 3050 has had the unintended, albeit welcomed, consequence of raising other public land issues in southern Nevada, which I would like to touch briefly. Most notably, H.R. 3050 became the catalyst for widespread discussions among southern Nevadans of the BLM's land disposal policy in the Las Vegas valley. As Chairman VENTO mentioned during the subcommittee markup of this legislation, the BLM's disposal and exchange practices in southern Nevada are in need of further scrutiny by the Subcommittee on Public Lands. I welcome the subcommittee's involvement in this arena, and in anticipation of oversight hearings next year, I have assembled a community-wide public lands task force to discuss and to integrate the current planning processes of the BLM and local governments.

Finally Mr. Speaker, I would like to urge my colleagues to join me in supporting this important public lands bill.

Mr. Speaker, I include for the RECORD sundry letters and resolutions, as follows:

NEVADA WILDLIFE FEDERATION, INC.,
Reno, NV, July 16, 1994.

Hon. JAMES BILBRAY,
Cannon Office Building,
Washington, DC.

HON. JAMES BILBRAY, I am writing you to let you know that the Nevada Wildlife Federation supports your bill to expand the boundaries of the Red Rock Canyon National Recreation Area.

The Nevada Wildlife Federation is the oldest and largest conservation organization in Nevada. We represent over 20 affiliate clubs statewide with a combined membership of over 10,000 folks that are interested in the use of our public lands.

If we can be of assistance to you, please do not hesitate to contact us. Bob Maichle in Las Vegas is our point of contact. He can be reached at (702) 361-3060.

Sincerely,

GALE DUPREE,
President.

CITY OF NORTH LAS VEGAS,
North Las Vegas, NV, July 1, 1994.

Congressman JAMES BILBRAY,
U.S. House of Representatives, Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN BILBRAY: We fully support your efforts to protect the Red Rock Canyon National Conservative Area (NCA). Your legislation to expand the boundaries of the Red Rock Canyon NCA to include the transition between the Mojave Desert and the Mount Charleston coniferous forests is a great service to the residents of Southern Nevada.

Red Rock Canyon NCA provides recreational opportunities close to the metropolitan area that are appreciated by the residents of the Las Vegas Valley. We hope your

efforts to preserve some of Nevada's treasured public lands will indeed prove successful. We appreciate your efforts on our behalf.

Sincerely,

JAMES K. SEASTRAND,
Mayor.
MARY J. KINCAID,
Councilwoman.
JOHN K. RHODES,
Councilman.
THERON H. GOYNES,
Councilman.
WILLIAM E. ROBINSON,
Councilman.

MARCH 3, 1994.

Hon. JAMES BILBRAY,
House Office Building,
Washington, DC.

DEAR CONGRESSMAN BILBRAY: This letter is in support of your efforts and H.R. 3050 to expand the boundaries of the Red Rock National Conservation Area. A number of groups and individuals are represented by this letter. We may be described as bicyclists, hikers, photographers, wildlife and nature enthusiasts, and "just plain city folk". We are extremely proud in the leadership that you have exhibited on this issue. Some of us remember your pledge, on the day of the dedication for the National Conservation Area, to expand the boundaries. You were able to recognize then that it would not be long before the rapidly expanding Las Vegas metropolitan area would be at the doorstep of this unique area. The time is at hand to ensure that your vision of an expanded Red Rock National Conservation Area becomes a reality before it becomes too late to protect the core values of this natural area.

We are concerned that the core areas of the Bureau of Land Management's Red Rock National Conservation Area and U.S. Forest Service's Spring Mountain National Recreation Area would become increasingly impacted by greater numbers of visitors and by development that will eventually lie on the present perimeter of these areas. It would be sad to stand at key vantage points in these areas and witness development right up to the section lines that designate these areas. It would be sad to witness street lights, block walls, and commercial and residential development where the eye and mind are left today to imagine the old West, the old Nevada. Legal access to many areas could be restricted, or inhibited by private property on the border of the areas. Unpermitted activities within these national areas, such as illegal dumping, shooting, and motor vehicle use, would increase as development closes in on the areas. Additional problems would be created for the agencies that are charged with the protection of these areas if development is allowed to the edge of the present boundaries. Additional recreational opportunities for an expanding metropolitan area would be lost. Natural areas, where desert tortoises, desert wildflowers, and other desert species presently inhabit, would be lost to development. We are not opposed to development within the Las Vegas valley, but the development must be carefully restricted and regulated as it approaches those core areas that we have tried to preserve over the years.

Let us examine, briefly, a few of the increased opportunities that would be provided to the public if H.R. 3050 were enacted into law. Recreational use of lands within the present Spring Mountain and Red Rock areas could be spread out. A growing population in southern Nevada is bringing increased pressures for areas where families can go mountain biking. Some of the lands in H.R. 3050 would be suitable for this sport. Where people used to ride horses in the Las Vegas valley, there are now houses and shopping centers. Some of the lands in H.R. 3050 would be well suited for horseback riding. The lands along the Kyle Canyon road have been proposed as an area of critical environmental concern (ACEC) because of the joshua tree forest. Some of this habitat would be protected in H.R. 3050. Areas where sand and gravel operations have been a nuisance and eyesore to local residents would come into the National Conservation Area, and these areas would be off limits to this type of activity. Local flora, fauna, and scenic vistas would be protected.

We support the boundaries on the map that you submitted with your bill. We recognize that there are some who wish to obtain those public lands for their own benefit and profit. There are developers who would like to build homes on the high ground so that their inhabitants can look down on the city. Consider, however, all of those people in the city that look up to Red Rock and the Spring Mountain range for their beauty and as a source of inspiration. We believe their views should be considered. We believe that a greater good would be served by retaining those lands in Federal ownership and providing greater protection to those lands. Some of the land in your bill can serve as gateways to the Spring Mountain and Red Rock backcountry. Much of the area can be described as alluvial plains. If those areas were developed, recharge of our groundwater aquifer in the valley would be further inhibited and floodwaters coming off the developed land would pose additional problems for down-slope residents and citizens. If those areas were developed, there would be pressures for major highways and water reservoirs to be placed along the edge of these national, natural resource areas. We urge that you do not allow the present boundaries in your map to be significantly altered as this legislation moves forward.

We cannot rest on our laurels and say that the recent enactment of the Red Rock National Conservation Area and the Spring Mountain National Recreation Area will be all that is ever necessary to protect these areas as we know them today. We have made mistakes in protecting many natural areas in this country by designating, at the time, areas that were too small and boundaries that were inappropriate for the task of protecting the areas and the core values. We must not let that happen again, here. We urge you to hold fast and work as hard as you can to see that H.R. 3050 becomes law this year.

The Spring Mountains Association; Red Rock Audubon Society; League of Women Voters of Nevada; Raven of Citizen Alert; Las Vegas Valley Bicycle Club; Las Vegas Valley League of Women Voters; Toiyabe Chapter of the Sierra Club; Howard Booth, activist for Red Rock; and Jim Rathbone, Friends of Red Rock Canyon.

RESOLUTION OF THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS TO SUPPORT THE EXPANSION OF THE RED ROCK CANYON NATIONAL CONSERVATION AREA

Whereas, the Red Rock Canyon National Conservation Area is a unique and diverse natural environment of national importance; and

Whereas, land within Red Rock Canyon National Conservation Area have unique scenic, cultural, biological, geological and archaeological features; and

Whereas, the Red Rock Canyon National Conservation Area is an important natural, historical and recreational resource which provides recreational opportunities for tourists as well as residents; and

Whereas, the growing southern Nevada population places a growing demand for recreational, educational and scientific use of this resource; and

Whereas, expansion of the boundaries of Red Rock Canyon National Conservation Area would preserve the foothills of the Spring Mountain range and provide greater protection to this valuable national resource.

Now, therefore, be it resolved, That the Clark County Board of County Commissioners does support the expansion of the boundaries of the Red Rock Canyon National Conservation Area as shown on the attached map, dated August 1993;

And be it further resolved, That the Clark County Board of County Commissioners supports only those exchanges of lands from within the Conservation Area which will not create a significant need for new water resources or for delivery of new urban services by local governments;

And be it further resolved, That the Clark County Board of County Commissioners forwards its recommendation to the Nevada delegation of the United States Congress to initiate and support legislation to expand the boundaries of the Red Rock Canyon National Conservation Area during the 1994 Congressional Session.

SR CONSULTING,
Las Vegas, NV, March 7, 1994.

Hon. JIM BILBRAY,
House Office Building,
Washington, DC.

DEAR CONGRESSMAN BILBRAY: This letter is in support of H.R. 3050 and your efforts to expand the boundaries of the Red Rock Conservation Area.

As you are aware, The Las Vegas Valley is the fastest growing area in America. This incredible development, while welcome to our economy, is placing unbelievable stress on the very quality of life that attracts such growth . . . Our scenic view and watersheds. Development can and should occur within the Las Vegas Valley, but only within local government's ability to provide infrastructure without breaking the backs of local taxpayers. Developers are looking further afield to find large blocks of inexpensive land where they can speculate without providing necessary infrastructure.

This is why it is so important to provide a level of protection for all those who live or visit here, the protection of those foothills and mountains which surround our unique valley. In addition to protection from development, your bill will also provide protection for wildlife and rare or endangered species.

Additional recreational opportunities are urgently needed, particularly for youth and seniors. The Red Rock Conservation as well as the Spring Mountains National Recreation Areas suffer from gridlock as almost 1 million residents and 20 million visitors rush to enjoy these unique areas year-around. H.R. 3050 will provide the opportunity to expand long-term recreational opportunities for our growing population.

Thank you again Congressman Bilbray for taking the lead in preserving the beauty of Southern Nevada for our pleasure and for our grandchildren. I'm sure you'll look back

with great pleasure and know that your accomplishments have benefitted untold future generations.

H.R. 3050 is a good bill. I urge you to hold fast and work hard to see that H.R. 3050 becomes law this year.

Sincerely,

LOIS SAGEL.

LEAGUE OF WOMEN VOTERS OF LAS VEGAS VALLEY,
Las Vegas, NV, March 1, 1994.

Congressman James Bilbray,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN BILBRAY: The League of Women Voters of Las Vegas Valley would like to let you know of our support for your bill for the expansion of the Red Rock Canyon National Conservation Area. We congratulate you for recognizing the need to protect the State's natural resources. So many have concentrated on the tremendous growth in Southern Nevada without taking the time to assess the impact on areas such as Red Rock and the Spring Mountain National Recreation Area. It is important that we take steps to protect these valuable resources before it is too late.

The expansion of Red Rock will offer the following:

1. Protection of wildlife habitat for both areas.

2. Minimize viewshed damage to users of the two areas. They will be able to quietly enjoy the beauties of the natural environment without the intrusion of lights and noise from nearby developments.

3. Protection of the watershed for both areas. The State Engineer has targeted Kyle Canyon, Tule Springs, Calico Basin and all of the Spring Mt. Range area as having inadequate ground water and is not permitting parcelling of private properties in these areas. The draw down of ground water, if not reversed, will impact wildlife habitat and vegetation in natural areas.

Sincerely yours,

DOT GATON,
President.

In conclusion, Mr. Speaker, I have one of my staffers here, Brent Heberlee, who has worked continuously on this bill, and I would like to thank him for the work he has done on it, and also all of my staff who have worked so hard, as well as the committee, and my colleague, the gentlewoman from Nevada, Mrs. VUCANOVICH, and the two Senators from Nevada, Mr. REID and Mr. BRYAN, who have supported us vigorously in pursuit of this matter.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill (H.R. 3050), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OPAL CREEK FOREST PRESERVE ACT OF 1994

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 3905) to provide for the establishment and management of the Opal Creek Forest Preserve in the State of Oregon, as amended.

The Clerk read as follows:

H.R. 3905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Opal Creek Forest Preserve Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. Opal Creek Forest Preserve.
Sec. 5. Administration of the Preserve.
Sec. 6. Prohibitions regarding the management of the Preserve.
Sec. 7. Access to and acquisition of non-Federal land.
Sec. 8. Authority of the Secretary and responsible parties to conduct environmental response actions or pursue liability.
Sec. 9. Grandfather clause.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Old-growth forests are unique ecosystems that serve as critical habitat for hundreds of vertebrate and invertebrate animals, plants, and fungi.

(2) Old-growth forests provide clean and plentiful water and support streams and rivers containing runs of anadromous and resident cold water fish, which are wholly dependent on high quantity and quality water for migration, spawning, rearing, and cover.

(3) The high quantity and quality of water in streams and rivers in old-growth forests can only be maintained by protecting the watersheds of these streams and rivers.

(4) Old-growth forests provide unique and outstanding opportunities for educational study, scientific research, and recreation.

(5) The establishment of a watershed and forest preserve to protect areas of old-growth forests and surface waters can contribute significantly to the quality of life for the residents of the State of Oregon through education, recreation, and a protected water supply.

(6) The area known as the Opal Creek Forest, located on the upper Little North Fork of the Santiam River in the State of Oregon, contains one of the largest remaining intact old-growth forest ecosystems in the Western Oregon Cascades. Although the landscape mosaic in the Opal Creek Forest may reflect some past logging, young stands of trees in the area mainly owe their existence to natural disturbances, chiefly wildfire.

(7) The Opal Creek Forest contains outstanding geological and botanical features and contains attributes of historic and prehistoric importance.

(8) The recreational use of the Opal Creek Forest, typically in the form of hiking, sightseeing, and the general enjoyment of the outdoor environment, is significant and likely to increase.

(9) It is desirable to limit the human-related disturbances and development of the Opal Creek Forest in order to protect fully the special features of the forest and maintain the full potential of its watershed for scientific, educational, and research purposes.

(10) Preservation of the Opal Creek Forest provides outstanding opportunities for scientists to conduct research regarding old-growth forests and for educators to provide scientifically credible information to the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the forests and watersheds contained in the Opal Creek Forest Preserve;

(2) consistent with paragraph (1), to promote and conduct—

(A) research in the Preserve regarding old-growth forests in a manner that does not include the harvesting of timber or otherwise damage the ecosystem; and

(B) educational programs in the Preserve on old-growth forests and cultural and historic resources in the Preserve; and

(3) consistent with paragraphs (1) and (2), to permit and regulate recreation in the Preserve.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) PRESERVE.—The term "Preserve" means the Opal Creek Forest Preserve established in section 4(a).

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Preserve developed pursuant to section 5(b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. OPAL CREEK FOREST PRESERVE.

(a) ESTABLISHMENT OF PRESERVE.—There is hereby established the Opal Creek Forest Preserve in order to protect and preserve the forests and watersheds in the Preserve and to promote the research, educational, and recreational purposes of this Act.

(b) DESCRIPTION OF PRESERVE.—The Preserve shall consist of those Federal lands located in the Willamette and Mt. Hood National Forests in the State of Oregon that are generally depicted on the map dated August 1994, and entitled the "Opal Creek Preserve Area". The Preserve shall also include such lands as may be added under section 7 of this Act. The map referred to in this subsection shall be kept on file and made available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

SEC. 5. ADMINISTRATION OF THE PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this Act and with the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of this Act.

(b) MANAGEMENT PLAN.—The Secretary shall prepare a comprehensive management plan for the Preserve to achieve the purposes of this Act. The management plan shall be considered to be a nonsignificant amendment to the Willamette and Mt. Hood Forest Land and Resource Management Plans. The management plan shall be prepared with public involvement which shall include consultation with interested individuals and organizations. The Secretary may enter into memoranda of understanding with interested parties to accomplish the purposes of this Act. The management plan shall include analysis and direction on the use of campfires within the Preserve.

(c) PROTECTION OF CULTURAL AND HISTORIC RESOURCES.—Not later than one year after the date of the enactment of this Act, the Secretary shall review and revise the inventory of the cultural and historic resources in the area covered by the Preserve, which was originally developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98–328; 16 U.S.C. 1131 note). The Secretary shall submit a report to Congress describing the results of the review of such inventory.

(d) APPLICABILITY OF MINING, MINERAL LEASING, AND DISPOSAL LAWS.—

(1) RESTRICTION.—After the date of the enactment of this Act—

(A) lands within the Preserve shall not be open to the location of mining claims and mill and tunnel sites under the general mining laws of the United States;

(B) the Secretary shall not issue any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following) for lands within the Preserve; and

(C) lands within the Preserve shall not be available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

(2) ACQUIRED LANDS.—The restriction provided by paragraph (1) shall also apply to any Federal lands added to the Preserve after the date of the enactment of this Act, except that the restriction shall apply to such lands only upon addition to the Preserve.

(e) PRIVATE INHOLDINGS.—The Secretary may cooperate with, and provide technical assistance to, private landowners, organizations, and other entities holding private lands within the boundaries of the Preserve to promote the use and management of such lands in a manner consistent with the purposes of this Act.

SEC. 6. PROHIBITIONS REGARDING THE MANAGEMENT OF THE PRESERVE.

(a) PROHIBITION ON LOGGING OR OTHER TIMBER HARVESTING.—

(1) PROHIBITION.—Except as provided in paragraph (2), the cutting of trees in the Preserve is prohibited.

(2) EXCEPTIONS.—The prohibition contained in paragraph (1) shall not apply to the extent that the Secretary determines that the cutting of specific trees in the Preserve is necessary—

(A) for public safety, such as to control the spread of a forest fire in the Preserve or on lands adjacent to the Preserve; or

(B) for administrative use related to activities permitted in the Preserve.

(3) LIMITATION ON EXCEPTION.—The cutting of trees authorized under paragraph (2) may not include salvage sales or harvests of commercial quantities of timber in the Preserve.

(4) COLLECTION OF DOWNED WOOD.—The collection of downed wood for firewood by permit may be allowed in a manner consistent with the purposes of this Act.

(b) PROHIBITION ON OFF ROAD MOTORIZED TRAVEL.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subject to valid existing rights, the use of motor vehicles off or outside of the established roadbed of roads in the Preserve is prohibited.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to the extent that the Secretary determines that the use of a motor vehicle off or outside of the established roadbed of a road in the Preserve is necessary for administrative purposes or to respond to an emergency.

(c) PROHIBITION ON USE OF CERTAIN ROADS.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subject to valid existing rights, the use of motor vehicles is prohibited on the following roads located in the Preserve:

(A) Forest road 2209 from the gate in existence on the date of the enactment of this Act eastward to the intersection of the road with the wilderness boundary.

(B) Forest roads 290 and 330, which are spur roads to the road described in subparagraph (A).

(2) EXCEPTIONS.—The prohibition contained in paragraph (1) shall not apply to the extent that the Secretary determines that the use of the roads described in such paragraph is necessary for administrative purposes or to respond to an emergency.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit inholders and claim holders of valid mining claims from using the roads described in paragraph (1) for ingress and egress to their inholdings or valid mining claims, subject to such reasonable terms and conditions, consistent with the purposes of this Act, as the Secretary may prescribe. Nothing in this subsection shall be construed to prohibit motor vehicle traffic on other roads established in the Preserve, in particular those forest roads providing access for claim holders of valid mining claims for the use of lands in the Preserve or within the Cedar Creek watershed within two miles outside of the boundaries of the Preserve.

(d) PROHIBITION ON ROAD CONSTRUCTION.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (e), and subject to valid existing rights, the construction of new roads is prohibited in the Preserve.

(2) EXCEPTIONS.—The prohibition contained in paragraph (1) shall not apply to the extent that the Secretary determines that the construction of new roads, or the improvement of existing roads, in the Preserve is necessary to accomplish the purposes of this Act or to provide access to inholdings or for claim holders of valid mining claims for the use of lands in the Preserve or within the Cedar Creek watershed within two miles outside of the boundaries of the Preserve. The Secretary may maintain or improve roads in the Preserve to the extent the Secretary determines that such maintenance or improvements are necessary to accomplish the purposes of this Act, to provide for the protection of the natural resources of the Preserve, to provide for public safety, or to ensure access for inholders and claims holders of valid mining claims for the use of lands in the Preserve or within the Cedar Creek watershed within two miles outside of the boundaries of the Preserve.

(3) LIMITATION ON EXCEPTION.—The construction or improvement of roads in the Preserve pursuant to paragraph (2) or subsection (e) may not include paving or any work beyond 50 feet on either side of the centerline of the road bed.

(e) UTILITIES AND ACCOMPANYING ROAD.—In compliance with applicable laws and the Willamette National Forest Land and Resource Management Plan, the Secretary may allow the installation and maintenance of power lines and water lines (and an accompanying service road) through the Preserve to serve authorized activities conducted on land within the Cedar Creek watershed within two miles outside of the boundaries of the Preserve.

SEC. 7. ACCESS TO AND ACQUISITION OF NON-FEDERAL LAND.

(a) INVENTORY AND ACQUISITION OF NON-FEDERAL LANDS.—The Secretary shall conduct an inventory of all non-Federal lands and interests in lands within the boundaries of the Preserve. The Secretary may acquire such inventoried lands (or interests in such lands) for inclusion in the Preserve. The Secretary may not acquire, for inclusion in the Preserve, any lands or interests in lands within the boundaries of the Preserve without the consent of the owner, unless the Secretary determines that the land is being developed or managed (or is proposed to be developed or managed) in a manner inconsistent with the purposes of this Act. Nothing in this Act may be construed to prevent the Secretary from increasing the size of the Preserve.

(b) SPECIAL RULE FOR SANTIAM NO. 1 LODE MINING CLAIM.—Notwithstanding subsection (a), the parcel of real property located within the boundaries of the Preserve that is known as the Santiam No. 1 lode mining claim and identified in section 8140 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1213), may be acquired by the Secretary only—

(1) by purchase for an amount equal to not more than the sum of—

(A) the amount that the original patentee of the parcel paid for the parcel; and

(B) the cost of any improvements made to the parcel by the patentee; or

(2) by donation.

(c) RIGHTS-OF-WAY.—Nothing in this section shall be construed to affect the authority of the Secretary to acquire road and trail rights-of-way on lands in the Preserve under existing authorities.

(d) ACCESS AND UTILITIES TO INHOLDINGS.—

(1) IN GENERAL.—In the case of private inholdings located within the boundaries of the Preserve, the Secretary shall authorize the use of Federal land in the Preserve by the holder of the inholding to assure adequate access to the inholding under applicable law.

(2) JAWBONE FLATS.—With respect to the inholding known as the Jawbone Flats area, the Secretary shall authorize the use of Federal land in the Preserve by the owners of the inholding to provide for access and utilities for a facility in the inholding if the Secretary determines that the facility (and use of the facility) is consistent with the purposes of this Act.

(3) TERMS AND CONDITIONS.—The use of Federal land in the Preserve under this subsection shall be subject to such reasonable terms and conditions, consistent with the purposes of this Act, as the Secretary may prescribe.

SEC. 8. AUTHORITY OF THE SECRETARY AND RESPONSIBLE PARTIES TO CONDUCT ENVIRONMENTAL RESPONSE ACTIONS OR PURSUE LIABILITY.

(a) REMEDIATION ACTIVITIES.—Nothing in this Act shall be construed to limit the authority of the Secretary or a responsible party to conduct environmental remediation activities in the Preserve in connection with the release, threatened release, or clean up of any hazardous substance or pollutant or contaminant, including response actions conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) LIABILITY.—Nothing in this Act shall be construed to limit the authority of the Secretary or a responsible party to address questions of liability related to the release, threatened release, or clean up of any hazardous substance or pollutant or contaminant in the Preserve.

SEC. 9. GRANDFATHER CLAUSE.

Nothing in this Act shall be construed to affect the operation of any timber sale contract entered into, or interfere with any activity for which a special use permit has been issued (and not revoked), before the date of the enactment of this Act, subject to the terms of the contract or permit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3905, introduced by Mr. KOPETSKI of Oregon, would protect 22,000 acres of the Opal Creek Watershed in the Willamette and Mt. Hood National Forests. This area contains one of the largest blocks of low elevation old growth forests in the Cascade range. It is a Douglas fir-hemlock ecosystem with trees up to 1,000 years old, waterfalls and lakes. It is popular with recreationists who come there to hike, swim and enjoy an old growth forest setting.

The area also contains several threatened and endangered species. These include the northern spotted owl, the Townsends' big eared bat, the California wolverine, the tailed frog, and Gorman's aster. The stream which gives the area its name contains native steelhead trout and salmon runs.

The President's final plan for the management of habitat for late successional and old growth forest related species recognizes the importance of Opal Creek and protects it as a late successional reserve in a tier one watershed.

The bill would designate the Opal Creek Forest Preserve. Subject to valid existing rights, the area would be withdrawn from mineral entry and geothermal and mineral leasing laws. Also prohibited are commercial and salvage logging, off-road motorized travel, and the construction of new roads.

Opal Creek is one of the great cathedral forests for which the Pacific Northwest is famous. It deserves protection and I urge my colleagues to support this bill.

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Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am intrigued why this legislation is being rushed through the House so quickly. Less than a week ago, and at very short notice, the Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3905. Because of this extremely short notice, witnesses did not even have written statements prepared.

Four days later, the full Natural Resources Committee discharged the subcommittee from further consideration of H.R. 3905—a very unusual situation. Since the House will be in session all of next week, I wonder why there is such a sense of urgency with this legislation.

I still have several concerns about the substance of this bill. I am pleased the preserve's size has been reduced from 33,000 to 22,000 acres. However, I am concerned that the legislation prohibits the cutting of trees for forest health reasons such as insect and disease infestation—a situation if left unchecked could contribute to an epidemic on adjacent forests.

Finally, I am concerned about the restrictions placed on off-road motorized travel contained in the bill. We appear to be putting so many restrictions on activities permitted in this area that we may not be able to protect it from natural catastrophes and certainly are limiting the public's opportunity for access.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to yield to the gentleman from Oregon [Mr. KOPETSKI], but, before I do, I want to commend him. He has been working on this diligently for a long time, and, but for the fact that there have been, obviously, great interest and concern surrounding the FEMAT program, the President's various plans with regard to the Pacific Northwest forests, I suggest that perhaps this would have been an easier task for him. But in the end he has convinced all concerned from the various portions of that spectrum to support the measure that he has now before us, and I commend him for his diligence, and patience, and all his hard work in this, and I hope indeed it does see enactment this year as he concludes his service to this body. He has been an able legislator and a good conservationist.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I thank the distinguished subcommittee chairman for his kind words and also for the effort that he had to put into this important piece of legislation to Oregon and to the Nation.

Mr. Speaker, today we consider legislation to establish the Opal Creek Forest Preserve in the Willamette and Mt. Hood National Forests in Oregon. The 22,000 acres that constitute the Opal Creek Forest are, plain and simple, among the crown jewels of Northwest old growth forest. Opal Creek is a unique ecosystem serving as critical habitat for hundreds of plants and animals including several threatened and endangered species. Opal Creek also provides unique and outstanding opportunities for educational study, scientific research and recreational activities. The enactment of this bill will contribute significantly to the quality of life for Oregonians and our many State visitors.

In its current form, Mr. Speaker, this bill represents the dedicated work of many people, and they have my heartfelt thanks. In particular I want to express my gratitude toward the gentleman from Texas [Mr. DE LA GARZA], the gentleman from Kansas [Mr. ROBERTS], the gentleman from North Carolina [Mr. ROSE], the gentleman from Florida [Mr. LEWIS], the gentleman from Missouri [Mr. VOLKMER] and the staff, and the gentleman from Virginia [Mr. GOODLATTE], as well as the chairman, the gentleman from California [Mr. MILLER], the gentleman from Alaska [Mr. YOUNG], the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], the gentleman from Colorado [Mr. MCINNIS] and the staff of the Committee on Natural Resources. I am grateful to Secretary Lyons at the Department and to Ms. McGinty and Mr. Stelle at the White House Office of Environmental Policy. Finally I would like to express my appreciation for the important insights of the U.S. Forest Service including those of Chief Jack Ward Thomas, Forest Supervisor Darrel Kenops, Larry Hudson, Ralph Bowman, and Laurie Monfort. There is one Oregonian I thank in particular, Mr. George Atiyoh who has been fighting for this for the past years, and of course to my former staff person, Ms. Alex Buell, and my current staff member, Ms. Jennifer Pitt.

Mr. Speaker, the gentleman from California [Mr. DOOLITTLE] raised a couple of points. One is: Why so quickly?

Actually this is a long time in coming. As I noted, we in Oregon have been battling over this particular piece of planet for about 20 years. It was almost included in wilderness area about that time ago, and 3½ years ago I did introduce legislation when I came to Congress to set up this preserve. Unfortunately it has been a part of the Northwest controversy over the spotted owl forests and the future of our forests.

Mr. Speaker, it is a unique and special area. Scientists have said that it is the most significant old growth reserve in the Northwest, and that includes wilderness areas as well. So, this is a significant area. We ought to treat it differently.

We have had full hearings and discussions in the Committee on Agriculture, and, because of the rules of the House, there is joint jurisdiction with the Committee on Natural Resources, and, as I said, the chairman was very gracious in giving us a quick hearing so that we could finish this work before the August break and give time to pass it in the Senate.

Second, I do want to mention the road access issue, that in the bill we do give full authority to the Forest Service to respond to fires and other emergency situations as well.

In terms of managing the timberlands in the reserve, they will be treated the same as the Bull of the Woods wilderness areas which it lies adjacent to, and so we will have that continuity of forest management in adjacent lands between the wilderness area and what we establish as this reserve.

We tried to strike a balance. This bill is a compromise, and I hope that the House will look favorably to this important piece of legislation.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I want to congratulate the gentleman from Oregon [Mr. KOPETSKI], my colleague, for this wonderful piece of legislation.

Mr. Speaker, Oregon is known for its beauty, its natural beauty. But Opal Creek is a jewel within the natural beauty, and I want to congratulate the gentleman for making sure that future generations will be able to enjoy the beauty, the serenity, of Opal Creek.

I thank the gentleman also for allowing me to be a cosponsor of this. I think this is a wonderful piece of legislation, and the gentleman from Oregon [Mr. KOPETSKI] is to be congratulated, and I hope all my colleagues will vote for this piece of legislation to ensure Opal Creek is to be preserved for all time. That is a very wonderful thing.

Mr. VENTO. Mr. Speaker, I have no further requests for time. I commend the bill to my colleagues, and again I commend the gentleman from Oregon [Mr. KOPETSKI] for this work on his important proposal.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3905, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was held on the table.

GEORGE WASHINGTON NATIONAL FOREST MOUNT PLEASANT SCENIC AREA ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2942) to designate certain lands in the Commonwealth of Virginia as a national scenic area for protection of the watershed and scenic values, recreation use, protection of wildlife and their habitat, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2942

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 "George Washington National Forest Mount Pleasant Scenic Area Act".

SEC. 2. PURPOSES.

The purposes of this Act with respect to the George Washington National Forest Mount Pleasant Scenic Area are to—

(1) ensure appropriate protection and preservation of the scenic quality, water quality, natural characteristics, and water resources;

(2) protect and manage vegetation to provide wildlife and fish habitat, consistent with paragraph (1);

(3) provide areas that may develop characteristics of old-growth forests; and

(4) provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

SEC. 3. ESTABLISHMENT OF MOUNT PLEASANT NATIONAL SCENIC AREA.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is hereby established in the George Washington National Forest, Virginia, the George Washington National Forest Mount Pleasant Scenic Area (in this section referred to as the "scenic area").

(2) LANDS INCLUDED IN SCENIC AREA.—The scenic area shall consist of certain lands in the George Washington National Forest, Virginia, which comprise approximately seven thousand five hundred and eighty acres, as generally depicted on a map entitled "Mount Pleasant National Scenic Area—Proposed", dated June 21, 1993.

(3) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and boundary description of the scenic area with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. The map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such boundary description and map. Such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture. In the case of any discrepancy between the acreage and the map described in paragraph (2), the map shall control.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall administer the scenic area in accordance with this Act and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this Act and other laws and regulations, this Act shall take precedence.

(2) MANAGEMENT PLAN.—Within three years after the date of the enactment of this Act, the Secretary shall develop a management plan for the scenic area as an amendment to the Land and Resource Management Plan for the George Washington National Forest. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the Land and Resource Management Plan for the George Washington National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(c) ROADS.—After the date of the enactment of this Act, no new permanent roads shall be constructed within the scenic area, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic area.

(d) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(e) MOTORIZED TRAVEL.—

(1) AUTHORIZED ROUTES.—Motorized travel in the scenic area shall be allowed on State Route 635. Subject to such conditions as the Secretary may impose, motorized travel in the scenic area shall also be allowed on Forest Development Road 51.

(2) OTHER AREAS.—Other than as provided in paragraph (1), motorized travel shall not be permitted within the scenic area, except that the Secretary may authorize motorized travel within the scenic area as necessary for administrative use in furtherance of the purposes of this Act and on temporary routes in support of wildlife management projects.

(f) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary considers appropriate.

(g) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.

(h) WATER.—The scenic area shall be administered so as to maintain or enhance existing water quality.

(i) MINING WITHDRAWAL.—Subject to valid existing rights, all federally owned lands in the scenic area are hereby withdrawn from location, entry, and patent under the mining laws of the United States and from claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

□ 1630

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2942, as amended, would establish the George Washington National Forest Mount Pleasant Scenic Area out of a 7,580-acre tract within the George Washington National Forest in the State of Virginia.

The legislation, introduced by the gentleman from Virginia [Mr. GOODLATTE], would provide permanent protection for the Mt. Pleasant area.

Although the forest plan for the George Washington National Forest provides protection of many of the values within the area, that plan is subject to amendment or revision. The specific management requirements contained in H.R. 2942 would provide for permanent protection and were developed in consultation with the Forest Service, the Amherst County board of supervisors, and local citizens, environmental, and timber representatives.

The scenic area designation would provide protection for the headwaters of the North Fork of the Buffalo River, which is a high-quality source of drinking water for the town of Amherst, VA. The scenic area designation would also protect groves of old growth oak, yellow poplar and ash, fish, and wildlife that are found in the Mount Pleasant area.

The Committee on Agriculture modified the bill to include a new section 3(i), which is a provision relating to mining. The Committee recognizes the jurisdiction of the Committee on Natural Resources in regard to matters relating to mining interests generally, according to House rule X. The bill is not intended to alter the jurisdiction of the Committee on Agriculture or the

Committee on Natural Resources in any way. In addition, we recognize the right of the Committee on Natural Resources to be represented in any conference proceeding that may be held with respect to section 3(i).

The Committee on Agriculture appreciates the cooperation of the Committee on Natural Resources in allowing the bill to the floor.

Mr. Speaker, the bill received bipartisan support in the Committee on Agriculture, and I urge its passage.

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

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2942, a bill to designate certain lands within the George Washington National Forest in Virginia as the Mount Pleasant Scenic Area.

I would like to take this opportunity to commend the sponsor of this legislation, Mr. GOODLATTE, for his diligent work in carefully crafting this legislation. This bill enjoys overwhelming support of the entire Virginia delegation, the local county board of supervisors, local environmental groups, and private businesses in the area.

As the ranking minority member of the Speciality Crops and Natural Resources Subcommittee of the Agriculture Committee, I urge my colleagues to support this legislation to ensure a more permanent level of protection for the unique scenic qualities of the Mount Pleasant Area.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, on behalf of the citizens of Amherst County, VA, I am pleased to see H.R. 2942, The George Washington National Forest, Mt. Pleasant Scenic Area Act come before the House today.

I want to thank Chairman DE LA GARZA, ranking member PAT ROBERTS, and all the members of the Agriculture Committee and the Agriculture Committee staff for their assistance in the hearing and markup process necessary to bring the bill to the floor. I would also like to thank Chairman ROSE and ranking member LEWIS of the Subcommittee on Specialty Crops and Natural Resources for their assistance in this effort.

Last year, the Amherst County Board of Supervisors, local sportsmen, business leaders, hikers, and families have expressed their desire to permanently protect an area surrounding Mt. Pleasant in Amherst County, VA. This area features some of the highest peaks on the Blue Ridge Mountain chain in Virginia, and that afford some of the most spectacular views of the Blue Ridge. This area includes valuable resources such as the Buffalo River's watershed, native wild trout streams, waterfalls, a portion of the historic Appalachian Trail, and many other notable features.

This legislation draws together recommendations from the Forest Service with the specific concern voiced to me by the local board of supervisors and concerned citizens from the area. This bill designates approximately 7,580 acres in this region as a scenic area. It will protect Mt. Pleasant from environmental damage, allow fish and other wildlife to flourish and preserve old forest stands within the area.

In the development of this plan, I considered a broad array of options and listened to my constituents' opinions about how best to manage this area and its vital natural resources. Most importantly, as the local board of supervisors pointed out, the solution needed to provide a full range permanent protection of the areas resources.

I came to the belief that to effectively protect all of the special attributes of Mt. Pleasant, a tailored approach was necessary. One which would not leave this area vulnerable to severe damage from wildfire, pests like the gypsy moth and southern pine beetle, floods, and pollution. Furthermore, many senior citizens and handicapped people voiced their desire to maintain their ability to enjoy Mt. Pleasant.

This legislation will provide a permanent framework for sound management with the flexibility needed to manage the area locally. It will also ensure that this beautiful region of Virginia will be available for everyone to enjoy for years to come.

I am grateful to all of the concerned citizens across the sixth district who contacted me to provide their opinions and am pleased with the support from groups such as the Sierra Club, the Wilderness Society, the National Audubon Society, and I also appreciate the support of some of the business groups in the area, paper mills that manufacture nearby as well as the Appalachian Forest Management Group, as well as the unanimous consent of the Amherst County Board of Supervisors.

I also appreciate the unanimous support of the Virginia congressional delegation and the strong bipartisan support this bill has received in the House. I encourage my colleagues to support this legislation.

Mr. VENTO. Mr. Speaker, H.R. 2942 includes matters within the jurisdiction of the Committee on Natural Resources. It is being brought to the floor today with certain understandings between the Committee on Agriculture and the Committee on Natural Resources. These include the recognition by the Committee on Agriculture of the jurisdictional interest of the Committee on Natural Resources as to the mining language contained in the bill. Further, and more importantly, the name of the area has been changed to delete the designation of a "national scenic area" and instead identify the area as a "scenic area."

The Committee on Natural Resources has had a longstanding and active legislative interest in the designation of "national scenic areas" and related "national recreation areas" on national forest lands regardless of whether these lands are located in eastern or western national forests. I was concerned about H.R. 2942 because of potential questions as to the need and nature of the designation. The Committee on Agriculture agreed to delete the word "national" from the designation to avoid potential conflict with the Committee on Natural Resources jurisdiction over various national conservation system units. The Forest Service does have the administrative authority to designate "scenic areas" and the designation in H.R. 2942 is consistent with that administrative authority. However, the designation of an area as "national" implies an importance and significance that transcends an individual area and as such should be considered to a higher standard. The Committee on Natural Resources has legislated extensively on such national designations and I believe if the bill were to retain such a designation the committee would have a jurisdictional claim. The Agriculture Committee has agreed to delete such a "national" designation, but I want to make it clear that I believe it should not and does not prejudice any claim the Committee on Natural Resources may have to this bill and similar legislation.

Mr. ROBERTS. Mr. Speaker, I rise in support of the H.R. 2942. The gentleman from Virginia [Mr. GOODLATTE] is to be commended for his efforts and leadership for bringing this bill to the floor. More important is the balanced approach Mr. GOODLATTE has taken with the George Washington National Forest Mount Pleasant Scenic Area Act. I understand the bill has the support of the entire Virginia delegation.

H.R. 2942 would designate approximately 7,580 acres in the George Washington National Forest in Virginia as a national scenic area under the management of U.S. Department of Agriculture Forest Service. The purpose of the legislation is to ensure appropriate protection and preservation in the beautiful Shenandoah Mountains in western Virginia.

Less than 2 weeks ago I had the privilege of visiting this region of Virginia, represented by Mr. GOODLATTE. While certainly not as beautiful as the golden plains of Kansas, I was indeed struck by the beauty of the region and it is worthy of preservation and the gentleman's bill strikes a good balance between preservation and recreational uses.

The Agriculture Committee reported the bill without dissent and I urge my colleagues to support H.R. 2942.

Mr. LEWIS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2942, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate certain

lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2942, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMERICAN INDIAN RELIGIOUS FREEDOM ACT AMENDMENTS OF 1994

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4230) to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4230

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 "American Indian Religious Freedom Act Amendments of 1994".

SEC. 2. TRADITIONAL INDIAN RELIGIOUS USE OF THE PEYOTE SACRAMENT.

The Act of August 11, 1978 (42 U.S.C. 1996), commonly referred to as the "American Indian Religious Freedom Act", is amended by adding at the end thereof the following new section:

"SEC. 3. (a) The Congress finds and declares that—

"(1) for many Indian people, the traditional ceremonial use of the peyote cactus as a religious sacrament has for centuries been integral to a way of life, and significant in perpetuating Indian tribes and cultures;

"(2) since 1965, this ceremonial use of peyote by Indians has been protected by Federal regulation;

"(3) while at least 28 States have enacted laws which are similar to, or are in conformance with, the Federal regulation which protects the ceremonial use of peyote by Indian religious practitioners, 22 States have not done so, and this lack of uniformity has created hardship for Indian people who participate in such religious ceremonies;

"(4) the Supreme Court of the United States, in the case of Employment Division v. Smith, 494 U.S. 872 (1990), held that the First Amendment does not protect Indian practitioners who use peyote in Indian religious ceremonies, and also raised uncertainty whether this religious practice would be protected under the compelling State interest standard; and

"(5) the lack of adequate and clear legal protection for the religious use of peyote by Indians may serve to stigmatize and marginalize Indian tribes and cultures, and increase the risk that they will be exposed to discriminatory treatment.

"(b)(1) Notwithstanding any other provision of law, the use, possession, or transportation of peyote by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion is lawful, and shall not be prohibited by the United States or any State. No Indian shall be penalized or discriminated against on the basis of such use, possession or transportation, including, but not limited to, denial of otherwise applicable benefits under public assistance programs.

"(2) This section does not prohibit such reasonable regulation and registration by the Drug Enforcement Administration of those persons who cultivate, harvest, or distribute peyote as may be consistent with the purposes of this Act.

"(3) This section does not prohibit application of the provisions of section 481.111(a) of Vernon's Texas Health and Safety Code Annotated, in effect on the date of enactment of this section, insofar as those provisions pertain to the cultivation, harvest, and distribution of peyote.

"(4) Nothing in this section shall prohibit any Federal department or agency, in carrying out its statutory responsibilities and functions, from promulgating regulations establishing reasonable limitations on the use or ingestion of peyote prior to or during the performance of duties by sworn law enforcement officers or personnel directly involved in public transportation or any other safety-sensitive positions where the performance of such duties may be adversely affected by such use or ingestion. Such regulations shall be adopted only after consultation with representatives of traditional Indian religions for which the sacramental use of peyote is integral to their practice. Any regulation promulgated pursuant to this section shall be subject to the balancing test set forth in section 3 of the Religious Freedom Restoration Act (Public Law 103-141; 42 U.S.C. 2000bb-1).

"(5) This section shall not be construed as requiring prison authorities to permit, nor shall it be construed to prohibit prison authorities from permitting access to peyote by Indians while incarcerated within Federal or State prison facilities.

"(6) Subject to the provisions of the Religious Freedom Restoration Act (Public Law 103-141; 42 U.S.C. 2000bb-1), this section shall not be construed to prohibit States from enacting or enforcing reasonable traffic safety laws or regulations.

"(7) Subject to the provisions of the Religious Freedom Restoration Act (Public Law 103-141; 42 U.S.C. 2000bb-1), this section does not prohibit the Secretary of Defense from promulgating regulations establishing reasonable limitations on the use, possession, transportation, or distribution of peyote to promote military readiness, safety, or compliance with international law or laws of other countries. Such regulations shall be adopted only after consultation with representatives of traditional Indian religions for which the sacramental use of peyote is integral to their practice.

"(c) For purposes of this section—

"(1) the term 'Indian' means a member of an Indian tribe;

"(2) the term 'Indian tribe' means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(3) the term 'Indian religion' means any religion—

"(A) which is practiced by Indians, and

"(B) the origin and interpretation of which is from within a traditional Indian culture or community; and

"(4) the term 'State' means any State of the United States, and any political subdivision thereof.

"(d) Nothing in this section shall be construed as abrogating, diminishing, or otherwise affecting—

"(1) the inherent rights of any Indian tribe;

"(2) the rights, express or implicit, of any Indian tribe which exist under treaties, executive orders, and laws of the United States;

"(3) the inherent right of Indians to practice their religions; and

"(4) the right of Indians to practice their religions under any Federal or State law.".

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4230 is an amendment to the American Indian Religious Freedom Act of 1978. The amendment protects certain ceremonial, sacramental practices used primarily by the Native American Church. The amendment is strongly supported by native Americans, the administration, and it has bipartisan support.

H.R. 4230 makes statutory the protection now provided by Federal regulation and the laws of 28 States for the religious use of peyote by Indian practitioners. This legislation to protect the first amendment right of Indians to use peyote as a sacrament is made necessary by the ruling of the Supreme Court of the United States in the case of *Employment Division v. Smith,* 494 U.S. 872 (1990).

Peyote, the scientific name of which is *Lophophora willaimsii,* is a small, spineless cactus that grows only in the Rio Grande valley of Texas and northern Mexico. Native American religious use of peyote was discovered by Spanish explorers in the 1600's and has continued to the present. Such use exists today, largely through the Native American Church of North America [NAC], among about 50 Indian tribes in the United States. The NAC is the present-day embodiment of one of the oldest religious traditions in the Western Hemisphere. Anthropologists date the sacramental use of the peyote cactus among indigenous peoples back 10,000 years. The contemporary NAC was first incorporated in Oklahoma in 1918, and now has chapters in 20 States. About 250,000 American Indians are affiliated with the NAC.

The Federal District Court in New Mexico, in the 1986 case of Toledo versus Nobel-Sysco, Inc., held that the religious use of peyote was not illegal. The court found that:

Church peyote users believe that peyote is a sacred and powerful plant. Peyote is seen as a medicine, a protector, and a teacher. In terms used by other religions, peyote can be called a sacrament, something which when

eaten gives awareness of God. The use of peyote is central to the Native American peyote religion. The religion teaches that those who use peyote must not use alcohol. It encourages love of parents and obedience to parents, fidelity to a spouse, and charity towards others. The peyote religion does not prohibit members from also practicing other religions.

While the first amendment right of Indian practitioners of the peyote religion is endangered by the Smith decision, its religious use is basically noncontroversial. Attempts by the Congress to recognize and protect this right have a long history. When the House of Representatives passed H.R. 2, which became the Drug Abuse Control Amendments of 1965, it protected the right of Indians to use peyote in connection with the ceremonies of a ceritified religious organization. The Senate omitted that specific protection, preferring that substances be included on such a list on a case-by-case basis. Congressman Harris assured House Members that such omissions would not prevent bona fide religious use because courts had already upheld peyote use as a first amendment right. The administration then added peyote to schedule I by administrative regulation in 1966, but provided an exemption for nondrug use of peyote in religious ceremonies of the Native American Church.

Mr. Speaker, when Congress passed the Controlled Substance Act of 1970, it enacted schedule I into law. During hearings on the legislation, Congressman Satterfield expressed concern that the religious use of peyote by Indian practitioners be protected. The administration assured him that this would be taken care of by regulation. The regulations adopted in 1971 to implement the act included such an exemption and provides, at 21 CFR 1307.31, that:

The listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church.

Since that time, Native American Church use of peyote as a religious sacrament has had the limited protection of that Federal regulation. Also, 28 States have included some degree of protection of the religious use of peyote by Indians in their laws. Unfortunately, neither the Federal regulation nor the State laws provide the full range of protection needed for the unhindered religious use of peyote by Indians, and 22 of the States still have no laws protecting that right.

Officials of the Drug Enforcement Administration of the Department of Justice testified at a House hearing in 1993 that the religious use of peyote by Indians has nothing to do with the vast and violent traffic in illegal narcotics that plagues this country. The NAC enjoys a good, cooperative relationship with DEA in ensuring that peyote is lawfully harvested and distributed solely for American Indian religious use. The distribution of peyote is strictly controlled by Federal regulations, and by the laws and regulations of the State of Texas, the only State in which the sacrament grows in significant quantities.

Mr. Speaker, this bill was amended with the assistance of the White House staff. The amendments address the concerns of the Departments of Transportation, Defense, Justice, and the Interior. I have attached statements of the Drug Enforcement Administration and the Office of Management and Budget which support the bill.

I urge my colleagues to support its passage.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
August 8, 1994.

Mr. TADD JOHNSON,
Chief Counsel, Subcommittee on Native American Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. JOHNSON: It is my understanding that H.R. 4230, "American Indian Religious Freedom Act of 1994", is nearing floor consideration in the House. You will recall that while the Drug Enforcement Administration (DEA) was unable to have a witness at your hearing regarding this matter on June 10, 1994, that we did submit a statement for the record. That statement succinctly puts forth the history of DEA's regulation of peyote and the exemption for its use in traditional Native American ceremonies. DEA has encountered no problems with the use of peyote in these traditional ceremonies nor has diversion of peyote been a problem.

DEA has had a long and cooperative association with the Native American Church, working with them since the early 1970's to assure that our mutual concerns relating to peyote are met. We have worked with its representatives to assure that the bill language effectively addresses these matters. DEA supports the passage of H.R. 4230 as it was reported by the Committee on Natural Resources with the amendments that address public safety concerns.

If I can provide you with any other information pertaining to DEA's experience regarding peyote, please let me know.

Sincerely,

DAVID A. MELOCIK,
DEA, Congressional Affairs.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 8, 1994.

STATEMENT OF ADMINISTRATION POLICY

Re H.R. 4230—American Indian Religious Freedom Act Amendments (Richardson (D) NM).

The Administration strongly supports H.R. 4230.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 3, 1994.

Hon. GEORGE MILLER,
Chairman, Committee on Natural Resources, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4230, the Ameican Indian Religious Freedom Act Amendments of 1994, as ordered reported by the House Committee on Natural Resources on July 27, 1994. We estimate the implementation of the bill would have no effect on the federal budget or on the budgets of state or local governments. Enactment of H.R. 4230 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this bill.

H.R. 4230 would amend the American Indian Religious Freedom Act of 1978 by adding a new section that would permit the use, possession, or transportation of peyote by Indians for sacramental purposes. However, the bill would not prohibit the Drug Enforcement Administration from regulating peyote cultivation or distribution, nor would it prohibit federal agencies from regulating peyote use by certain types of federal personnel prior to performing their official duties.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel A. Robertson, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is fully supported by both the committee's ranking Republican member, DON YOUNG, and the ranking Republican member of the Subcommittee on Native American Affairs; it was supported by the Bush administration; it is supported by the DEA, and the Departments of Defense, the Interior, Justice, and Transportation. I urge my colleagues to support it as well.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4230, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4653) to settle Indian land claims within the State of Connecticut, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4653

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 "Mohegan Nation of Connecticut Land Claims Settlement Act of 1994".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

Congress finds and declares that—

(1) the Mohegan Tribe of Indians of Connecticut has been recognized by the United States through the administrative process pursuant to part 83 of title 25 of the Code of Federal Regulations;

(2) the Mohegan Tribe of Indians of Connecticut is a successor in interest to the aboriginal entity known as the Mohegan Indian Tribe which has existed in what is now the State of Connecticut from time immemorial and for which certain lands were sequestered as tribal lands by the Colony and State of Connecticut;

(3) there is pending before the United States District Court for the Southern District of Connecticut a lawsuit by the Mohegan Indian Tribe which involves certain lands within the State of Connecticut;

(4) the pendency of the lawsuit may result in economic hardships for residents of the State of Connecticut by clouding the titles to lands in the State, including lands not now involved in the lawsuit;

(5) the State of Connecticut and the Mohegan Tribe have executed agreements for the purposes of resolving all disputes between them and settling the lawsuit, which agreements require implementing legislation by the Congress of the United States;

(6) in the agreements described above, the parties provide for the assumption by the State of Connecticut of jurisdiction over offenses by and against members of the Mohegan Tribe and other Indians on Indian country and to the submission of all gaming-related development to the jurisdiction of the State of Connecticut State Traffic Commission;

(7) the Town of Montville, Connecticut, will be affected by the loss of tax base from, and jurisdiction over, lands taken into trust on behalf of the Tribe and will serve as the host community for the Tribe's gaming operations;

(8) the Town of Montville and the Mohegan Tribe have entered into an agreement to resolve issues extant between them and to establish the basis for a cooperative government-to-government relationship; and

(9) Congress shares with the parties to such agreements a desire to settle all Mohegan Indian claims in the State of Connecticut and to remove all clouds on titles resulting from such lawsuits.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) "Mohegan Tribe" means the Mohegan Tribe of Indians of Connecticut, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations, and by the State of Connecticut pursuant to Connecticut General Statutes sections 47-59a(b);

(2) "State of Connecticut" means the State of Connecticut, its agencies, political subdivisions, constitutional officers, officials of its agencies and subdivisions;

(3) "Secretary" means the Secretary of the Interior;

(4) "Lands or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources including, but not limited to, minerals and mineral rights, timber and timber rights, water and water rights, and rights to hunt and fish;

(5) "Lawsuit" means the action in the United States District Court for the District of Connecticut, entitled "Mohegan Tribe of Indians of Connecticut v. State of Connecticut, et al.", Case No. H77-434;

(6) "State Agreement" means that document entitled "Agreement between the Mohegan Tribe and the State of Connecticut" executed on May 17, 1994, by the Governor acting on behalf of the State of Connecticut and the Chief of the Mohegan Tribe acting on behalf of the Mohegan Tribe and filed with the Secretary of State of the State of Connecticut;

(7) "Town Agreement" means that document executed on June 16, 1994, by the Mayor of the Town of Montville and the Chief of the Mohegan Tribe;

(8) "Transfer" includes, but is not limited to, any sale, grant, lease, allotment, partition, or conveyance, any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance, or any event or events that resulted in a change of possession or control of lands or natural resources.

SEC. 4. FINDINGS BY THE SECRETARY.

Section 5 of this Act shall not take effect until the following events have occurred and the Secretary so finds—

(1) the State of Connecticut has entered into a binding compact with the Mohegan Tribe providing for Class III tribal gaming operations, in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), and the compact has received all the Federal approvals required to be fully effective; and

(2) title to lands described in Exhibit B to the Agreement has vested in the United States in trust for the Mohegan Tribe to be used as the Mohegan Tribe's initial Indian reservation.

SEC. 5. APPROVAL OF PRIOR TRANSFERS AND EXTINGUISHMENT OF CLAIMS AND ABORIGINAL TITLE INVOLVING THE MOHEGAN TRIBE.

(a) If the Secretary finds that the conditions set forth in section 4 of this Act have been satisfied, he shall publish such findings and the State Agreement in the Federal Register, and upon such publication:

(1) The transfers, waivers, releases, relinquishments, and other commitments made by the Mohegan Tribe in paragraph (1) of its Agreement with the State of Connecticut shall be of full force and effect on the terms and conditions therein stated.

(2) The transfers, waivers, releases, relinquishments, and other commitments validated by paragraph (1) of the Agreement and of this section and the transfers and extinguishments approved and validated by subsection (b)(1) and (2) shall be deemed to have been made in accordance with the United States Constitution and all laws of the United States that are specifically applicable to transfers of lands or natural resources from, by, or on behalf of any Indian, Indian nation, or tribe of Indians (including but not limited to the Trade and Intercourse Act of 1790, Act of July 22, 1790, ch. 33, sec. 4, 1 Stat. 137, and any amendments thereto and all subsequent versions thereof), and Congress does hereby approve any such transfers effective as of the date of said transfers.

(b)(1) All claims to lands within the State of Connecticut based upon aboriginal title by the Mohegan Tribe are hereby extinguished, as are any and all other claims the Mohegan Tribe might have to any public or private lands or natural resources in Connecticut, such as claims or rights based on recognized title, including but not limited to—

(A) any claim the Mohegan Tribe might have to the tribal sequestered lands bounded out to the Tribe in 1684, consisting of some 20,480 acres lying between the Thames River, New London bounds, Norwich bounds, and Colchester bounds;

(B) any claim the Mohegan Tribe might have based on a survey under the authority of the Connecticut General Assembly in 1736 of lands reserved and sequestered by the General Assembly for the sole use and improvement of the Mohegan Indian Tribe; and

(C) any claim the Mohegan Tribe might have based on any action by the State in 1860, 1861, or otherwise to allot, reallot, and/or confirm any lands of the Mohegan Tribe to individual Indians or other persons. Any transfer of lands or natural resources located anywhere within the State of Connecticut including, but not limited to, transfers pursuant to the statute or treaty of or with any State or the United States, by, from, or on behalf of the Mohegan Tribe, or any predecessor or successor in interest, shall be deemed to be in full force and effect, as provided in subsection (a)(2): *Provided, however,* That nothing herein shall be construed as extinguishing any aboriginal right, title, interest, or claim to lands or natural resources solely to the extent of the rights or interests defined as "excepted interests" in paragraph 1a of the Agreement between the Mohegan Tribe and the State of Connecticut.

(2) By virtue of the approval of a transfer of lands or natural resources effected by this section, or an extinguishment of aboriginal title effected thereby, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Mohegan Tribe, arising subsequent to the transfer and based upon any interest in or right involving the claims described in paragraph (1) above in lands or natural resources, including, but not limited to, claims for trespass damages or claims for use and occupancy, shall be regarded as extinguished as of the date of the transfer, provided that this limitation shall not apply to any interest in lands or natural resources subsequently and lawfully acquired by the Mohegan Tribe or its members.

(c) No provision of this section shall be construed to offset or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects Indians as well as non-Indians.

SEC. 6. CONVEYANCE OF LANDS TO THE UNITED STATES IN TRUST FOR THE MOHEGAN TRIBE.

(a) The Secretary of the Interior is authorized and directed, subject to the satisfaction of environmental requirements otherwise applicable to actions under part 151 of title 25, Code of Federal Regulations, to accept the conveyance of title to lands described in Exhibits A and B of the State Agreement to be taken in the name of the United States of America in trust for the use and benefit of the Mohegan Tribe of Indians of Connecticut. The lands shall be the Mohegan Tribe's Initial Indian reservation.

(b) With regard to any tracts of land subject to Exhibit B of the State Agreement but not specifically identified therein, the Secretary shall consult with the Town of Montville with respect to the impact on the Town resulting from the removal of the land from the tax rolls and jurisdictional problems and potential conflicts of land use which may arise. With respect to all lands not subject to Exhibits A and B of the State Agreement, nothing in this Act shall diminish or otherwise affect the Town's rights under applicable law to participate in the decisionmaking process on trust acquisition requests involving these lands.

SEC. 7. ASSUMPTION BY STATE OF JURISDICTION OVER CRIMES.

The consent of the United States is hereby given to the State of Connecticut to assume by affirmative legislation jurisdiction over offenses committed by or against Indians on the Mohegan Indian reservation or Indian country owned by the Mohegan tribe or its members. Such jurisdiction shall be to the same extent that the State has over such offenses committed elsewhere within the State, and the criminal laws of the State shall have the same force within such reservation and Indian country as they have elsewhere in the State. Such exercise of criminal jurisdiction by the State shall not affect the Tribe's concurrent jurisdiction over such matters.

SEC. 8. GENERAL DISCHARGE AND RELEASE OF STATE OF CONNECTICUT.

Except as expressly provided herein and in the State Agreement and the Town Agreement, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and all of its political subdivisions, agencies, departments, and all of the officers or employees thereof arising from any treaty or agreement with, or on behalf of the Tribe of the United Sates as trustee therefor.

SEC. 9. REVOCATION OF STATE AGREEMENT.

In the event that, within 15 years of the date of the publication of the notice required by section 5(a), the Agreement between the Mohegan Tribe and the State of Connecticut is invalidated, or if the gaming compact provided in section 4(1) of this Act, or any implementing agreements between the parties thereto, is invalidated by a court of competent jurisdiction, the transfers, waivers, releases, relinquishments and other commitments made by the Mohegan Tribe in paragraph 1a of the State Agreement shall no longer be of any force or effect, section 5 of this Act shall be inapplicable to the lands, interests in lands or natural resources of the Mohegan Tribe and its members as if never enacted, and the approvals of prior transfers and the extinguishment of claims and aboriginal title of the Mohegan Tribe otherwise effected by section 5 shall be void ab initio. In any such event, the Mohegan Tribe shall have the right to reinstate its land claim within a reasonable time, which period shall be defined as the later of 6 months after the Mohegan Tribe receives written notice of such determination, or if appealed, 6 months after entry of judgment by the court of last resort, and, if the suit is reinstated within that time, no defense, such as laches, statute of limitations, law of the case, res judicata, or prior disposition shall be asserted based on the withdrawal of the lawsuit and commencement of the resumed litigation, nor shall the substance of discussions leading to the State Agreement be admissible in any subsequent litigation: *Provided, however,* That if any such suit is reinstated, any defense which would have been available to the State of Connecticut at the time the lawsuit was withdrawn may be asserted, and is not waived by anything in the State Agreement or by subsequent events occurring between the withdrawal of the lawsuit and commencement of the resumed litigation. In the event that any suit challenging the validity of the State Agreement, the gaming compact provided in section 4 of this Act, or any implementing agreements between the parties thereto, is pending in any court of competent jurisdiction on the date that the Mohegan Tribe's rights under this section would otherwise expire, such rights will be extended for a period not to exceed 6 months from the date the Mohegan Tribe receives notice of a final determination in such suit or, if an appeal is filed, 6 months after entry of judgment by the court of last resort.

SEC. 10. JUDICIAL REVIEW.

Notwithstanding any other provision of law, any action to contest the constitutionality of this Act or the validity of any agreement entered into under the authority of this Act or approved by this Act shall be barred unless the complaint is filed within 180 days after the date of enactment of this Act. Exclusive jurisdiction over any such action is hereby vested in the United States District Court for the District of Connecticut.

SEC. 11. RATIFICATION OF TOWN AGREEMENT.

(a) Notwithstanding any other provision of law, the Town agreement entered into by the Mohegan Indian tribe and the Town of Montville is hereby ratified and given full force and effect.

(b) The Secretary is authorized and directed to approve future modifications to the Town Agreement mutually agreed to by the parties and consistent with applicable law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4653 would settle the pending land claims of the Mohegan Indian Nation to lands within the State of Connecticut. The bill would ratify the agreements between the Mohegan Indian Nation, the State of Connecticut, and the town of Montville. It extinguishes the aboriginal land claims of the Mohegan Indian Nation to any public or private lands in the State of Connecticut. The bill validates any prior land transfers or conveyances whether or not they were made in accordance with the Indian Trade and Intercourse Act.

H.R. 4653 authorizes the Secretary to accept land in trust for the benefit of the Mohegan Indian Nation. It extends State criminal jurisdiction over the Mohegan Indian Reservation. In addition, the bill discharges the State of Connecticut from all obligations and duties arising from any treaty or agreement with the Mohegan Indian Nation. Lastly, the bill provides that the Mohegan Indian Nation shall have the right to reinstate their land claim if any of the agreements between the tribe and the State are invalidated by a court of competent jurisdiction within 15 years from the date of the Secretarial notice.

Finally, I would like to congratulate the parties to this important settlement on resolving some very difficult issues and reaching this historic agreement. I would also like to commend my colleague from Connecticut, Mr. GEJDENSON for all his hard work on this legislation and his fine work in the subcommittee on behalf of native Americans.

Mr. Speaker, this bill is supported by the Mohegan Indian Tribe, the State of Connecticut, and the administration. It also enjoys bipartisan support. I urge my colleagues to support it.

□ 1640

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

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4653, the Mohegan Land Claims Settlement Act.

This bill settles what could have been a protracted lawsuit between the State and the tribe, and involves no Federal funds. It is supported by both the committee's ranking Republican member, DON YOUNG, and the ranking Republican member of the Subcommittee on Native American Affairs. I urge my colleagues to support it as well.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON], the author of this legislation.

Mr. GEJDENSON. Mr. Speaker, I would like to first obviously thank the gentleman from New Mexico [Mr. RICHARDSON], Steve Heeley of his staff, the gentleman from Wyoming [Mr. THOMAS], and Richard Houghton of his staff for all the support and work they have done on this legislation, particularly Mr. Houghton who has ancestral roots back to eastern Connecticut.

And I just want to say that this is a model for other tribes and States and communities. The cooperation at every level of government really made this agreement work, with recognition by the BIA. But following that, the community pulled together rather than divided itself in battle.

I just want to commend the tribe and its leadership and the local political leadership and the State leadership as well.

I thank the subcommittee chairman, and particularly the gentleman from Wyoming [Mr. THOMAS], and their staffs.

Mr. Speaker, I rise in support of H.R. 4653, legislation I introduced to settle the land claims of the Mohegan Tribe of Connecticut. I want to thank Chairman RICHARDSON for his assistance in moving this bill through the Natural Resources Committee. I also want to thank Steve Heeley of his staff for his expert advice and assistance.

First and foremost, I would like to tell my colleagues what this bill does not do. It does not provide Federal recognition to the Mohegans. They endured a very long wait to go through the administrative process at the Bureau of Indian Affairs [BIA] and received Federal recognition in March of this year. This legislation does not provide for Federal payments or the transfer of Federal lands to the Mohegan Tribe. Instead, this legislation is the cap stone of a set of cooperative and mutually beneficial agreements negotiated by the Mohegans, State of Connecticut and the town of Montville. I applaud the willingness of the parties to work together and address issues important to them. I believe that this relationship could serve as a model for others across the country.

H.R. 4653 as reported by the Natural Resources Committee is a consensus document supported by all the parties. It provides for the extinguishment of land claims made by the tribe in 1977. In an effort to address concerns of the American Land Title Association, the tribe agreed to amend the bill to make the extinguishment final 15 years after enactment. It

authorizes the State to assume concurrent criminal jurisdiction over offenses committed by or against native Americans on Mohegan lands. The bill authorizes the Secretary of the Interior to take certain lands into trust for the benefit of the tribe. Finally, this legislation approves a cooperative agreement negotiated between the tribe and the town of Montville.

The substitute offered by Chairman RICHARDSON today is necessary because the Department of the Interior failed to provide the committee with its comments in a timely manner. The substitute makes largely technical changes to address the Department's concerns. It deletes a section authorizing the State traffic commission to have a role in planning how traffic around the reservation would be routed. We also deleted a reference to any predecessor or successor in interest to the Mohegan Tribe in section 5(b)(1). The Department was concerned that using these words in conjunction with language extinguishing land claims would adversely affect another group of Indians in my State. We added language to make it absolutely clear that the Mohegan Tribe retains concurrent jurisdiction over criminal offenses on its reservation. While the original bill did not preclude this, we have included a new sentence to accommodate the Department. Finally, we added language to address concerns that the United States not take any land into trust which could include some form of hazardous contamination. I believe these changes address the substantive concerns of the Department.

Mr. Speaker, this legislation represents the culmination of a long journey for the Mohegan Tribe. It will allow it to proceed with economic development plans which will benefit its members and southeastern Connecticut as a whole. At the same time, by extinguishing land claims, this bill will remove a cloud which has hovered over property owners in Montville for many years. This bill is strongly supported by the tribe, the town, and the State. This legislation and agreements reached between the parties represent a win-win situation for all involved. I urge my colleagues to support it.

Mr. RICHARDSON. Mr. Speaker, I would like to correct a few misstatements which were part of the committee's report on this legislation. First, the committee report incorrectly cites a May 15 agreement between the State and the Mohegan Indian Nation. The correct date of the agreement between the State and the tribe is May 17. In addition, the report incorrectly cites the class III gaming compact as the document in which the Mohegan Indian Nation agreed to pay a share of the gross gaming revenues to the State of Connecticut. The arrangement between the State and the Mohegan Indian Nation is part of a separate memorandum of understanding which was executed on May 17. Finally, I would like to clarify one final point. As part of the gaming compact, the Mohegan Indian Nation has agreed to limit all gaming to a single site not to exceed 700 acres.

Finally, I would like to congratulate the parties to this important settlement on resolving some very difficult issues and reaching this historic agreement. I would also like to commend my colleague from Connecticut, Mr. GEJDENSON, for all his hard work on this legislation and his fine work in the subcommittee on behalf of native Americans.

Mr. Speaker, this bill is supported by the Mohegan Indian Tribe, the State of Connecticut, and the administration. It also enjoys bipartisan support.

Mr. Speaker, my accolades to the gentleman from Connecticut [Mr. GEJDENSON] for putting together a very, very difficult compromise between the State, the Federal Government, and the community leaders. He is to be commended for his outstanding leadership.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON], that the House suspend the rules and pass the bill, H.R. 4653, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA JUSTICE REFORM ACT OF 1993

Ms. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1631) to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 1, line 5, strike out "1993" and insert: "1994".

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mr. BLILEY. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, H.R. 1631 is a noncontroversial measure. It raises from $2,000 to $5,000 the limit on cases which can be brought in small claims court in the District of Columbia. The House passed the bill on July 19, 1993. The Senate approved the measure on May 25, 1994. The Senate approved the measure on May 25, 1994. The only modification made by the Senate was technical, changing the date in the short title from 1993 to 1994.

My request is to concur in that amendment.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, once again I am happy to support H.R. 1631, the amended District of Columbia Justice Reform Act. We passed this Act originally at the conclusion of the 102d Congress, but the Senate never had time or opportunity to act on it. The House unanimously passed H.R. 1631 on July 19, 1993. On May 15, it was passed by voice vote in the Senate after being amended to change the date from 1993 to 1994.

As amended, this bill will increase the jurisdictional maximum amount in controversy in small claims proceedings from $2,000 to $5,000. By increasing this amount, the number of cases on the D.C. Superior Court's civil docket will dramatically decrease. In fact, H.R. 1631 would move approximately 5,000 to 15,000 cases on the superior court's civil docket to the small claims court—resulting in a 35-percent reduction in the superior court's civil docket. This reduction would free up valuable judicial resources, which are extremely important at this time, when the District of Columbia is financially strapped.

I urge my colleagues to join me and make up lost time by passing this important legislation for the District's local judiciary.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I want to thank the chairman of the committee, the gentleman from California [Mr. STARK] and associate myself with the remarks of the ranking member.

Mr. BLILEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks concerning the measure just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 46 minutes p.m.) the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MFUME] at 5 o'clock p.m.

CONFERENCE REPORT ON H.R. 4649, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995 AND DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1994

Mr. DIXON. Mr. Speaker, pursuant to the order of the House of Friday, August 5, 1994, I call up the conference report on 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 revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, August 5, 1994, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 4, 1994, at page 19676.)

The SPEAKER pro tempore. The gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 4649 and on the amendments in disagreement, and that I be permitted to include tabulations summarizing the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House this afternoon the conference agreement on the fiscal year 1995 D.C. Appropriations Act.

I plan to be very brief.

First, let me thank the staff, both the House staff and the Senate staff, for working so hard on what appeared to be a very difficult conference. I am pleased to say that the only way we were able to reach agreement was with the cooperation of the gentlewoman from the District of Columbia [Ms. NORTON], my ranking member, the gentleman from New York [Mr. WALSH], the ranking member of the Committee on the District of Columbia, the gentleman from Virginia [Mr. BLILEY]; and, of course, the chairman and my very good friend and colleague, the gentleman from California [Mr. STARK].

You may recall that the bill left this House with two important items. One was a cut in the District's spending of $150 million in 1995; and the second was a Federal payment of $668 million. There were 26 Senate amendments and they were all resolved in our conference.

In summary, the conference agreement will provide the District government with Federal funds totaling $712 million which is $8 million below both the House allowance and our 602(b) allocation, and $10 million below the President's budget request. However, it is $12 million above last year's Federal payment.

In District funds, the conference agreement provides $3.5 billion which is $204 million below last year and $154 million below the city's request.

Mr. Speaker, there were what I would consider five major changes made by the Senate to the House bill and I will explain each of the five briefly.

First, the first one deals with the Federal payment. The conferees agreed to a Federal payment of $660 million which is $8 million below the House bill and $12 million above the Senate bill.

There was some concern about the method used by the District in coming up with their Federal payment request—it was based on 5 quarters of real property tax revenue rather than the normal 4 quarters—and while what they did is legal, in my opinion and the opinion of others it was not within the spirit of the formula Federal payment legislation.

Second is the spending cuts. The conferees agreed to $140 million in cuts which is $10 million below the House bill and $65 million above the Senate mark.

Let me make clear at this point that this cut does not affect revenues or income to the District—it applies solely to spending.

GAO says the District's fiscal year 1995 budget is out of balance by anywhere from $100 million to $200 million.

Mr. Speaker, in the spirit of home rule, the conferees do not specify where the $140 million in cuts are to be made—that is left to the discretion of the elected Mayor and council.

Third is the enforcement mechanism. To encourage District officials to make the $140 million in cuts and not overspend, language is included under section 138 of the bill requiring that 20 percent of the fiscal year 1996 Federal payment be escrowed until two reports are submitted by independent public accountants certifying that the District has indeed reduced its fiscal year 1995 budget by $140 million and has not overspent its cash collections.

Otherwise, the amount by which the $140 million reduction is not made plus the overspending must be paid to the Federal Treasury from the Federal payment escrowed and any other amounts available to the District.

Escrowing the Federal payment should not create any undue hardship on the District. Prior to fiscal year 1988, the Federal payment was apportioned to the District in equal quarterly installments by the President's Office of Management and Budget. That was changed by the Congress in fiscal year 1988 to give the District the full Federal payment within 15 days of the enactment of the Appropriations Act.

The fourth major issue was the law school. The conferees agreed to restore the $5 million to the D.C. School of Law so that District officials may decide whether or not it should be closed. The Mayor's plan which was submitted last Monday calls for eliminating the law school but the final decision requires the concurrence of the council.

The fifth major difference between the House and Senate bills involves reducing the District's work force. The conferees agreed to reduce the number of full-time equivalent positions by 2,000 in fiscal year 1995—from 35,558 to 33,558—instead of by 712 in each of the next 5 years.

In her package the Mayor has proposed incentive retirement programs that are expected to attract the participation of 2,500 employees. The conferees support the Mayor in this effort which was approved by the city council through emergency legislation last Friday.

Mr. Speaker, there are two other items that Members of the House are very much interested in.

One is the abortion language. The Senate agreed to the same language that is in section 134 of the House bill—and that language is the Hyde language as it relates to Federal funds.

The second is domestic partners. The Senate accepted the House language in section 140 of the bill that prohibits the use of any funds in the bill to implement the District's domestic partners ordinance.

At this point in the RECORD, I will insert a tabulation summarizing the conference action.

(The table referred to follows:)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1995, INCLUDING FY 1994 SUPPLEMENTAL (H.R. 4649)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with Enacted	Estimate	House	Senate
TITLE I									
FISCAL YEAR 1995 APPROPRIATIONS									
FEDERAL FUNDS									
Federal payment to the District of Columbia	630,603,000	669,930,000	667,930,000	647,930,000	660,000,000	+29,397,000	-9,930,000	-7,930,000	+12,070,000
Federal contribution to retirement funds	52,070,000	52,070,000	52,070,000	52,070,000	52,070,000				
Federal contribution for crime and youth initiatives	17,327,000					-17,327,000			
Total, Federal funds to the District of Columbia	700,000,000	722,000,000	720,000,000	700,000,000	712,070,000	+12,070,000	-9,930,000	-7,930,000	+12,070,000
DISTRICT OF COLUMBIA FUNDS									
Operating Expenses									
Governmental direction and support	(115,888,000)	(81,159,000)	(81,159,000)	(81,159,000)	(81,159,000)	(-34,729,000)			
Economic development and regulation	(87,293,000)	(56,343,000)	(56,343,000)	(56,343,000)	(56,343,000)	(-30,950,000)			
Human resources development		(41,046,000)	(41,046,000)	(41,046,000)	(41,046,000)	(+41,046,000)			
Public safety and justice	(692,156,000)	(684,926,000)	(684,926,000)	(684,926,000)	(684,926,000)	(-7,230,000)			
(By transfer)	(1,025,000)					(-1,025,000)			
Public education system	(711,742,000)	(720,258,000)	(720,258,000)	(715,330,000)	(720,258,000)	(+8,516,000)			(+4,928,000)
Human support services	(682,359,000)	(698,034,000)	(698,034,000)	(698,034,000)	(698,034,000)	(+15,675,000)			
Public works	(206,191,000)	(195,002,000)	(195,002,000)	(195,002,000)	(195,002,000)	(-11,189,000)			
Washington Convention Center Fund	(12,850,000)	(12,850,000)	(12,850,000)	(12,850,000)	(12,850,000)				
Repayment of loans and interest	(306,264,000)	(306,768,000)	(306,768,000)	(306,768,000)	(306,768,000)	(+504,000)			
Repayment of general fund recovery debt	(38,337,000)	(38,678,000)	(38,678,000)	(38,678,000)	(38,678,000)	(+341,000)			
Short-term borrowing		(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)			
Optical and dental benefits	(3,323,000)	(3,312,000)	(3,312,000)	(3,312,000)	(3,312,000)	(-11,000)			
Pay adjustment	(81,680,000)	(106,095,000)	(106,095,000)	(106,095,000)	(106,095,000)	(+24,415,000)			
Severance pay	(2,202,000)					(-2,202,000)			
D.C. General Hospital deficit payment	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)				
Rainy day fund		(22,508,000)	(22,508,000)	(22,508,000)	(22,508,000)	(+22,508,000)			
Job-producing economic development incentives		(22,600,000)	(22,600,000)	(22,600,000)	(22,600,000)	(+22,600,000)			
Energy adjustment	(-482,000)					(+482,000)			
Communications adjustment	(-156,000)					(+156,000)			
Contractual services adjustment	(-1,500,000)					(+1,500,000)			
Cash reserve fund	(3,957,000)	(3,957,000)	(3,957,000)	(3,957,000)	(3,957,000)				
Personal and nonpersonal services adjustments			(-5,702,000)	(-20,774,000)	(-13,632,000)	(-13,632,000)	(-13,632,000)	(-7,930,000)	(+7,142,000)
Sec. 138(a) reduction in FY 1995 expenses			(-150,000,000)	(-75,000,000)	(-140,000,000)	(-140,000,000)	(-140,000,000)	(+10,000,000)	(-65,000,000)
Total, operating expenses, general fund	(3,352,102,000)	(3,406,536,000)	(3,252,834,000)	(3,307,834,000)	(3,254,904,000)	(-97,198,000)	(-153,632,000)	(+2,070,000)	(-52,930,000)
Capital Outlay									
General fund	(108,743,000)	(5,600,000)	(5,600,000)	(5,600,000)	(5,600,000)	(-103,143,000)			
Enterprise Funds									
Water and Sewer Enterprise Fund:									
Operating expenses	(240,929,000)	(265,653,000)	(265,653,000)	(265,653,000)	(265,653,000)	(+24,724,000)			
Capital outlay	(29,087,000)					(-29,087,000)			
Rescission		(-21,365)	(-21,365)	(-21,365)	(-21,365)	(-21,365)			
Total, Water and Sewer Enterprise Fund	(270,016,000)	(265,631,635)	(265,631,635)	(265,631,635)	(265,631,635)	(-4,384,365)			
Lottery and Charitable Games Enterprise Fund	(7,168,000)	(8,318,000)	(8,318,000)	(8,318,000)	(8,318,000)	(+1,150,000)			
Cable Television Enterprise Fund	(2,353,000)	(2,353,000)	(2,353,000)	(2,353,000)	(2,353,000)				
Total, Enterprise Funds	(279,537,000)	(276,324,000)	(276,324,000)	(276,324,000)	(276,324,000)	(-3,213,000)			
Total, District of Columbia funds	(3,740,362,000)	(3,690,436,635)	(3,534,738,635)	(3,588,738,635)	(3,536,808,635)	(-203,575,365)	(-153,632,000)	(+2,070,000)	(-52,930,000)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1995, INCLUDING FY 1994 SUPPLEMENTAL (H.R. 4649), continued

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with Enacted	Estimate	House	Senate
Total, title I, fiscal year 1995 appropriations:									
Federal Funds to the District of Columbia	700,000,000	722,000,000	720,000,000	700,000,000	712,070,000	+12,070,000	-9,930,000	-7,930,000	+12,070,000
District of Columbia funds (net)	(3,740,362,000)	(3,690,438,635)	(3,534,736,635)	(3,589,736,635)	(3,536,806,635)	(-203,575,365)	(-153,632,000)	(+2,070,000)	(-52,930,000)
Appropriations	(3,740,362,000)	(3,690,460,000)	(3,534,758,000)	(3,589,758,000)	(3,536,826,000)	(-203,554,000)	(-153,632,000)	(+2,070,000)	(-52,930,000)
Rescissions		(-21,365)	(-21,365)	(-21,365)	(-21,365)	(-21,365)			
(By transfer)	(1,025,000)					(-1,025,000)			
TITLE II									
FISCAL YEAR 1994 SUPPLEMENTAL									
DISTRICT OF COLUMBIA FUNDS									
Operating Expenses									
Governmental direction and support		(-18,633,000)	(-18,633,000)	(-18,633,000)	(-18,633,000)	(-18,633,000)			
Economic development and regulation		(-30,366,000)	(-30,366,000)	(-30,366,000)	(-30,366,000)	(-30,366,000)			
Human resources development		(42,801,000)	(42,801,000)	(42,801,000)	(42,801,000)	(+42,801,000)			
Public safety and justice		(11,656,000)	(11,656,000)	(11,656,000)	(11,656,000)	(+11,656,000)			
Public education system		(17,125,000)	(17,125,000)	(17,125,000)	(17,125,000)	(+17,125,000)			
Human support services		(38,130,000)	(31,630,000)	(38,130,000)	(38,130,000)	(+38,130,000)		(+6,500,000)	
Public works		(-6,592,000)	(-9,092,000)	(-6,592,000)	(-6,592,000)	(-6,592,000)		(+2,500,000)	
Washington Convention Center Fund		(-338,000)	(-338,000)	(-338,000)	(-338,000)	(-338,000)			
Repayment of loans and interest		(-15,161,000)	(-15,161,000)	(-15,161,000)	(-15,161,000)	(-15,161,000)			
Repayment of general fund recovery debt		(312,000)	(312,000)	(312,000)	(312,000)	(+312,000)			
Optical and dental benefits		(-11,000)	(-11,000)	(-11,000)	(-11,000)	(-11,000)			
Severance pay		(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	(+6,000,000)			
D.C. General Hospital deficit payment		(-5,500,000)	(-5,500,000)	(-5,500,000)	(-5,500,000)	(-5,500,000)			
Cash reserve fund		(-3,957,000)	(-3,957,000)	(-3,957,000)	(-3,957,000)	(-3,957,000)			
Short-term borrowing		(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(+3,500,000)			
Total, operating expenses, general fund (net)		(38,946,000)	(29,946,000)	(38,946,000)	(38,946,000)	(+38,946,000)		(+9,000,000)	
Enterprise Funds									
Water and Sewer Enterprise Fund:									
Operating expenses		(-9,411,000)	(-9,411,000)	(-9,411,000)	(-9,411,000)	(-9,411,000)			
Lottery and Charitable Games Enterprise Fund		(1,235,000)	(1,235,000)	(1,235,000)	(1,235,000)	(+1,235,000)			
Total, Enterprise Funds (net)		(-8,176,000)	(-8,176,000)	(-8,176,000)	(-8,176,000)	(-8,176,000)			
Total, title II, fiscal year 1994 supplemental:									
District of Columbia funds (net)		(30,770,000)	(21,770,000)	(30,770,000)	(30,770,000)	(+30,770,000)		(+9,000,000)	

Mr. DIXON. Mr. Speaker, I want to commend the conferees on both sides of the aisle and in both bodies for their hard work and for the manner in which this conference agreement was worked out.

The gentleman from New York [Mr. WALSH] was very attentive to the issues and brought to the table his considerable skills and knowledge of municipal affairs.

I also want to thank the gentleman from Virginia [Mr. BLILEY], as well as my colleague from California [Mr. STARK], for their counsel and support.

Mr. Speaker, this is a good conference agreement that reflects a fair and equitable resolution of the Senate amendments.

I ask for an "aye" vote on the adoption of the conference report.

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

Mr. WALSH. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the House-Senate conference report on DC Appropriations. This report was signed by all conferees in the Senate and House, majority and minority. The House instructed the conferees to stay with the House position and, in fact, we did.

We, the House, asked for $150 million in cuts; the final number was $140 million. We asked that the formula fund be $668 million; the final number was $660 million. The net is $2 million from the House position, or roughly 99 percent of what we wanted.

In addition, the District will have to eliminate 2,000 filled and funded positions to arrive at these cuts in 1995.

We also included House language that will require quarterly reports on spending and revenue for the District in 1995. And we stipulated that if the District of Columbia deficit spends through fiscal year 1995, they will lose $1 for every $1 they overspend in the fiscal year 1996 Federal appropriation.

Mr. Speaker, the House clearly has shown bipartisan leadership in regard to this bill. Chairmen DIXON and STARK requested the GAO report that provided me and the other members of the subcommittee with the data we needed to accomplish this significant spending reduction. And we did something dangerous—we read it. I would like to publicly thank the General Accounting Office for their fine work.

Finally, I would like to thank Congressman TOM BLILEY and Delegate ELEANOR HOLMES NORTON for working through this agreement with us. Everyone was constructive and supportive. The District of Columbia can lay claim to the title of the "Greatest City on Earth," but they have to clean their own backyard. This agreement should help with the short-term problems, and the same type of cooperation will be needed for the long-term problems.

Chairman DIXON, I look forward to continuing the fine working relationship we have developed, and I join you in urging a strong bipartisan vote in support of this bill.

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

Mr. DIXON. Mr. Speaker, I yield 11 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the chairman of the Subcommittee on Appropriations for the District of Columbia for yielding me the time. Mr. Speaker, I want to also thank him for the extraordinary way in which he has handled this appropriation, managing to be at once fair and deferential to home rule. It has been an extraordinary demonstration of tough love. I want also to thank the gentleman from New York [Mr. WALSH], the ranking member, who worked throughout in good faith. Even when there were differences between him and us, he always worked for what he believed to be the good of the District of Columbia and its residents. And, of course, my good and old friend, the gentleman from Virginia [Mr. BLILEY], who was central in shaping the compromise that was necessary to get the votes for this appropriation at all. I have gone into the District to tell my constituents how important bipartisanship is, something that this very democratic city has learned to understand. Of course, I want to thank the chairman of the full committee, the gentleman from California [Mr. STARK], for all of his efforts to help us fashion a bipartisan compromise.

Mr. Speaker, this is a tough, bipartisan agreement that came out of very difficult negotiations. It was so difficult that I cannot imagine why anybody would want to vote against it, certainly not those who voted against us in the first place, and those who were with us understand that the compromise was necessary to get the appropriation at all. The motion to instruct essentially kept us mostly to the House terms. The result, Mr. Speaker, is very harsh on the District. The amount is $140 million in cuts, which is not even close to the $75 million that the Senate proposed because of the motion to instruct from this House. The only thing, Mr. Speaker, that can be said for the larger number is that the chairman and the GAO think that there will be a need for even greater cuts. In any case, the cuts that have to be made simply with be made or else the money will be taken from next year's Federal payment, so I think there is nowhere to go on this one except where the House has said.

There are two very important and positive elements of the House version that were retained and I hope that the residents of the District will appreciate that those were difficult, as well. We have come in at only $8 million below what the House requested for a cash-strapped District where every dollar now counts, to keep the city from heading toward insolvency as it makes cuts. This is much appreciated.

□ 1710

Cutting the Federal payment much more would be a lot like the 17th century practice of bleeding the patient to cure the disease. The gentleman from Virginia [Mr. BLILEY] insisted all along that the purpose was not to give less money to the District, and we have given less, but to ensure that the District made cuts to keep from going bankrupt.

We have no home rule violations, Mr. Speaker, and that is very important to note, because although there was a violation in one matter in the Senate we were able to get the Senate to agree that Congress should not say where to cut, that this is a matter of self-rule for every people in a democracy.

Of course, the cuts had to be accepted, even by me. There was no way to get the votes to get this appropriation out at all without these cuts. Here, Mr. Speaker, I am talking about the votes to get out even the $3 billion that is tax money raised exclusively in the District of Columbia because it all comes over there before it can be authorized for release to the District. I recognize and have told the residents of the District of Columbia that whatever their home rule prerogative are, the Congress does have a responsibility to keep the Capital of the United States from becoming bankrupt.

But the responsibility of the Congress stops there. Programmatic cuts go beyond our core duty in this House not only as a violation of the letter and the spirit of the Home Rule Act, but because to go into programmatic cuts does what Congress does worst, micromanage a large, complex city. That is up to the District to do.

Mr. Speaker, I do want to take some time to clear up some matters that have appeared in the press so that the Members can know precisely how the District is moving, because I think Members ought to be very pleased with how the District is moving. The District has clearly heard all of the appropriate messages, both the Council and the Mayor. The Mayor kept her August first deadline. Before we had even gone to conference she submitted a plan. Last Friday, the day after the Mayor's legislation was transmitted to the Council, it held an emergency session. It has already approved buyouts that must occur by October 1, and they have approved more buyouts than the Mayor requested.

There has been some talk that the Council has only done the easy part. It is only fair to the Council to lay on the RECORD what the Council has done and what the Mayor has done, and I ask for a few minutes to do that.

Not only has the Council authorized buyouts, it has authorized, in addition,

a voluntary severance incentive program which means that, in effect, the Council has authorized significantly more buyouts than the Mayor requested.

The Council has also approved the D.C. General Hospital operations and financial viability plan. The D.C. General Hospital is hemorrhaging. It needs an emergency room operation. I am pleased that the Council has approved the plan requested by the Mayor now.

The Council has asked authority from us to place the courts on the same budgetary basis as other Council agencies. Only we can do this. It has asked permission from us to allow the Mayor to enter into multiyear, multiappropriation contracts, which can save the District considerable money.

Over 70 percent of what the Mayor wants to do she can achieve without further Council action. There needs to be further Council action in order to be responsible at all on some measures, however. For example, privatization and the cuts in entitlements. The cut in entitlements will require hearings. Privatization is very important for the Council to consider, but it is obviously a matter that takes hearings, and I might add, according to the Mayor's own plan, privatization will not yield $1 for this fiscal year. The dollars only come in the coming fiscal years.

I have urged the Council to move forward early with quick savings. The Council needs to look at what can get the District the money, the $140 million in the first quarter of the fiscal year or else they will be off into overspending and will not be able to do it. They do not need to do the hard things first, the things that are most difficult to get through the Council. They need to do the easy things first.

I have urged the Council to be fully cooperative. But the fact is that D.C. needs more, not less Council oversight, more not less Council initiative. We do not need the 1980's back where the Council simply rubberstamped what the Mayor did. They need to do as much of what the Mayor says do as quickly as she has indicated it should be done. They may need to do more, they may need to do different things. They must come forward in the next couple of months and indicate what they want to substitute if they want to substitute. But they need not rubberstamp anything.

The final thing the District needs is more shared responsibility. I have indicated that I myself will become more involved in order to share in that responsibility as well without going into matters that are reserved entirely by the charter to the Mayor and the City Council. When I see where the Council and the Mayor are going, I will not do as I did last March, and say, do it yourself quickly with a multiyear plan. I will not simply ride forward, as Paul Revere did, saying that the British are coming or in this case that the Congress is coming. I will say that the problems are coming or are here and together we can solve them. Let's all sit down and do it.

Mr. Speaker, the Congress has been very directed and thorough in going at D.C.'s problems that are of D.C.'s making. I would simply like to leave my colleagues with the question: What is the Congress going to do, about its part of this problem? There is $5 billion in pension liability that only needs congressional action at this time. It was debt, almost all of it passed along from the Congress to the Council. It is wrong to put the heavy requirements we have put on the District this year without at the same time, this year, dealing with the bill that would dispose of this federally imposed burden. There have been sacrifices made by employees and retirees. All we need is now for this body to act.

There are two bond authorizations over here that would bring revenue to the District. The District has a right to say to the Congress: "Will you act on this matter as well?"

After the matter before us today, the shoe is on the other foot because the burden will be then on the Congress.

Mr. Speaker, finally may I say that there are hundreds of thousands of innocent bystanders here who had nothing to do with overspending or with not holding hearings or with not putting on controls, and those are my constituents, the only clients I have. No elected officials will experience the pain that comes from this bill.

I ask my colleagues now that they have worked their will to uphold what the conference committee has done.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY], the distinguished ranking member of the Committee on the District of Columbia.

Mr. BLILEY. Mr. Speaker, I rise today to support the conference report for the D.C. appropriations bill for fiscal year 1995. And I would like to commend the exceptional efforts of the chairman of the Appropriations Subcommittee on the District, Mr. DIXON; the ranking Republican on that subcommittee, Mr. WALSH; and the Delegate from the District of Columbia, Ms. NORTON. Without their steadfast efforts, reaching agreement on this conference report would not have been possible. After months of negotiations and deliberation, I believe that we have before us a bill we can all support. We have met our obligations under the Constitution, to the citizens of the District of Columbia, and to the Nation. While a great amount of time and effort has gone into reaching this agreement, the real work has just begun. This bill calls for $140 million in spending cuts. Clearly, the magnitude of these cuts requires that the Mayor sit down with the council and make some very tough decisions.

Obviously, the concerns of Members of Congress have not fallen on deaf ears. From the time we initially passed H.R. 4649, Mayor Kelly has recognized that spending cuts will have to be made and the efforts she has made to initiate these cuts are greatly valued. The proposal she recently introduced will serve as an excellent starting point for discussions. Mayor Kelly's proposal includes a number of very serious and thoughtful recommendations. One of the provisions I commend most is the Mayor's proposal to privatize a number of services currently being provided by the District government. Mayor Kelly has expressed her intent to privatize many city operations including D.C. Village, Fort Totten, Oak Hill, and various functions performed by the Bureau of Traffic Adjudication, the Real Property Administration, and the D.C. Jail and Correctional Treatment Facility. The real savings a city can realize from contracting out various services can have a significant impact on a city's operating budget and I encourage the Mayor and the Council to take full advantage of privatization.

In a city with a declining population and scarce resources, widespread crime, violence in schools, and an incredibly high infant mortality rate, the demands for government provided services are indeed great. However, we cannot lose sight of the fact that we are appropriating a $3.4 billion budget for the District, which serves a population of only 578,000. Notwithstanding the fact that the District is a unique governmental entity, the city still has one of the highest per capita spending levels in the country. While some may view our action as burdensome, the requirement to cut $140 million from a $3.4 billion budget should not be construed as a punishment for the District. Our action merely reflects the reality of the District's financial situation.

An overwhelming majority of Members of this body once served as State or local legislators. We know the difficulties of setting priorities among competing demands. The District is not unique in this regard. Now the task of targeting resources is in the hands of this city's leaders, as it should be. And it is imperative that this action be taken as quickly as possible to ensure that the savings associated with the final blueprint for fiscal year 1995 can begin as quickly as possible.

Mr. STARK. Mr. Speaker, I rise in strong support of the conference report on H.R. 4649, the fiscal year 1995 District of Columbia appropriations bill. I admire the efforts of my dear friend from California, the chair of the D.C. Appropriations Subcommittee, JULIAN DIXON, to bring this measure to a final vote. When Mr. DIXON and I solicited GAO's analysis of the District's financial condition, our expectation was that it would lead the Congress to an honest and accurate view of that condition. That, in fact, has turned out to be the case.

Mr. Speaker, the bill eliminates any doubt about Congress' insistence that the District government get its financial house in order. The $140 million in mandated spending cuts will force District officials to make tough decisions that, in the long term, will benefit the District's taxpayers and residents. The bill's enforcement provisions are tough and no nonsense.

This bill has been carefully crafted and negotiated to respect the principles of home rule. The District's Mayor and City Council have begun to treat this issue as an emergency.

Mr. Speaker, this bill marks a different congressional interest in the District's finances than we have seen since the advent of home rule. In keeping with the Federal interest, I intend to have the House District Committee regularly review the District's fiscal affairs.

Mr. Speaker, in closing I commend the bipartisan efforts of Mr. DIXON, his ranking member Mr. WALSH, the District Committee's ranking member Mr. BLILEY, and the House and Senate conferees. I applaud the District's Delegate, Ms. NORTON, for imploring the District's locally elected government to take heed in better controlling its own affairs. Perhaps at this time next year, we will be praising the District's leadership for exercising true fiscal courage and discipline.

I urge my colleagues to support this conference report.

□ 1720

Mr. WALSH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIXON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the order of the House on Friday, August 5, 1994, the amendments in disagreement and motions printed in the joint explanatory statement of the committee of the conference to dispose of amendments in disagreement are considered as read.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 3: Page 8, line 21, after "$542,682,000" insert:", 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.),".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert: ", 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.) and $910,000 shall be available for the National Learning Center, Options School ($750,000) and Model Early Learning Center ($160,000),".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 13, line 9, after "$22,508,000." insert: "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."

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: ": *Provided*, That the District of Columbia shall provide to the Committee on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1995 or not later than 15 days after the last amount remaining in the fund is disbursed."

And on page 13, line 9 of the House engrossed bill, H.R. 4649, strike the period at the end of the line.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 11: Page 31, line 16, strike out "less than" and insert: "to exceed".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 11, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 12: Page 33, line 2, strike out "forecast." and insert: "forecast;".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "forecast which shall be supported and accompanied by cash forecasts for the general fund and each of the District government's other funds other than the capital projects fund and trust and agency funds;".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 33, line 12, after "year" insert: "; 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".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. Dixon moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur there in with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: ";

"(5) Explanations 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 required the agencies to reduce expenditures in other areas; and

"(6) An aging of the outstanding receivables and payables, with an explanation of how they are reflected in the forecast of cash receipts and disbursements.

"(c) REPORTING ON NONAPPROPRIATED FUNDS.—Not later than the date on which the Mayor issues the Comprehensive Annual Financial Report of the District of Columbia for the fiscal year ended September 30,1 994, the Mayor shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on the District of Columbia of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report on all revenues and expenditures of the general fund of the District that are characterized as nonappropriated in the Comprehensive Annual Financial Report. The report required by this subsection shall include the following information for each category of nonappropriated funds:

"(1) The source of revenues;

"(2) The object of the expenditures;

"(3) An aging of outstanding accounts receivable and accounts payable;

"(4) The statutory or other legal authority under which such category of funds may be expended without having been appropriated as part of the District's annual budget and appropriations process;

"(5) The date when such category of funds was first expended on a nonappropriated basis;

"(6) The policy or rationale for why the revenues and expenditures for such funds should not be part of the District's annual budget and appropriations process; and

"(7) A reconciliation of the amounts reported under this subsection with the amounts characterized as nonappropriated in the Comprehensive Annual financial Report".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 18: Page 34, line 17, after "District" insert: "of Columbia".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur there in with an amendment, as follows:

Delete the matter inserted by said amendment.

On page 34, line 7 of the House engrossed bill, H.R. 4649, after the word "Mayor" insert "of the District of Columbia".

On page 34, line 14 of the House engrossed bill, H.R. 4649, strike "Flow Statements" and insert in lieu thereof "Forecasts".

On page 34, line 16 of the House engrossed bill, H.R. 4649, strike all after "include" down through and including "the" on line 18 and insert in lieu thereof "revisions to the forecasts reported in accordance with subsection (b) of section 137 of this Act that incorporate the".

On page 34, line 4 of the House engrossed bill, H.R. 4649, strike "Congress" and insert in lieu thereof "Committees on Appropriations of the House of Representatives and the Senate, the Committee on the District of Columbia of the House of Representatives, and the Committee on Governmental Affairs of the Senate".

On page 34, line 11 of the House engrossed bill, H.R. 4649, strike "Congress" and insert in lieu thereof "Committees on Appropriations of the House of Representatives and the Senate, the Committee on the District of Columbia of the House of Representatives, and the Committee on Governmental Affairs of the Senate".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 35, strike out all after line 15 over to and including line 8 on page 36.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment.

On page 35 of the House engrossed bill, H.R. 4649, strike all after line 3 through and including line 24.

On page 36 of the House engrossed bill, H.R. 4649, strike lines 1 through 8 and insert in lieu thereof the following:

(b) ANNUAL LIMITATION ON DISBURSEMENTS.—

(1) AGGREGATE LIMITATION.—The total disbursements and net payables of the government of the District of Columbia from the funds covered by paragraph (2) during fiscal year 1995 shall not exceed the total receipts collected by the government and available for such funds during fiscal year 1995.

(2) INDIVIDUAL FUND LIMITATIONS. The disbursements and net payables of the government of the District of Columbia from the general fund and from each of the government's other funds not covered by paragraph (3) during fiscal year 1995 shall not exceed the receipts collected by the government and available for the general fund and for each such fund during fiscal year 1995.

(3) CAPITAL PROJECTS, TRUST AND AGENCY FUNDS LIMITATIONS.—The disbursements and net payables of the government of the District of Columbia from each of the government's capital projects, trust and agency funds during fiscal year 1995 shall not exceed the total of the cash available to each such fund at the beginning of fiscal year 1995 plus the receipts of each such fund during fiscal year 1995.

(c) ENFORCEMENT.—

(1) PLACEMENT IN ESCROW OF PORTION OF ANNUAL FEDERAL PAYMENT.—Upon receipt of the annual Federal payment for fiscal year 1996 authorized by sections 502(a) or 503 of the District of Columbia Self-Government and Governmental Reorganization Act or made pursuant to any other provision of law authorizing a Federal payment to the general fund of the District of Columbia for fiscal year 1996, the Mayor of the District of Columbia shall place in escrow—

(A) 10 percent of the Federal payment, for purposes of enforcement of subsection (a); and

(B) an additional 10 percent of the Federal payment, for purposes of enforcement of subsection (b)(1).

(2) AVAILABILITY OF ESCROWED AMOUNTS.—No portion of the funds placed in escrow under paragraph (1) of this subsection shall be available for use by the government of the District of Columbia until the Mayor submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on the District of Columbia of the House of Representatives, and the Committee on Governmental Affairs of the Senate two reports, each certified by an independent public accountant, on (A) the spending reductions required by subsection (a) of this section, and (B) the disbursements, net payables, and receipts covered by paragraph (1) of subsection (b) of this section. In no event shall the reports required by this paragraph be submitted later than the date on which the Mayor issues the Comprehensive Annual Financial Report of the District of Columbia for the fiscal year ended September 30, 1995.

(3) AMOUNT OF ESCROWED FUNDS AVAILABLE.—Fifteen days after submitting the reports required by paragraph (2), the funds placed in escrow under paragraph (1) shall be available for use by the government of the District of Columbia only if—

(A) the Mayor pays to the Treasury of the United States the sum of—

(i) the amount (if any) by which the actual reduction implemented under subsection (a) fails to achieve the reduction made by paragraph (1) of such subsection; and

(ii) the amount (if any) by which the disbursements and net payables described in subsection (b)(1) exceed the receipts described in such subsection; and

(B) such payment is made by the Mayor within such fifteen-day period from the escrowed funds or, if such escrowed funds are insufficient, from other funds available to the government of the District.

(d) VIOLATION REPORTS.—Not later than the date on which the Mayor issues the Comprehensive Annual Financial Report of the District of Columbia for the fiscal year ended September 30, 1995, the Mayor, Deputy Mayor for Financial Management, and Controller shall jointly submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on the District of Columbia of the House of Representatives, and the Committee on Governmental Affairs of the Senate a separate report on each fund described in paragraphs (2) and (3) of subsection (b) of this section that violated the limitation applicable to the fund. Each report shall contain, but not be limited to—

(1) the amount of the violation;

(2) an analysis of the difference between the budgeted and actual disbursements, payables, and receipts for fiscal year 1995;

(3) an explanation of policies, events, or other factors that caused or contributed to the violation;

(4) actions taken or to be taken against government officials or employees for causing or contributing to the violation; and

(5) actions taken or to be taken to prevent recurrence of the violation in fiscal year 1996.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "net payables" means the difference in the amount of payables for a fund at the beginning of a fiscal year and the amount of such payables for such fund at the end of the fiscal year;

(2) the term "payables" means accounts payables and compensation payables; and

(3) the terms "disbursements", "accounts payables", "compensation payables", "receipts", "capital projects fund", "trust funds" and "agency funds" shall have the same meaning as such terms had for purposes of the Comprehensive Annual Financial Report of the District of Columbia for the fiscal year ended September 30, 1993.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 21: Page 36, line 9, strike out "(d)" and insert "(c)."

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment and delete the matter inserted by said amendment, and on page 36 of the House engrossed bill, H.R. 4649, strike lines 9 through 11.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 37, after line 10, insert:

LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS

SEC. 142. (a)(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 Governmental Initiative.

(2) REDUCTION.—The total number of full-time equivalent positions financed from District of Columbia appropriated funds shall not exceed—

(A) 34,875 during fiscal year 1995;

(b) 34,163 during fiscal year 1996;

(c) 33,451 during fiscal year 1997;

(d) 32,739 during fiscal year 1998; and;

(e) 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 fulltime 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).

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The text of the motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows:

In lieu of matter proposed in said amendment, insert:

LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS

SEC. 141. (a) REDUCTION.—The total number of full-time equivalent positions financed from District of Columbia appropriated funds shall not exceed 33,588.

(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 the fiscal year of whether the requirements under subsection (a) are met; and

(2) notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on the District of Columbia of the House of Representatives and the Committee on Governmental Affairs of the Senate on the first day of each quarter of the fiscal year of the determinations made under paragraph (1).

SEC. 142. (a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study of the Washington Aqueduct. The study shall be conducted in consultation with the Environmental Protection Agency, the Office of Management and Budget, and the non-Federal public water supply customers of the Washington Aqueduct.

(b) STUDY CONTENTS.—The study required by subsection (a) shall include analyses of—

(1) the current condition of the Washington Aqueduct;

(2) the operation and maintenance activities and capital improvements required at the Washington Aqueduct facility to ensure the availability of an uninterruptible supply of potable drinking water sufficient to meet the current and future needs of the District of Columbia and its environs;

(3) alternative methods of financing such operation and maintenance activities and capital improvements; and

(4) alternative arrangements for ownership of the Washington Aqueduct facility, including the operation of establishing a non-Federal regional water authority and transferring ownership and operating responsibility from the Department of the Army to such regional authority or to another appropriate non-Federal entity.

(c) REPORT.—Not later than February 1, 1995, the Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress a report setting forth the findings of the study required by subsection (a) and any recommendations as a result of the findings. The report shall include a recommendation on the advisability of establishing a non-Federal regional water authority and transferring ownership of and operating responsibility for the Washington Aqueduct facility from the Department of the Army to such regional authority.

(d) DEFINITION.—For purposes of this section, the term "non-Federal public water supply customers of the Washington Aqueduct" means the District of Columbia, Arlington County, Virginia, and the City of Falls Church, Virginia.

ANNUAL BOARD OF EDUCATION REPORT AND BUDGET REVISION

SEC. 143. (a) ANNUAL REPORT ON POSITIONS AND EMPLOYEES.—Hereafter, the Board of Education of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system of the District. The first such annual report shall be verified by independent auditors.

(b) REQUIRED CONTENTS OF ANNUAL REPORT.—The annual report required by subsection (a) shall set forth—

(1) the number of validated schedule A positions in the public school system of the District of Columbia for the following fiscal year on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the public school system of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee is actually performing, by control center, responsibility center, agency reporting code, program (including funding source) activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(c) SUBMISSION OF ANNUAL REPORT.—

(1) FIRST REPORT.—The first annual report required by subsection (a) shall include the information required by subsection (b)(1) for each of the fiscal years 1993, 1994, and 1995, and shall be submitted to the Congress, and to the Mayor and Council of the District of Columbia, by not later than October 1, 1994.

(2) SUBSEQUENT REPORTS.—Except as provided in paragraph (1), the annual report required by subsection (a) shall be submitted to the Congress, and to the Mayor and Council of the District of Columbia, by not later than April 15 of each year.

(d) ANNUAL BUDGET REVISION.—

(1) IN GENERAL.—Not later than October 1, 1994 and each succeeding year or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act for the fiscal year beginning on such October 1 (whichever occurs first), the Board of Education of the District of Columbia shall submit to the Congress, and to the Mayor and Council of the District, a revised appropriated funds operating budget for the public school system of the District for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(2) REQUIRED FORMAT.—The revised budget required by paragraph (1) shall be submitted in the format of the budget that the Board of Education of the District of Columbia submits to the Mayor of the District for inclusion in the Mayor's budget submission to the Council of the District pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198; D.C. Code, sec. 47-301).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill (H.R. 4545), as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California [Ms. SCHENK] that the House suspend the rules and pass the bill, H.R. 4545, as amended, on which the yeas and nays are ordered.

The votes was taken by electronic device, and there were—yeas 395, nays 0, not voting 39, as follows:

[Roll No. 379]

YEAS—395

Abercrombie	Barca	Bilirakis
Ackerman	Barcia	Bishop
Allard	Barlow	Bliley
Andrews (ME)	Barrett (NE)	Blute
Andrews (NJ)	Barrett (WI)	Boehlert
Andrews (TX)	Bartlett	Boehner
Applegate	Barton	Bonior
Archer	Bateman	Borski
Armey	Beilenson	Boucher
Bacchus (FL)	Bentley	Brooks
Bachus (AL)	Bereuter	Brown (CA)
Baesler	Berman	Brown (FL)
Baker (CA)	Bevill	Brown (OH)
Ballenger	Bilbray	Bryant

Bunning
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
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
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)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nussle
Oberstar
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Ramstad
Reed
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
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
Stark
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
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—39

Baker (LA)
Becerra
Blackwell
Bonilla
Brewster
Browder
Burton
Danner
DeFazio
Ewing
Gallo
Hefley
Hochbrueckner
Inglis
Inhofe
Lehman
Lightfoot
Machtley
McCurdy
McKinney
Meehan
Michel
Nadler
Neal (MA)
Neal (NC)
Obey
Owens
Pickle
Pryce (OH)
Rangel
Ravenel
Reynolds
Ridge
Rose
Rush
Santorum
Schaefer
Velazquez
Washington

□ 1747

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the rail safety provisions of title 49, United States Code, and for other purposes."

A motion to reconsider was laid on the table.

□ 1750

CLARIFICATION OF COMMENTS REGARDING RULE ON H.R. 3800, THE SUPERFUND ACT OF 1994

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

Mr. MOAKLEY. Mr. Speaker, I rise today to clarify my comments of last Friday regarding the Rules Committee's plans with respect to H.R. 3800, the Superfund Act of 1994. The Rules Committee plans to meet this week to grant a rule. A request may be made for a structured rule, which would permit only those floor amendments designated in the rule.

Any Member contemplating an amendment should be prepared to submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 5 p.m. Wednesday, August 10.

Today, the Committee on Energy and Commerce and the Committee on Public Works filed a new bill, H.R. 4916, which incorporates agreements by those two committees.

Amendments should be drafted to H.R. 4916. The bill should be available in the document room Tuesday, August 9. However, copies will be available for review in the offices of the Energy and Commerce Committee and the Public Works Committee. Copies will also be available in the Office of the Legislative Counsel for purposes of drafting amendments.

LEGISLATIVE PROGRAM

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

Mr. WALKER. Mr. Speaker, I take this time to address the House for the purpose of asking the gentleman from Massachusetts [Mr. MOAKLEY] a question.

Did I understand the gentleman at the beginning of his statement to indicate there would be four bills permitted by the rule?

Mr. MOAKLEY. This is on Superfund.

Mr. WALKER. This is strictly Superfund? We are not talking the health care bill?

Mr. MOAKLEY. If the gentleman will yield, indirectly we are talking health care, because as soon as we clean up the Superfund, we will not have to get any more medicine.

Mr. WALKER. Could the gentleman give us any more guidance on the health care bill? In his announcement of last week, he indicated that hearings would be held.

Mr. MOAKLEY. If the gentleman will yield, earlier today we extended the deadline for printing in the RECORD from Monday until Wednesday.

Mr. WALKER. Does that still assume that we will have the Committee on Rules meeting on health care yet this week?

Mr. MOAKLEY. That is what we are trying to do, yes.

Mr. WALKER. The plan would be to report a health care rule by Friday of this week?

Mr. MOAKLEY. It all depends how many people testify before C-SPAN up to our committee.

Mr. WALKER. Well, assuming that there might be a few people that would want to do that, given the nature of the health care bill, does the gentleman have any kind of timeframe in mind here?

Mr. MOAKLEY. We could very well have over 100 Members testifying.

Mr. WALKER. One of the concerns that is being expressed by a number of Members on our side is the fact that by the time you get to these hearings, and if the bills are not filed until Wednesday, how are we going to be able to know what individual amendments might be brought into the health rule process, because they would have to relate to the specifics of the bills that are introduced on Wednesday?

Mr. MOAKLEY. I am sure the membership will have at least 2 days to look at the bill. Maybe the CBO estimates may not be up-to-date.

Mr. WALKER. At that point they would still be eligible for the individual amendments?

Mr. MOAKLEY. Yes.

Mr. WALKER. The submission of individual amendments would follow the period of time after which substitutes have been introduced, is that correct?

Mr. MOAKLEY. The gentleman is correct.

Mr. WALKER. So if I am hearing the gentleman correctly, we could be into early next week then before a lot of this kind of thing can be resolved.

Mr. MOAKLEY. We are trying to meet this week.

Mr. WALKER. You are hoping to have the individual amendments?

Mr. MOAKLEY. Next week, right.

Mr. PICKLE. If the gentleman will yield, give me the name of the bill again?

Mr. MOAKLEY. Superfund is now H.R. 4916.

Mr. PICKLE. I assume that both of these committees, the Committee on Energy and Commerce and the Committee on Public Works and Transportation, will refer that bill to the Committee on Ways and Means for funding?

Mr. MOAKLEY. I do not know.

Mr. PICKLE. Can you tell me when the Committee on Ways and Means will get the bill?

Mr. MOAKLEY. I understand the Committee on Ways and Means is marking up on Wednesday.

Mr. PICKLE. We will get the bill by Wednesday then?

Mr. MOAKLEY. That is the plan.

Mr. GINGRICH. If the gentleman will yield, I just wanted to comment, and possibly the distinguished Committee on Rules chairman would like to comment, because I think there was some confusion in a press story I saw last week. We had at one point talked about friendly amendments, which I assumed would be in writing well in advance. I am now talking about next week, when you get to writing the second rule on the health bill.

There seems to be some confusion though. I think it was in a press conference the Speaker had, about the concept of being able to offer a brand new amendment next Friday that might well be virtually a substantial substitute or a substantial change in one of the bills on the last day, an hour or two before we voted.

I would just wonder if the Committee on Rules chairman could assure the House that, as it often has in the past when it insists on amendments being printed in the RECORD, prior to our going to the Committee on Rules next week any amendment that would be made to something as large as the health bill would have to be printed in the RECORD prior to going to the Committee on Rules, so that everyone would be playing from the same deck of cards and we would not be faced with a magic amendment on the last day.

I wonder if the distinguished chairman might comment on the procedures to be followed.

Mr. MOAKLEY. To answer the gentleman from Georgia, I, too, was in the room when they talked about friendly amendments. I have not heard anything to the contrary. Any of these amendments that would be allowed after they are printed in the RECORD would be anything but friendly. But I have not talked to the Speaker today.

Mr. GINGRICH. If the gentleman will yield further, let me just clarify my concern and see if we cannot get some agreement, if not today, then maybe by tomorrow.

When we had that initial discussion, it was because the speed of drafting was so dramatic that it was a danger that any of the people offering a bill could have had something technically written that was just stupid, and we would want to be able to clean up the bill and not be trapped into some kind of a dumb debate over something clearly not intended.

It has been brought to my attention since then that some Members, many Members, are afraid that they could discover next Friday, the last day we are in session for the summer, that on the last bill to be brought up, that a brand new, never before printed totally new amendment, might be brought to the floor with the permission of the Committee on Rules.

My problem would be that I would hope before the final rule was written, that every amendment that was going to be voted on next week would already be in writing, which I would assume would be on Tuesday, so that everybody would have time to study every amendment and we would not be faced with a sudden, magic, clean slate amendment that nobody studied, no experts analyzed, and nobody understood.

□ 1800

I wondered if in that sense there might be a preprinting requirement.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will continue to yield, as I stated before, I am just aware of friendly amendments being made in order, which would do exactly what the gentleman from Georgia said, that because of CBO racing through it or legislative counsel, we would need to put a technical amendment in there. Other than that, all the other amendments, substitutes would have to be printed in the RECORD.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

TRAGIC UNITED STATES POLICY IN RWANDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, history should record the incredible human slaughter and genocide that has occurred in Rwanda.

We say "Never again, never in our time" but these phrases are all meaningless when it comes to Rwanda.

The United States and the world should not forget the errors of Rwanda. We cannot as human beings turn our back on what happened in Rwanda.

If we fail to record the actions and more importantly the inactions that accounted for the deaths of nearly three-fourth of a million people, we do ourselves and history an injustice.

How the world sat idly by as this destruction of men, women and children—all God's human beings—took place should be a cause for concern.

How the United States formulates its foreign policy, contributes billions to the United Nations and formerly helped to establish a policy for world peace should be carefully examined.

We would be remiss if someone in this body—the United States Congress—did not rise and question the policy and course our Government followed relating to Rwanda.

There is no question that the United States' policy in Somalia was a disaster. What started as a humanitarian mission became a nation-building experiment and turned into a protracted foreign policy disaster.

Biting from his incredible fumbling, this administration put its head in the sand when trouble began in Rwanda this past April.

Let me if I may trace the history of this tragedy—let me also if I may trace the history of our failed policy:

On April 6, a plane with presidents of Rwanda, Burundi was shot down. We knew then the potential for violence, terror, and mass killings.

On May 11, the United States criticized a U.N. plan to send 5,500 multinational soldiers into Rwanda to protect refugees and assist relief workers. No United States troops were to be involved.

U.S. OPPOSES PLAN FOR U.N. FORCE IN RWANDA—NEW YORK TIMES, MAY 12, 1994

On May 16, the United States forced the U.N. to delay plans to send 5,500 troops to end violence in Rwanda.

U.S. FORCES U.N. TO CUT OFF SENDING TROOPS TO RWANDA—NEW YORK TIMES, MAY 17, 1994

On May 25, U.N. Secretary General Boutrous Boutrous-Ghali angrily condemned the United States and other nations for not intervening in Rwanda.

"I have tried," he said, by writing to more than 30 heads of state after the U.S. and other Western countries made it clear they would not get involved. "I begged them to send troops * * * It is a scandal."

Finally on June 6, the U.N. Security Council voted to deploy 5,500 troops after the U.S. agreed that troops should be used to protect displaced people and relief workers helping them.

Justin Forsyth, Oxfam's senior policy advisor said, "During the past

months of slaughter, the United States has been the key player in halting action on Rwanda, creating a series of excuses and inventing problems that do not exist."

On June 9, the Clinton administration instructed United States spokespersons not to describe deaths in Rwanda as genocide.

Today, we have 2,200 United States troops in Rwanda.

Regardless of what the Clinton administration says, genocide occurred in Rwanda.

Regardless of what the administration says, our policy in Rwanda was a disaster and failed to stem a disaster.

I do not advocate the use of U.S. troops—nor was it necessary from the beginning to involve U.S. troops.

What was necessary was for the United States to provide leadership in the United Nations and in the world.

We provide billions of tax dollars to the United Nations but we now provide nothing in the way of leadership.

This is a sad story and record for the United States, the United Nations, and the world, and most tragically for the lost people of Rwanda.

HEALTH CARE REFORM VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Madam Speaker, I submit for the RECORD the votes on health care reform which took place in full committee in the Judiciary Committee on August 2, 1994:

The following votes were taken on August 2, 1994 in the Committee on the Judiciary during consideration of H.R. 3600, the Health Security Act of 1994.

An amendment by Mr. Brooks to substitute the "Insurance Competitive Pricing Act of 1994" (the text of H.R. 9 as reported by the House Judiciary Committee) for the language contained in Subtitle F of H.R. 3600 regarding the McCarran-Ferguson Act. The Brooks substitute modifies the scope of the antitrust exemption for the business of insurance. The amendment contains "safe harbors" protecting certain collective activities by insurers. However, the amendment would not protect all collective activities currently carried on by insurers, such as the development and sharing of trending information. Adopted 20–15.

DEMOCRATS

Mr. Brooks, aye.
Mr. Edwards, aye.
Mr. Conyers, aye by proxy.
Mr. Mazzoli, aye.
Mr. Hughes, aye.
Mr. Synar, aye.
Mrs. Schroeder, aye.
Mr. Glickman, aye.
Mr. Frank, aye.
Mr. Schumer, aye by proxy.
Mr. Berman, aye.
Mr. Boucher, aye.
Mr. Bryant, aye.
Mr. Sangmeister, aye.
Mr. Washington, aye.
Mr. Reed, aye.
Mr. Nadler, aye.
Mr. Scott, aye by proxy.
Mr. Mann, nay.
Mr. Watt, aye.
Mr. Becerra, aye.

REPUBLICANS

Mr. Fish, nay.
Mr. Moorhead, nay.
Mr. Hyde, nay.
Mr. Sensenbrenner, nay by proxy.
Mr. McCollum, nay by proxy.
Mr. Gekas, nay by proxy.
Mr. Coble, nay.
Mr. Smith (TX), nay by proxy.
Mr. Schiff, nay.
Mr. Ramstad, nay.
Mr. Gallegly, nay.
Mr. Canady, nay.
Mr. Inglis, nay.
Mr. Goodlatte, nay.

An amendment by Mr. Fish adding an antitrust savings clause to Section 2003(e) of H.R. 3600, the "unitary pricing" provision. The Fish amendment would ensure that the language in that subsection could not be construed to prohibit discounts or rebates by pharmaceutical manufacturers that are otherwise lawful under the federal antitrust laws, including the Robinson Patman Act and the Non-Profit Institutions Act. Adopted 20–14.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, nay.
Mr. Synar, nay.
Mrs. Schroeder, aye.
Mr. Glickman, nay.
Mr. Frank, aye.
Mr. Schumer, aye.
Mr. Berman, aye.
Mr. Boucher, nay by proxy.
Mr. Bryant, nay.
Mr. Sangmeister, nay.
Mr. Washington, aye.
Mr. Reed, nay.
Mr. Nadler, aye.
Mr. Scott, aye.
Mr. Mann, nay.
Mr. Watt, aye.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye.
Mr. Hyde, aye by proxy.
Mr. Sensenbrenner, aye.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye.
Mr. Schiff, aye.
Mr. Ramstad, aye.
Mr. Gallegly, aye.
Mr. Canady, nay.
Mr. Inglis, aye.
Mr. Goodlatte, aye.

An amendment by Mr. Moorhead dealing with federal court jurisdiction in medical malpractice liability cases. These cases currently end up in federal court when the parties are citizens of different states and there is at least $50,000 in dispute. The Moorhead amendment would require that the $50,000 amount be met by actual economic losses. That is, a plaintiff would not be permitted to plead up to the $50,000 amount based upon alleged pain and suffering, emotional distress, punitive damages, attorneys fees or court costs. Defeated 14–20.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, aye.
Mr. Synar, nay.
Mrs. Schroeder, nay.
Mr. Glickman, nay.
Mr. Frank, nay.
Mr. Schumer, nay by proxy.
Mr. Berman, nay.
Mr. Boucher, nay.
Mr. Bryant, nay by proxy.
Mr. Sangmeister, nay.
Mr. Washington, nay by proxy.
Mr. Reed, nay.
Mr. Nadler, nay by proxy.
Mr. Scott, nay.
Mr. Mann, nay.
Mr. Watt, nay.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye.
Mr. Hyde, aye.
Mr. Sensenbrenner, aye.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, aye.
Mr. Ramstad, aye.
Mr. Gallegly, aye by proxy.
Mr. Canady, aye.
Mr. Inglis, aye.
Mr. Goodlatte, aye.

An amendment by Mr. Fish to limit the amount of non-economic damages that can be recovered in a medical malpractice case at $350,000. The amendment did not limit the amount that can be recovered for actual or compensatory damages (i.e. quantifiable economic losses such as doctor and hospital bills, lost income, rehabilitation costs and child care). Non-economic damages—such as pain and suffering, mental anguish or inconvenience—would be capped at $350,000. Defeated 14–20.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay by proxy.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, aye.
Mr. Hughes, nay.
Mr. Synar, nay.
Mrs. Schroeder, nay by proxy.
Mr. Glickman, nay by proxy.
Mr. Frank, aye by proxy.
Mr. Schumer, nay by proxy.
Mr. Berman, nay by proxy.
Mr. Boucher, aye.
Mr. Bryant, nay.
Mr. Sangmeister, nay.
Mr. Washington, nay by proxy.
Mr. Reed, nay.
Mr. Nadler, nay.
Mr. Scott, nay.
Mr. Mann, nay.
Mr. Watt, nay.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye.
Mr. Hyde, aye.
Mr. Sensenbrenner, aye.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, nay.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, nay.
Mr. Ramstad, aye.
Mr. Gallegly, aye by proxy.
Mr. Canady, aye.
Mr. Inglis, aye.

Mr. Goodlatte, aye.

An amendment by Mr. Fish requiring specific standards for the awarding of punitive damages in medical malpractice liability cases. The sponsor argued that punitive damages are often awarded in medical malpractice cases when such an award is not justified. Under the terms of the amendment, punitive damages could only be awarded when it is proven by clear and convincing evidence that the injury was the result of "malicious, wanton, willful, or excessively reckless" behavior by the defendant. Defeated 15–19.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay by proxy.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, nay by proxy.
Mr. Synar, nay by proxy.
Mrs. Schroeder, nay by proxy.
Mr. Glickman, nay by proxy.
Mr. Frank, aye.
Mr. Schumer, nay by proxy.
Mr. Berman, nay by proxy.
Mr. Boucher, aye.
Mr. Bryant, nay.
Mr. Sangmeister, nay.
Mr. Washington, nay by proxy.
Mr. Reed, nay.
Mr. Nadler, nay.
Mr. Scott, nay.
Mr. Mann, nay.
Mr. Watt, nay.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye by proxy.
Mr. Hyde, aye by proxy.
Mr. Sensenbrenner, aye by proxy.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, aye.
Mr. Ramstad, aye by proxy.
Mr. Gallegly, aye by proxy.
Mr. Canady, aye.
Mr. Inglis, aye.
Mr. Goodlatte, aye.

An amendment by Mr. Goodlatte to repeal the limitation on attorneys' fees in contingency fee cases. Under both H.R. 3600 and the Brooks' malpractice substitute, an attorney representing a plaintiff on a contingency fee basis in a medical liability action may receive up to 33⅓ percent of the total amount recovered by judgment or settlement. This amendment would have struck all limitations on attorneys' fees. Defeated 12–22.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay by proxy.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, aye.
Mr. Hughes, nay.
Mr. Synar, nay.
Mrs. Schroeder, nay by proxy.
Mr. Glickman, nay by proxy.
Mr. Frank, nay by proxy.
Mr. Schumer, nay by proxy.
Mr. Berman, nay by proxy.
Mr. Boucher, nay by proxy.
Mr. Bryant, aye.
Mr. Sangmeister,nay by proxy.
Mr. Washington, nay by proxy.
Mr. Reed, nay by proxy.
Mr. Nadler, nay.
Mr. Scott, nay.
Mr. Mann, nay by proxy.
Mr. Watt, aye.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, nay.
Mr. Moorhead, nay.
Mr. Hyde, aye by proxy.
Mr. Sensenbrenner, aye.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, aye.
Mr. Ramstad, aye.
Mr. Gallegly, aye by proxy.
Mr. Canady, nay.
Mr. Inglis, nay.
Mr. Goodlatte, aye.

An amendment offered by Mr. Goodlatte to provide different rules for the establishment of an alternative dispute resolution system. This amendment, unlike the Brooks substitute, would have required all plaintiffs to submit malpractice claims to an ADR process before filing it in court and would have required the party contesting an ADR ruling in court to pay the opposing parties' attorneys fees unless the court judgment changed the ADR determination by at least 10 percent. Defeated 13–21.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, nay.
Mr. Synar, nay.
Mrs. Schroeder, nay by proxy.
Mr. Glickman, nay by proxy.
Mr. Frank, nay by proxy.
Mr. Schumer, nay by proxy.
Mr. Berman, nay by proxy.
Mr. Boucher, nay by proxy.
Mr. Bryant, nay.
Mr. Sangmeister, nay.
Mr. Washington, nay by proxy.
Mr. Reed, nay by proxy.
Mr. Nadler, nay by proxy.
Mr. Scott, nay.
Mr. Mann, nay by proxy.
Mr. Watt, nay.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye.
Mr. Hyde, aye by proxy.
Mr. Sensenbrenner, aye.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, aye.
Mr. Ramstad, aye.
Mr. Gallegly, aye by proxy.
Mr. Canady, aye.
Mr. Inglis, aye.
Mr. Goodlatte, aye.

An amendment by Messrs. Brooks, Synar, Scott and Nadler on medical malpractice. This amendment would modify and limit the malpractice provisions included in the President's bill as introduced. The amendment would: (1) require the States to adopt certain less stringent alternative dispute mechanisms; (2) require claimants to obtain a certificate of merit prior to bringing suit, (3) limit attorneys fees to ⅓ of the amount recovered, but not limit fees for appeals, (4) authorize periodic payments by defendants (rather than a lump sum payment) for future damages which are only in excess of $250,000, and (5) authorize a pilot program for practice guidelines and a study regarding medical negligence. The Brooks' medical malpractice substitute does not include the collateral source offset reform provision or the enterprise liability demonstration program which were part of the original H.R. 3600. Adopted 21–13.

DEMOCRATS

Mr. Brooks, aye.
Mr. Edwards, aye.
Mr. Conyers, aye by proxy.
Mr. Mazzoli, aye.
Mr. Hughes, nay.
Mr. Synar, aye.
Mrs. Schroeder, aye by proxy.
Mr. Glickman, aye.
Mr. Frank, nay by proxy.
Mr. Schumer, aye by proxy.
Mr. Berman, aye by proxy.
Mr. Boucher, aye by proxy.
Mr. Bryant, aye.
Mr. Sangmeister, aye.
Mr. Washington, aye by proxy.
Mr. Reed, aye by proxy.
Mr. Nadler, aye by proxy.
Mr. Scott, aye.
Mr. Mann, aye by proxy.
Mr. Watt, aye.
Mr. Becerra, aye by proxy.

REPUBLICANS

Mr. Fish, nay.
Mr. Moorhead, nay.
Mr. Hyde, nay by proxy.
Mr. Sensenbrenner, nay.
Mr. McCollum, not voting.
Mr. Gekas, nay.
Mr. Coble, aye.
Mr. Smith (TX), nay by proxy.
Mr. Schiff, aye.
Mr. Ramstad, nay.
Mr. Gallegly, nay by proxy.
Mr. Canady, nay.
Mr. Inglis, nay.
Mr. Goodlatte, nay.

An amendment by Mr. Canady providing safe harbors for certain competitive and collaborative activities. The amendment would exempt certain health care activities from the antitrust laws if the conduct falls within one of seven safe harbors defined in the legislation or within additional safe harbors designated by the Attorney General. The enumerated statutory safe harbors protect: (1) activities of medical self-regulatory entities; (2) participation by providers in surveys; (3) certain joint ventures for high technology and costly equipment and services; (4) certain hospital mergers; (5) joint purchasing arrangements; (6) activities of physician network joint ventures; and (7) good faith negotiations to engage in the activities protected in the safe harbors. Activities by physician network joint ventures are exempt only as long as the network is comprised of 20 percent or less of the physicians in a particular specialty in that geographic market and the physicians share substantial financial risk. (An earlier version was defeated 17–17. See vote below.) Adopted 18–17.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, nay.
Mr. Synar, nay by proxy.
Mrs. Schroeder, nay by proxy.
Mr. Glickman, nay by proxy.
Mr. Frank, nay.
Mr. Schumer, nay by proxy.
Mr. Berman, nay.
Mr. Boucher, nay by proxy.
Mr. Bryant, aye.
Mr. Sangmeister, aye.
Mr. Washington, nay by proxy.
Mr. Reed, aye by proxy.
Mr. Nadler, nay by proxy.

Mr. Scott, nay.
Mr. Mann, aye by proxy.
Mr. Watt, nay by proxy.
Mr. Becerra, nay by proxy.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye.
Mr. Hyde, aye by proxy.
Mr. Sensenbrenner, aye.
Mr. McCollum, aye by proxy.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, aye.
Mr. Ramstad, aye.
Mr. Gallegly, aye by proxy.
Mr. Canady, aye.
Mr. Inglis, aye.
Mr. Goodlatte, aye.

An amenment offered by Mr. Canady on the application of the antitrust laws to health care services (safe harbors). (This amendment was later reoffered and subsequently adopted by a vote of 18–17) Defeated 17–17.

DEMOCRATS

Mr. Brooks, nay.
Mr. Edwards, nay.
Mr. Conyers, nay by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, nay.
Mr. Synar, nay.
Mrs. Schroeder, nay.
Mr. Glickman, nay.
Mr. Frank, nay.
Mr. Schumer, nay by proxy.
Mr. Berman, nay.
Mr. Boucher, nay by proxy.
Mr. Bryant, aye.
Mr. Sangmeister, aye.
Mr. Washington, nay.
Mr. Reed, aye.
Mr. Nadler, nay.
Mr. Scott, nay.
Mr. Mann, aye.
Mr. Watt, nay by proxy.
Mr. Becerra, nay.

REPUBLICANS

Mr. Fish, aye.
Mr. Moorhead, aye.
Mr. Hyde, aye by proxy.
Mr. Sensenbrenner, aye by proxy.
Mr. McCollum, not voting.
Mr. Gekas, aye by proxy.
Mr. Coble, aye.
Mr. Smith (TX), aye by proxy.
Mr. Schiff, aye.
Mr. Ramstad, aye.
Mr. Gallegly, aye.
Mr. Canady, aye.
Mr. Inglis, aye.
Mr. Goodlatte, aye.

An amendment by Mr. Berman on private right of action. This amendment would have adopted the Ways and Means language which would allow doctors who are part of a managed care program to refer patients to designated health services within that health plan. Defeated 14–17.

DEMOCRATS

Mr. Brooks, aye.
Mr. Edwards, aye.
Mr. Conyers, aye by proxy.
Mr. Mazzoli, nay.
Mr. Hughes, nay.
Mr. Synar, nay by proxy.
Mrs. Schroeder, not voting.
Mr. Glickman, aye by proxy.
Mr. Frank, nay.
Mr. Schumer, not voting.
Mr. Berman, aye.
Mr. Boucher, aye by proxy.
Mr. Bryant, aye.
Mr. Sangmeister, nay.
Mr. Washington, aye by proxy.
Mr. Reed, aye by proxy.
Mr. Nadler, aye by proxy.
Mr. Scott, aye.
Mr. Mann, aye by proxy.
Mr. Watt, aye.
Mr. Becerra, not voting.

REPUBLICANS

Mr. Fish, nay.
Mr. Moorhead, nay.
Mr. Hyde, nay by proxy.
Mr. Sensenbrenner, nay.
Mr. McCollum, not voting.
Mr. Gekas, nay by proxy.
Mr. Coble, nay.
Mr. Smith (TX), nay by proxy.
Mr. Schiff, aye.
Mr. Ramstad, nay.
Mr. Gallegly, nay by proxy.
Mr. Canady, nay.
Mr. Ingois, nay.
Mr. Goodlatte, nay.

Question on final passage. Adopted 20–13.

DEMOCRATS

Mr. Brooks, aye.
Mr. Edwards, aye.
Mr. Conyers, aye by proxy.
Mr. Mazzoli, aye.
Mr. Hughes, aye.
Mr. Synar, aye by proxy.
Mrs. Schroeder, aye by proxy.
Mr. Glickman, aye by proxy.
Mr. Frank, aye.
Mr. Schumer, aye.
Mr. Berman, aye.
Mr. Boucher, aye by proxy.
Mr. Bryant, aye.
Mr. Sangmeister, aye.
Mr. Washington, aye by proxy.
Mr. Reed, aye by proxy.
Mr. Nadler, aye by proxy.
Mr. Scott, aye.
Mr. Mann, aye by proxy.
Mr. Watt, aye by proxy.
Mr. Becerra, aye by proxy.

REPUBLICANS

Mr. Fish, nay.
Mr. Moorhead, nay.
Mr. Hyde, nay by proxy.
Mr. Sensenbrenner, nay.
Mr. McCollum, not voting.
Mr. Gekas, nay by proxy.
Mr. Coble, nay.
Mr. Smith (TX), nay by proxy.
Mr. Schiff, nay.
Mr. Ramstad, nay.
Mr. Gallegly, nay by proxy.
Mr. Canady, nay.
Mr. Ingois, nay.
Mr. Goodlatte, nay.

H.R. 3433, A BILL TO PROVIDE FOR THE MANAGEMENT OF PORTIONS OF THE PRESIDIO UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Madam Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the bill, H.R. 3433, a bill to provide for the management of portions of the Presidio under the jurisdiction of the Department of the Interior, as amended by the committee.

A COHERENT STRATEGY WON THE COLD WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Madam Speaker, as American foreign policy wallows in Clintonian mush, I would like to bring to the House's attention an article by Peter Schweizer in the May 30 National Review that details how Ronald Reagan won the cold war.

Basically, Madam Speaker, Ronald Reagan won the cold war with a coherent and vigorous strategy that was based on deep moral principles and marked by clarity of vision. As Mr. Schweizer proves, Ronald Reagan and a select few were all but alone in believing both that the Soviets were evil and vulnerable. He outlined his convictions eloquently at Notre Dame in 1981: "The West will not contain Communism, it will transcend Communism. We will not bother to denounce it, we'll dismiss it as a sad, bizarre chapter in human history whose last pages are even now being written."

From these convictions sprang the Reagan doctrine, the holy alliance between the Pope and President Reagan to undermine the Polish regime, the military buildup of the 1980's, the Euromissile deployment, the rollback and liberation of Grenada, SDI, economic warfare, and myriad other challenges that simply overwhelmed the Soviets.

Mr. Schweizer documents all of this with quotes from Soviet officials and excerpts from recently released national security documents. For instance, Oleg Kalugin, a former high-ranking KGB official said, "American policy in the 1980's was a catalyst for the collapse of the USSR." Kalugin further adds, "Reagan and his views disturbed the Soviet government so much they bordered on hysteria. He was seen as a very serious threat."

Or consider National Security Decision Directive 75, signed by Ronald Reagan in 1983, which broke with the policy of containment and instead declared United States policy to be nothing short of rollback of Soviet power. Or how about NSDD 32, which declared war on the Soviet grip on Eastern Europe, in a clear break with previous United States policy, which for all intents and purposes had accepted the status quo of Communist domination of those states.

Oh, how nice it would be to have such clarity today. Instead, we have a President who cannot make up his mind from one day to the next what our policy should be in a given region, let alone develop an overarching strategy. A President who allows his Haiti policy to be determined, at least on 1 day, by a single citizen-protester. A President who lets his Korea policy be derailed in a day because one notoriously untrustworthy man, Kim Il-song, made promises to one notoriously gullible man, Jimmy Carter. A President who refuses to protect 37,000 Americans by building up our forces in Korea, while simultaneously planning an invasion of an island of no strategic

interest to the United States. And a President whose Russia policy seems to take for granted that Russia, and not the United States, won the cold war.

This administration has ignored every lesson from recent history, toppled pillars of U.S. foreign policy that have stood for decades, and junked classical precepts of statecraft that have been around for centuries. This whole scenario is bizarre, Madam Speaker. The trouble is, with an invasion of Haiti imminent and looming instability in near-nuclear North Korea, this intellectually laughable foreign policy is becoming highly dangerous.

I sincerely hope that the administration's foreign policy team will read the Schweizer article, Madam Speaker. It might prove to be a valuable dose of reality.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes as the designee of the majority leader.

HEALTH CARE REFORM

Mr. WISE. Madam Speaker, I am going to be talking tonight about health care, about how the leadership health care plan would affect a number of individuals. But before I do, I would like to talk about refrain I am now hearing from those who really do not want to do anything about health care. That is, why not delay. Let us delay this for another month or so. Let us delay this for another year, is the refrain I am hearing. There are many different proposals out there. Congress can get it together better with some delay.

Well, let us look at what delay means. First of all, it is not as though health care had not been before the Congress and the American people for a significant amount of time. I harken back to the fact that just a couple short years ago, President Bush submitted to the Congress his idea of comprehensive health reform, basically dealing with vouchers to low-income persons to buy insurance, but he was trying to address in his own way the problem that was there.

President Reagan submitted comprehensive health reform legislation. President Carter submitted comprehensive health reform legislation. President Nixon, yes, President Nixon, in 1974, 20 years ago, submitted very comprehensive health care legislation and, indeed, historians please note, submitted the first employer-mandate provisions. President Nixon would have actually, his measures would be tougher than the ones that Senator MITCHELL and others are espousing in the Senate.

President Nixon proposed that all employers contribute 65 percent of a premium cost; employees contributing 35 percent, which would then change after several years to 75/25. So this issue goes back 20 years.

The reason each President and each Congress has tried to come to grips with health care is because the problem worsens, because health care costs have gone up several times the rate of inflation, because larger numbers of people are not insured, because the inequities of people who work on their feet every day, 8 to 10 hours, and they are not covered by health insurance.

So more and more we see the problems first hand, and more and more the people demand action. And, yes, if we delay, then some things are not going to happen. There will not be guaranteed private health insurance for all. There will not be shared responsibility, employers, employees, and government all sharing in the cost in this. There will not be the flexibility necessary for States to have their own programs, as well as for individuals and businesses to have their flexibility and their choice to choose their provider and their plan.

I guess I am also concerned because, yes, this Congress can delay again, as it has in some ways for 20 years. But what happens when we do? Because in health care, what happens is, we get balms, poultices, Band-Aids administered to what are now deep internal injuries. And just as balms, poultices and Band-Aids, rubbing root bark and other things into your wounds do not do much for internal injuries, neither will delay do much for health care.

All of America ought to be concerned about what delay means. Delay means to the Medicare recipient, the person over 65 who depends upon Medicare, that means that Congress is going to be coming back again most likely cut even further in the name of deficit reduction. Delay means to the Medicaid recipient, that low-income person, that that medical program is going to continue to shrink as States find less and less of their resources to match.

To the private insurance holder, to the employee who is covered by their employer's insurance, to the self-employed individual who has private insurance, to anyone who has private insurance, beware of what delay means, because what delay means is that your insurance is put more at risk, because that means that Congress will not have dealt with cost shifting, the fact that 30 percent of the premium dollar today that a private insured person pays, 30 percent of that goes to paying for those who do not have insurance or do not have the ability to pay the full cost of their health care.

The business operator, the small business person ought to be very concerned about delay, because they know that the insurance that they bargained for, when they are able to get it, costs them 30 to 40 percent more than a comparable policy for a larger company.

Madam Speaker, I yield to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Speaker, I would like to stand in support of the gentleman's comments about moving on health care quickly. I think one thing that is often overlooked, the opponents of health care have said, put it off. It will not hurt. We will do it another day.

They ignore the fact that if we do nothing about health care in this country, the health care insurance premiums for every individual and family will double in the next 6 years.

□ 1810

None of us expects our salaries to double in the next 6 years. That means less take-home pay for working Americans if we do not address this problem today. Most certainly, the cost of the health care will continue to go up, but we hope by our action to slow down the rate of increase, so that American families have more take-home pay.

The folks who want to put this off for a year or 2 years are just delaying not only the inevitable, but creating more pressure on working families and businesses across America. I support the gentleman completely on his call for immediate action by Congress.

Mr. WISE. I appreciate that. The gentleman states the issue very succinctly. GM now says that they pay more for health insurance than they do for the steel in an automobile.

Where does that health insurance come from? It comes from the real take-home pay of workers, so what happens is, people's take-home pay is sacrificed in order to try to keep a benefit package. The benefit package itself, as most employees know, is shrinking as well, so we lose on the take-home pay, we lose on the benefit package as well.

Mr. DURBIN. If the gentleman will continue to yield, let me give you an example. In my hometown of Springfield, IL, a local company was in negotiation with their labor force for a new contract. They ended up with an agreement to increase the wages for their employees at $1 an hour for the next year, and the employees had a meeting to ratify it. At that meeting they were told "Incidentally, you will not see a penny of it. That whole dollar of it is going to go into your health care insurance, just to keep it at the same level it is today."

So what working families face, if we take the Republican attitude, which is "put this off indefinitely, or only do a little bit around the edges," is that working families are going to hear that over and over: "You got a pay raise but you did not see it. It got eaten up the increased cost of benefits."

That is why I think it is important to keep that context in mind during the next 2 weeks of deliberation.

Mr. WISE. As the gentleman also pointed out the other night on this

floor, not only do you have to be concerned about delay, but if you deal only with insurance reform, which sounds good, but you do not have universal coverage, that is, guaranteed private insurance that covers everybody, then what happens is you make the problem worse.

And indeed, that middle-income person with private insurance will end up paying more, because without everyone being covered, then the healthy opt out, the sick get in, prices go up for everybody, and the result is that to the insured person and to the middle income person, particularly, the Lewin study that came out just a couple of weeks ago conclusively demonstrates middle income and insured people will pay more under tinkering around the edges, as opposed to universal coverage, which has been proposed by the leadership plan.

Mr. LEVIN. Will the gentleman yield?

Mr. WISE. I yield to the gentleman from Michigan.

Mr. LEVIN. Both of you gentleman make an excellent point. The gentleman from Illinois has indicated how in disputes between management and labor, more and more health care has become the focal point, and everybody should understand that inflation in health care costs, the issue of affordability has more and more been projected into disagreements between management and labor.

It is really an artificial set of problems. We ought to be able to resolve those problems so they do not disrupt sound labor-management relations on the floor of the factory, they are so critical there.

Also, the gentleman from West Virginia [Mr. WISE], as the gentleman from Illinois [Mr. DURBIN] pointed out earlier, has underlined a number of additional points. The number of uninsured persons has been going up, not down.

Also, these experiments with community rating when everybody is not getting into the system, these experiments have turned out to increase rates for most people. Community rating without broadened coverage means higher premiums for a large proportion of the insured, is that not correct?

Mr. DURBIN. If the gentleman will yield further, absolutely. If we do not make universal coverage part of it, you create a bigger problem. The reason is obvious.

All of us want to see an end to discrimination based on preexisting conditions. Eighty-one million Americans have some preexisting health condition: cancer in their family, a heart disease, back surgery, diabetes, a child who was born with a congenital problem. Eighty-one million Americans, a third of our country, face preexisting conditions. As a result, they either cannot get insurance, cannot afford insurance, find it is very limited in its application.

What we want to do is get rid of that. But if you don't do that in the context of bringing everyone into the insurance pool, then you have what you call adverse selection. People sit back and say "I will wait until I get the diagnosis, and then I will buy insurance," which is a recipe for disaster. It means insurance premiums are going to go up precipitously and companies will not be able to write the policies. Universal coverage is a critical part.

If I might add, I don't know if the gentleman wanted to touch on this subject this evening, but another thing that is very topical is just what is going to happen this week in the health care debate. There has been a suggestion by a Republican in the other body that there may be a filibuster. I don't know what might happen in the House of Representatives here.

I don't think the American people want gridlock in Congress on health care, for goodness sake. For 2 years this country has been in a full debate on this issue. They elected us to come here and make a decision.

Now the thought that we would somehow get all tangled up in ourselves again, with the Republicans calling for "go slow" or "don't do it, wait another year, another 10 years," that just does not strike me as the mandate all of us were given by the voters in the last election. Up-or-down, let us vote this issue. Let us see who is in favor of universal coverage, who wants health care reform, and who wants to put the fight off to another day or walk away from it altogether.

Mr. WISE. The gentleman makes a good point. I have heard in my town meetings, and I suspect it is the same for every Member here, no shortage of airing of views, no shortage of debate, no shortage of opinions, and a debate has taken place across this country that has been evolving for many years, but particularly in the last year and a half.

Madam Speaker, I would greatly regret if there were any attempt to filibuster, to make it impossible to have that up-or-down vote. I am happy to stand on my record, up-or-down. I think the greatest tragedy is that the American people are denied the opportunity to hear that debate and to see the votes actually take place.

Mr. LEVIN. If the gentleman will yield further, on this point that the gentleman from Illinois has raised so succinctly, the three of us are among Members who go home, who are home a lot, who hold town meetings, who really want to tap into what our constituents feel. We came to Congress together, and have continued very much to do that.

I was home, as every weekend, this weekend. Several people said to me "Do not go too fast. Know what you are doing." For those who are listening to us, I want everybody to be assured that we are going to follow that principle. We are not going to just rush this thing through. We are going to have a lot of debate.

However, full debate is not the same as inaction. We will have a full-scale discussion on this floor, and we will have a full Chamber. We will spend a number of days and everybody will be able to speak their piece.

But as you said to the gentleman from West Virginia [Mr. WISE], we have been looking into this issue for a number of years now. The subcommittee that I sit on, the Subcommittee on Health of the Committee on Ways and Means, had innumerable hearings. We spent week after week after week usefully putting together a bill. I want everybody to know this. The legislation did not come out of thin air. We changed it from the original Clinton proposal.

Madam Speaker, we had a number of weeks, both parties developing their proposals. Then we went into formal subcommittee markup, and we had a number of weeks of markup on television. It was not behind the scenes, it was on television, for everybody to see. Then we had full consideration in the full Committee on Ways and Means.

So to those who are worried that we will rush this, we will not. We will not. But the American people, as the gentleman from West Virginia [Mr. WISE] and the gentleman from Illinois [Mr. DURBIN] have said, they do not want us to do nothing. They do not want us to do anything at all, but they want us to use the experience in this body, the feedback from home, the fact that as we have gone on in this country, our health care problems in many respects have worsened, and they want us to step up to the plate. We are going to do that with deliberate speed, with deliberate speed.

Mr. WISE. I thank the gentleman.

Mr. DURBIN. If the gentleman will continue to yield, I think the gentleman from Michigan raises a good point here.

A lot of the critics now of doing health care reform have been bringing scales to Capitol Hill and weighing health care reform bills and saying "Oh, my goodness, this bill weighs 10 pounds, this bill weighs 10 pounds. Surely Congress could not consider a bill that weighs 10 pounds." That does not get down to the basics here.

□ 1820

The basics we face is the fact that any Member of Congress who has been diligent over the last several years has come to understand the basic concepts behind health care reform. I dare say that a couple of years ago I would have flunked the exam on health care reform. Today I think I would pass it, because I have spent time with doctors,

with hospital administrators, with nurses, with chiropractors, with pharmacists, with the constituents I represent, and I have become conversant with the technical terms involved in health care reform. I am still no expert, but I understand the concepts that we are dealing with here and every Member of Congress I think in all honesty is in that same position, if they had been diligent over the last year and a half. There is no reason to shirk away from this major responsibility. In fact if the gentleman will allow me just one more moment, the thing that I am concerned about is that: If we walk away from this issue, if we walk away from this challenge, if we end up saying to working families across America, "I'm sorry, your health care premiums are going to double over the next 6 years and Congress couldn't get its act together," I do not want to go home and tell that story.

The other thing we have to remember, while we have been debating, the health care system in this country has changed and is changing dramatically. In my part of the world in the Midwest we now have this concept of managed care where doctors and hospitals have folks looking over their shoulders trying to control costs. Some of these health care providers who a year and a half ago said stay away from this issue are now coming to my office saying, "Get involved in this issue. We need some people to step in and try to smooth out this process."

So I say to the people who are listening and following the debate, we want to make sure that these changes are positive for every family and business and health care provider in this country and walking away from the issue is not going to guarantee that.

Mr. WISE. And walking away because people are throwing up bogeymen to try and frighten you. Bureaucracies, I heard that one over the weekend, from some of the leaders on the other side of the aisle. New Bureaucracies created, faceless bureaucracies.

Have you ever tried to deal with the Rock, I'm talking about Prudential, with their office in Philadelphia or New York or wherever it is on a claim? Have you ever been in a rural hospital as I was a couple of months ago and had a physician express his great frustration because there was a routine procedure he wanted to perform on a patient but he had to negotiate with a peer physician for an insurance company in New York and he is in Richwood, WV? Have you ever had people with the claims forms sent back endlessly? It goes on and on.

Why is it that in all of our physicians' offices, most of the time there will be more people employed doing paperwork than clinical work? And that is not just because of Government bureaucracy and yet we need to do some simplification there, but it is because of the incredible bureaucracy that is built up.

The gentleman makes a point about managed care. In 1980, 4 percent of the work force in this country was under a managed care plan. Today it is 54 percent and mounting quickly. I look at the chemical industry in the Kanawha Valley where I come from. A few years ago, there was no managed care. Today almost every major employer has signed up with a managed care plan. So this is upon us. Bill and Hillary Clinton and a 500-person task force and Democrats and some Republicans never had to appear on the scene. This has all been happening. The question is whether it is going to happen in a way that is advantageous. While it has been happening, other things have been happening. Health care costs going up 2 to 3 times the rate of inflation, rates of uninsured going up sharply, small businesses having to drop out. The gentleman points, I think, to a lot of functions that are taking place.

One more reason why we cannot delay, it suddenly occurred to me, and I would really appreciate the experience of the gentlemen. In West Virginia, our legislature has wrestled with comprehensive health care for the last 3 years. They got up close to it this year and said:

Wait a minute. The Federal Government is certainly going to act soon and it would be not a good decision for us to go ahead and not be able to match our system up with the Federal system.

I know Vermont and other States have taken the same approach, saying, "We know something has to be done but until the Federal Government provides a basic pattern, leadership for us to follow, then we can't go ahead." Now are going to say one more year and one more year after that? The States justifiably will not wait nor should they wait. Yet at the same time they need the Federal Government as their partner.

Mr. LEVIN. Would the gentleman yield on that important point?

Mr. Speaker, we need a State-Federal partnership and we do not want dictates from Washington determining all this as the gentleman's charts will show. We are really building on the present system. We are not turning it upside down. We are trying to take the bureaucracy out of this and a lot of the paperwork. So when the gentleman gives his examples, I think a lot of people are going to say, "You know, this proposal will make it better for those of us who have good insurance, it is not going to disrupt it." And for those who do not, there will be an improvement. But I think what the charts may show more than anything else is that we all have a stake.

Some people have said to me, "Why not just take care of the uninsured? Don't worry about the rest of us." The problem is that what is involved here affects all of us, that health care has been going up for all of us.

Indeed, I do not think it is too much of an overstatement, maybe a bit, but not much, that the insured population, those of us who are insured, have about as much at stake in health reform as the uninsured. A lot of families are being threatened with loss of their insurance because the costs have been going up. When I was a young lawyer, I represented health and welfare funds. The employer paid 10 cents an hour, 10 cents an hour, and it was pretty decent care. Today that employer pays $3.75 an hour. Those employees who are working have a stake in health care reform because their employer cannot continue to pay, every year, 30 or 40 or 50 cents an hour more for insurance coverage.

So we all have a stake in this. I think that the gentleman's charts are going to show that this plan is not a revolution. It does not turn the system upside down. What it does is keep what is good and take out and reform what is bad. We need to do it and not next year or 2 or 4 years from now, but we need to start doing it now.

I finish with this point: This plan phases in, right? No one is talking about tomorrow, everybody being covered. We know how difficult that would be. But we are saying over a reasonable period of time, it is important to get everybody in the system because in the end, it will be stronger for each and every one of us. And the gentleman is so right. We cannot say to the States, "go ahead and do it yourself" without regard to what will be done in Washington, because it will not happen.

Second, there are too many companies who have employees across State lines. We cannot do this just piece by piece.

This point is also important: The plan is built on partnership. It does leave considerable leeway to the States. If they want to, for example, displace what is called Medicare C, they can do it entirely by having a pool arrangement on their own.

The time to move, to begin to move, is this year, and I think our constituents, when they hear more and more about the plan, are not going to adopt the motto of the Brooklyn Dodgers of old: "Wait till next year." They say, "Face up to this issue, let's face up to it this year, let's do it reasonably, let's do it with care, but let's do health care with care now, not next year."

Mr. WISE. The gentleman makes excellent points.

Mr. LEVIN. I congratulate the gentleman from West Virginia for this special order and after the gentleman from Illinois participates further, I think everybody is waiting to see what these scenarios look like so we can all identify with them.

Mr. WISE. I appreciate that.

Mr. DURBIN. If I can make two final points before the gentleman from West Virginia returns to the illustrations that I think will set some people at ease when they consider what this plan is going to do, the impact that it will have on families and businesses and retired people, and I hope that they will stay tuned as the gentleman presents these scenarios. May I make two points, though. The one is there are people who say, "Why get involved in this? Businesses that can, will provide health insurance and most people are insured, so why worry about it?"

Statistics tell us over the last 10 years, the percentage of businesses offering health insurance to their employees has been diminishing. It has been going down because the cost is getting so high. These are big businesses and small businesses alike that no longer can offer health care benefits. If we do not do something about it, that trend will continue. So relying on the current system, the status quo, is not going to solve the problem.

I want to go back to a point the gentleman from West Virginia made, which I think is excellent. So many States are holding back from doing anything to help themselves waiting for the Federal Government to take the lead. When the Republicans stand up and say put it off till next year, or the next decade, they are putting off decisions for each of the States as well.

My home State of Illinois is in bankruptcy. We have been bankrupt for several years. I do not blame the Governor or the General Assembly, but I do blame the circumstances they face, and I have asked the Governor what is causing our bankruptcy. He said:

There are 3 reasons. Medicaid, Medicaid, and Medicaid.

In other words, the State's payment of health care costs for poor people continue to go up so dramatically that they cannot budget for them quickly enough and certainly cannot raise taxes to cover them.

□ 1830

Mr. WISE. That is where the State is matching a smaller percent than what the Federal Government is putting in.

West Virginia is the highest matched State at 25 cents for the State for every 75 cents, and West Virginia's legislature spent almost their entire session simply trying to come up with the money to meet the expanding demand for the service, and I suspect that same is true in Illinois and in other States.

Mr. DURBIN. We in Illinois have not done as well as West Virginia with our 50-cent match. We have only 50 cents matched by the Federal Government on a 50–50 basis.

There are two things in this plan that can make a difference. The first thing is 40 percent of Medicaid costs in Illinois is for folks in nursing homes, the elderly, the disabled folks who have no source of income and turn to Medicaid to stay in nursing homes, 40 percent of our cost. This plan addresses the whole area of home health care, and I leave it to the gentleman and his illustrations to point this out. It can be helpful, will not solve the problem, but it can be helpful.

The second thing, the remaining 60 percent of the Medicaid State health care costs are for poor people. I talked with a representative from a national insurance company who has no axe to grind, no dog in this race. He said I just want to let you know you can save a lot of money when it comes to Medicaid by having managed care. We in Illinois pay over $400 per month on average for a recipient. He said the average managed care cost is $160 per month. So bringing in some of the efficiencies we are talking about in health care reform can start bringing down the cost of health care for poor people under Medicaid, and thereby lessen the pressure on States.

The final illustration is one that I will use of my constituent, a lady who told me, "Congressman, I have a part-time job, but I still have my Medicaid insurance because a part-time job does not provide any health care benefits, and I still cannot get doctors to see me, and I have a young child." This mother with a young daughter, who had a high fever for several days, in desperation, could not get in to see a doctor and went to the emergency room. Who would not? I am not blaming her. But the cost of that health care for the little girl was three times or four times what it would have been if she had gone through the ordinary course of medical care.

This plan we are talking about starts bringing in everyone for similar medical treatment so that you do not have these inequities that cost us so much money and run the cost of the program through the roof that all of us end up paying for.

I think those are important parts that will end up helping not only individuals and families, but helping the States out of their bankrupt situations. I salute my colleague from West Virginia. I know he is going to turn to his charts now and give us some specific examples. I hope during the course of this week we can keep our eye on the prize here. We have a once in a political lifetime opportunity. Harry Truman challenged us to do this and 50 years later we are going to meet that challenge. I hope Members of the Congress, Democrats and Republicans, will rise to it.

I thank the gentleman for his leadership on this issue.

Mr. WISE. I thank the gentleman who has been extremely active on this issue for a long time, and particularly in the special orders.

I might say the West Virginia legislature will meet again in January for their regular 60-day session. Obviously, with the new Congress coming in, where there has not been action by the previous Congress, it will leave that burden to our legislature and every other legislature. It will be year after year before anything gets done.

Let us turn now to how the leadership plan would actually work for Americans in different situations.

First of all I am going to quickly run through this. Mary works full time for a large company, over 100 employees, and is currently insured. Under the House Democratic bill, not much changes for her really because she continues to receive coverage under a private health plan offered by her employer, or if she chooses, something called a medical savings account, if offered by her employer. She has a little more choice than she does now because right now the employer offers the plan, the employers negotiate exclusively, and it is pretty much take it or leave it. Now she would have a choice of at least one plan offering unrestricted choice of doctor and one managed care plan. She would continue to have the same or better benefits. Her employer would pay at least 80 percent of the cost of her premium, and while we have discussed in previous meetings about the burden on the employer, this game is not sock it to the employer. The employer, particularly small business employers, those with 100 employees or less, get certain assistance in providing that coverage. Incidentally, of course, they get a tax deduction as well as offsets we hope for workers' compensation costs as well, because now there is universal coverage. That means everybody is covered. The employer will not have to pay 30 percent more in their premium covering all of the other business' employees who are not covered. So the employer sees some benefits too.

She pays for her share of the premium through payroll deductions. Many people already do that. She never loses her coverage if she changes or loses her job because there was insurance reform in this package as well. So the caps, the lifetime caps are gone, the preexisting exclusions, the fact that they could deny her child coverage because the child has a preexisting illness, that is gone. She receives help. The employee receives help paying for her share of the coverage if her household income is up to $38,400, if she is married and has two or more children, or is a family of four, or up to $27,000 if she is a single parent with one child, or up to $17,000 if she does not have children and is single. In other words, there is assistance for her to make her 20 percent cost of the premium share.

So that is what happens for one person who already has insurance working for a large company.

This is Bob, no relation to the present speaker. Bob is working full

time for a large company but does not currently have insurance. Remember, the previous person, Mary, worked for the large company and had insurance. Bob does not.

Under the House Democratic plan Bob would, by January 1, 1997, about 2½ years from now, for the first time receive private insurance through his employer or a medical savings account, if offered by his employer. Let us remember that. The employer, a large employer, over 100 employees, has until January 1, 1997, more than 2 years to come into compliance. That is the large employer.

The second employer, Mr. Speaker, under 100 employees has until January 1999, over 4 years to come into compliance. So for those who say you are rushing into something, you are being precipitous, absolutely not. There is much time for implementation, for scrutiny, for fine-tuning, if necessary.

Second, once again, Bob, by virtue of this legislation, would now have a choice of at least one plan offering unrestricted choice of doctors, fee for service, choose his doctor, or one managed care plan. Or he could, if offered by the employer, choose a medical savings account. His employer pays 80 percent of the cost of the premium. Bob pays for his share of the cost of the premium through payroll deductions. As in the case of Mary, he pays for his premium based upon a sliding scale of his income. And once again, he never loses his coverage if he changes or loses his job, or if he or his family become ill.

Let us talk about someone who is presently receiving coverage through the Medicaid Program, that is medical care for the low income, for the indigent. We were talking just a few minutes ago about the single greatest cost to the States today, one of the causes, major causes for the Federal budget deficit, because health care costs are rising to the Federal Government, is Medicare and Medicaid at 12 percent a year, so you can see the need to get this under control.

Under the House Democratic plan Mrs. White would no longer be in Medicaid but would now have the same coverage as all other employees. If she works for an employer with fewer than 100 employees, these are her choices: a private plan offered by her employer, a private plan offered through the Federal employees' health benefits pool or plan, and nine million persons presently are members of that plan. And it is often touted as a model because employers pay and employees pay, and they are able to have a variety of private plans to choose from. She could, if offered by her employer, use a medical savings account. The medical savings account is a plan by which the employer pays for a high deductible policy, say $2,000. The difference then the employer deposits every year into an account which is tax free to Mrs. White.

□ 1840

It is to be used only for medical expenses, and she chooses how she uses it for medical expenses, to go get the primary care checkup, for instance, to do the prenatal screening, whatever it is. If there are major medical expenses, then the catastrophic policy kicks in.

If her employer chooses not to offer private coverage, she may obtain coverage through a Medicare Part C program. We presently have in this system Medicare Part A and Part B for senior citizens. Now there would be a Medicare Part C, and if her employer chooses Medicare Part C, she will have the choice of a plan offering an unlimited choice of doctors or a managed care plan. If she goes to work with an employer with more than 100 employees, a large employer, she ends up much the same as before, having a choice between at least one plan offering unrestricted choice of doctors and one managed-care plan, getting assistance on her premium, paying for her share on a sliding scale of her income, and never losing her coverage.

Let me just note in this case, she is on Medicaid and is employed. Secretary Shalala, Secretary of Health and Human Services, has estimated the single greatest welfare reform package that could pass would be legislation similar to this. Because what it would do is it would say to the person who is not employed on Medicaid, the welfare recipient, if you take a job, you will not lose your health coverage, and then up to one million people would come off the welfare rolls, because now they know that if they go to work they would not leave their children without health care coverage.

Think how ludicrous our situation is. We want to encourage people to go to work. We want them to do whatever is necessary to earn a gainful living. Yet we tell them, if you leave welfare, you lose health benefits for your children, if you stay on welfare, you keep benefits. That is a crazy system. This begins now to change that.

Mrs. Jones is a senior citizen now. She currently receives coverage through the Medicare Program.

Could I do an aside on Medicare, Madam Speaker, just for a moment: Because I am fascinated by some opponents of this who say we do not want a Government-run health care program.

First of all, the program, the House leadership plan, is about as least Government-run as possible. It is based upon private health insurance and the private market and using market forces and competition to keep prices down. It does set up a Medicare Part C Program though. Those who say that, the others, and it is the same voice, they then beat their breasts and say they do not want anything to happen to Medicare.

What is Medicare? Medicare is a single-payer system run strictly by the Federal Government. It is an employer mandate in which every employer contributes a certain percentage of payroll and every employee contributes a certain percentage of payroll. So what you have is one of the most popular health delivery systems in the country today, is single-payer run by the Government, employer mandate, and incidentally has total freedom of choice for the consumer. The senior citizen is able to choose his or her doctor, his or her hospital, his or her provider.

Anyway, Mrs. Jones is on Medicare. She would, under the House plan, continue to get her coverage through the Medicare Program. She knows it. She does not want anything to happen to that Medicare card. Nothing does happen. She would continue to have a choice of plan with unrestricted choice of doctors, or if she chooses, she could enter a managed care plan. She, though, however, would now, and all senior citizens, would receive a new prescription drug benefit that would provide unlimited drug coverage, outpatient pharmaceuticals, one of the most pressing needs for many of our senior citizens. She pays the first $500 for her prescriptions. There is a 20-percent copayment. She would never pay more than $1,000 a year on prescription drugs and would pay a premium for this of roughly $8.50 per month.

She receives, in addition, annual mammograms, receives better mental health benefits, beginning in the year 2003, so you can see, Madam Speaker, the long phase-in period we have, the limit on the total amount she might have to pay each year. She would see a slowdown in increases in what she is paying in part B premiums, and she would be eligible to participate in a new home and community based long-term-care program.

Long-term care, as one of the gentlemen was saying earlier, nursing home care, is one of the most expensive costs in health care today. Long-term care at home is much better for the patient and much better for the pocketbook as well, and there is significant improvement in that under this.

What about the self-employed person, the self-employed farmer? Let us take Fred, a self-employed farmer. Under the House Democratic plan, and for self-employed people right now, health care is often the luxury they cannot afford.

First of all, he would be able to choose coverage under either a private plan he goes out and negotiates for. He could take Medicare Part C. If he chooses Medicare Part C, he then pays his share into it, and he has a choice of a plan offering an unlimited choice of doctors or managed-care plan. He can choose a private plan offered through the Federal Employee Health Benefits Program, much like every Federal employee and Members of Congress use

today in which there is a pool of private plans, and once a year you can choose the plan that is best suited to your needs, whether it be an HMO, health maintenance organization, whether it is a PPO, whether it is a fee for service, high option, low option, you name it, you pick it.

He would have access to fair community rated insurance prices under each of these options. They could not discriminate against him because he is rural, or because he is maybe urban, or because he is 45 versus 25. He would deduct 80 percent of the cost of his premium for himself and his family; he could deduct it as a tax deduction. Presently a self-employed person is not able to take any tax deduction for the cost of their insurance. The 25-percent deduction expired the first of this year. He would be able to take now 80 percent. He would receive help paying for his premium if his household income is below poverty level. He would have greater access to more and better rural health care facilities.

So what is now unattainable to self-employed persons now becomes something easily within reach.

Mrs. Smith works in a small company, small business here, and is currently insured. Now, under that, I want to congratulate Mrs. Smith's employer. A small business providing health insurance is a very, very difficult obligation. It is often 30 to 40 percent more costly than the same policy negotiated by a larger company, but the paperwork is more awesome, particularly because small businesses do not have personnel departments. So she presently has insurance in her small company under 100 employees.

Under the House Democratic plan, Ms. Smith would receive coverage under either her employer's private plan, a private plan offered through the Federal Employees Health Benefit Program, once again, all private insurance. If the employer chooses not to offer coverage, she could choose Medicare part C, and if her employer chooses Medicare part C, Ms. Smith will have a choice of a plan either fee for service, unrestricted choice of physician, or she can opt for a managed-care plan. She could have the option, if the employer offers it, of the medical savings account.

Once again, under every scenario, first of all, the employee has two things they do not have today. They have guaranteed insurance. They do not have that today. They also have far more choice than they have today.

Today the employer negotiates for the policy and says, "This is the policy. Here is your obligation. Take it or leave it." Here you have a number of options. She would have benefits that will be the same or better. Her employer will pay 80 percent of the cost of the premium, and she gets assistance based upon her income. She has no premium obligation if her household income is below the poverty level or if she is an SSI or AFDC recipient, she never loses coverage if she loses her job or if she or her family get sick.

Let me talk about the small business employer for a second. To those who want to talk about how this is going to be a job killer, to the fact that small business employers, Ms. Smith's employer, will not be able to pay, remember that for the small business employer there is significant assistance, while required to pay 80 percent of the cost of the premium, at the average wage in the company and the number of employees is below a certain level, then they would get additional assistance. They could get up to 50 percent of the premium as a tax deduction, meaning they are only paying 40 percent of the cost of that premium.

So that is a significant saving for the employer and making it possible for many small business employers to offer the same or better policy at the same or lesser rate.

Now, let us see, we are running through these. Dr. Jones is a primary care physician in a rural town. This hits home to me, Madam Speaker, obviously, representing one of the most rural States east of the Mississippi. Under the House Democratic plan, Dr. Jones would see several important changes.

First of all, he would see Medicare bonus payments for providing primary care services in rural health professional underserved shortage areas. They would be doubled from 10 percent to 20 percent, incentive to get physicians into medically underserved areas.

Physicians providing services in rural health professional underserved shortage areas would be eligible for a tax credit, a credit, that is a dollar off of taxes, not a dollar of deduction but a dollar off of taxes, a tax credit of $1,000 per month, and nurse practitioners and others, physician's assistants and certified nurse-midwives, would be eligible for a tax credit of $500 per month.

□ 1850

Number of doctors practicing in rural areas will be increased under the National Health Service Corps. Substantial additional Federal operating support for rural community and migrant health clinics, community health network program created make it easier for the delivery of primary care.

One billion dollars a year available to rebuild and expand capacity of health care facilities serving underserved areas. New funds provided for the development of managed care plans in rural areas. Reimbursement for Medicaid patients, Medicaid, serving the low-income person. Rural areas will be significantly increased in this amount as these patients are brought into private plans.

That is the other thing. Medicaid patients, right now Medicaid does not reimburse the full cost of service. A Medicaid patient would now have a card that would reimburse at a much higher rate. So that is another incentive for practitioners and hospitals to serve these patients.

Currently, uninsured patients will be covered. So you can see that for Dr. Jones there is significant economic incentive now to be in that medically underserved area that presently does not exist.

Hospitals, one of the great concerns is what happens to hospitals. Under the Good Health Hospitals, under the House Democratic plan, it has something that is not now available, it would have something under the House Democratic plan it does not presently have. There is no guarantee of payment today. Under this plan, there is guaranteed reimbursement for all patients. Presently, the average hospital, 5 percent of costs are provided for free; more significantly, a much larger percentage than that of costs for what people are able to pay does not cover the cost of their care. The hospital either eats it or shifts it to all other ratepayers, particularly those with private insurance.

There would be greatly increased reimbursement for Medicaid recipients. There would be much less—hospitals would be less affected by adjusted Medicare cuts. There would be a significant reduction in paperwork because you have simplification here, administrative simplification, single forms, single uniform forms that are being used instead of a cornucopia of forms that different insurance companies and governmental entities use. There would be simplified billing and reimbursement processes, and they would receive more money to rebuild and maintain their facilities.

One of the great concerns is for teaching hospitals, medical schools for instance. There are provisions in this legislation that would recognize the special role that teaching hospitals fill, and they would assess a fee of 1 percent of payroll that would go into a fund that would be applied to teaching hospitals to make sure our Nation's research continues to be of the best quality in the world.

So these are some of the scenarios, how the House Democratic plan would play out. Let me just conclude as I began, Madam Speaker: That is, to those who urge delay, to delay another year, another 2 years, 3 years, means all these people get delayed. How much longer before the family in Jefferson County with two children, with a rare blood disease, where parents, both working, had to quit their jobs because their insurance would not cover those children?

How long until they get coverage? How long until the utility executive I

talked to a couple of months ago who was frightened to death because his company is changing insurance carriers and he may not be able to have his children, who have a preexisting condition, covered under the new carrier?

How long until many of the other stories that each of us knows, how long until those glass jars that I see on the countertops in fast-food outlets and convenience stores raising money for somebody's kidney dialysis or somebody's heart problem or somebody's hospitalization, how long until those are removed? That is what delay is all about.

Madam Speaker, I urge there not be talk of delay. It has been thought through, it is a methodical process. The time to act is now, not only for the scenarios that I outline here, but for all the men and women of our country.

MFN FOR CHINA? YES.

The SPEAKER pro tempore (Ms. SCHENK). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 5 minutes.

Mr. KOPETSKI. Madam Speaker, tomorrow the House is scheduled to revoke or to condition China's trading status which we have with them, that is, the United States' trading status with China under most-favored-nation law.

I rise this evening to oppose both H.R. 4950, offered by the gentlewoman from California [Ms. PELOSI], and House Joint Resolution 373, offered by the gentleman from New York [Mr. SOLOMON].

Madam Speaker, this is a highly emotional issue, with legitimate arguments on both sides. I hope that in its deliberation tomorrow the House will deal with the facts.

I want to take this opportunity this evening to clarify and refute in some instances some of the claims made by proponents of the legislation.

First, the claim has been made that most-favored-nation trading status is preferential access to the U.S. market. This is absolutely false. MFN, as we all know, is actually a misnomer. What it means in fact is whether we grant normal trading status to a nation such as China. Only eight nations do not have MFN status from the United States, nations such as Iran, Iraq, and Libya. I might add that the greatest policy factor in not granting MFN to these nations, the eight nations, is primarily because of national security reasons.

The second erroneous claim is that China does not grant MFN status to the United States. This claim is also false. Just last week during a hearing in the Ways and Means I asked the administration this question, and they responded that, "yes," China does grant MFN status to the United States. So at this point it is reciprocal.

The third claim is that China is not helping the United States in its efforts to keep North Korea from obtaining nuclear weapons. As one who is heavily involved in arms control and that issue, I know that this is false, personally. The administration confirmed in last week's Ways and Means Committee hearing that they have been a willing and able partner with us. The United States negotiator toward North Korea, Mr. Bob Gallucci, was in Beijing to consult with the Chinese prior to the most recent negotiations with North Korea.

China, by virtue of its relations with North Korea, has certain avenues for diplomatic pressures unavailable to the United States. Were the United States to condition MFN with China, thus poisoning our relations, China would certainly not be as willing to cooperate with the United States at this crucial time.

Another claim is that H.R. 4590 will only affect $5 billion of Chinese exports to the United States. This is false. The number is actually about $17 billion. What we do know is that by cutting off MFN status, it surely invites a trade war with China. I do not know who wins that war, but I know American workers will lose because the fact is we already have about 180,000 American jobs dependent on and supported by exports to China. And thousands of future American jobs are dependent upon our future access to the Chinese market.

Another claim is that passage of H.R. 4590 will encourage the development of the private sector in China. False. According to the State Department, far from encouraging the development of the private sector in China, H.R. 4590, if enacted, would do just the opposite.

The definition of state-owned enterprise in the bill is extremely vague. Many firms potentially coming within the definition actually are privately operated and worthy of our support and could go out of business.

Another claim is that China's rampant arms sales promote proliferation. Chinese arms sales are in fact troubling to me personally and to the United States as a policy, particularly the type of sales some of the nations with which China is doing business. But the fact is that the United States has little credibility to question China on this issue.

Currently, the United States controls 73 percent of the market for arms sales to Third World countries. In 1993 the United States sold $14.8 billion in arms to Third World nations. China in 1993 sold $300 million worth of arms to Third World nations.

Ironically, China purchased $1.1 billion in arms from the United States in 1993. The United States is the world's largest arms proliferator. In fact, this Congress has gone so far as to consider legislation to expand our arms exports, when we ought to be restricting arms exports, especially to Third World nations.

This country ought to deal with this fact.

Finally, again I trust the debate tomorrow will be emotional, yes, but I hope also it is founded and based on facts.

□ 1900

The goals of those of us who oppose the legislation to advance the cause of human rights, and we all want to advance the cause of human rights; the issue, as a means will have a great debate tomorrow, and I appreciate the accommodation made this evening for this time.

SUBSTANCE AND PROCEDURE IN THE HEALTH AND CRIME BILLS

The SPEAKER pro tempore (Ms. SCHENK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. GINGRICH] is recognized for 45 minutes as the designee of the minority leader.

Mr. GINGRICH. Madam Speaker, I want to talk tonight about representative government and the health reform process and tie it into what I think is a growing problem in the Congress and a growing reason why so many people favor term limits and so many people are mad at the Congress.

Madam Speaker, we are watching two bills move through the House and Senate right now, the crime bill and the health bill, and they both have problems, not just of substance, but of procedure, and I think the American people need to be aware of what is happening in Washington and of why it is important in understanding the decay of trust in American government and the decay of faith in our system of representation, and I think it strikes directly at the quality of the health bill that may be written this fall.

Now health is an unusual issue because it affects life and death for every American and because it affects 14 percent of our total economy. There is no single issue that affects that scale of change. In fact, if you look at the defense budget, for example, the defense budget today is about one-fourth or less than one-fourth as important as the health issue in terms of economic terms. But health is even more important than the money involved, although that is massive. Health is important because it comes down to a question of:

"What control do you have over your life?"

"Will you be able to choose your doctor?"

"Will you have some control over the hospital you go to?"

"Or will the Government gradually take over control of your health?"

"Will you gradually go to rationing like they now have in Canada and in Britain?"

"Will you gradually find yourself in a situation where your taxes go up while your health services go down?"

Madam Speaker, the longer people have had a chance to look at the Clinton administration's original plans, the more unpopular they have gotten. The more unpopular the original plans have gotten, the more the Democratic leadership has tried to write new bills, and there is a dance that we go through:'

Somebody holds a press conference. They announce a new bill. It is reported favorably in the news media. Then somebody starts to read the bill. Then they begin to realize it is not very good. Then they realize it will raise taxes. Then they realize it creates a bigger bureaucracy. Then people begin to say, "I don't like that one either," and then it is time for somebody to introduce a new bill.

Now the two most recent examples of that are the Clinton-Gephardt bill here in the House and the Clinton-Mitchell bill in the Senate, and, when we look at those two bills, and they are very, very different, it is surprising this late in the year to see the Democratic leadership in the House moving toward a Medicare Part C directly Government provided health care system that might well have as much as half the country having their health care coming directly from the Government, and to see the Democratic leadership in the Senate moving toward a very different version that does not have as much government, but uses the Government to set up mandatory alliances and other controls—so they are dramatically different bills. They are not very compatible at all. They are each written, not to deal with health care, but to deal with the reality of the votes in the House and the reality of the votes in the Senate.

Madam Speaker, it is very clear that, if the Clinton-Gephardt bill were introduced in the Senate, it could not pass. It is equally clear that, if the Clinton-Mitchell bill were introduced in the House, that probably the left wing of the Democratic Party over here would leave it because they are further to the left by a big margin than the Clinton-Mitchell bill. So, it could not pass here.

So, Madam Speaker, I say, "If you're a voter, you might say to yourself, 'Gee, if they are introducing one bill in the Senate and a different bill in the House, then what's my final health bill going to look like in September or early October? This is, after all, not very far away.'"

The fact is, and it was indicated clearly by Senator JAY ROCKEFELLER the other night on Mary Matalin's show on CNBC, it was hinted at by the President in his press conference last week, there is going to be a serious effort to write a totally different bill in the conference committee, so what will happen is, if the Clinton-Gephardt bill leaves the House, and the Clinton-Mitchell bill leaves the Senate, when they get to conference, then the people who are in charge of the Congress, the Democratic leaders, will set up a special conference committee made up only of people that they trust, willing to write a left wing bill that fits the Clinton plan, to report it back out at the last possible minute, to say to House and Senate Democrats, "You have to pass this before the election. You can't go home with nothing passed."

Now, Madam Speaker, you may say why am I so suspicious. Well, let me turn just for a minute to the crime bill.

Many people saw last week that the crime bill was completed in conference, but that is not really technically quite true. The fact is, as of tonight, no crime bill has been reported yet. The fact is that no Member, except maybe one or two of the senior Democrats, has seen the language of the crime bill. In fact, I have here some draft language which is all we have been able to get hold of, and it is very interesting. On pages 226 to 228 of this draft language it describes a brand new program to be set up by the Federal Government in the congressional district of one of the Democratic leaders. But at the very end it says, "How much money will they get?" And then there are blank lines with no numbers in them.

Now this is all we have available as of today. Although supposedly the crime bill was finished last week, as of this afternoon the Republican leadership still cannot get the exact language. But, while no Member of Congress on the Republican side, and my guess is, except for one or two of the senior Democrats, none of the Democrats have seen it; there is a school in that Democratic leader's district which has already issued a press release. This was for immediate release Friday, July 29.

That is right. On July 29 this college issued a press release thanking their Congressman, who is a Democratic leader, for giving them $10 million to spend on research and education. Now this is: "The largest single designation of Federal funding" in that university's history."

Now notice what is going on here. Here is a powerful Democrat writing into a bill a provision which no Member of Congress has yet seen to take care of one of his home town universities, and that university actually knows about it and releases a press release on it before the conference report is finished and before it is even brought to the House floor.

But it gets better. I was told this afternoon by two Members that they have been approached by a member of the Democratic leadership who has said to them that they could rewrite part of the conference if that is what it took to get their vote on the rule. The way it works: "You have to bring the conference back out, and, because it has some things in it that weren't there when it left the House, you have to pass what is called a rule before you can even get to the conference. It sets up in effect the rules of the game to bring the bill to the floor."

Right now, Madam Speaker, the Democratic leadership does not have the votes to bring the rule to the floor, so two Members were told here today that the conference is not quite finished, even though it is finished, and it is still open to be rewritten, and what will it take to get their vote, and in effect they are told they are going to have special access to write another part of the bill to fit their particular interests before the bill is even finished, even though we were told a week ago the bill is finished.

Now one may say, "What does that have to do with health care?"

Well, in the Senate the Senate Finance Committee wrote a bill. We all watched them on July 2. And yet they did not write a bill. They wrote a set of proposals. And at the end of their proposals they passed it. But there was no bill written. And then, over the following 3½ weeks, the staff wrote the bill, and then some of the Senators found out that the bill the staff wrote was not the same as the bill the Senators voted for. But they were told, since all they voted for was an outline, that that was a tough break, this was now the bill.

Now why is this important? I say to my colleagues, "Well, guess what? When you, the American citizen, goes to court because you violated the law, and you're about to get fined, and Senator MITCHELL has lots of fines in his bill, and you're about to be fined, you're not going to have the defense of saying, 'Gee, this wasn't in the bill they agreed to; it was in the bill they wrote,' because the bill that finally gets written by the staff is the bill that can send you to jail, or the bill that can raise your taxes, or the bill that can cut off your kidney dialysis, or the bill that can eliminate your chemotherapy if you have cancer."

□ 1910

What we have seen happening is a decay of the process, that over time, year by year, month after month, the system has just gotten worse and worse.

Now, this is described in today's Roll Call in a column "Whitewater Hearings Made Effective Case for Term Limitations" by Charles Cook, who says:

> I'm not a big fan of term limitations, but after watching the House Committee on Banking, Finance and Urban Affairs' Whitewater hearings, I'm reconsidering my position.

He went on to say,

> * * * the performance by Chairman HENRY GONZALEZ was an embarrassment to the institution of Congress, and his Democratic

colleagues were only marginally better. No Republican has ever made a better case for the problem with one party staying in control of a legislative body than did GONALEZ and the Banking Committee Democrats.

The arrogance of power exemplified by House Democrats in the hearings was unlike anything I've ever seen in more than two decades in Washington.

Let me go repeat this one sentence by Charles Cook in Roll Call today because it so fits what I think you are going to see on the health bill. "The arrogance of power exemplified by House Democrats in the hearings was unlike anything I've ever seen in more than two decades in Washington."

Cook goes on to say, "* * * roughshod tactics that are commonplace in the House * * *.

"In the House, where Democrats seem to believe that they have control by some kind of divine right, committee ratios, staffing allotments, and closed rules are all evidence of this kind of behavior,"

Now, why does the arrogance of power matter? It matters because when one party has been in charge for 40 years, as the Democrats have been, their leadership begins to think they can get away with anything, that they can do anything they want to, that it does not matter whether or not they break the rules or whether or not they, in fact, simply design for themselves the rule they want without any regard to what people think.

I was really struck with this in looking at Health News Daily from August 5th. Again, I want to try to explain why these rules are so important.

Imagine a baseball game where one team got seven strikes and you are out, and the other team got one strike and you are out. One team when it hit the ball out of the park, it was a home run, and the other, an automatic out. You begin to understand how the Democratic machine rigs the game here.

We have a chance in the next few days to have a very serious series of votes on health care that will change the health care of all Americans. There will be a Republican alternative, which I am going to fight for and which we are very proud of that we have worked on for 3½ years now. There will probably be a bipartisan bill, and there will be a Democratic alternative.

There is a procedure called king-of-the-hill which says every vote can be a yes vote, but the last yes matters. So if you are the Democratic leadership, what you do is you set up the bills and you say to your Members, vote for anything you want to, but when you get to the last one, vote for ours.

So the Clinton-Gephardt bill, if the Democratic machine has its way, will have the last vote.

The Speaker was asked, apparently, in his August 4 press briefing, what about setting up a rule that would allow the bill gaining the most votes to prevail?

Let me repeat this, because it is so American and makes so much sense to normal people that you have to understand how weird Washington has gotten and understand how out of touch with most of America the Democratic machine has gotten.

Imagine the concept we are going to have four different bills offered, a single payer bill, a Republican bill, a bipartisan bill, and the Clinton-Gephardt bill. Imagine that one of them gets 240 votes, but it is not the Clinton-Gephardt. The Clinton-Gephardt bill gets 218 votes, which is an exact majority.

In most of America, if I showed you two ideas and said this one got 240 and this one got 218, you would say, gee, I guess that means the 240 won. Not if you are the Democratic machine and you can rig the rule. Because what you do is you set it up so the last item voted on wins. No matter how small its margin, and no mater how big the margin. If 300 Members voted for an earlier bill, they would still lose if they could get 218 to vote at the very end.

Now, that sounds complicated, and you say why are we paying attention to it? Because all too often setting up the rules of the game determine who wins. You can rig the game. If I say let's play cards, and then I stack the deck, every American understands what just happened. You are not going to play a fair game, you are going to lose.

What the Democratic machine is saying is that they want to set up the game so that their bill comes last, and no matter how few votes it gets, even if another bill gets 20 or 30 or 40 more votes, their bill would still win at the very end.

They have another item, and, by the way, just so you know I am not exaggerating, this is a direct quote from Health News Daily, "The House Speaker dismissed the possibility of crafting a rule for floor debate that would allow the bill gaining the most votes to prevail. Such a procedure would set a terrible precedent, he said."

Imagine the terrible precedent of allowing the bill with the most votes to win. Now, if that doesn't sound close to being at odds with everything every child and every first-grader in America starts to learn about how we govern America. Can you imagine trying to say that oh, no, you didn't win, you just got the most votes. It doesn't make any sense. Yet the Democratic machine cannot afford to come to the floor with a fair rule.

But let me carry it a step forward further. There is a danger, and I have asked Mr. MOAKLEY, the Democratic Rules chairman today, and he indicated he would not favor this, but there is a danger, I just want to warn my colleagues and the country, that we could have a system where the last day, next Friday, at the last minute, because the Clinton-Gephardt bill is losing, there would be an effort to come in and introduce a whole new amendment, maybe an entire substitute, as a so-called friendly amendment, with no Members having read it, no staff having looked at it, no experts having analyzed it, and, at the last second, change things.

I hope in the next day to get a plain, flat commitment from the Speaker and majority leader that they would not consider that kind of a deal. But I am very worried that if they discover that an earlier bill could absolutely get a majority, and they were in danger of losing the Clinton-Gephardt bill, that they would offer something radically different.

Now, you might be saying to yourself, why is there so much pressure? You have to understand, first of all, from the standpoint of the Democratic machine, the American people are too far to the right. The American people do not want the things the Democratic machine wants. And this is explained in a whole series of recent articles and editorials. Let me just quote a couple of them.

George Will, in a column in the Washington Post yesterday, entitled "Political Woodstock". The subhead was, "Clinton's health care proposal now looks like an exercise in nostalgia."

He starts by saying, "For President Clinton, life of late has been all Lent and no Easter, and last week echoes of events 30 and 25 years ago underscored his problems. The man who campaigned as the candidate of change seems uncomprehending of changes pertinent to governing. The man who pledged to make change our friend and not our enemy is finding that changes in public attitudes are unfriendly to his agenda."

He says the following, and this is George Will: "In 1950, a median income family of four paid only about 2 percent of its income in Federal taxes, compared with about 25 percent today." Let me repeat this from George Will, because I think it begins to help people understand why many of us do not want the Federal Government to get bigger, and why we believe that government is already too big and already spends too much.

"In 1950 a median income family of our paid only about 2 percent of its income in Federal taxes, compared with about 25 percent today. Clinton's health care proposal reveals him to be oblivious to changes that have occurred in his lifetime concerning Government's prestige and burdensomeness, the former crashing, the latter soaring. For a perspective, considering in 1958, when Clinton was 12, a Gallup Poll showed that only 12 percent of Americans thought Congress was doing a poor job. Long before the Second World War, Americans were remarkably ready to concentrate power in new government agencies that Americans

believed would wield power wisely for long-term planning. For example, regional problems produced such bold improvisations as the New York Port Authority in 1921, the Colorado River Compact in 1922, the Tennessee Valley Authority in 1933. Today, even if our solicitude for snail darters and spotted owls were compatible with such projects, our reduced confidence in government is not. This helps to explain the faith of Clinton's health proposal which his aides, recalling the Government friendly 1930's, have advertised as the Social Security of the 1990's. His proposal now looks like a political version of a Woodstock revival that no one wants, an exercise in nostalgia not widely felt, an attempt to revive a vanished and irrecoverable political past. Nostalgia is often a yearning for childhood, the years of fairy tales. "The essence of a fairy tale," writes literary critic Cynthia Ozick, "is that wishing does make it so. The wish achieves its own fulfillment through its very steadfastness of desire."

□ 1920

Will's point is that proposing a giant government health program like Medicare part C, which is in the Clinton-Gephardt bill, is an exercise in a government that is gone. Boris Yeltsin is going to visit Washington on September 26 and September 27. Are we going to say to him, build a bigger government; hire more bureaucrats; create more taxes?

No, we are going to say to him, decentralize. Shrink your government. Get rid of your bureaucrats. Open up your marketplace. Encourage incentives. Lower you tax rate.

And it would be marvelous if we could get the very Democratic leadership that is going to preach all that to Boris Yeltsin to apply it here to America. Because the truth is, all over the world the information revolution is forcing us to shrink government, to recognize that we need to do more things in the private sector, to recognize that bureaucracies do not work and the government spends too much. Yet, the Clinton administration's passion for government is unending. It is a disaster.

Let me quote a recent column by Charles Krauthammer:

Vaccines for Children: Preview of Clinton Care.

Months into the great health care debates, it remains enveloped in a fog of unreality. Everyone has a preferred plan complete with a finely-drawn schematic diagram and no idea how it will turn out in real life.

Let me repeat that. No idea how it will turn out in real life. Krauthammer's phrase is the perfect description of the Mitchell bill. There is no one in America, not Senator KENNEDY, not the Kennedy staff which wrote the bill, not Senator MITCHELL, not President Clinton, there is no one in America who has a clue what health care would look like under the Mitchell bill, because it has 17 new taxes and 25 new government agencies. We have some idea how America would look under the Clinton-Gephardt Medicare part C, because it would look like the Canadian plan, more rationing, higher taxes, bigger bureaucracy, less health care, but no one has a clue what the Mitchell plan would do.

Krauthammer continues:

Those opposing Clinton's nationalization plan like to say that if you like how government runs the post office, you'll love what they'll do to health care. But that is comparing apples and oranges, say the plan's defenders. Okay, then let's compare apples and apples. One Clinton health care program has already been enacted: the Vaccines for Children (VFC) initiative passed last year to guarantee universal access to vaccination.

Clinton identified the social problem: the scandalous undervaccination of American children under 2 years of age. He identified the principal cause: drug companies engaged in "unconscionable" profiteering on vaccine prices. And he identified the cure: government—which would abolish the corrupted market, buy up all the vaccine and distribute it free to every child in America.

It was pointed out that because much of this free vaccine would go to middle-class people who already pay for theirs, this would be yet another unnecessary and expensive government service. So Clinton compromised. The government would buy a third of the national supply, package it, house it and distribute it starting Oct. 1, 1994, to every child who needs it.

That was the promise. Even then, however, some were skeptical. Sen. Nancy Kassebaum (R-Kan.) warned at the time that the reason for our low immunization rates was not the cost of vaccine but that "too many parents do not know the value of immunizations." Or, as one local physician put it, "Vaccines are available. The problem is the kids are not available."

Proof of the proposition that the problem is not high cost but neglectful parents is this fact: While barely more than half of American 2-year-olds are fully immunized, 96 percent of 5-year-olds are. Why? Because 5-year-olds cannot get into kindergarten unless they are immunized. That seems to concentrate the minds of the parents on the need for vaccination.

Moreover, poor people have the worst vaccination rates, and for them vaccine is already free. Which is why Kassebaum last year suggested a more modest program: With the president's proposed $1 billion for federal purchase and distribution of free vaccines, we could triple the number of community health clinics, substantially increase the number of children getting immunizations under Medicaid and boost Medicaid payment rates to encourage private physicians to give the shots to poor kids.

Sensible, but of little appeal to Clintonian social engineers, for whom health care, like other social problems, is best handled by a revolutionary program that nationalizes the issue and gives control to a benevolent federal bureaucracy.

And how has the federal bureaucracy done with this microcosm of Clintoncare? The General Accounting Office, the congressional investigative agency, last week issued a progress report. It found the administration (1) way behind in letting purchase contracts, (2) unprepared to evaluate whether the system could efficiently process orders from the 70,000 doctors and clinics that will get the stuff, (3) unprepared to adequately test whether its packaging and delivery system would retain vaccine potency. (Vaccines require very strict temperature control.)

The plan has two basic problems, familiar to any student of the Soviet five-year plan system: centralization and bureaucratization. One-third of the country's vaccine supply is to be sent to a single distribution point, a General Services Administration (GSA) warehouse in New Jersey that stores paper clips and flammable paint solvents among other bric-a-brac. It is entrusted, notes Democratic Sen. Dale Bumpers, to an agency that has never shipped a dose of vaccine in its history and must now care for 30 percent of the entire nation's supply.

And centralization begets bureaucratization. Currently, when a doctor needs more vaccine he contacts the manufacturer to get it. Under the administration's "disastrously flawed" plan, says Bumpers, the doctor will have to go through a long series of transactions before the actual order is packaged and sent out by GSA.

As the British learned to their chagrin after World War II, nationalization schemes suffer much in the passage from the mind of the social engineer to the hands of the bureaucrat. On paper, VFC looks good. Universal vaccination of toddlers, like universal health care, sounds wonderful, energetic, Rooseveltian. Who could be against it?

Yet in practice things turn out differently. In conclusion, says the GAO, our review indicates that it is unlikely that [the government] can fully implement the VFC Program by October 1, 1994, and raises questions about whether VFC, when fully implemented, can be expected to substantially raise vaccination rates. Translation from the polite: They can't do it, and even if they can, it won't make a dime's worth of difference.

But as with most great government failures, who will know? GAO notes that the VFC program neglects to collect baseline data, so that evaluating its effectiveness will be difficult. In the end we may be unable to determine its impact on vaccination rates.

Which means that VFC will live forever. Even if it achieves nothing in reality, we won't know. And who is going to vote to kill something called Vaccines for Children?

What is Krauthammer getting at? He is getting at the fact that up until a year ago, when the Clintons decided they would get involved, that we vaccinated most children at an early age and that we made available for free, through the local system, to any child who is poor, a vaccine. But in New York City, where vaccines are free, only 62 percent of the children get vaccinated, 38 percent do not show up, even though they are free. Even though it is free, 38 percent do not get vaccinated.

Now where are we? We are now going to spend a billion dollars of the American people's money, set up a central warehouse in New Jersey under the government, which I will guarantee you will at some point have a major disaster with a vaccine which will go bad while it is in Government control. We are going to increase the total amount of paperwork so it is harder to get the vaccines and, for a billion dollars we will accomplish nothing except

to run the risk of having bad vaccines for the children.

It is in this context of government programs failing, of government being too big and spending too much, that we have to look at the Clinton plan again.

I want to recommend to every American the article in Newsweek this week by Robert Samuelson, entitled "Will Reform Bankrupt Us?" The subhead, "Health Care, 65 percent of Americans say Congress should start over. Newsweek's economics columnist argues that they are right."

Let me just read you part of Samuelson's article because it is so devastating and explains why the Clinton-Gephardt and Clinton-Mitchell bills are exactly wrong.

Quoting from Robert J. Samuelson:

President Clinton is right about the historic opportunity and he blew it. Somewhere along the way the health care debate took a decisive turn toward fantasy. The idea of controlling spending got lost and in its place the President and First Lady became the single-minded champions of universal coverage. By any standard, the debate on health care legislation that opens in Congress this week is momentous, but not in the way the first family says.

If Congress passes sweeping health reform, as they urge, we will have compounded all our long-term budget and economic problems by force feeding the monster of health care spending.

Our whole politics will be transformed. Government will instantly create hundreds of billions of dollars of health care entitlements by dictating to business what benefits they must provide for people under 65.

These would exist almost entirely outside the Federal budget, and could be quietly expanded as new medical "needs" arose. Once this happened, older Americans would become even more resistant to cuts in their own government health programs, mainly Medicare and Medicaid. In a single stroke, we would have made it vastly harder to curb runaway health spending.

It is controlling this spending—and not creating "universal coverage"—that is the overriding national health problem. We already spend a seventh of our national income on health care; present trends would take that to a fifth sometime early in the next century. The spending depresses take-home pay, squeezes many government programs—for schools, police, parks, space program, the military—and contributes heavily to persisting Federal budget deficits. Since 1970, Medicare and Medicaid have increased from 5 percent to 17 percent of Federal spending. As the baby boom ages, all these pressures will intensify. Someone 65 has more than four times the health cost of someone 25. By 2030, one in five Americans will be 65 or older, up from one in eight today. Health costs could absorb more than half the existing Federal tax base.

We are slowly surrendering our economy to health care—for surprisingly modest gains in our health—what we needed was a debate that confronted those relentless pressures. 'The cost control imperative has been lost,' says John Inglehart, editor of the respected journal Health Affairs. Someday there may be frightful economic consequences. Business groups already say the costs of government-dictated benefits will destroy jobs. Those would mount if health spending climbs and the costs are imposed on business by fiat or payroll taxes. Europe's experience is sobering. Since 1974, its unemployment has risen from 3 to 11 percent, and private job growth has been meager. High payroll taxes and required welfare benefits are major causes.

□ 1930

Let me stop here for a second. Samuelson's point is that the cost of welfare and the cost of health care in Europe has raised the unemployment rate from 3 percentage points to 11 since 1974. Younger Europeans are finding it very, very hard to find jobs. If you had a similar increase of 8 percentage points in the United States it would go from 6 to 14 percentage points of unemployment over the next decade.

When you start talking about this Congress dumping on the country a brand new giant burden by congressional fiat, the Clinton-Gephardt Medicare C plan, or the Clinton-Mitchell mandated plan, either one is designed to increase and will have the effect of increasing unemployment.

Let me go back to quoting from Samuelson:

Against this backdrop, the health-care debate has been an exercise in popular delusion—a point apparently appreciated by much of the public. In a Newsweek poll, 65 percent of respondents say Congress should start over again next year. The whole discussion has implied (misleadingly) that more and more health care could be had for everyone, at little or no extra cost, if simply the 'right' reform were enacted.

In the Newsweek poll they asked the following question: Should health care reform legislation be passed this year, or should Congress take more time to examine the various proposals and start over next year? In the latest Newsweek poll, August 4 and 5, 31 percent, pass reform this year; 65 percent, start over next year. You will notice, this is not a poll that Republicans took, this is a poll that Newsweek magazine took.

Let me outline where we are at now. If Samuelson says that the debate is wrong, if George Will says that the Clinton health plan is dead, if Krauthammer points out that the first Clinton effort to nationalize health in vaccines is a total failure, why are we then talking about, in 12 days, trying to ram through a health bill?

The reason is simple: The Democratic leadership believes that if they do not pass something this summer, that they are going to lose so many seats this fall in the House and Senate that they will never get to government-controlled medicine, so they think this is their high-water mark.

The country, having looked at the Clinton plan, having looked at the idea of government-controlled health care, having looked at Medicare part B, does not particularly want it. The country recognizes intuitively what The Heritage Foundation reports, which is that 35 States and the District of Columbia would experience increases in business costs under the Gephardt bill.

The losers under the Gephardt bill are concentrated almost entirely in the South and the West. The biggest losers among States would be Texas, down $8 billion, Florida, down $6.1 billion, and Georgia, down $3.5 billion, in the South, and California, down $5.6 billion, in the West.

I urge my colleagues to get a copy of this new Heritage study, which used a computer simulation to look at the cost to business of higher insurance and higher taxes under the Gephardt plan. Some fascinating numbers. It is The Heritage Foundation's estimate that in Texas, the Gephardt plan will cost $1,209 more per employee per year. In Florida, it is $1,165 per employee. In Georgia, it is $1,227.

Interestingly, in Arkansas and Tennessee, where you would think that President Clinton and Vice President GORE would have sensitivity, Arkansas, the average worker in Arkansas will lose $1,099, and in Tennessee the number is $1,035. Maybe Vice President GORE was slightly more sensitive than President Clinton.

You go through State after State. California would lose $5,697,000,000 according to this analysis. I recommend to every one of my colleagues, look carefully at your State and look for the losses in your State, and you are going to be astonished. In Minnesota, $453 per worker. In a couple of other States, Arizona, $1,076 per worker; in South Carolina, $1,115 per worker; in Louisiana, $1,073 per worker; in North Carolina, $1,083 per worker.

Again, I have an interest. I represent Georgia, $1,227 per worker, $3.5 billion in added costs. Guess what, you start taking out that kind of money, you are either going to lay people off and increase unemployment, you are going to cut salaries, you are going to do something, but it is not just made up by politicians in Washington waving a magic wand and saying "Let's pass it."

The reason I wanted to come tonight and talk about all of this on the floor of the House is that I have been very, very worried about what I see as a very inappropriate process that seems to be evolving. I noticed the President last week in his press conference said that as long as they got something out of the House and Senate, they could write something different in the conference. I noticed, as I said earlier, that Senator JAY ROCKEFELLER had made the comment that as long as they got something out of the House and Senate, they would write something different in the conference.

I think there is something wrong when the Democratic leadership, after 40 years of control, has to rig the rules to try to pass something because they cannot afford a straight, fair, honest, up-or-down vote; when they have to start talking about stacking the conference so they can rewrite the bill in conference, to try to ram it through. I

think it is very important that we insist on a slow, steady process.

I have recommended over and over again—and I want to repeat it tonight because it is the right thing to do—what we ought to do is file our bills by Wednesday, indicate next week any amendments we need, or frankly, indicate by this Thursday or Friday any amendments we need, in writing, so everybody can study it, and then go home for 3 weeks, let every expert in the country read the bills, let the news media read the bills, let it be out in the open, let people back home talk to us. That is the purpose of having the August break, is to go home to let the American people talk to their Senators and talk to their House Members and have enough time to analyze these bills.

The Mitchell bill, I am told, is 1,400 pages. We do not know yet how big the Gephardt bill is because it has not come in. Now, 1,400 pages to be analyzed hastily is crazy. As I said earlier, the crime conference report has not even been written yet. It is still floating out there, apparently available for rewrite, to get a few extra votes.

That is just wrong. It is the wrong process for representative government; it is the wrong process for the American people; and in the long run it is part of why people are so much for term limits and so mad at Congress.

Let me go one step further. I think it would be totally inappropriate to have a surprise amendment to the Clinton-Gephardt bill at the last minute to try to buy 10 or 15 more votes. We think you ought to have a straight, honest effort to do the best we can this year.

I will say one other thing in closing. I would rather pass a small reform that everybody agrees is good and not do any damage. This is the best health care system in the world. Eighty-five percent of the American people already have health insurance. People from all over the world, when they have a serious disease, come to America for the best experts in the world.

I would hate to see us, in order to make the Democratic machine comfortable, ram through a bill nobody understood that just tore apart what has been the finest health care system in the world. I would much rather take a limited bill, the Michel-Lott bill, for example, which has malpractice reform.

The Michel-Lott bill, which is the Republican alternative, has insurance coverage for people who are self-employed and who buy their own insurance, so they have the same tax deductibility as do big corporations. The Michel-Lott bill has a provision to manage Medicaid to lower the cost and to extend it to people who are working below the poverty level and are working overtime to get enough to bring it up to 200 percent above the poverty level.

□ 1940

The Michel-Lott bill has insurance reforms so once you are insured, no precondition can ever allow you to lose your insurance; if you get temporarily unemployed you still do not lose your insurance; and if you change jobs, you are guaranteed the right to be insured without regard to preexisting conditions.

We think it is possible to write a good, commonsense, middle-of-the-road reform bill that does very little or no damage to the average American, does not require people to be fired or laid off, does not require any damage be done to the health care system; and we are not leaping out into some giant Government experiment, entrusting a bureaucracy to do more than it can in fact do.

I think that people should be very cautious and they should learn some lessons from Charles Krauthammer's report on the child vaccine program. Government can only do so much. The Clinton-Gephardt Medicare part C would be the most dramatic expansion of Government that we have seen in health care up to this time. One estimate was that it would in fact expand the coverage to about half the country. I do not think we are ready to have the Government provide health care directly for half the country. I do not think that will work. I think it will be bad health care, and I think it means a loss of control over their lives and over their health, over their choice of doctor and over choice of hospital.

Madam Speaker, I just wanted to come to the floor tonight to say, first of all, look carefully at both the Clinton-Gephardt and Clinton-Mitchell bills because they both do a great deal of damage to the current system and they are both very dangerous expansions of Government. Second, let us try to agree to an honest, fair, open procedure. Third, the ideal would be, let us slow down a little bit. Let us make sure these bills get printed. Let us go home, let the American people speak, and then let us vote the first week of September after people have had time to see what is going to happen to their health care.

HEALTH CARE, CRIME AND THE RELIGIOUS RIGHT

The SPEAKER pro tempore (Ms. SCHENK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. KINGSTON] is recognized for 15 minutes as the minority leader's designee.

Mr. KINGSTON. Madam Speaker, I wanted to talk about the health care bill and the crime bill and also the so-called religious right tonight, but I wanted to talk first, to sort of reiterate what the gentleman from Georgia [Mr. GINGRICH] was talking about on the importance of reading bills.

Before coming to Congress, I served in the State legislature. One of the jokes we would have is the old line about what makes people think that elected officials read the bills. With that, we would sometimes read bills that were maybe 15, 20 pages long, but often if a bill was 40 or 50 pages long, it did not get read and you relied on the word of one of your comrades and friends on the committee.

Up here, I have found that no one ever reads any of the bills. Here is a bill right here that has to do with the District of Columbia. We voted on that. It is actually the conference report. We will be voting on the conference report today. Here is one on the Federal Aviation Administration authorization. That bill looks like it is about 90 pages long. Here is another one that has to do with the National Aeronautics and Space Administration. It is 70 pages long. Generally when we are here, people do not have the time to read the bill because we have constituents in our offices and so forth, so we are often summarizing these bills and making our yes or no decisions based on 3 or 4 lines which our colleagues on the floor tell us.

Having said that, let me show the Clinton health care bill which was introduced earlier this session. This bill is 1,364 pages long. It talks about everything from the Department of Labor to shots, to your family doctor, to baselines, to premium determinations, to alliances, and so forth. This is a lengthy bill and regardless of how smart you are, how earnest you are, how much time you have, a Member of Congress would not have time to absorb a bill like this between now and next Friday when we are scheduled to vote. This bill right here, the Clinton bill, it has simply been rewritten under the Gephardt name. It is now the Gephardt-Clinton bill. But we do not have it yet. Unlike the original Clinton version, we have it, we had time to read it and so did the American people and that is why this bill is dead. Under the Clinton-Gephardt bill, there is a not a bill in our hands, so we have not been able to read it yet. I want to, and I think 434 other Members of Congress, or at least a number of them, want to be able to go home and say, "Yes, I've read the bill; my staff and I have divided it up; we've researched it out, and we want to know what you feel about it," particularly the health care providers back home. I think that as a Member of Congress that we have that right and more importantly we have that duty.

I do have some summaries of the Clinton-Gephardt bill and there are a couple of things that I wanted to mention. One of them, of course, it the cigarette tax increase that is going up to 45 cents a pack to help pay for it. As I recall earlier, we were talking a dollar a pack and that would only raise $12

billion to $16 billion a year. This Clinton bill cost about $400 billion over 5 years. I am sure that the Clinton-Gephardt bill is going to be very expensive, too. I can say this. Forty-five cents on cigarettes is not going to do anything to pay for the bill. It also has a 2-cent tax on insurance policies. I am not sure how that is going to work.

Then it talks about Medicaid and Medicare savings. What I am reminded of as I read this summary on how the Clinton-Gephardt health care bill is going to be paid for is the first or second chapter in the book Agenda, which is about the Clinton administration and it was written is about the Clinton administration and it was written by the journalist Woodward, who went around with them and he was talking about during the campaign, Ira Magaziner wanted to make health care part of the Clinton plan, the economic plan, but they were all in disagreement on how much it would cost, and they argued for months and months and finally decided to just not talk about costs when they got to health care.

I would submit, as a Member of Congress, that the administration, as well as the 435 Members of Congress, are still confused as to how much health care reform is going to cost, just as the Clinton campaign committee was. Do not take my word for it. Read the book. It is on newsstands everywhere, as they say.

My second point. Cost containment. Price controls will be in effect January 1, 2001. Here is a letter that was written to the President on March 16, 1994. It is signed by 565 economists from 50 States on health care reform. It is written to the President and it says basically: "Dear Mr. President: Price controls produce shortages, black markets, and reduce quality. Your health care bill will cause these things."

I was scanning it and noticed I actually knew two of the professors, Dr. Richard Timberlake from the University of Georgia and Dr. Albert Danielson. I had the pleasure of knowing Dr. Danielson and Dr. Timberlake most of my life and had a course under Danielson. These are not political activist guys. These are people who have a sincere interest in the economy of the United States and they are very concerned. It says here that "caps, fee schedules and other Government regulations may appear to reduce medical spending but such gains are not so."

It does not actually work out that way in the long run. I think if you look at the caliber of the people who have written this open letter to the President, you can see that it is not a partisan contest here. There is genuine concern. I think it is the right of the American people to know what is in the Clinton-Gephardt bill. I do not think that we should all be held captive in Washington during the next 10 days so that this thing can be rammed through the Congress.

Let me read a letter, though, that I think says it best, from a constituent back home, a lady named Mrs. Helen Carpenter:

"Dear sir." She is not one of my volunteers.

"Dear sir." It is not like she is preaching to the converted or anything like that:

> Thank you for your health care reform action and staying in touch on it. First of all, this is supposed to be a free country.
>
> Number 1. I object to more Government regulation.
>
> Number 2. I do not want the Federal Government to make any decisions for me.
>
> Number 3. I believe health care delivery should be private.
>
> Number 4. Government cannot do a better job than what we have now.
>
> Number 5. To date the Government has cut waste, so to date they cannot give a better package.
>
> Number 6. Price controls have never worked in the past and will never work in the future.
>
> Number 7—

This is very important, Madam Speaker:

> The government will not give the people more security unless we enjoy losing more of our freedoms.
>
> I am 83 years old. I have lived through World War I, World War II, Korea, Vietnam, and many, many other brushfires I can't recall. I grew up in a free country and I want it to stay that way. I have no trust in the current Congress to do the right thing.

□ 1950

This is the real stuff. This is not some Republican sound bite which Haley Barbour came up with. This is the concern of the American people.

I would just say this, if you think Members of Congress can look at a bill this big and decide within the next day what is best for America, when most Members of Congress cannot even tell you the difference between compensatory and noncompensatory damages, much less community rating systems, then I think it is time to sit back, and let us all take off the partisan labels and try to do what is best for America.

Having said that, I want to talk quickly about the crime bill. As the gentleman from Georgia [Mr. GINGRICH] also pointed out, we do not have a crime bill right now, even though we are going to vote on one any day now, we still do not have a bill. I guess, again, I am old-fashioned, and I join the Members of Congress who like to read bills before they vote.

I thought the aim is to put 100,000 new police officers on the street, but it only pays for 20,000 of them. I want to read that and find out about that. Sheriffs and police chiefs want me to know this.

I understand there is about $9 billion in new social programs such as midnight basketball and councils to promote arts and crafts, and dance, and self-esteem programs. I know these will go on top of what we already spend, which is $24 billion on such social programs. We have over 154 different type of programs, and 50 of them are trying to prevent crime in the way that we are talking about in the crime bill. I want to read about this. It is not too much to ask. I represent 589,000 people. They want me to read bills before I vote on them.

There is no crime bill at this point for me to read. I think that is absolutely atrocious.

I understand also of the $9 to $10 billion in social programs in the crime bill that it is not earmarked. That is to say that the Attorney General or the President could dole these things out to Members of Congress who have been supportive of his administration, of his bills. This $9 billion will be doled out in an election year as political payoffs. That is the way we are doing to fight crime? I thought that this President and this Congress was serious about crime fighting. I did not know it was just going to be more partisan politics.

Madam Speaker, let me leave crime for a minute and move on to the religious right, because recently someone asked me is the religious right going to be a factor in the November election. I would say yes for three reasons.

No. 1, the so-called religious right has all kinds of able lieutenants. It is not just the domain of the Jerry Falwells anymore, but you have a lot of a younger crop of people who know how to win, and do not mind getting out there and really fighting—such people as a Ralph Reed, Gary Bauer, Sudie Hirshman, and Heidi Scandle, true political leadership.

No. 2, the religious right shall not be called the religious right anymore. They should be called the mainstream value coalition because they are not just about abortion anymore. Yes, many of them are still very, maybe mostly oriented on social/religious issues, but in fact many of these mainstream values groups have moved on to the balanced budget amendment, term limitations, the line-item veto. These are issues about 60 to 70 percent of the American public agree on, and as a result the so-called religious right, which I would say is more the mainstream values coalition, has in its membership not just Christians from the suburbs, but inner city African-Americans, Jewish members of our community, all religions are represented in it. It is a broad-based constituency.

Finally, No. 3, the reason why I think they are going to be very much a factor in November is that they are ticked off. They have seen time and time again what Government has done. And I do not blame it completely on this administration, although this administration has certainly had a heyday with it. Think about what this administration has done though. The EEOC regulations outlawing, trying to ban religious symbols in the workplace. You are going to tell a guy who is

maybe a Vietnam graduate, or maybe Granada, or from Desert Storm who comes to work with a Star of David or a Jesus Saves shirt on, are you going to tell the guy that he cannot wear that, the reason that he wore the uniform and fought overseas and risked his life, and that he no longer has that first amendment freedom? I think that is ridiculous, yet the current administration, that is what they want to do. And many Members of Congress, on a bipartisan basis, fought that, and I am glad they did.

We have HUD that is going out banning nursing homes from using religious symbols in the Yellow Pages ads. Come off it. Do you guys not have anything better to do?

We have weakening of child pornography laws from the Justice Department. We have regulation of home schooling, we have all of this on top of a Surgeon General who decides that the big problem in the world today is the religious right and not Government.

This is a page right out of George Orwell, Madam Speaker. I think that the American people have had enough.

So I think for those reasons we have religious groups who are now mainstream groups, who have a broad-based constituency and know how to win, and yes, they will be a factor in November.

UNITED STATES-CHINA TRADE

The SPEAKER pro tempore (Ms. SCHENK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from California, [Ms. PELOSI] is recognized for 60 minutes as the majority leader's designee.

Ms. PELOSI. Madam Speaker, I am pleased to yield to the gentleman from Indiana [Mr. MCCLOSKEY].

APPOINTMENT OF KENNETH STARR AS WHITEWATER INVESTIGATOR

Mr. MCCLOSKEY. Madam Speaker, I very much thank the gentlewoman from California for her generosity. She is one of my real heroes in so many areas.

Madam Speaker, it is bizarre, if not downright partisan, for a U.S. Court of Appeals panel, including two Republican judges, to abruptly anoint former Bush administration Solicitor General Kenneth Starr to reinvestigate the Whitewater matter. Think of it. Mr. Starr has been a top lawyer for the Bush administration, and since then, almost more than anyone, but not quite as much as some, he is manifestly on the record against President Clinton.

Former special prosecutor Robert Fiske, also a Republican, was widely praised for his integrity and skill. Perhaps most importantly, he had conducted the investigation fairly and thoroughly by all accounts. I might say he went in there with strong support from nearly all elected Republicans that I know of.

Congress has also begun a far-reaching examination of this matter. Some Members are questioning witnesses in a manner more appropriate for the Spanish Inquisition.

After nearly a year, the Whitewater hearings and investigations were on the verge of concluding with literally no stone unturned. Now Judge Starr has the opportunity to reexamine this entire matter in what seems likely to draw the alleged problems which may or may not have occurred with Whitewater, further into the headlines in an election year. This appears to be a greater priority than examining whether any laws or regulations may or may not have been broken.

Mr. Starr had previously publicly commented on another legal challenge to the President, and is on the record as proposing to file an amicus curiae brief against the President's position. While he may be a friend of the court, he is currently on the record as being no friend of the President.

Perhaps most telling, there is no indication of procedural or substantive error in Mr. Fiske's investigation. Rather there could be a "perceived" conflict.

The Special Counsel Act should not be the Washington Lawyers Financial Relief Act. The material examined by Mr. Fiske should not be casually tossed aside and the entire expensive process reopened.

It is a reasonable conclusion that the appointment of Judge Starr as new special prosecutor has the appearance of a calculated move to create controversy, to harass the President, to draw this matter out forever, and to wring every conceivable drop of partisan gain out of the Whitewater affair.

What are the Republican Members doing with ex parte contacts with the Federal judges on the appeals panel? Madam Speaker, is not this apparent interference with the judicial system perhaps worthy of investigation?

I thank the generous gentlewoman from California again for yielding.

Ms. PELOSI. Madam Speaker, tomorrows the House will take up the issue of United States-China trade. I am pleased to come to the floor this evening to urge my colleagues to support H.R. 4590, legislation which I introduced with Majority Leader GEPHARDT, Majority Whip BONIOR, ranking member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN] a leader on the Republican side, the gentleman from Virginia [Mr. WOLF] a champion for human rights throughout the world, and I might say over 100 of our colleagues who have joined in cosponsoring the legislation, both Democrats and Republicans, including the gentleman from Indiana [Mr. MCCLOSKEY], I am proud to say.

□ 2000

Madam Speaker, before I talk about the legislation and the issue, I want to take the opportunity once again to thank our many colleagues for the reception that they have given to those of us who have been promoting this legislation.

It is a very serious issue. A great deal of research has been done on it. We have been working on it for 5 years, and our colleagues, both Democrats and Republicans alike, have been very serious in the approach that they have taken, very receptive, as I said before, in listening to why we think this legislation is important, and I want to go into some of that this evening.

Some say, "Why are we taking this up again this year?" Well, we must, because each year, contrary to impressions that others wish to create that MFN for China is automatic each year, the President must request a special waiver to grant MFN to China.

Our legislation, the Pelosi-Gephardt-Bonior-Gilman-Wolf, et cetera, et cetera legislation has taken the benefit of the research and the work that we have done over the past years to this year have a very focused and targeted compromise legislation which would remove MFN, that is, preferential trade treatment, special tariff reductions, remove that privilege from the products made by the Chinese military, especially the People's Liberation Army.

First of all, let me say this, I will go into more detail about the Chinese military later. Over the years, especially the past 5, three issues were the leading concerns of the Members of Congress in our relationship with China. While we had a long litany of concerns, the three major ones centered around the violation of human rights in China, both religious and political freedom, workers' rights, et cetera, the proliferation of weapons of mass destruction to unsafeguarded countries, unfair trade practices of the Chinese which have led to an enormous trade deficit between the United States and China.

Where these three issues come together is on the issue of the Chinese military. Who can forget the dramatic scene in Tiananmen Square 5 years ago, when Americans and other freedom-lovers throughout the world received inspiration from the lone man before the tank? At that time we all pledged to associate ourselves with the courage and the aspiration and the love of freedom of that lone man before the tank. The tank, of course, is the Chinese military.

The Chinese military, which occupies Tibet, which rolled over dissidents in Tiananmen Square, and which conducts a lively trade in weapons to unsafeguarded countries, and a trade to the United States in consumer products that we will learn about later, but

the Chinese military does not just sell weapons or AK-47 rifles, which a couple of million have been sold in the United States in the last couple of years, but also sells consumer products ranging from stuffed animals, clothing, household appliances. The list goes on and on. We will go into the list in a little bit.

First, I would like to talk about the issue of trade and why it is of concern to colleagues in this House. The CIA, in an unclassified report about 2 weeks ago, stated that China's surplus that they enjoy with the United States, therefore, a deficit which we suffer with them, will be at a minimum $28 billion for 1994. Others project it to go over $30 billion, but the conservative estimate is $28 billion for this year. That $28 billion does not include advantages China has in trade by other violations to our trade, like transshipments, using prison labor for export, piracy of our intellectual properties, and the rest.

But it does take into consideration the violation of putting up barriers to United States products going into China. I think it is interesting for the American people to note that this is an issue where we talk about human rights and proliferation, but is a very major jobs issue for the American people.

And why is that? Because the United States allows China to send into our markets in a very preferential way 40 percent of all of China's exports to the world. Forty percent of all of China's exports to the world come to the United States with preferential tax treatment.

The U.S. exports about $450 billion in trade, a little more than $450 billion in trade last year we exported. Of that, less than 2 percent, 1.9 percent, less than 2 percent of our trade was allowed into the Chinese markets because of these barriers to market access. And so while there are those who say, "Well, we should grant MFN unconditionally and universally across the board to the Chinese," they, indeed, do not in fact and in practice grant MFN to us. They allow in some products like aerospace, wheat, refrigeration, some electronics and telecommunications products, but by and large most products made in America are not allowed into the Chinese market.

Indeed, they welcome some American brand names, but they insist that those products be made in China by Chinese workers.

And so we have on the legal side, on the recorded side, shall I say, the side that we can measure, a $28 billion to $30 billion trade deficit this year, not counting the other violations.

One of them that I want to go into is the issue of intellectual property. In our State of California, Madam Speaker, intellectual property is competitive, what makes us competitive in the world, software, throughout the State, technology, high-tech business, but also in the entertainment business in southern and northern California both, and I guess you could say more in southern California.

The head of the International Phonographic Society has said that unless China is reined in in its piracy of intellectual property, in his case the cassette industry, the cassette industry will be destroyed. The piracy is going at such a rate that China now not only pirates the intellectual property and copyrights for its use, but is a major exporter of United States intellectual property, that is, the piracy, the theft of the intellectual property, and then the reproduction of it and the export of it.

This will cost us billions of dollars in revenues and hundreds of thousands of jobs, but more importantly, it is about the future, because so many times we have heard over and over that the United States will be competitive in world markets not by making labor-intensive products that can be more cheaply made abroad, but because of our superiority in producing intellectual property in the areas, as I say, across the board in software and in the entertainment industry.

So we have serious concerns about China's treatment of United States products and whether they allow them in. Mostly they do not. And the one that they pirate and then in turn export do a grave disservice to our relationship. More importantly, they steal U.S. jobs.

A couple of points I want to make about the trade. In 2 or 3 years, the CIA report said, in the next few years, China will surpass Japan in having the largest trade deficit with the United States. It is growing at a more rapid rate than the Japanese trade gap and it, as I say, in a few years will surpass Japan. It has this rapid rate, and it has had an increase of 700 percent, the trade gap with China, 700 percent since 1987.

Now, I want to move on to human rights. All of us saw, once again, the brave courage of the young people in Tiananmen Square who built the Goddess of Democracy modeled off of our own Statue of Liberty, the quote from Thomas Jefferson and the Bill of Rights, and who, in turn, then lost their lives.

Why are human rights important to us? Because we are the United States of America, and because we are the champions of freedom throughout the world, and because even when other countries may not want to step up to the plate, we, as our forefathers stated, are the custodians of freedom at home and a friend of freedom abroad.

So when a country does not treat its people with respect, we should speak out, and we should, if we have other leverage, as we do in the case of China, say it is very important to us, so important to us is it that we are willing to use trade sanctions in order to associate ourselves with the moderates and pro-reformers and those who respect the religious and political freedoms of the people of China and exercise sanctions against China.

It is also important in terms of jobs, because people, countries, regimes that do not respect the rights of their people will not respect workers' rights, and as workers' wages are not allowed to rise with productivity, that is an unfair competition for the American worker.

So let us be clear that a country that suppresses its people's rights, be they religious, political, workers' rights, also is placing our American workers at an unfair disadvantage when we must compete with those countries.

I wanted to just in the interests of time be brief in just quoting a few organizations who have commented on the state of human rights in China since President Clinton announced his decision regarding China MFN at the end of May.

□ 2010

The U.S. Catholic Conference states that there are increasing reports that China is cracking down harder on non-approval religious gatherings and is giving more legal power to Public Safety Bureau officers to conduct raids, make arrests and impose fines. "I urge your vote on H.R. 4590." This same letter from the Most Reverend Daniel Reilly, chairman of the Committee on International Policy of the Department of Social Development for World Peace of the U.S. Catholic Conference of Bishops, also states that, "Religious liberty in China has been a long-time concern of ours, and we are deeply troubled by reports of continued religious persecution there." I could go into great detail on the religious persecution, but in the interest of time I will pass on to a letter we received from the Campaign for Tibet.

In this letter the Campaign for Tibet says,

> The Chinese Government and the army continue to disregard the basic rights of the Tibetan people and clearly have taken no substantive steps to protect against religious and cultural heritage. In addition, the Chinese Government has refused to respond to the Dalai Lama's efforts to commence substantive negotiations on the future of Tibet. The United States, more than any other nation, has the ability to pressure China to come to the negotiating table with the Dalai Lama or his representatives. In order for China to take the U.S. efffort seriously, a strong message must be sent that China cannot have the sort of relationship they would like with the U.S. until they make progress on Tibet. H.R. 4590 helps send this message. I am writing to urge you to support H.R. 4590.

Tibet is important because in our legislation, as I mentioned earlier, we target MFN for the Chinese military

and it is indeed the Chinese military which brutally occupies Tibet. In supporting the Chinese military, as American consumers are unwittingly doing and the taxpayers are doing by giving them a trade break, we are in turn helping to subsidize the occupation of Tibet, the repression of the people in China and indeed weapons proliferation program.

The Chinese military is also responsible for overseeing many of the Chinese prison camps, known as logi. These detainees who have been sent there as political prisoners, will join millions of others in Chinese prison camps. Last week the Chinese labor activities indicate that five people were arrested because of their participation in organizing unofficial workers organizations. As I mentioned, when they go there, they will join millions of others in these prison camps.

Forced labor remains a fact of life for China's political dissidents. Then these low-wage products made by people in these unfortunate situations once again is unfair competition to the American worker. It is bad enough to compete with low-wage, workers than it is to compete with no-wage workers, and of course there is the human rights issue also.

I want to call our colleagues' attention and yours, Madam Speaker, to a "Dear Colleague" from our fellow Representative, LANE EVANS, entitled "China's Gulag Prison Products for Export."

It is against American law for exports made in prison camps to come into the United States. Indeed, China is violating that law, and we can document fully for those colleagues who want more information exactly what those products are and where they are sold in the United States, even though the administration has chosen to ignore that.

Our colleague, Mr. WOLF, sent a "Dear Colleague" letter recently, the other day actually, in which he says, what do all these goods have in common? Plastics and plastic articles, wood, paper, apparel, footwear, glass, iron, steel, arms and ammunition, mechanical appliances, copper, furniture and lamps, lighting fixtures? This is a partial list of goods made by forced labor in the Chinese logi, the prison factories. The Chinese military exports them to the United States to earn hard currency. That is the target of our MFN revocation.

There are those in the Congress who have said it is not possible for us to target these because it is not enforceable.

Well, Madam Speaker, I did want to call once again to our colleagues' attention a chart made by the Defense Intelligence Reference Theory, China's defense industrial trading company. I will place it right here in front of the tanks, the man before the tanks.

This is a chart, and there is software to go with it in the computer which can tell the Office of Customs what the companies are that are fronts for the People's Liberation Army and the state council. If I may just read from the chart for a moment, Madam Speaker, the chart identifies the relationship among import and export organizations in China's defense industrial complex. These organizations are key to supporting the uniformed services and China's industrial base and acquiring military and dual-use technology. They market products abroad, earn foreign currency to support defense-related research, development, and operations. The poster depicts commercial companies under the two main hierarchies of the defense complex, the uniformed services of the People's Liberation Army, under the direction of the military commission and defense-related industrial ministry under the direction of the state council.

The PLA operates import and export companies, markets products; the PLA runs factories. In addition to military equipment in existing stocks, the defense industrial ministry concentrates on new manufactured products and technology transfers both to and from China.

The companies depicted are established and charted to conduct business in the international market. Many have offices overseas. While they are profit-oriented and are the key means for the defense complex foreign exchange earnings they are the primary conduit for acquisition of new and advanced technologies.

I want to repeat that, Madam Speaker, because I think it is very important. While they are profit-oriented and are the key means for the defense complex foreign exchange earnings, they are also the primary conduits for the acquisition of new and advanced technologies.

I mentioned earlier that one of the few things that the Chinese allow into China's market—technology and electronics—it is just this technology transfer that should be of concern to us for at least two reasons; one being that with technology transfer, eventually it will become production transfer, and that means jobs going overseas that spring, frankly, from our own intellectual property developing the technology.

The other concern is that this technology can be used to develop more dangerous weapons for sale into unsafeguarded countries as the Chinese are engaged in right now.

As we are talking about the military, I want to talk about why we think it is an appropriate target.

My colleague, Representative MARKEY, and I sent a "Dear Colleague" to Members of the House today which discusses some of the concerns that we have about China's proliferation record. Three areas of concern: Proliferation, China's military buildup, and support for North Korea.

China's military companies have sold billions of dollars of ballistic missiles to the Middle East, and in the words of the CIA Director Woolsey, China is Iran's principal nuclear supplier.

China's military companies have sold nuclear missile technology to Pakistan, including bomb designs and enough weapons-grade uranium for two weapons. This is alarming because we have known about the others and this is relatively new.

Cambodian Government sources say according to their intelligence sources, as recently as March, China sold $18 million worth of arms to the Khmer Rouge, yes, the same Khmer Rouge still under the leadership of Pol Pot, in violation of the Paris Accord which was coauthored and signed by Beijing.

I will submit for the record more information on China's testing of nuclear weapons and the fact that their defense budget is growing by 20 percent this year, alone among the nuclear powers in the world, China's defense budget is increasing.

It also has purchased billions of dollars of highly sophisticated military equipment.

Others will say many countries export these kinds of dangerous arms. Not necessarily.

The point here is that this proliferation is to countries which are not safeguarded, they are unsafeguarded countries. Some of them are countries which have embargoes from most of the other countries in the world, like Iran and certainly selling to the Khmer Rouge is something that is unique to China.

But very alarming is the relationship of China and North Korea. In June the Chinese high command met with their counterparts in the North Korean military and following the meeting the statement that came out was, from the Chinese representative, that our countries are "as close as lips and teeth."

In addition, to that, the word on the meeting, as was reported in the press in Asia, and I can document that for the record, Madam Speaker, was that China pledged 82,000 troops in case of war to the North Koreans and that in case of U.N. sanctions against North Korea, China promised food and energy credit assistance to help North Korea have some staying power throughout the prospective embargo. It has not been placed on them.

If the Defense Intelligence Agency analysts are correct, the Chinese military has aided development of North Korea's new TD-2 missile by transferring advanced missile technology to North Korea.

□ 2020

That is why we do not see why American consumers and taxpayers should

subsidize the Chinese military, the same military for massacre in Tiananmen Square, the brutal occupation of Tibet, the sale of weapons into unsafeguarded countries.

Sad to say, or just anecdotally, Madam Speaker, that, after the Tiananmen Square massacre, where thousands of young people were killed, the Chinese military sent the bill for the bullets of the dead young people to their families for them to pay for the bullet that killed their children. They also sent watches to the soldiers who crushed the peaceful demonstrators, and they also sent a message to the world, that they, because they have purchasing power, do not expect to have any sanctions.

As I said earlier, how people treat their own people is important to us for practical reasons in terms of our own workers' rights and the competition we put American workers in, and, if a country refuses to give access to their markets to American products, and if a country further violates our trade relationship by violating trade agreements, and if a country uses prison labor for export, and if a country transships products through other countries in order to avoid U.S. quotas, that is unfair to the American worker.

Every job in China trade is important, and certainly those associated with Boeing, and those associated with McDonnell Douglas, and those associated with export of grain to China, and some technology, et cetera; they are all important, but, the calculations of those who say we should not do any sanctions on China, they say that China trade produces over 150,000 jobs in the United States. But that is on the plus side. On the minus side of the ledger, using their same calculations, we lose 500,000 jobs in our trade with China.

Another point I want to make is that earlier I mentioned that I was concerned about technology transfer and the production transfer to China by United States companies doing business there, and I want to call to our colleagues' attention a wire story in A.P.'s wire story today.

Date line Beijing.

The Boeing Company said today it will invest $600 million in a plant in China to build tail sections for its 737 jet liners and $100 million for a spare parts center and training program.

Ron Woodard, president of Boeing Commercial Airline Group, Airplane Group, also said that China was a possible production site for the 100-seat passenger plane Boeing hopes to manufacture for Asian markets.

I say to my colleagues, "You may recall that there was an announcement a week or two ago about Boeing getting the opportunity to develop this 100-seat passenger plane, and now we are seeing, by their own statement, that they hope to manufacture it, that China was a possible production site for that."

Seattle based Boeing is China's leading supplier of passenger planes. The announcement came 2 months after President Clinton said extending MFN to China won't depend on improvements in its human rights efforts. United States firms like Boeing lobbied against the linkage saying they could not make long-range plans because of the annual debate over MFN.

This is quite a step. It is really unfortunate news for the American worker because all along the bill of goods that was being sold literally and figuratively to the American consumer and worker was that we were transferring jobs that were labor intensive, low-skilled jobs. Boeing has said in this article:

Our thinking is once that is built, this new factory they are building, Chinese industry will be able to build anything to world standards.

So, we see the transfer of technology, and we see the seeking out of low cost-wages, even for jobs that we thought were jobs in the present and are jobs in the future.

I mentioned how the trade deficit was growing, and I want to make another point that the CIA report makes. It says that while the shoes, and clothing, and games, and toys had held their own, increased a little bit in terms of their export to the United States, the biggest increase was in the exporting from China to the United States of technology, electronic, those kinds of products which now make up 6.5 percent of the United States market. This is also something that I think we should be very concerned about.

Madam Speaker, I consider myself an advocate of free trade. I represent a city that was built on trade. Our history is from the early days of the clipper ships in San Francisco carrying goods to and from our great country from the Golden Gate. I voted for NAFTA. I supported President Bush in some of his trade legislation. But this is not about free trade. This is about unfair trade practices. The unfair, the big, surplus that China enjoys gives us some leverage to say:

"Respect your people. Respect your workers so that our workers will be in fair competition."

There are those who say that trade is everything, and that if we have a great deal of trade, it will lead to political reform. To those I say what Deng Xiaoping himself said. He said to those who say that economic reform will lead to political reform, I say that it will take dozens of generations. Deng went on to say that he will deal harshly with any who wish to hasten that process.

Madam Speaker, we Americans do not really believe in trickle-down liberty. We believe that it is written on the hearts of men, and, as our Declaration of Independence states, we hold these truths to be self-evident, that every man is created equal and endowed by his creator with certain inalienable rights, and among those are life, liberty and the pursuit of happiness.

We cannot make the world right every place in the world and be, as some people say, "the policemen of the world", but where we have economic leverage and where the trade situation is so unfair to the American worker because of the repression of people of China and repression of workers we have a responsibility to say that in order for us in our relationship with any country to make the world safer, the trade fairer, and the political climate freer, we have a responsibility to do it. We reject the notion of trickle-down liberty. We want to add luster to the words and actions of our Founding Fathers of our country, and with that I think our Members have an opportunity to do so tomorrow and vote "yes" for 4590.

Tomorrow I will continue with the Hamilton bill.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

(The following Members (at the request of Mr. BARCA of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. KOPETSKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MILLER of Florida) and to include extraneous matter:)

Mr. BLILEY.

Mr. TALENT.

Mr. MYERS of Indiana.

Mr. GINGRICH.

Mr. PACKARD.

Mr. SOLOMON.

(The following Members (at the request of Mr. BARCA of Wisconsin) and to include extraneous matter:)

Mr. POSHARD.

Mr. BARCA of Wisconsin.

Mr. STARK in two instances.

Mr. STOKES.

Mr. ENGEL.

Mr. SKELTON in two instances.

Ms. NORTON.

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter:)

Mr. DEAL.

Mr. TORRES.

Ms. CANTWELL.

Mrs. LOWEY.

ADJOURNMENT

Ms. PELOSI. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 9, 1994, at 10:30 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of 1994, as well as amendments to 1993 reports, in connection with official foreign travel, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jerry Lewis	3/25	3/27	Ireland		436.00						436.00
	3/27	3/30	England		786.00						786.00
	3/30	4/3	France		1,040.00						1,040.00
Transportation provided by military aircraft											
Hon. John Murtha	4/29	4/30	Italy and Bosnia		106.51		5,613.85				5,720.36
Robert V. Davis	3/25	3/27	Albania								
	3/27	3/30	Macedonia		1,500.00						1,500.00
	3/30	3/31	Hungary								
	3/31	4/5	Germany								
Commercial air transportation							3,724.00				3,724.00
Patricia Keenan	3/26	4/1	Korea		1,150.00						1,150.00
	4/1	4/5	California		474.00						474.00
Commercial air transportation							4,100.00				4,100.00
Julie Pacquing	3/27	3/30	Korea		762.00						762.00
	3/30	4/2	Japan		383.00						383.00
	4/2	4/5	United States		480.00						480.00
Commercial air transportation							4,456.55				4,456.55
John Plashal	4/29	4/30	Italy and Bosnia		106.51		5,613.85				5,720.36
Donald Richbourg	4/29	4/30	Italy and Bosnia		106.51		5,613.85				5,720.36
Terry R. Peel	5/27	5/28	Eritrea		184.00						184.00
	5/28	5/30	Ethiopia		344.00						344.00
	5/30	6/1	Kenya		262.00						262.00
	6/1	6/1	Italy		249.00						249.00
	6/1	6/2	Switzerland		199.00						199.00
	6/2	6/3	Belgium		264.00						264.00
Commercial air transportation[3]							800.00				800.00
Kevin Roper	4/29	4/30	Italy and Bosnia		106.51		5,613.85				5,720.36
Committee					8,939.00		35,535.00				44,474.00
B.M. Cass	4/1	4/4	Egypt		339.00		4,730.95		16.88		5,086.83
	4/4	4/7	Saudi Arabia		496.50						496.50
R.T. Castonguay	6/19	6/24	Mexico		956.00		770.45		55.60		1,782.05
B.F. Dunn	4/20	4/24	Taiwan		662.25		3,060.95		77.75		3,800.95
	4/24	4/26	Hong Kong		570.50						570.50
M.A. Dyess	4/3	4/6	Mexico		662.00		1,098.45		56.81		1,817.26
	4/6	4/8	Venezuela		286.00						286.00
T.W. O'Brien	4/20	4/24	Taiwan		662.25		3,060.95		167.92		3,891.12
	4/24	4/26	Hong Kong		570.50						570.50
J.D. O'Shaughnessy	4/3	4/6	Mexico		662.00		1,098.45		66.04		1,826.49
	4/6	4/8	Venezuela		286.00						286.00
R.J. Reitwiesner	4/3	4/6	Mexico		662.00		1,098.45		82.82		1,843.27
	4/6	4/8	Venezuela		286.00						286.00
	4/20	4/24	Taiwan		662.25		3,060.95		174.61		3,897.81
	4/24	4/26	Hong Kong		570.50						570.50
N.F. Stames	6/19	6/24	Mexico		956.00		770.45		88.96		1,815.41
R.W. Vandergrift	6/22	6/24	Mexico		466.00		1,338.45		20.00		1,824.45
L.M. Welsh	4/1	4/4	Egypt		339.00		4,730.95		37.84		5,107.79
	4/4	4/7	Saudi Arabia		496.50						496.40
Committee total					10,591.25		24,819.45		845.23		36,255.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Partial travel by military air.

DAVID R. OBEY, Chairman, July 22, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to United Kingdom and France. May 27-June 7, 1994:											
Hon. Ike Skelton	5/27	6/4	United Kingdom		1,904.00						1,904.00
	6/4	6/7	France		543.00						543.00
Carey Ruppert	5/27	6/4	United Kingdom		1,904.00						1,904.00
	6/4	6/7	France		543.00						543.00
Visit to Sweden, Finland, Russia and Greece, May 27-June 7, 1994:											
Hon. Solomon P. Ortiz	5/27	5/29	Sweden		482.00						482.00
	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Floyd Spence	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00
Hon. Marilyn Lloyd	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00
Hon. Herbert H. Bateman	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00
Hon. Curt Weldon	5/31	6/4	Russia		1,250.00						1,250.00
Commercial air fare							2,793.85				2,793.85
Henry J. Schweiter	5/27	5/29	Sweden		482.00						482.00
	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00
Peter M. Steffes	5/27	5/29	Sweden		482.00						482.00
	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00
Visit to Germany: Apr. 5-10, 1994:											
Peter M. Steffes,	4/5	4/10	Germany		1,070.00						1,070.00
Commercial transportation							1,879.85				1,879.85
Ariel R. David,	4/5	4/10	Germany		1,070.00						1,070.00
Commercial transportation							1,879.85				1,879.85
Roland E. Wilson,	4/5	4/10	Germany		1,070.00						1,070.00
Commercial transportation							1,879.85				1,879.85
Visit to Russia, April 6-10, 1994:											
Hon. Curt Weldon	4/6	4/10	Russia		1,322.00						1,322.00
Visit to Norway, April 6-10, 1994:											
Hon. Marilyn Lloyd	5/27	5/29	Norway		533.25						533.25
Hon. Floyd Spence	5/27	5/29	Norway		533.25						533.25
Hon. Patricia Schroeder	5/27	5/30	Norway		829.50						829.50
Hon. Herbert H. Bateman	5/27	5/29	Norway		533.25						533.25
Hon. Owen B. Pickett	5/27	5/30	Norway		829.50						829.50
Hon. H. Martin Lancaster	5/27	5/30	Norway		829.50						829.50
	5/27	6/1	Germany		364.00						364.00
Commercial transportation							1,575.15				1,575.15
Hon. James H. Bilbray	5/27	5/30	Norway		829.50						829.50
Ronald J. Bartek	5/27	5/30	Norway		829.50						829.50
Thomas M. Garwin	5/27	5/30	Norway		829.50						829.50
Joan B. Rohlfing	5/27	5/29	Sweden		482.00						482.00
	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/7	Greece		639.00						639.00
Committee total					35,231.75		10,008.55				45,240.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amounted expended.

RONALD V. DELLUMS, Chairman, July 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

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	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Janet Potts	4/12	4/15	Morocco		800.00						800.00
Bruce Gwinn	4/12	4/15	Morocco		1,000.00						1,000.00
Douglas Bennett	4/12	4/16	Morocco		1,050.00						1,050.00
	4/16	4/17	France								
Commercial air fare							3,100.05				3,110.05
Hon. Alex McMillan	5/30	5/31	England		276.00						276.00
Commercial air fare							515.50				515.50
Douglas Bennett	5/22	5/26	Germany		700.00						700.00
Commercial air fare							3,186.85				3,186.85
Committee total					3,826.00		6,812.40				10,638.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. C. Ballenger	5/27	5/31	Mexico		400.00						400.00
	5/31	6/2	El Salvador		[2] 166.00						166.00
	6/2	6/6	Nicaragua		220.00				196.34		416.34
Commercial transportation							991.45				991.45
G. Cannon	6/8	6/11	Germany		928.00				83.00		1,011.00
	6/11	6/15	Czech Republic		888.00						888.00
Commercial transportation							2,135.15				2,135.15
Hon. E. Engel	3/28	3/30	United Kingdom		602.00						602.00
	3/31	4/1	United Kingdom								
	3/30	3/31	Ireland (Belfast)								
Commercial transportation							1,848.95				1,848.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994—Continued

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					3,204.00		4,975.55		279.34		8,458.89
A. Fleischmann	5/27	5/31	Mexico		108.00						108.00
	5/31	6/2	El Salvador		362.00						362.00
	6/2	6/7	Nicaragua		307.00		300.00		196.34		803.34
Commercial transportation							2,082.45				2,082.45
K. Gilley	6/8	6/11	Germany		928.00				83.00		1,011.00
	6/11	6/15	Czech Republic		888.00						888.00
Commercial transportation							2,135.15				2,135.15
D. Gordon	3/27	3/30	Ghana		848.00						848.00
	3/30	4/1	Nigeria		150.00						150.00
Commercial transportation							3,832.85				3,832.85
A–M Griffin	3/27	4/2	Ghana		1,484.00						1,484.00
	4/2	4/2	Portugal								
Commercial transportation							3,486.85				3,486.85
Committee total					5,075.00		11,837.30		279.34		17,191.64
A–M Griffin	4/23	5/1	South Africa		1,426.60						1,426.60
Commercial transportation							5,805.65				5,805.65
B. Hammond	6/8	6/11	Germany		928.00				83.00		1,011.00
	6/11	6/15	Czechoslovakia		696.00						696.00
Commercial transportation							2,135.15				2,135.15
R. Hathaway	5/30	6/2	Pakistan		712.00						712.00
	6/3	6/7	South Korea		1,016.00						1,016.00
	6/7	6/10	Japan		1,188.00						1,188.00
Commercial transportation							5,453.65				5,453.65
D. Hauger	4/4	4/10	Cuba		[3]1,503.88				261.00		1,764.88
Commercial transportation							356.00				356.00
Committee total					7,470.48		13,750.45		344.00		21,564.93
J. McCormick	5/30	6/2	Pakistan		712.00						712.00
	6/3	6/7	South Korea		1,016.00						1,016.00
	6/7	6/10	Japan		1,188.00						1,188.00
Commercial transportation							5,453.65				5,453.65
S. Rademaker	5/30	6/3	China		996.00						996.00
	6/3	6/7	S. Korea		1,016.00						1,016.00
Commercial transportation							5,762.85				5,762.85
D. Restrepo	4/4	4/12	Cuba		[3]1,601.00						1,601.00
Commerical transportation							356.00		261.00		617.00
D. Taft	5/27	5/31	Mexico		108.00						108.00
	5/31	6/2	Salvador		[3]330.00						330.00
	6/2	6/7	Nicaragua		[3]162.00		300.00		196.34		658.34
Commercial transportation							1,619.45				1,619.45
Committee total					7,129.00		13,491.95		457.34		21,078.29
J. Thery	5/27	5/31	Mexico		108.00						108.00
	5/31	6/2	El Salvador		[3]173.00						173.00
	6/2	6/7	Nicaragua		[3]42.22		300.00		196.34		538.56
Commercial transportation							1,619.45				1,619.45
Hon. R. Torricelli	6/27	5/31	Mexico		108.00						108.00
	5/31	6/2	El Salvador		362.00						362.00
	6/2	6/7	Nicaragua		307.00				196.34		503.34
Commercial transportation							2,082.45				2,082.45
Grand total for 2nd quarter											73,788.55
Committee total					1,100.22		4,001.90		392.68		5,494.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.

LEE H. HAMILTON, Chairman, July 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cheryl A. Phelps	4/23	4/24	Johannesburg		352.00		2,836.65				3,188.65
	4/24	4/25	Pretoria		229.00						229.00
	4/25	4/29	Capetown		1,071.00						1,071.00
	4/29	5/2	Johannseburg		350.00						350.00
			Returned to DOS		(424.60)						(424.60)
Committee total					1,577.40		2,836.65				4,414.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar eqivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Chairman, July 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Codel de Lugo:											
Hon. Ron de Lugo	4/6	4/7	Palau		200.00						200.00
Jeffrey Farrow	4/6	4/7	Palau		200.00						200.00
Manase Mansur	4/6	4/7	Palau		200.00						200.00
Linda Chase	4/6	4/7	Palau		200.00						200.00
Committee total					800.00						800.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, Chairman, July 24, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Barry D. Gold	5/7	5/10	Costa Rica		225.00						225.00
Commercial air							512.95				512.95
Elizabeth M. Robinson	5/16	5/18	Switzerland		400.00						400.00
Commercial air							3,332.95				3,332.95
James D. Wilson	6/15	6/18	England	544.84	828.00					544.84	828.00
Commerical air							4,048.95				4,048.95
Committee total					1,453.00		7,894.85				9,347.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN, Jr., Chairman, July 25, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Julian Dixon	5/27	5/31	Caribbean area		618.00						618.00
Commercial Airfare							554.85				554.85
Hon. Bill Richardson	5/27	5/31	Caribbean area		618.00						618.00
Commercial Airfare							729.55				729.55
Hon. Jack Reed	5/27	5/31	Caribbean area		264.00						264.00
Commercial Airfare							642.95				642.95
Calvin Humphrey, Staff	5/27	5/31	Caribbean area		618.00						618.00
Commercial Airfare							554.85				554.85
Codel Expenses							325.00		2,323.85		2,648.95
Hon. Dan Glickman	6/5	6/7	South America		175.00						175.00
Hon. Larry Combest	6/5	6/7	South America		175.00						175.00
Hon. Robert Cramer	6/5	6/7	South America		175.00						175.00
Michael Sheehy, Staff	6/5	6/7	South America		350.00						350.00
Terry Ryan, Staff	6/5	6/7	South America		350.00						350.00
Louis Dupart, Staff	6/5	6/7	South America		350.00						350.00
Committee total					3,693.00		2,807.20		2,323.95		8,824.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN, Chairman, July 28, 1994.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 7 AND DEC. 10, 1993

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rose, Charlie	12/7	12/10	Slovakia		225.00		3,514.45				3,739.45
Coleman, Ron	12/7	12/10	Slovakia		225.00		3,635.45				3,860.45
Merritt, John	12/7	12/10	Slovakia		225.00		3,543.35				3,768.35
Committee total					675.00		10,693.25				11,368.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLIE ROSE, July 29, 1994.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 28 AND SEPT. 3, 1993

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Edward Porter	8/28	9/3	Japan	0	0.00	0	0.00	0	0.00	0	0.00
Jolene Unsoeld	8/28	9/1	Japan	0	0.00	0	0.00	0	0.00	0	0.00
Mike Synar	8/28	9/1	Japan	0	0.00	0	0.00	0	0.00	0	0.00
Bill Richardson	8/30	9/1	Japan	0	0.00	0	0.00	0	0.00	0	0.00
Vicki Elkin	8/28	9/3	Japan	0	0.00	0	0.00	0	0.00	0	0.00
Jim Hoff	8/28	9/28	Japan	0	0.00	0	0.00	0	0.00	0	0.00
Committee total					0.00		0.00		0.00		0.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

John Edward Porter, July 19, 1994.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3651. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on a proposed transaction loan to finance United States goods and services for the 695MW Dabhol private power project in the State of Maharashtra, India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3652. A letter from the Assistant Secretary of Education, transmitting a copy of final regulations—State vocational rehabilitation unit in-service training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3653. A letter from the Inspector General, Department of Health and Human Services, transmitting an audit on Superfund financial activities at the Agency for toxic substances and disease registry for fiscal year 1972, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

3654. A letter from the Director, Defense Security Assistance Agency, transmitting notice of proposed issuance of a Letter of Offer to Turkey for defense equipment (Transmittal No. 94-29), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3655. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. contributions to international organizations for the fiscal year 1993, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

3656. A communication from the President of the United States transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 103-290); to the Committee on Foreign Affairs and ordered to be printed.

3657. A letter from the Director, Defense Security Assistance Agency, transmitting notice of foreign aid program changes in Ghana, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on Foreign Affairs and Appropriations.

3658. A letter from the Director, Defense Security Assistance Agency, transmitting notice of foreign aid program changes in the fiscal year 1994 foreign military financing program, pursuant to 22 U.S.C. 2394-1(a); jointly, the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3800. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; with an amendment (Rept. 103-582 Pt. 2). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 1562. A bill to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes; with an amendment (Rept. 103-678). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3050. A bill to expand the boundaries of the Red Rock Canyon National Conservation Area; with an amendment (Rept. 103-679). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3964. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; with an amendment (Rept. 103-680). Referred to the Committee of the Whole House on the State of the Union.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 4455. A bill to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; with an amendment (Rept. 103-681). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1703. An Act to expand the boundaries of the Piscataway National Park, and for other purposes; with amendments (Rept. 103-682). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3905. A bill to provide for the establishment and management of the Opal Creek Forest Preserve in the State of Oregon; with an amendment (Rept. 103-683, Pt. 1). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3905. A bill to provide for the establishment and management of the Opal Creek Forest Preserve in the State of Oregon; with an amendment (Rept. 103-683 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4866. A bill to encourage solar, wind, waste, and geothermal power production by permanently removing the size limitations contained in the Public Utility Policies Act of 1978; with an amendment (Rept. 103-684). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4757. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. 103-685). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2942. A bill to designate certain lands in the Commonwealth of Virginia as a National Scenic Area for protection of the watershed and scenic values, recreation use, protection of wildlife and their habitat, and for other purposes; with an amendment (Rept. 103-686). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT (for himself, Mr. DINGELL, Mr. MINETA, Mr. GIBBONS, Mr. APPLEGATE, and Mr. BOEHLERT):

H.R. 4916. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; jointly, to the Committee on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Ms. CANTWELL (for herself, Mr. CONDIT, Ms. ESHOO, Ms. SHEPHERD, Mr. FINGERHUT, and Ms. WOOLSEY):

H.R. 4917. A bill to amend section 552 of title 5, United States Code—commonly known as the Freedom of Information Act—to provide for public access to information in an electronic format, and for other purposes; to the Committee on Government Operations.

By Mr. DEAL (for himself, Mr. FINGERHUT, Mr. MINGE, and Mr. MEEHAN):

H.R. 4918: A bill to reduce the discretionary spending limits to reflect spending cuts approved by the House of Representatives; to the Committee on Government Operations.

By Mr. COX (for himself and Mr. FRANK of Massachusetts):

H.R. 4919. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held

in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Natural Resources.

By Ms. LOWEY (for herself and Mr. WYDEN):

H.R. 4920. A bill to require the Secretary of Health and Human Services to develop recommendations for proposed model adoption legislation and procedures; to the Committee on Education and Labor.

H.R. 4921. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for certain adoption expenses; to the Committee on Ways and Means.

By Mr. BISHOP:

H.J. Res. 399. Joint resolution designating August 29, 1994, as "National Sarcoidosis Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. SANTORUM:

H. Res. 511. Resolution amending the Rules of the House of Representatives to require a rollcall vote on passage of any measure making appropriations, providing revenue, or increasing the statutory limit on the public debt, and in certain other instances; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 417: Mr. ROGERS, Mr. LAROCCO, Mr. JOHNSON of Georgia, Mr. HUTCHINSON, and Mr. FROST.

H.R. 429: Mr. LUCAS.

H.R. 662: Mr. SAXTON.

H.R. 830: Mr. EHLERS.

H.R. 1080: Mr. PARKER.

H.R. 1110: Mr. ROHRABACHER.

H.R. 1156: Mr. LEWIS of California.

H.R. 1277: Mr. LEWIS of California.

H.R. 1534: Mr. SAWYER.

H.R. 1622: Mr. SAXTON.

H.R. 2292: Mr. EVERETT.

H.R. 2513: Mr. DOOLITTLE.

H.R. 2864: Mrs. MEYERS of Kansas.

H.R. 3293: Mr. BAKER of California.

H.R. 3442: Mr. DOOLITTLE.

H.R. 3475: Mr. HUFFINGTON.

H.R. 3500: Mr. SHAYS and Ms. MOLINARI.

H.R. 3762: Mr. WELDON.

H.R. 3939: Mr. ANDREWS of New Jersey.

H.R. 3978: Mr. DOOLEY.

H.R. 4026: Mr. BEILENSON.

H.R. 4115: Mr. HASTINGS.

H.R. 4124: Mr. PARKER and Mr. RAHALL.

H.R. 4129: Mr. LEWIS of Georgia, Mr. WASHINGTON, Mr. WYNN, Ms. SNOWE, Mr. FLAKE, Mr. DIXON, Mr. ROMERO-BARCELÓ, and Mr. EVANS.

H.R. 4132: Mr. FALEOMAVAEGA.

H.R. 4331: Mr. KLUG, and Mr. BARRETT of Wisconsin.

H.R. 4497: Mr. FARR, Ms. FURSE, Mr. FISH, Mr. SOLOMON, Mr. LEWIS of Florida, Mr. BILIRAKIS, Mr. MFUME, Mr. WILSON, Mr. SWIFT, Mr. DIXON, Mr. COPPERSMITH, Mr. FILNER, Mr. LEWIS of Kentucky, Mr. BATEMAN, Mr. BLUTE, Mr. RIDGE, Mr. HUTCHINSON, Mr. SCOTT, Mr. KOLBE, Mr. WALKER, Mr. MACHTLEY, Mr. MCMILLAN, Mr. WOLF, Mr. GOODLING, Mr. STOKES, Mr. SAM JOHNSON, Mr. HYDE, Mr. MOORHEAD, Mr. LEVY, and Mr. DARDEN.

H.R. 4512: Mr. WASHINGTON.

H.R. 4526: Mr. FROST, Mr. HASTINGS, and Mr. UNDERWOOD.

H.R. 4557: Mr. HUFFINGTON and Mrs. MEYERS of Kansas.

H.R. 4737: Ms. FURSE.

H.R. 4788: Mr. MACHTLEY.

H.R. 4793: Mr. PARKER.

H.R. 4805: Mr. BURTON of Indiana and Mr. BREWSTER.

H.R. 4814: Mr. EVANS.

H.R. 4831: Mr. HORN.

H.R. 4883: Mrs. JOHNSON of Connecticut.

H.R. 4891: Mr. CRANE, Mr. BARCA of Wisconsin, Mr. OBERSTAR, and Mr. ANDREWS of Texas.

H.J. Res. 349: Mr. HOCHBRUECKNER, Mr. HALL of Ohio, Mr. SKEEN, Mr. JOHNSON of South Dakota, Ms. SNOWE, Mr. TEJEDA, and Mr. ACKERMAN.

H.J. Res. 369: Mr. ACKERMAN, Mr. BAESLER, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BATEMAN, Mr. CALLAHAN, Mr. DARDEN, Mr. DE LUGO, Mr. FOGLIETTA, Mr. GEKAS, Mr. GEJDENSON, Mr. HASTINGS, Mr. HALL of Ohio, Mr. DEFAZIO, Mr. HOLDEN, Mr. MCCLOSKEY, Mr. PALLONE, Mr. QUILLEN, Mr. PASTOR, Mr. RICHARDSON, Mr. SHUSTER, Mr. OBERSTAR, Mr. LEWIS of California, Mr. PORTER, Mr. BILBRAY, Mr. ROYCE, Mr. MYERS of Indiana, Mr. HOKE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. WYDEN, Mr. REED, Mr. THOMAS of California, Mr. ARMEY, Ms. LOWEY, Mr. WAXMAN, Mr. DELAY, Mr. VENTO, Mr. STEARNS, Mr. GINGRICH, Mr. MENENDEZ, Mr. MURPHY, Mr. MURTHA, Mr. RIDGE, Mr. SCHUMER, Mr. SOLOMON, Mr. FIELDS of Texas, Mr. DELLUMS, Mr. WELDON, Mr. MONTGOMERY, Mr. LEACH, Mr. LEWIS of Georgia, Mr. WYNN, Mr. TAYLOR of Mississippi, Mr. ANDREWS of New Jersey, Mr. BEVILL, Mr. COOPER, Mr. BARTLETT of Maryland, Mr. BARLOW, Mr. BLUTE, Mr. FARR, and Mr. PETE GEREN of Texas.

H.J. Res. 378: Ms. DELAURO.

H. Con. Res. 138: Mr. SCOTT, Mr. MEEHAN, Mr. LEWIS of Georgia, Mr. BEVILL, and Mr. CRAMER.

H. Con. Res. 150: Mr. VENTO.

H. Con. Res. 225: Mr. CLAY.

H. Con. Res. 235: Mr. ACKERMAN.

H. Con. Res. 262: Mr. MCCRERY, Mr. CALLAHAN, Mrs. THURMAN, Mr. UPTON, Mr. MCCLOSKEY, and Mr. BEVILL.

H. Res. 270: Ms. MOLINARI and Mr. GILLMOR.

EXTENSIONS OF REMARKS

CRIME BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. PACKARD. Mr. Speaker, Americans are horrified by crime and the violence that has spread throughout our society. The President promised the American people a "get tough approach" to solving this crisis. But the crime bill now before us fails to deliver.

Law abiding citizens, held hostage by this crime epidemic, agree that violent offenders must be removed from our streets in order to make our neighborhoods prosperous and secure places in which to live.

Statistics illustrate that a small percentage of criminals commit the vast majority of violent crimes. Approximately 4–7 percent of all violent offenders are responsible for committing more than half of all violent crimes. Keeping these people behind bars will reduce the incidence of violent crime.

We know that incarceration works. But this bill underfunds prison construction and waters-down truth-in-sentencing guidelines for State prison funding. Only 40 percent of the prison funds are conditioned on States showing that they are working to enact and enforce longer sentences. There is no guarantee that the remaining 60 percent will be spent on locking up criminals—it can be used for alternative programs.

Mr. Speaker, it is time to stop the charade. The American people need tough sentencing provisions to get these criminals off our streets. Law abiding citizens must have the tools necessary to reclaim our neighborhoods.

"I CAN'T FIND AN INSURANCE THAT WILL INSURE ME"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. STARK. Mr. Speaker, I just received the following letter from a man in a Western State. His letter is what the health reform debate is all about:

> I lost my health insurance when the company I retired from filed for bankruptcy on January 31st in 1993; they were self insured. I had quadruple bypass surgery September 1983 and I can't find an insurance that will insure me. I am 60 years old so still have 5 years till I can get Medicare so in the meantime I am still uninsured. Please keep trying for us.

Mr. Speaker, the Democratic leadership bill will help this man and his family. I urge it passage.

CONDOLENCES TO CHIEF WARRANT OFFICER KENNY JONES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. SKELTON. Mr. Speaker, today I speak of four soldiers who recently died in the line of duty. This tragedy stands as evidence to the risks that our men and women in uniform face even in times of peace.

On the morning of July 31, 1994, an Army CH–47 Chinook from Olathe, KS, crashed into the Osage River near Wardsville, MO. The helicopter was on a routine training flight from Jefferson City to Cape Girardeau when it apparently hit a cluster of power lines. All four crewmen were killed.

One of the men aboard that Chinook was CWO, U.S. Army Reserve, Kenny Jones. Chief Jones was a resident of my district from Clinton, MO. He is survived by a wife and two daughters. Having served in the U.S. Army Reserve since 1985, Chief Jones was a decorated veteran who served his country honorably in the Persian Gulf war in Operations Desert Shield and Desert Storm.

It is with great sympathy and a strong sense or loss that we extend our condolences to the family of Chief Warrant Officer Jones. America has lost a fine soldier and patriot. Thanks to the hard work and dedication of individuals like Chief Jones, our Army will be trained and ready to fight any and all of our nation's wars.

BACK HOME AGAIN IN INDIANA

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. MYERS of Indiana. Mr. Speaker, the inaugural running of NASCAR's Brickyard 400 was run last Saturday at the world-famous Indianapolis Motor Speedway.

Forty-three drivers answered chairman of the board emeritus Mary F. Hulman's call, "Gentlemen, Start Your Engines," with the roar of their engines. After a warmup lap and a parade lap, they received the green flag.

After 3 hours and 160 laps around the 2½ mile oval, more than 300,000 spectators in attendance and millions watching around the world saw the winner cross the yard of brick for the checkered flag. He was the youngest driver in the field, and he was a Hoosier, Jeff Gordon.

The 23-year-old from just 15 miles west of the speedway had visited the track many times as a child, and like many young people, he dreamed of sometime driving there. His stepfather, John Bickford, put him in a go-kart at age 5, and he was off. Jeff later advanced to midgets, then to sprinters at local tracks, to stocks at the Indiana Raceway Park near his home and also to Daytona. He won USAC's midget championship at 19 and by his 21st birthday Jeff was driving with NASCAR's bigname drivers.

This weekend, there were parades, parties, and excitement in the tiny community of Pittsboro, IN. It was the 1989 Tri-West High School grad who put his community on the map Saturday afternoon by winning NASCAR's biggest and richest race.

Jeff Gordon was back home again in Indiana.

INTRODUCTION OF LEGISLATION APPLYING SPENDING CUTS APPROVED BY THE HOUSE OF REPRESENTATIVES TO DEFICIT REDUCTION

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. DEAL. Mr. Speaker, I rise today on behalf of myself and my fellow fiscal caucus members ERIC FINGERHUT, DAVID MINGE, and MARTIN MEEHAN to introduce legislation that will take a small but important step in our journey toward fiscal restraint by directing that all of the spending cuts that have been passed by the House go to deficit reduction.

One of the greatest frustrations I have had as a freshman Member interested in deficit reduction is the fact that amendments cutting spending in appropriations bills do not reduce the deficit. Over the last 2 years I have offered and supported several successful amendments cutting low-priority spending in appropriations bills, only to see the savings get spent elsewhere.

We will have an opportunity to correct this flaw in the budget process when we vote on lock box legislation that would make it possible to reduce the discretionary spending caps when spending is cut. I strongly support this common sense reform of the budget process. Unfortunately, delays in the consideration of lockbox legislation means that it was not possible to place spending cuts approved in fiscal year 1995 appropriations bills in the lockbox. That is why I am introducing legislation to reduce the discretionary caps by the amount of discretionary spending cuts approved by the House this year. The effect of this legislation would be to treat spending cuts the same way as if lockbox legislation had been in place when we considered appropriations bills earlier this year. This legislation is intended to compliment the lockbox bills that have received strong bipartisan support.

The budget resolution conference report cut discretionary spending for fiscal year 1995 by

$500 million. During consideration of appropriations bills, the House adopted 22 amendments cutting an additional $182 million in spending. The legislation I am introducing tonight would ensure that all of these savings that have been supported by a majority of the House will go to deficit reduction by lowering the caps by $682 million. This legislation will carry out the will of the House when we voted to cut spending earlier this year.

I intend to modify this legislation based on the outcome of the conferences on appropriations bills and offer it as an amendment when the House considers lockbox legislation later this year. All members who support lockbox legislation should support this legislation to apply the lockbox concept to the spending cuts we have approved this year.

ADDRESSING THE ISSUE OF ETHICAL MEDICAL RESEARCH

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. BLILEY. Mr. Speaker, at a time when the search for the sensational is far too frequent in our media, it is essential that there be other voices who inject reason and a concern for the truth into public discourse.

Recently, Eugene Trani, president of Virginia Commonwealth University, appeared before the Advisory Committee on Human Radiation Experiments to address the issue of sensationalism and discuss appropriate and ethical medical research. His remarks are very constructive and I ask that they appear in the RECORD in their entirety.

REMARKS OF DR. EUGENE P. TRANI, PRESIDENT, VIRGINIA COMMONWEALTH UNIVERSITY

PRESENTATION TO THE ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS, PUBLIC COMMENT SECTION, JULY 25, 1994

Madam Chairperson, ladies and gentlemen of the committee, on behalf of Virginia Commonwealth University, I thank you for this opportunity to speak with you today.

Under the auspices of the United States Department of Energy, the Advisory Committee on Human Radiation Experiments has been given a charge of historic and moral significance: to learn of the material and ethical scope of radiation experiments conducted during the Cold War.

We in the academic community must share in your task. Supported by the Atomic Energy Commission and the military, some of this work was conducted on our campuses. That responsibility, however, carries the equally important obligation for all of us to apply the most rigorous standards of intellectual honesty. Otherwise, the risk is too great that your work will be sensationalized out of all proportion to its true intent.

It is that risk that I would like to talk briefly about today.

At Virginia Commonwealth University, we have been learning all we can about radiation studies that took place from 1949 to 1959 in our Medical College of Virginia's burn unit—the first civilian burn unit in the country. Our involvement, however, has come not as a result of being named in the DOE investigation but because of a newspaper article. An essay titled "Burning Secrets: In a Virginia Hospital, A Cold War Time of Strange Experiments" published by Cliff Honicker, director of the American Environmental Health Studies Project of the Commission on Religion in Appalachia, in the June 19 edition of The Washington Post opens with the following: "Between 1949 and at least 1957, the Medical College of Virginia (MCV) ran a secret metabolic lab whose primary goal was preparation for massive nuclear casualties. Imbued with Cold War zeal and scientific arrogance, doctors conducted a series of potentially dangerous experiments on hundreds of unaware human subjects, most of them poor and African American."

The studies conducted at MCV were neither secret nor dangerous; nor did they take advantage of vulnerable populations. As examples, a radioactive isotope incorporated in one of the studies—chromium-51—is still part of a standard diagnostic test used around the world. In the course of the project, 27 articles were published in nationally recognized scientific journals; it also received coverage in local newspapers. And, in part of the project, African-American and women volunteers were purposely selected so that the research team could study the factors of skin pigmentation and gender in burns.

In all, what resulted from this work were the discoveries that would lead to the protocols used today to treat burn victims.

As bad science and bad history, Honicker's article contributed nothing to the committee's charge to help the real victims of Cold-War radiation studies. It possibly, however, created new victims: our academic community, former patients alarmed by these allegations, and certainly the families of the MCV faculty who worked on these studies.

Here is a way to separate sadistic from humanistic experimentation.

It is true that nationalism—as well as national purpose—fueled the Cold War. It does not necessarily follow, however, that the science and the scientists that benefitted from federal support during this period were inherently unethical.

Having been partners in these radiation studies, the government and the academic community now should work together to ensure that this story is told thoroughly and accurately—and that, in the process, the real victims are helped. Objectivity and a genuine desire for insight must drive our efforts.

We are looking to you, the members of the Advisory Committee on Human Radiation Experiments, to set that vitally important tone.

Thank you.

TRIBUTE TO THOMAS R. ETLING

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to Thomas R. Etling, a constituent of mine who has served the people as an Alderman on the Town and Country Board of Aldermen for nearly 9 years.

Perhaps the best way to pay tribute to Tom Etling is to read his farewell statement to the Board of Aldermen at its meeting on April 11, 1994. This is what he said:

This is my final board meeting after eight and one-half years of service (actually eight years and eight months), which I believe is longer than any other Alderman has served. Five of those years, I served as President of the Board and all that time as Chairman of the Public Works and Stormwater Commission.

During that period, the city changed dramatically. As your Alderman, I was able to initiate many of the changes and participate in all of them. During my term:

Through annexation, the city grew in population by almost fifty percent; the land area increased by almost twenty-five percent;

The city never raised taxes on private citizens. In fact, the only change was a tax cut.

New stormwater ordinances were drafted and implemented to protect the citizens. These ordinances helped contribute to Town and Country's reputation as the most protective community in the county, a title we all wear with pride.

Several million dollars were spent on streets and stormwater control. A great deal of this money came as grants from other government entities. We received this money because we had done an excellent job of advance planning.

The city became and is currently one of the most fiscally sound in the country.

A new municipal center and fire station were built.

Plans were approved and soon construction will begin on a Mormon Temple which may become the architectural focus of the city and will give the name Town and Country world-wide recognition.

A city administrator was added and staff was increased to improve the service to our citizens.

A Chamber of Commerce was founded and is now a vibrant and thriving part of the community.

The Town and Country Cable Education Fund, Inc. was founded. This is a non-profit corporation through which all the schools in Town and Country benefit financially from the franchise fees collected from the cable TV companies.

As a minor item I chaired the group that selected the new city logo. I also gave this building the name of Municipal Center, a name I suggested and which was accepted when nobody offered an alternative.

I also sent a record that I expect will never be broken. In the mayor's absence I chaired a regularly scheduled Board meeting. The meeting lasted thirteen minutes.

In summary, I feel very pleased and proud with my contributions to the city and the accomplishments of the city in the almost nine years that I was privileged to serve.

Many times there were very difficult decisions to be made and it was necessary to rise above parochial interests to do what was best for the city as a whole. I feel comfortable that the right decisions were made. Further, I feel confident in the future of the city because I leave it in a very solid and secure position much better than it has ever been.

I urge the current Board members and those soon to take office that they strive in all they do to be able to make that same statement when their terms of service are complete.

It has been a pleasure serving. For that I thank the four Mayors under whom I served; my fellow Board members; the members of the Public Works and Stormwater Commission, who labor long and hard and are generally unsung; the city staff; the citizens of Ward I who on five occasions selected me to represent them in Town and Country, which I believe is the premier city in St. Louis County; and especially my family and my

wonderful wife, Helen, who supported me all that time and who now says, 'I have my husband back'.

Mr. Speaker, Alderman Etling's presence on the Board of Town and Country will be missed. We all owe him a great debt of gratitude and wish him well in the years to come.

FRIENDS, FAMILY MOURN LOSS OF MILTON'S SARAH DIPASQUALE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. SOLOMON. Mr. Speaker, Sarah J. DiPasquale of Milton, NY, recently passed away, leaving a void in the hearts of everybody who had the pleasure of knowing her.

Her contributions were enormous, not only to her community, but to me personally in my campaigns for Congress.

She was a tireless worker in Saratoga County and made valuable contributions to my elections to Congress. But she was best known for her service in a variety of elected and appointed positions, and for her leadership role in projects that made Milton a nicer place to live.

Sarah DiPasquale was the first woman ever elected to the Milton Town Council, where she served on the Committees for Highways and for Parks and Buildings. She was chairwoman for the town of Milton's bicentennial gala and also handled publicity for the event. She also served on the town's planning board.

With the Republican Party, she served as a town committeeman, as secretary of the Saratoga County Republican Committee, and on the board of directors of the Saratoga County Women's Republican Club.

Aside from her officials positions, she was the driving force in creating a walkway around the Milton Town Park.

Her selfless dedication to the community was matched by her similar dedication to her family. Mr. Speaker, I've found that this is quite typical of people who are pillars of their communities. People who give of themselves to their communities also give of themselves to their families.

I share her family's grief, because someone like Sarah DiPasquale cannot be replaced. The love she had for her family and friends was reciprocated many times over.

Mr. Speaker, America was made great by the quiet, unheralded contributions of people like Sarah DiPasquale. I ask all members to join me in a posthumous tribute to a remarkable women I was pleased to call a friend, and in conveying our heartfelt sympathies to her family.

CLINTON THROWS A GARDEN PARTY BUT TAX BILL DOESN'T DESERVE IT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on August 8, 1994.

CLINTON THROWS A GARDEN PARTY, BUT TAX BILL DOESN'T DESERVE IT

President Clinton threw a party at the White House Friday to celebrate his 1993 tax bill.

He thanked Democratic congressmen and senators who helped him pass the measure, whose sponsors promoted it as a five-year, $496 billion reduction of the federal budget deficit.

The president claimed Friday that the package of tax increases and spending controls had, in less than a year, reduced the federal budget deficit, created jobs, kept interest rates low and given the nation economic growth with low inflation.

No one denies that the American economy has improved since the recession that followed the Persian Gulf war. But Clinton didn't bring about the improvement. It started before he took office. As Allen Sinai, a widely respected Boston economist, told the Associated Press, the nation's current economic well-being "should not and can not be solely attributed to the deficit-reduction act." (That's the name Clinton's people gave the tax increase measure, ignoring the fact that any reductions in the budget deficit were projected to be temporary.)

Michael Evans, an economic forecaster from Florida, said the number of new jobs is about what it would have been without the tax increase. Other analysts said deficit spending has come down temporarily because interest rates dropped—and those rates were dropping long before Clinton signed the tax bill into law.

Also bringing down deficit spending is the fact that the government is spending less than projected on the savings and loan bailout. Clinton's policies had nothing to do with that, either. They couldn't have. About 60 percent of the legislation's modest attempts to slow the growth rate of federal spending were pushed back until 1996 and 1997. The president depended on a huge retroactive income tax increase to give his package most of its initial impact.

Clinton defenders now contend that the president has been vindicated and that critics of the measure have been proven shortsighted.

But it's still a bad law. Its defenders are still misrepresenting it. Clinton still pretends that only 1.4 million rich Americans were hit with higher income tax rates. He thereby ignored the two-income professional families whose combined incomes boosted them into one of the new, higher tax brackets. He also ignored as estimated 5.5 million Social Security recipients, most of them middle-income, who are having to come up with an additional $25 billion in income taxes over the five-year cycle.

The 1993 legislation is not a solution to deficit spending. As Norwest Corp. economists noted recently, borrowing by the federal government is projected to rise sharply again after 1996. Federal spending on entitlements is projected to rise, they said, nothing that "health care reform will create new and uncapped entitlements." The Minneapolis-based banking company's chief economist, Dr. Sung Won Sohn, said pent-up demand for houses and cars played a role in the economic recovery. That demand wasn't caused by anything Clinton did.

Yes, the president deserves credit for passing free-trade legislation. But throwing a party to celebrate the August 1993 tax increase is another matter entirely. The Rose Garden ceremony Friday came off as political posturing.

AWARD OF THE PRESIDENTIAL MEDAL OF FREEDOM TO DOROTHY HEIGHT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Ms. NORTON. Mr. Speaker, I am pleased and proud today to congratulate Dr. Dorothy Irene Height, president and chief executive officer of the National Council of Negro Women [NCNW], on being awarded a much deserved Presidential Medal of Freedom—the highest civilian award in the Nation. Dr. Height is honored today for her outstanding achievements as a civil rights leader who has helped Americans of all backgrounds, and especially women, families and young people for over 50 years.

It is impossible to think about African-American women and their progress without thinking of Dorothy Height. There is no aspect of the lives of African-American women that has not been touched by her touch or helped by her help. Today, it has become impossible as well to think about the African-American family without thinking of Dorothy Height. In 1986, she launched the Black Family Reunion Celebration in American cities around the country to bolster the historic strengths and traditional values of the African-American family.

When others lamented and despaired at the fragile state of the African-American family, Dorothy Height filled the leadership void. Her Black Family Celebration throughout America increasingly rallies African-Americans to an understanding that family is central and family is indispensable. These celebrations have provoked thought and action about the necessity for family building.

Similarly, feminism caught many unaware and confused. Dorothy Height's leadership was critical to the understanding of African-American women that they must embrace feminism, and to the understanding of feminists that they must embrace African-American women.

I call Dorothy Height the godmother of African-American women and of the civil rights movement because of the unique role she has played in both these movements. At the important moments in the history in the last 50 years, Dr. Height has been there—her principles, her energy, her voice always pressing the county forward—unafraid, yet balanced and wise.

The Presidential Medal, in honoring Dorothy Height, will encourage the millions who follow her to observe her teachings and her life as an example for us all.

CONGRESSIONAL RESEARCH SERVICE REPORTS ON IMPACT OF WAYS AND MEANS BILL ON PHARMACEUTICAL INDUSTRY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. STARK. Mr. Speaker, in the past year, the pharmaceutical industry has spent about

$24 billion buying each other out or buying drug distribution companies. The Pharmaceutical Manufacturers Association recently changed their name to Pharmaceutical Research Manufacturers Association—but it would have been more accurate to change it to the Pharmaceutical Monopoly Association. They are spending more money buying market share than they are thinking up new drugs.

They also spend millions of dollars not researching, but complaining that the Ways and Means health reform bill will discourage research.

Following is a memo from the Congressional Research Service of the Library of Congress that points out that the increase in demand for drugs once everyone has health insurance will offset any problems in the cost containment provisions in our bill. In short, the legislation is likely to be a wash in terms of drug company profits: "These findings lead CBO to conclude that the 'general level of R&D in the pharmaceutical industry may not change much as a result' of the Clinton plan. * * * it seems reasonable to expect the Ways and Means version of HR 3600 would provide a marginally stronger stimulus to pharmaceutical R&D in general and the development of new breakthrough drugs in particular than the Clinton plan."

Rather than moaning and groaning, the companies should do the right thing, and work to ensure that every American has access to the medicines they need.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS
Washington, DC, August 2, 1994.

Subject: Likely Impact on Pharmaceutical Research and Development of H.R. 3600, as Reported by the House Ways and Means Committee.

To: Hon. Pete Stark.

From: Gary Guenther, Analyst In Industry Economics.

In response to your request, the memorandum discusses the likely impact on investment in the development of new drugs of H.R. 3600, as reported by the House Ways and Means Committee. The analytical foundation for the discussion is a recent study by the Congressional Budget Office (CBO) of how the Clinton Administration's health care reform proposal is likely to affect pharmaceutical research and development (R&D). On the whole, the health care reform bill reported by the Ways and Means Committee represents an amended version of the Administration's proposal. Yet the two proposals contain some similar provisions on prescription drugs. As a result, it is reasonable and useful to view the implications of the Ways and Means bill for new drug development as a variation on CBO's main conclusions about the same aspects of the Clinton plan.

MAIN CONCLUSIONS OF THE CBO STUDY

The CBO study tackles the question of how the Clinton Administration's health care reform plan—henceforth referred to as the Clinton plan—would affect pharmaceutical R&D by estimating its likely effect on the expected returns from investing in the development of a new drug that clears regulatory review. To the extent that the plan increases expected returns from investing in new drug development, it would likely stimulate increased spending on pharmaceutical R&D.

In the CBO study, estimating the direct effect of the Clinton plan on expected returns from new drug development encompasses three discrete steps. The first one looks at the plan's provisions that would directly affect total spending on prescription drugs. CBO then analyzes the provisions in the plan that would attempt to contain the cost of prescription drugs. The final step in the analysis entails estimating the net effect of these two sets of provisions on the average expected return from investing in the development of new drugs.

Demand for Prescription Drugs. Two elements of the Clinton plan would directly affect the demand for prescription drugs. One is the creation of a universal entitlement to a comprehensive package of health benefits, including coverage of outpatient prescription drugs. The second element is the creation of an outpatient prescription drug benefit under Medicare, which is the primary source of health insurance of Americans 65 and older. In combination, these two elements would extend health insurance with an outpatient prescription drug benefit to the roughly 77 million Americans who currently have no insurance coverage for most of the prescription drugs they use outside a hospital or nursing home. *CBO estimates that the Clinton plan would increase total spending on prescription drugs by anywhere from 4 to 6 percent.* [Emphasis added]

However, as the study notes, "a high degree of uncertainty underlies these estimates of what economists call induced demand." A primary reason for this uncertainty is that CBO does not take into account the effect that a greater shift to managed health care plans under the Clinton plan would have on the demand for prescription drugs. It is difficult to predict how per capita spending on prescription drugs would respond if a larger share of Americans were to be covered by such plans.

Cost-Control Mechanisms for Prescription Drugs. As the CBO study points out, by extending a comprehensive package of basic health benefits with coverage of outpatient prescription drugs to all American citizens, the Clinton plan "could create a windfall" profit for the pharmaceutical industry. Without any built-in restraints on the added revenues the industry would receive under the plan, it is likely the much of the increase in spending on prescription drugs would further boost the industry's already high profitability. Therefore, to lessen the likelihood of such an outcome and to restrain the cost to taxpayers of providing an outpatient prescription drug benefit to Medicare beneficiaries, the Clinton plan would establish two mechanisms to contain the cost of prescription drugs.

One is a requirement that manufacturers of branded drugs enter into rebate agreements with the Secretary of Health and Human Services (HHS) if purchases of their branded drugs by Medicare enrollees are to be covered under the proposed Medicare prescription drug benefits. Makes of generic drugs would be exempt from this requirement. Under a typical rebate agreement, a manufacturer would have to pay to the Federal Government a minimum rebate of 17 percent of its average prices received from the retail class of trade (mainly wholesalers and retail pharmacies) on all of its branded drugs dispensed to Medicare beneficiaries. This basic rebate would be larger if the manufacturer's average retail price for a given branded drug were more than 17 percent above the average price received by the manufacturer from institutional buyers (e.g., hospitals and health maintenance organizations). Moreover, the basic rebate would be still larger if the manufacturer's average retail price for the same drug were to rise faster than the Consumer Price Index, relative to a common base period.

Manufacturers of branded drugs first marketed in the United States after June 30, 1993 might have to pay special rebates if the Secretary of HHS were to determine that their initial prices were excessive or higher than selling prices in a specified group of developed countries (including Canada, France, Germany and Japan). If a special rebate for such a branded drug could not be negotiated, the Secretary could exclude it from reimbursement by Medicare.

Since the rebates would not apply to drugs used by the non-Medicare population, it is likely that under the Clinton plan unit revenues for the same outpatient branded drug would be lower in the 65-and-older population than in the under-65 population. However, the loss of unit revenues because of the Medicare rebates would be offset to a minor extent by the repeal of the rebates that drug companies currently pay to the Federal Government on all drugs purchased through Medicaid. CBO estimates that unit revenues for outpatient prescription drugs would rise by 2 percent if the Medicaid rebates were eliminated.

The second cost-control mechanism for prescription drugs included in the Clinton plan is an Advisory Council on Breakthrough Drugs. The Advisory Council would have the authority to review the "reasonableness" or initial or "launch" prices for breakthrough drugs, which are new drugs offering significant therapeutic advances over available drug therapies. Unlike the findings of Medicare price investigations for new drugs, the findings of the Advisory Council would be made public, and they would pertain to all users of a breakthrough drug. Nonetheless the Advisory Council's findings would lack the power of price controls because they would not be legally binding.

Expected Return on New Drug Development. The stage is now set for assessing how the Clinton plan would affect pharmaceutical R&D. It is clear that the plan would affect expected returns on new drug development because it would alter the amount of drugs (branded and generic) that a company could expect to sell and the unit revenues it could expect to receive. They key question in both cases is to what extent.

CBO estimates that "when averaged among all drugs, returns (on new drug development) would increase slightly—less than 3 percent of total (current) estimated returns from drug development—under the Administration's proposal." Mainly because the proposed Medicare rebate would result in relatively lower unit revenues on drug purchases by people 65 and older, CBO further estimates that returns from drugs developed largely for those 65 and older would decline, whereas the returns from drugs developed primarily for those under 65 would increase. (In practice, this distinction may be of little value since most prescription drugs are used by people from both age groups—although the age mix varies by drug.) In making these estimates, CBO assumes that drug manufacturers would not try to increase the prices of existing drugs or set launch prices for new drugs higher than they otherwise would to offset the revenue effects of the Medicare rebates. *These findings lead CBO to conclude that the "general level of R&D in the pharmaceutical industry may not change much as a result" of the Clinton plan.* [Emphasis added]

PHARMACEUTICAL PROVISIONS OF H.R. 3600, AS REPORTED BY THE HOUSE WAYS AND MEANS COMMITTEE

There are significant differences between the provisions related to prescription drugs

in the comprehensive health care reform bill reported by the House Ways and Means Committee (H.R. 3600) and those in the Clinton plan. Like the Clinton plan, the Ways and Means bill would create a universal entitlement to a comprehensive package of health benefits, including coverage of outpatient prescription drugs. In addition, both proposals would create an outpatient prescription drug benefit under Medicare, and both would try to contain the cost to taxpayers of providing such a benefit by requiring manufacturers of branded drugs to pay rebates to the Federal Government for purchases of their branded drugs by Medicare beneficiaries in exchange for having purchases of their branded drugs reimbursed by Medicare. And like the Clinton plan, the Ways and Means bill would abolish the existing rebates on prescription drugs dispensed under Medicaid. But the parallels go no further.

With one exception, the Ways and Means bill would seem to impose fewer constraints on the cost of prescription drugs. This difference is manifest in two ways. First, unlike the Clinton plan, the Ways and Means bill would not create a Federal council with the authority to monitor and pass judgment on the initial prices of breakthrough drugs. Second, the Ways and Means bill would set the minimum Medicare rebate at 15 percent of the manufacturer's average retail price for branded drugs, as opposed to a 17-percent minimum rebate in the Clinton plan. And unlike the Clinton plan, the Ways and Means bill would not grant the Secretary of HHS the power to negotiate special rebates for new drugs; rather all approved drugs would be subject to the same minimum rebate. However, unlike the Clinton plan, the Ways and Means bill would lower the cost to Medicare of dispensing outpatient generic drugs to beneficiaries by requiring manufacturers to pay a flat rebate of 10 percent of the average retail price in exchange for having their drugs covered by Medicare; the Clinton plan would exempt generic drugs from any Medicare rebate requirements. As a result, the Ways and Means bill arguably does more to encourage the use of generic drugs by Medicare beneficiaries than the Clinton plan. Greater use of generic drugs can generate substantial cost savings because generic drugs typically are priced about 50 percent below their brand-name equivalents within two years of entering the market.

THE HOUSE WAYS AND MEANS COMMITTEE VERSION OF H.R. 3600 AND INVESTMENT IN NEW DRUG DEVELOPMENT

Using CBO's analysis of the implications of the Clinton plan for pharmaceutical R&D as a model, it can be argued that Ways and Means version of H.R. 3600 would offer a slightly stronger financial incentive for increased investment in new drug development that the Clinton plan. What is more, the former would appear to place fewer administrative constraints on the pricing of new breakthrough drugs, raising the possibility that expected returns on investment in the development of these drugs might be greater under the Ways and Means bill than the Clinton plan.

The main reason for these stronger investment incentives in the Ways and Means bill lies in the differences between the two proposals in their cost-control mechanisms for prescription drugs. Of notable importance here is the two-percentage-point difference between the two in minimum Medicare rebates for branded drugs. *All other things being equal, manufactures of branded drugs could expect to receive slightly higher unit revenues on purchases of their branded drugs by Medicare beneficiaries under the Ways and Means bill than under the Clinton plan.* [Emphasis added]

Thus, because the vast share of new drugs are developed by makers of branded drugs, *it seems reasonable to expect that the Ways and Means version of H.R. 3600 would provide a marginally stronger stimulus to pharmaceutical R&D in general and the development of new breakthrough drugs in particular than the Clinton plan.* [Emphasis added]

TRIBUTE TO WINTHROP "WINK" AND ANNE ASHWORTH ON THEIR 50TH WEDDING ANNIVERSARY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. MYERS of Indiana. Mr. Speaker, I rise today to salute Winthrop "Wink" and Anne Ashworth of Randolph Center, VT, on the occasion of their 50th wedding anniversary.

On August 13, the date of their anniversary, the Ashworth's five children, Pamela Jones, Stephanie Krauss, Elizabeth Ashworth-Shaw, Winthrop Ashworth, Jr. and Jonathan Ashworth, will honor the occasion with a reception for friends and family.

Mr. Speaker, the Ashworths' half century of devotion to each other should be commended, and I join their family and friends in wishing them many more happy years together.

D-DAY OBSERVANCES IN FRANCE AT UTAH BEACH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. SKELTON. Mr. Speaker, I had the privilege of hearing the Honorable Jesse Brown, Secretary of Veterans Affairs, speak at the 50th anniversary of D-day ceremonies on June 6, 1994, at Utah Beach, France. I believe that these are encouraging remarks concerning how to deal with the challenges facing our future based on our experiences in history. I value his insight and advice. Secretary Brown's remarks follow:

D-DAY OBSERVANCES IN FRANCE AT UTAH BEACH

(By the Honorable Jesse Brown, Secretary of Veterans Affairs)

Good morning, ladies and gentlemen.

It is a great honor to be with you on this historic occasion.

I stand here representing the 27 million living veterans of the United States of America.

The veterans of our nation and those of our allies have accomplished feats that were written by fire in the pages of the history of the world.

No praise for them is too great; no words can convey the debt America and the world owe to them.

There is an inscription in the chapel in the American cemetery at Colleville.

It reads: "These endured all and gave all that justice among nations might prevail, and that mankind might enjoy freedom and inherit peace."

Yes, some gave all at Normandy. Some died in the hedge country; some died on the beaches. Some died in the landing boats without ever setting foot in Europe.

But they will always be remembered. They will always be in our hearts. We will never forget them.

Today, as the world watches, we proclaim that the past, the present and the future belong to the free.

We remember that we are free today because of the sacrifices of the brave men and women we honor here.

The evil forces of tyranny and oppression were powerful, cunning, cruel and ruthless.

But the United States and its allies fought the enemy with all its determination, resources and strength. We fought for security, progress, peace and freedom—not only for ourselves but for all citizens of the world—not only for one generation, but for all generations.

We have seen and experienced, first hand, the price of freedom.

We have seen it in the graves of the brave Americans who rest in honored glory.

We have seen it in the faces of our veterans, who continue to bear the costs of war as a result of wounds and disabilities.

And all of these things have taught us the true lesson of World War II.

The lesson is that aggression and extremists must be challenged in both war and peace.

Our resolve on the battlefield and on the home front brought us victory in World War II; it brought us victory in the cold war.

We must now summon the same resolve to meet the challenges of today and the future.

Americans have never taken freedom for granted; Indeed, many have given their lives for the freedom of other nations.

And their ultimate sacrifice was not in vain. Their sacrifice has woven the fabric of history for the good of mankind and world peace.

It is clear, by deed alone, that our veterans did not forget the world; and the world should not forget them.

Thomas Payne was right when he said:

"God and the soldier, all men adore;
In times of danger and not before;
When the danger is passed and all things
righted;
God is forgotten, and the soldier slighted."

The United States, the Republic of France, and all our Allies—have not forgotten God.

Nor have we forgotten our brave servicemen and women and veterans, to whom we owe so much.

We shall never forget our heroes.

Thank you so very, very much.

At this time, ladies and gentlemen it is my great privilege to introduce to you one of the heroes we honor here today.

He was born in San Jose, California.

As a member of the 359th Infantry Regiment, 90th Infantry Division in Europe, he was aboard a ship that was sunk in the D-day invasion.

He served throughout the Normandy campaign, in the Central European campaign, and in Czechoslovakia.

During his time in Europe, he rose from platoon leader to battalion commander.

He continued to serve during the Korean Conflict. And in Vietnam, he commanded the First Infantry Division.

Among the many awards he received are the Purple Heart, the Distinguished Flying Cross, the Silver Star, and the Distinguished Service Medal.

Ladies and gentlemen, a true American hero—Lieutenant General Orwin Clark Talbott.

PRESSURE INDONESIA TO END OCCUPATION OF EAST TIMOR

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mrs. LOWEY. Mr. Speaker, I rise today to share with my colleagues testimony I recently submitted to the United Nations Special Committee on Decolonization in behalf of the people of East Timor.

It is now 19 years since Indonesia seized control of East Timor and began its systematic oppression of the people of that territory. The East Timorese are denied the basic freedoms we almost take for granted: The right to speak, to freely assemble, and to have a say in their own governance.

In my testimony, I called upon the United Nations to take a strong position against the Indonesian occupation and the abuse of human rights that has sustained it.

I note here that the Foreign Operations appropriations bill that recently emerged from conference and passed the House takes a strong stand against the occupation and for the people of East Timor. It continues the ban on IMET [International Military and Education Training] funding for Indonesia, a ban put in place to protest human rights violations in East Timor. It also bans the transfer of light arms to Indonesia (arms that could be used in the repression of the Timorese) until the Secretary of State is able to report significant progress toward eliminating human rights abuses.

Moreover, House Appropriations Committee Chairman DAVID OBEY announced at the conference that unless the situation in East Timor improves, he will push for even harsher sanctions against Indonesia next year. In short, the U.S. Congress has taken a strong stand on this basic issue of human rights. I hope that the Government of Indonesia is paying attention.

TESTIMONY BEFORE THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

Mr. Chairman, members of the Committee of 24, thank you for this opportunity to address the Special Committee on Decolonization.

The fundamental right of a people to choose its own government has always had strong resonance for Americans. The principle of self-determination is rooted in the idealism of Woodrow Wilson, and codified in the Charter of the United Nations. Coupled with decolonization, it has been a major force of democratization around the world.

It is clear that the people of East Timor have never known this right; they have never had the opportunity to elect their own officials or to determine their own futures. They were freed in 1975 from Portugal's colonial control only to be burdened with Indonesian domination less than a year later. Numerous human rights abuses now add greatly to the outrage we must feel at their situation.

As a United Nations member and a world leader, the United States must help to enforce the U.N. Charter. As a democracy, we take particular interest in its self-determination provisions. In both of these roles, we must take a strong and coherent stand against the Indonesian repression in East Timor.

In the past, the United States has opted for a balancing act; we have weighed economic and military goals against humanitarian ones, hoping that cooperation with the Indonesian government would induce it to expand human rights. Administrations since 1975 have taken this approach, and it has failed. According to reports from international human rights groups including Amnesty International and Asia Watch, the Indonesian government has not seriously investigated human rights claims or moved toward compliance with 1993 recommendations of the United Nations Commission on Human Rights in East Timor.

Mr. Chairman, the United Nations must now take a stronger stand. Rather than allowing ourselves to be put off by the possible consequences of antagonizing Indonesia, we should recall the successful stands we have taken against repression elsewhere. Our stubborn insistence on human rights guarantees have in many instances let us watch as governments changed and their people reclaimed their rights.

As the Commission on Human Rights has done in the past, we must continue to urge Indonesia to open East Timor to investigators and journalists. Their reports are invaluable in pointing out to the rest of the world the Indonesian government's weaknesses and lack of support at home.

Indonesia is clearly concerned with its public image; a judge sentenced Fernando Araujo in 1992 to nine years imprisonment for "disgracing the nation in the eyes of the international community." We must make clear to Indonesia that the way to eliminate embarrassing criticism is not to suppress the critics but to reform treatment of the accused and prisoners.

Reports alone are not enough, though they help to rally international support. We must also be willing to press hard to ensure that Indonesia's leaders act on the Commission's recommendations, that they are not only aware of their failings but also working to correct them. They must recognize the rights of the Timorese people, and we must oblige them to do so. As the United States House Appropriations Committee has urged, we must put force behind our words, for example, by completely cutting off arms sales until they comply.

As the imprisoned leader of the East Timorese independence movement, Xanana Gusmão said, "The so-called Indonesian provisional government was formed over the corpses of the Timorese massacred," in December 1975. Despite the Indonesian government's claims to the contrary, there has been no valid act of Timorese self-determination. Nor can "cultural differences" obscure the government's abuses. Detention of prisoners without legitimate trials and government complicity in massacres is criminal wherever in the world they occur.

We must solidify our position. Indonesia must be made to recognize that the human rights of the Timorese, and of its own citizens, are non-negotiable. Only a referendum among the East Timorese themselves can legitimately determine their status. Until the people's votes are counted and their voices heard, the international community and its principle of self-determination cannot be satisfied.

Mr. Chairman, I appeal to this Committee and to the rest of the World to recognize the clear danger to universal human rights that Indonesia's flagrant violations present. In standing up for the rights of the East Timorese, we will be standing for the rights of all free peoples.

CONSENSUS FOR CHANGE BROCHURE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. TORRES. Mr. Speaker, enclosed is a brochure entitled "A Consensus for Change" which I submit for the benefit of Members.

A CONSENSUS FOR CHANGE—FINAL REPORT OF THE GLOBAL POLICY PROJECT

EXECUTIVE SUMMARY

As issues of foreign economic policy come to the fore, policy-makers and citizens alike ask how the quest for new markets can be fulfilled at the same time as the challenges of protecting the environment and providing for the well-being of the poor are met. Members of 50 UNA-USA Chapters, Divisions, and affiliated organizations nationwide formed community study panels, invited local experts to advise their discussions, and, guided by a briefing book (The World Economy in Transition), wrote community reports on these issues This brochure summarizes recommendations put forward in A Consensus for Change, the final report of the Global Policy Project of the United Nations Association of the USA.

While differences of opinion naturally emerged within and among the groups participating in this project, the aim was to develop varied suggestions for future action by U.S. and U.N. policy-makers. Aided by an expert National Advisory Panel, these citizens call for greater openness to business and nongovernmental organizations (NGOs) on the part of multilateral development banks as well as U.N. policy forums and programs. They call for creative partnerships to develop environmentally sound technology, to meet the needs both of small-scale businesses and of larger corporations, and to foster public commitment to reform global trade and industrial policies. On the eve of the U.N.'s fiftieth anniversary, their recommendations present the end of one study, and the beginning of future efforts in policy analysis and public education on sustainable development—that is, development that meets the needs of the present without compromising those of future generations.

UNA-USA wishes to acknowledge the continued support of the John D. and Catherine T. MacArthur Foundation and the Ford Foundation.

SUMMARY OF RECOMMENDATIONS

1. The Policy-making Framework: From Decisions to Dollars

To increase the efficiency and enhance the impact of the U.N.'s work in the economic and social spheres, the United States and other member nations should strengthen and streamline discussion of these issues in the U.N. General Assembly and the U.N. Economic and Social Council (ECOSOC). Rationalizing the division of labor among the U.N.'s various development programs and specialized agencies—and reviewing program mandates and funding for each—is critical. Governments should make a greater commitment to funding U.N. and other international development programs, and should enlist the private sector in supporting human development efforts. Members of nongovernmental organizations and citizens' groups must be recognized as important players in carrying these programs out.

The U.S. and other U.N. member states should concentrate efforts systemwide on

building social safety nets and encouraging the integration of sustainable development principles into the economic development process—both in industrial and in developing nations. In particular, member states of the Organization for Economic Cooperation and Development (OECD) should ensure that aid reporting by the OECD's Development Assistance Committee (DAC) is not divorced from analysis and presentation of data on other economic resource flows—such as trade, foreign direct investment, debt payments, and employment remittances from workers abroad—all of which affect the development process.

2. Trade Trials and Tribulations—Triumphs at Hand?

Member states of the General Agreement on Tariffs and Trade (GATT) should ensure that the soon to be established World Trade Organization (WTO) sustain the process of creating a more open trade and investment environment. It should do so by developing strong functional linkages to the World Bank and the International Monetary Fund, and by improving ties with agencies and programs of the U.N. system engaged in trade and development activities, such as the U.N. Conference on Trade and Development, the International Labour Organisation, the U.N. Commission on Sustainable Development, and the U.N. Environment Programme. The role and effectiveness of such institutions in this area will depend on their credibility and capability in pursuing sound policy goals. Within the new WTO, the U.S. and other GATT members should pursue changes in both the GATT's general rules of procedure and in dispute-resolution procedures to facilitate input and participation, where appropriate, by relevant and competent nongovernmental and other experts. Members of the GATT should make WTO resolutions (as well as the rationale for disputed decisions) readily available to the public.

To ensure that environmental and labor concerns are properly addressed in future trade negotiations, GATT members should support the work of the GATT's Committee on Trade and the Environment—particularly efforts by its members to integrate trade liberalization and sustainable development objectives. The existing body of international environmental law, evolving standards, and agreements should be considered as environment-related trade disputes are debated and decided, including: the U.N. Framework Convention on Climate Change and the U.N. Convention on Biological Diversity (both signed by the United States, the latter still unratified), Agenda 21, and the decisions of the Commission on Sustainable Development. Similarly, as GATT members consider ways to incorporate worker rights and labor standards into the program of work of the WTO, both the ILO and the OECD should continue their respective efforts at standard-setting and review—focusing in particular on standards covering forced labor, freedom of association, and equality of treatment among workers.

Members of the GATT should continue to employ the existing General System of Preferences (GSP) to allow poor nations access to international markets—while leaders in government and the private sector should support renewed efforts to eliminate corruption in the public and private sectors of countries, rich and poor. In this regard, the U.S. should lead member states of the United Nations in supporting a draft U.N. "International Agreement on Illicit Payments," as well as other anticorruption standards and recommendations put forward by the OECD and by relevant NGOs.

3. Making Change: Reforming Development and Finance Institutions

As a major donor to the World Bank, the U.S. should sustain its support for these institutions. It should also lead efforts to enhance transparency in the Bank's operating procedures and to ensure representation of nongovernmental and private-sector interests on its newly established complaint review panel. Likewise, the U.S. should encourage the IMF to institute procedures for disclosing select documents, for involving experts from the private and nongovernmental sectors in evaluation of social and environmental impacts of its work, and for reviewing complaints regarding the immediate and long-term effects of loan policies on recipients.

Within the U.N. proper, the U.S. should lead other member states in encouraging UNDP to emphasize rigorous development analysis as its first priority; at the country-program level, UNDP should seek a strengthened interagency coordinating role. Technical support efforts should center on capacity-building in high impact areas (such as programs involving women), as well as enhanced coordination with humanitarian assistance programs. Similarly, UNICEF should focus on addressing the most critical needs of poor children and mothers—its area of comparative advantage—and should increase efforts to bolster the work of national-level counterpart agencies in key sectors, such as health and education.

UNEP should develop means to involve representatives of government, business, labor, and nongovernmental groups in defining international environmental standards and in building the political and public support to translate those standards into practice. Member states should thus consider the creation of a discussion forum within UNEP to involve these groups—along with enhanced funding for UNEP, targeted to support efforts at compliance with international standards on the part of poor nations.

4. Strategic Signposts on the Path to Sustainable Development

Collaboration among official development institutions, private-sector groups, and NGOs will only occur if the time and resources each invests in joint ventures can be demonstrated to yield concrete benefits. The challenge is to make economic development both sustainable and cost-effective; full-cost accounting procedures offer one way to demonstrate the complete costs and benefits of varying approaches. With the release of a comprehensive, revised System of National Accounts (SNA) in early 1993—the result of collaborative work by the World Bank, the OECD, and key U.N. agencies—policy-makers worldwide have gained a significant tool. The U.S. should encourage all member states to implement the SNA (and, with it, "satellite accounts" on environment and gender). Private corporations should be encouraged to revise annual accounting practices and to evaluate production decisions to reflect more fully the environmental and social costs of economic activity.

At the same time, U.N. member states should support efforts to promote the development and transfer of environmentally sound technology—with special emphasis on a new role for the private sector in this form of development cooperation. In this connection, the World Bank and UNDP should collaborate with key private-sector financial institutions and nongovernmental organizations to create financing vehicles for small-business and microenterprise development efforts—such as a revolving loan fund within a restructured Global Environmental Facility (GEF). Government representatives to the GEF's Universal Assembly and Executive Council, along with official and nongovernmental representatives to the GEF's Participants Assembly, should develop means for formalizing NGO accreditation procedures to the Facility.

The U.S. and other donors to the multilateral development and finance institutions should encourage the development of innovative means to involve NGOs in policy discussions and program work, and should undertake similar efforts within their individual bilateral development and finance institutions. In the context of ongoing review of the rules for participation by NGOs in ECOSOC debates, the U.S. should lead member states in encouraging broader participation by NGOs—and should use the Commission on Sustainable Development and other public forums, including U.N. conferences, to focus the attention of consumers from wealthy and developing nations alike on the shared challenge of developing sustainable consumption patterns.

United Nations Association of the United States of America (UNA-USA)

The United Nations Association of the United States of America is a national organization dedicated to strengthening the U.N. system and to enhancing U.S. participation in that system.

The Association provides information and educational services on the work of the U.N. and on other global issues for students, scholars, Congress, business leaders, and the media.

THE ELECTRONIC FREEDOM OF INFORMATION ACT OF 1994

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Ms. CANTWELL. Mr. Speaker, today I am introducing legislation that I believe will improve public access to Government under the Freedom of Information Act and make the Federal Government more accountable to the American people. Representatives CONDIT, ESHOO, FINGERHUT, SHEPHERD, and WOOLSEY join me today as original cosponsors of this bill.

The Freedom of Information Act [FOIA] was enacted in 1966. When he signed the Freedom of Information Act into law on July 4, 1966, President Lyndon Johnson said:

This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest.

Since 1966, FOIA has been used to provide citizens with information on how Government works and how decisions are made. An informed electorate is best able to hold Government accountable and root out waste, fraud and abuse of power in Government. For example, FOIA was recently used to uncover the human radiation experiments conducted under Government auspices in the decades after World War II.

Over the past 20 years, information management and maintenance have dramatically changed. New guidelines are needed to reflect the computer revolution that has occurred in this country. It is important to clarify that Government has an obligation to respond to FOIA requests for information maintained electronically. This legislation makes clear that FOIA covers Government information in any format.

It's time to bring FOIA into the computer age and reduce the delays that have plagued the current system. The Electronic Freedom of Information Act accomplishes these two important objectives by making Government information more accessible to the American people through the benefits of information technology and implementing improvements to alleviate delays in processing requests for information.

The Electronic Freedom of Information Act of 1994 makes Government more accessible to the public by: Clarifying that FOIA requirements apply to records regardless of form, including agencies' electronic records; requiring that agencies provide records in requested form if records are maintained in that form, and make reasonable efforts to provide information in the form requested, even where such records are not usually maintained but are available in that form: requiring that agency regulations, opinions, and policy statements be accessible on an on-line basis or if not available by other electronic means such as CD–ROM or on disc; requiring that a list of all FOIA released records be accessible on-line or if not available, by other electronic means, and that copies of FOIA released records that are subjects of repeated requests be accessible on-line or if not available, by other electronic means; requiring agencies to public on-line indexes of all major information systems used or maintained in electronic form and descriptions of any new major information systems; and requiring agencies to indicate the place and extent to which deletions are made in electronic records, so requesters will be able to know how much information has been deleted.

This bill also will improve Government response to citizen requests for information by: Providing incentives for agencies to meet statutory deadlines—agencies can retain half of the fees they collect if they respond to requests within the deadlines established in the act; increasing the time allowable for responding to requests for information from 10 to 20 days, which will help agencies reduce their backlogs of requests; allowing a court to award, in addition to attorneys' fees and litigation costs permitted under current law, expenses to a requesters where agencies fail to comply with the time limits set by the act; authorizing agencies to handle simple requests—those for which a determination on whether to comply with the request can be made in less than 10 days—and complex requests—those requiring more than 10 days to determine whether to comply—on two tracks, and; providing for expedited access to requesters that demonstrate—under penalty of perjury—a compelling need for a speedy response—less than 20 days.

As Federal agencies increasingly move to computers for information management, this legislation will ensure that Government is open, acessible and operating efficiently. I urge my colleagues to cosponsor and support the Electronic Freedom of Information Act of 1994.

NO MORE PAPER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 8, 1994

Mr. GINGRICH. Mr. Speaker, I rise today to discuss an issue that is becoming increasingly prevalent as the health care reform debate continues. Health care providers are inundated with paperwork. If this trend does not stop, we will need separate buildings just for the paper. We must do something.

Why do we have all this paper? Let me share with you my experience. A few weeks ago, at the behest of the Georgia Chapter of the Healthcare Financial Management Association and the Georgia Hospital Association, I had the opportunity to visit Kennestone Hospital, which is located in my district. This time, instead of limiting my visit to the patient care areas, I went through the hospital's business office. I got to see everything that goes on in that office—all the steps it takes to process a patient's bill starting from before admission to after the patient is released. What I learned on this tour was truly overwhelming.

Mr. Speaker, I wonder if my colleagues realize that just about every health care payer has its own variation of a health care claim form, with minimal standardization across payers. Even Medicare's standardized form is not used uniformly; intermediaries may require different formats and/or attachments. Now the health care provider is essentially struck—if they want to get paid, they have to comply with the demands of the payer, including Medicare.

Mr. Speaker, this is a waste. It's a waste of human resource, and it's a waste of money. We need to fix this and we need to do it this year. We have the opportunity to do just that. Representatives SAWYER and HOBSON have spent many months—working with health care provider groups such as the Healthcare Financial Management Association, computer companies and insurers—developing a legislative proposal to simplify and unify the health care administrative system.

H.R. 3137, the Health Care Information Modernization and Security Act of 1993, would mandate that all providers and payers conform to a uniform form. Further, everything would be processed electronically. No more paper. Patient privacy would be protected; appropriate timelines would be set for a smooth transition to this new system.

The electronic superhighway is the wave of the future. Health care claims processing is an area that would greatly benefit from getting on board that highway.

Mr. Speaker, I encourage my colleagues to visit a hospital in their district and see what's going on in the business office. Hear their perspective. Moreover, I encourage you to give serious consideration to H.R. 3137. Patients, our constituents, will benefit most from this bill. This is a bill that can be enacted this year and produce significant savings, both financially and in terms of human resources.

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 Tuesday, August 9, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 10

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 1821, authorizing funds to provide a comprehensive program for the prevention of fetal alcohol syndrome, S. 1781, to make improvements in the Black Lung Benefits Act, S. 1037, to eliminate the provision in the Civil Rights Act of 1991 that would exempt the employer and employees involved in the Wards Cove Packing Co. versus Atonio case, and to consider pending nominations.

SD–430

Office of Technology Assessment Board meeting, to consider pending business.

EF–100, Capitol

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Foreign Relations

To hold hearings to examine the current status of the Law of the Sea Convention.

SD–419

Indian Affairs

Business meeting, to mark up S. 2269, to protect Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2036, to specify the terms of contracts entered into by the U.S. and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, S. 2150, to establish a Native Hawaiian housing program, S. 2259, to provide for the settlement of Confederated Tribes of the Colville Reservation claims concerning their contribution to the production of hydropower by the Grand Coulee Dam, and S. 2329, to provide for the settlement of certain Mohegan Indian land claims within the

State of Connecticut; to be followed by hearings on pending nominations.

SH–216

10:30 a.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

1:30 p.m.

Small Business

Business meeting, to mark up S. 2060, authorizing funds for fiscal years 1995 through 1997 for programs of the Small Business Administration.

SR–428A

2:00 p.m.

Armed Services

To hold hearings on the nominations of Walter B. Slocombe, of the District of Columbia, to be Under Secretary for Policy, Jan Lodal, of Virginia, to be Deputy Under Secretary for Policy, Joseph Nye, of Massachusetts, to be Assistant Secretary for International Security Affairs, Sandra K. Stuart, of North Carolina, to be Assistant Secretary for Legislative Affairs, Judith A. Miller, of Ohio, to be General Counsel, and Philip Edward Coyle III, of the District of Columbia, to be Director of Operational Test and Evaluation, all of the Department of Defense.

SR–222

Foreign Relations

To hold hearings on Richard Holbrooke, of New York, to be Assistant Secretary of State for European and Canadian Affairs, Eileen A. Malloy, of Connecticut, to be Ambassador to the Kyrgyz Republic, and James W. Swihart, Jr., of Virginia, to be Ambassador to the Republic of Lithuania.

SD–419

AUGUST 11

8:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on the Administration's proposed legislation on meat and poultry inspection.

SR–332

9:30 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on the activities of the Olympic Committee.

SR–253

2:00 p.m.

Armed Services

To hold hearings to examine the military implications of the Convention on Chemical Weapons.

SR–222

Environment and Public Works

To hold hearings on proposed legislation authorizing funds for programs of the Economic Development Administration.

SD–406

Judiciary

To hold hearings on pending nominations.

SD–226

AUGUST 12

8:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To continue hearings on the Administration's proposed legislation on meat and poultry inspection.

SR–385

10:00 a.m.

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold joint hearings with the House Committee on the Judiciary's Subcommittee on Intellectual Property and Judicial Administration on the implementation of the intellectual property provisions of the General Agreement on Tariffs and Trade (GATT).

2237 Rayburn Building

POSTPONEMENTS

AUGUST 12

2:00 p.m.

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