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SENATE—Wednesday, August 10, 1994

(Legislative day of Monday, August 8, 1994)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard Halverson. Dr. Halverson.

PRAYER

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

Let us pray:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights * * * to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed * * *."—Declaration of Independence.

Almighty God, our Founding Fathers established this Nation upon the belief in a Creator-God. Thomas Jefferson asked, "Can the liberties of a nation be secure if we have removed from the hearts of the people the belief that those liberties are the gift of God?"

The prophet Jeremiah declared, "Thus speaks the Lord: What injustice did your fathers find in Me that they abandoned Me, habitually followed after futility, and became useless?"—Jeremiah 2:5, Berkeley Version.

Forty-five years ago the editors of Life magazine wrote: "The greatest threat to our civilization comes from within that civilization itself—our \$64 euphemism for it is secularism. A much blunter word is godlessness. Our civilization, for all its churches and all its churchgoers, is predominantly a secular, godless civilization."

Holy God, awaken us to our national peril and help us to return to the God of our fathers.

In Jesus' name and for the sake of our national welfare. Amen.

RESERVATION OF LEADER TIME

The 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 PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 4606, the Labor-HHS Appropriations Act, which the clerk will report.

The assistant 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.

Pending:

(1) Helms amendment No. 2466 (to committee amendment on page 63, beginning on line 5), to express the sense of the Senate regarding the congressional timetable for considering health care reform.

(2) Graham amendment No. 2478, to provide funds to carry out the Emergency Immigrant Education Act of 1984 or its successor authority.

AMENDMENT NO. 2478

The PRESIDENT pro tempore. Under the previous order, the Senator from Florida [Mr. GRAHAM] is recognized to speak for up to 15 minutes on amendment No. 2478.

The Senator from Florida.

Mr. GRAHAM. Mr. President, the amendment which has been filed by myself and others would provide for full funding of the Emergency Immigrant Education Act. This act was recently the subject of an amendment during our consideration of the Elementary and Secondary Education Act, at which time the authorization level for this program was set at \$150 million. The purpose of this amendment is to provide appropriations to match that authorization.

Mr. President, immigrant education is, unfortunately, yet another example

of the failed Federal-State partnership. In the case of Plyler versus Doe, the U.S. Supreme Court held that States have a legal responsibility to educate all children, regardless of immigration status. That is, the States have the legal responsibility to provide a free public education for children who are the children of citizens, permanent residents, and all other forms of legal residents as well as undocumented aliens.

Since that ruling more than a decade ago, the Federal Government has not provided adequate funds to reimburse States for these mandated services, particularly to the children of undocumented aliens. Individual States, of course, have no capacity, either under law or with their resources, to control access of illegal entrants to this Nation. Under the U.S. Constitution, that responsibility has been vested in the Federal Government.

Unfortunately, when the Federal Government does not adequately address its responsibility for illegal immigration, State and local governments are left with the burden of that failure.

The Emergency Immigrant Education Act program is the only Federal education program dedicated exclusively to assisting communities impacted by such immigration. The EIEA reimburses local school districts for the additional costs of educating immigrant children whom States are constitutionally bound to serve. Unfortunately, the program has been grossly underfunded since its inception in 1984, and the trend line has been down. Today, there are almost 810,000 immigrant children in the United States who qualify for funding under the EIEA. In 1984, the appropriation level for EIEA equaled \$86 per pupil. The current appropriation for fiscal year 1994 of \$39 million provides only \$48 per pupil.

So, in 10 years, with increasing education costs, we have gone from a paltry \$86 per pupil to today's \$48 per pupil. Because Federal funding has not

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

kept pace with increased immigration, thousands of school districts must devote more of their own scarce resources to educating immigrant children. Meanwhile, overcrowded classrooms have caused an explosion in construction costs, and the quality of education for both immigrant and American-born children, children of American citizens, is in jeopardy.

If I could use some examples, Mr. President, from my own State. In April 1994, Florida Governor, Lawton Chiles, and the Dade County School Board, a school board that serves the metropolitan Miami area, sued the Federal Government for the unreimbursed cost of serving the State's immigrant children, primarily for the 345,000 who are living there illegally, that is, the total number of immigrant children.

Education is the third largest of the costs which the State and local government are carrying as a result of that immigrant population. In 1993 alone, the Florida Department of Education and local school districts spent an estimated \$517 million to provide education to immigrants. However, Florida received only \$1.5 million under the Emergency Immigrant Education Act.

Compare those figures. The State and local school district spent \$517 million to educate immigrant children, the Federal Government provided \$1.5 million.

In Dade County, for each foreign-born student, the district incurs additional costs of approximately \$1,152 from local funds which are not reimbursed from either Federal or State funds.

Mr. President, if I could personalize this, my daughter, Suzanne, taught for several years in the Dade County school system. In her last year of teaching in the Dade County school system, she taught in a kindergarten in a public school that served a community with large numbers of immigrant children, children who spoke a diversity of languages, with great educational needs, great differences in terms of their family circumstances. Her classroom, Mr. President, had 38 students—38 students—with only a part-time aide to assist her with 5-year-old kindergarten students. My daughter has subsequently married, has moved to northern Virginia, and taught last year at a public school in northern Virginia. She had fewer students in her north Virginia school system, only 24 or 25, with much less diversity in terms of the background of the students.

One of the consequences of this is that we are causing, very distinctly, unequal education to be made available not only to immigrant children but also to children of native-born American parents as a result of this disparity in terms of where immigrant children are being educated, a constitutional requirement that they be edu-

cated at State and local expense and the failure of the Federal Government to provide adequate supplemental resources.

More than 75,000 students, almost 25 percent of the student body in Dade County, are foreign born, thus costing the district over \$86 million in unreimbursed costs. In addition, based on the net increase of 23,661 foreign-born students since 1980, it would cost Dade County a total of \$285 million to build and renovate schools to accommodate these new students, the additional cost of such construction being an average of \$12,000 per student.

A 1993 report entitled "Immigration Impact on Broward County Schools" stated that while,

*** the intent of the Federal law is that students should be funded at \$500 per student, this never happens.

Those levels have never risen above 2 percent of our total cost any year since 1989. For the past 3 years, we have received a minuscule portion of that money.

For the 1992-93 school year, Broward County received only \$17.25 per student for its 8,240 students, resulting in \$3.9 million in unreimbursed costs.

During consideration of Improving America's Schools Act, we increased the authorization level for the Emergency Immigrant Education Act to \$150 million. This was an important step. However, it will be a hollow victory unless we provide full funding for this critical program.

The bill we are considering today provides \$50 million. This is an increase of \$11 million from the 1994 level. But it still equals only \$62 per eligible student, far less than the over \$1,000 per student which local and State funds are required to be spent in terms of incremental costs.

The amendment that Senator HUTCHISON and I are offering would transfer \$100 million from salary expenses and program management to the Emergency Immigrant Education Act. This has been endorsed by the National School Boards Association, the National Conference of Mayors, and the National Council of State Legislatures.

I recognize that many administrative accounts in this bill have already been frozen or reduced. However, our States are facing an emergency situation, one which requires us to make tough choices about how we will spend our Federal funds. For the past 10 years, the Federal Government has avoided these tough choices because it has had little incentive to provide adequate assistance to the States for immigrant education services. Whether or not we provide adequate funds to reimburse States for the costs of educating immigrant students, States will continue to provide these services and will continue to have to pay the tab and will continue to have to dilute the quality of education to all of the children in their school districts.

The Senator from Iowa has argued that the EIEA Program primarily benefits only five States. That is because there are currently five States facing emergency immigration situations. We have had other examples of emergencies: in my State with the hurricanes, in the State of the Senator from Iowa with floods, and the State of the Senator from California with earthquakes and otherwise.

This Congress has not refused to recognize an emergency just because it was highly concentrated in its impact. I believe, Mr. President, that similarly we should answer the question: Should we abandon those communities of America which are heavily impacted by immigration? The answer is clearly no. But in this situation, when our States are overwhelmed by the impact of Federal immigration policy, a policy which has failed to protect our borders, failed to enforce our immigration laws, and has allowed hundreds of thousands of undocumented aliens into our country, and our States have repeatedly asked the Federal Government for assistance to deal with this problem, we have the responsibility to provide that assistance.

The Senator from Iowa has also argued that the number of immigrant students has decreased over the past year. However, that has not changed the fact that the EIEA Program has never been adequately funded, and currently reimburses States for only a minuscule percentage of their cost of educating immigrant children.

The Federal Government has the complete constitutional responsibility for our Nation's immigration policies as enumerated in article I, section 8 of the U.S. Constitution. The power and singular responsibility was conferred from the States to the Federal Government to "establish a uniform rule of naturalization." When there is an egregious failure of the Federal Government to carry out their responsibility, the community in which this failure is projected should not have to pay the cost.

Until the Federal Government is required to meet its responsibility for its dereliction in its duty to protect the borders and enforce immigration, then the Federal Government has no basis upon which to refuse to provide assistance to those States which have been heavily impacted. States and localities do not have the luxury of avoiding this responsibility.

I urge my colleagues to join with the cosponsors of this amendment in support of the proposition that the Federal Government should meet its obligations and should assure that the goal of providing equal educational opportunities for all children in all communities of America is realized.

Thank you, Mr. President.

The PRESIDENT pro tempore. The pending question is amendment No.

2466, offered by the Senator from North Carolina [Mr. HELMS], to the committee amendment on page 63, line 5 of the bill.

The debate on the amendment is limited to 30 minutes, with 10 minutes under the control of the Senator from North Carolina [Mr. HELMS]; the Senator from Iowa [Mr. HARKIN]; and the Senator from Pennsylvania [Mr. SPECTER].

Who seeks recognition?

Mr. SPECTER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER].

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, the bill was originally set for 9:30. It is now 9:33. The proponent of the amendment has not yet arrived on the floor. I just learned at about 9:10 this morning that the Senator from Florida had 15 additional minutes on his amendment. I have been advised by staff of the chairman, Senator HARKIN, that they were only advised this morning, as well. So it may be that we will need some additional time to respond to the amendment by the Senator from Florida.

Mr. President, in the absence of the pending amendment's sponsor, I ask unanimous consent to take 5 minutes in replying to the Senator from Florida, so that we can save that time after the other Members arrive.

The PRESIDENT pro tempore. Does the Senator not wish that that time come out of the time allotted to the Senator from Pennsylvania under the order?

Mr. SPECTER. Mr. President, that is correct. The time that this Senator has, 10 minutes, relates to the Helms amendment. I had not anticipated using any time on the amendment of the Senator from Florida.

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

Mr. SPECTER. Perhaps I might propound a unanimous-consent request, if it is satisfactory to the chairman, for 10 additional minutes to reply to the Senator from Florida, 5 minutes being used by this Senator, and 5 minutes being used by the chairman.

Mr. President, after consulting with the chairman of the subcommittee, our request for unanimous consent is that we be allotted 10 extra minutes, 5 minutes which I will take and 5 minutes which Senator HARKIN will take, and then we will begin the Helms amendment at the conclusion of that 10 minutes. Thirty minutes will start to run at the conclusion of the 10 minutes which I have just requested.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. The request is granted.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought the 5 minutes to reply briefly to the arguments made by the Senator from Florida [Mr. GRAHAM], on his

amendment for a transfer of \$100 million additionally to the program for immigrant education. I am very sympathetic to what Senator GRAHAM has requested. It is my wish that we fund an additional \$100 million. However, the funds which the amendment proposes would be taken from salaries and expenses of the Departments of Labor, Health and Human Services, and Education. This would have a very, very severe impact.

When this bill was crafted, we were slightly under \$70 billion, which seems like a great deal of money at first blush, but really is not when we have to accommodate all of the needs of Education, Health and Human Services, and Labor at the Federal level. There has already been an increase this year of some \$11 million for immigrant education, which is an increase of some 28 percent, which is an enormous increase for this program compared to what has happened to other programs within this bill.

If the funds were taken, illustratively, from the Department of Labor, some \$33 million and a third of a million dollars, it would block OSHA's initiative to target inspections of the worse offenders of the health and safety laws. It would leave the Bureau of Labor Statistics unable to revise the Consumer Price Index, which is enormously important for measuring inflation in America. It would reduce the number of mine inspections, and it would reduce the Department's ability to apprehend and prosecute violators.

On the education bill, there would be a very significant impact, eliminating the student aid guide and student aid enforcement center, which is instrumental in helping over 7 million college students to obtain Federal student aid dollars. It would require about 30 days' furlough for the Department's 5,000 employees.

And on Health and Human Services, the reduction would impact on the intermural research program and clinical center at the National Institutes of Health, and on the epidemiological and disease surveillance staff capacity of the Centers for Disease Control. There would have to be significant reduction in the Social Security Administration's disability determination programs.

We have very carefully considered these expenses, Senator HARKIN and I, as chairman and ranking member of the subcommittee, as has the full committee, which the Presiding Officer chairs, and we have done the best we can.

In view of the limited time, Mr. President, I ask unanimous consent that a letter of August 8 to Senator HARKIN from Acting Director of OMB, Alice Rivlin, be printed in the RECORD, as well as the impact statements from the three Departments, which more fully set forth the very significant cuts

which will have to be imposed if this amendment were to be adopted.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, August 8, 1994.

Hon. TOM HARKIN,

Chairman, Subcommittee on Labor, HHS, Education, and Related Agencies Appropriations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express the Administration's opposition to the "Hutchison-Graham" amendment to H.R. 4606, the Labor, Health and Human Services, Education, and Related Agencies appropriations bill, FY 1995. This amendment would substantially cut the agencies' administrative budgets in order to increase funding for the Immigrant Education Program.

The Administration is sympathetic to the Senators' desire to support State efforts to educate immigrants. However, this amendment would have a devastating impact on administration of programs in each agency. Examples include significantly delaying student financial aid grants and loans, preventing the Department of Labor from implementing its initiative to improve the targeting of OSHA inspections, reducing Health and Human Services' capacity to administer priority AIDS grants and childhood immunizations and to ensure the accuracy of Medicare and other entitlement payments, and delaying the Social Security Administration's ability to reduce the disability claims backlog.

The Administration strongly objects to the Hutchison-Graham amendment, and I urge the Senate to reject it.

Sincerely,

ALICE M. RIVLIN,
Acting Director.

IMPACT OF THE SALARIES AND EXPENSES CUT ON THE DEPARTMENT OF LABOR

The amendment to cut approximately \$34 million from the Department of Labor's Salaries and Expenses (S&E) account would have a devastating impact. This is primarily a cut in DOL enforcement programs—not cuts in administrative overhead.

Adoption of this amendment would gut the Department's worker safety enforcement initiative aimed at improving the lives and workplaces of American workers. DOL enforcement activities have declined by 19 percent in the last 14 years, even as the Department's responsibilities have increased with the passage of new legislation, such as the Family Medical Leave Act, and with the growth of the workforce. The bill before the Senate has already decreased DOL S&E funding by \$80 million, or 5%, below the Administration's request.

The action will have the following impacts:

It will block OSHA's long overdue initiative to target inspections on the worst violators of our health and safety laws. It will cut the number of inspections OSHA can undertake and increase the likelihood of another disaster like the Hamlet, N.C., chicken plant fire.

It will render the Bureau of Labor Statistics unable to undertake the proposed revision of the Consumer Price Index (CPI). The revision of the CPI is vitally needed. It is estimated that a 1% error in the CPI costs the

American people \$600 million annually. It is truly pennywise and pound foolish not to make this small investment.

It will reduce the number of mine inspections, which will put miners at greater risk and could result in more accidents, injuries and deaths.

It will reduce the Department's ability to catch and prosecute those who embezzle from or defraud pension plans and health benefit plans, leaving retirees and workers less protected.

DEPARTMENT OF EDUCATION

SALARIES AND EXPENSES AMENDMENT

The Senate Committee bill has already reduced S&E by \$19 million, or 5 percent below the President's request—and by \$13 million, or almost 4 percent, below the House approved level.

A further reduction of \$33 million would: Eliminate the Student Aid Guide and Student Aid Information Center that help over 7 million college students obtain Federal student aid dollars.

Significantly delay the award of grants, loans, and work-study opportunities to these 7 million students.

Eliminate management improvements to prevent fraud and abuse in all Federal student aid programs—something for which this body has severely criticized the Department.

Significantly delay the award of Federal dollars to States, local school districts and institutions under all the Department's 240 programs.

Eliminate providing assistance and information on Federal programs and successful education practices to States, school districts, teachers, and parents—at a time when the Nation needs to make dramatic reforms in education and to become more competitive.

Require about 30 furlough days for the Department's 5,000 employees.

EFFECT OF ADMINISTRATIVE COST REDUCTION—HHS

A \$33 million reduction in Salaries and Expenses for DHHS would impact on all aspects of the Department's operations including:

Payment of Medicare claims through the Medicare contractors.

The entire intermural research program and clinical center at the National Institutes of Health.

Epidemiological and disease surveillance staff capacity at the Centers for Disease Control.

Capacity to manage and implement expansion of Head Start and reform of the welfare system.

Social Security Administration's disability determinations operations.

Such an amendment (\$33 million) is equivalent to nearly ¼ of the funds needed to pay the statutory Federal pay raise during FY 1995.

The Senate level, by either "freezing" administrative cost or cutting below FY 1994 levels, will force agencies to absorb the mandated pay raise in other budgeted items. An additional \$33 million reduction will exacerbate this situation.

Removal of \$33 million could jeopardize the Department's ability to meet its streamlining objectives through the use of buy-outs. Buy-outs cost \$25,000 plus an average of \$2,000-3,000 in lump-sum payments for annual leave.

Actions already taken:

Staff reductions—In 1994, 900 FTE will be eliminated and an additional 425 in 1995.

Procurement reduction—The procurement budget amendment reduced all procurement

funding by \$37 million. This will require agencies to purchase less services (consultants, data processing, Medicare insurance claims processing) and equipment.

Rent reduction—The rent payment budget amendment reduced funds available for space rental by \$8 million, in order to downsize the current office space usage by HHS.

Administrative offsets for IHS Budget Amendment—Offsets of \$27 million were taken against salaries and expenses to finance an April Indian Health Service budget amendment. This reduction represented an approximately 1.5 percent across-the-board cut.

Mr. SPECTER. I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I want to join my colleague, Senator SPECTER, in opposing the Graham amendment.

I had spoken about it the other day. I think Senators ought to be fully aware of what this amendment does. It may be couched in terms that you are cutting salaries of bureaucrats in some of these Departments by \$100 million, and then we can use this for immigrant education.

First of all, a close reading of the amendment will show it is not just salaries. If you read the amendment, it says salaries, expenses, and program management, not just in the broad context, but in each program, project, or activity. That means that every entity in the Departments of Labor, Health, and Education, will all have to take a proportional share of the cut.

What that means is that it is not just some sort of a mushy taking out of some salary someplace. It means that the actual running of the offices, the management of the offices, the phone calls, the equipment, and everything else, is affected by this. So what it means is that the reduction could result in the closing of Social Security offices and delays in processing Social Security checks.

Mr. President, every Senator has on his or her desk a "Dear Colleague," signed by a bipartisan group of Senators, including the occupant of the chair, our President pro tempore, Senator BYRD; Senator HATFIELD; myself; Senator SPECTER; Senator INOUE; Senator STEVENS; Senator COCHRAN; Senator PELL; Senator KASSEBAUM; and Senator DODD. This "Dear Colleague" lays it out very clearly as to the impact of the Graham amendment.

The backlog in Social Security disability claims is expected to be over a million in fiscal 1995 and will grow even larger because we will not be able to process Social Security disability claims. The reduction would cut funding appropriated for the process of Medicare claims, making millions of senior citizens wait longer for reimbursement. Audit activities to control fraud and abuse would also suffer and result in the loss of more than \$100 million in Social Security and Medicare funds. Efforts to control SSI payments

to drug addicts, alcoholics, and illegal aliens would be affected. The \$100 million reduction will cut funding and delay the implementation of programs to immunize the Nation's children.

This amendment will cut funding for Public Health Service programs for AIDS, breast and prostate cancer, and necessary funds to respond to outbreaks of diseases such as tuberculosis. The reduction would delay services to 7 million college students who apply for Pell grants and other campus-based aids.

So, Mr. President, this amendment is one that would just be devastating. I must also add that in the past couple of years we have increased funding for immigrant education by almost 70 percent in the last 2 years, at the same time that the number of school districts reporting immigrant students has actually declined by 2 percent.

So I ask Senators to resist this amendment. It sounds good. It would have a devastating impact on other programs, plus the fact that we have increased immigrant education, increased it substantially, even while the reports are that the number of immigrant students is declining.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak in favor of the Graham amendment for 5 minutes.

The PRESIDING OFFICER (Mr. CAMPBELL). Is there objection?

Without objection, the Senator is recognized for not to exceed 5 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank Senator HARKIN and Senator SPECTER for allowing me to speak in favor of the Graham amendment.

I do understand what the Senators are facing trying to get this bill through, and I know there have been some cuts, and I realize that it is very difficult to take money on the floor for another purpose. But the border States have been paying for a Federal mandate—this time it is a Supreme Court mandate—year after year after year. We are educating illegal immigrants in our school systems, and it is a very great burden that really should not be borne by the States. It is a Federal issue.

There are 810,000 illegal immigrant children in the school systems in America, and 70,000 of those are in my State. The school districts are not rich. These are local school districts. They get matching funds from the State, but it is mostly local. These are generally poor school districts that have a hard time providing the education at the level that we would like for them to be anyway.

But to have the burden of illegal immigrants coming into our education system is really more than those local school districts are able to bear. The States do help, but it is still not a fair

issue for the States to have to pick up the cost. There are probably 10 States in this country that are picking up the cost for the other 40. And that is just not right.

So what we are asking for today is equity. We are asking for the help from the Federal Government because we are not controlling our borders as we should be. The Federal Government is responsible for keeping illegal immigrants out of our country, as we welcome legal immigrants and as we try to serve the citizens and taxpayers of our country. It is very important that we recognize that this is a Federal issue, that the States and the local governments and the borders have been burying this infrastructure problem year upon year upon year.

I ask that the Senate pass this amendment. It is \$100 million that will be taken from the administrative costs of three agencies. That is just a belt-tightening. Most businesses and most homes in this country have done belt-tightening. I think we ought to be doing it throughout the Federal Government anyway. In fact, I have introduced a separate bill that would provide a \$50 billion cut, \$10 billion a year, most of which is administrative costs of Government across the board.

I think everybody can belt-tighten 5 or 10 percent, as our businesses and our families have in this country. I think this would be a good exercise. Let us put it where we really need it, and that is to help the States and local school districts that are bearing this Federal burden to educate illegal immigrant children under a Federal mandate by the Supreme Court that we must do it.

I thank the Chair and I thank the managers of the bill.

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. BYRD. 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 pending question is amendment No. 2466 offered by the Senator from North Carolina [Mr. HELMS], to the committee amendment on page 63, line 5 of the bill.

Debate on the amendment is limited to 30 minutes, with 10 minutes each under the control of the Senator from North Carolina [Mr. HELMS], and the Senator from Iowa [Mr. HARKIN], and the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

PRIVILEGE OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that John McCann, an intern on my staff who helped me

prepare the chart on the Mitchell health care bill, be admitted to the floor.

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

Mr. SPECTER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be divided equally among the Senator from North Carolina, the Senator from Iowa, and myself.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, may I inquire what is the status of the unanimous consent regarding the order in which amendments will be voted on this morning? I understand that there is some alteration.

The PRESIDING OFFICER. The Chair will tell the Senator the first vote will be on his amendment No. 2466 to the committee amendment, followed by the committee amendment, and then followed by amendment of the Senator from Florida [Mr. GRAHAM].

Mr. HELMS. I have been informed that a unanimous consent is in the process of—I think I will yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, will the Senator from North Carolina yield to me?

Mr. HELMS. I yield.

Mr. SPECTER. Mr. President, I am advised by the majority staff that this amendment is cleared and the amendment is acceptable to this Senator for unanimous consent to vote on or in relation to the Helms amendment No. 2488 occur immediately following the disposition of the Helms amendment No. 2466 with the remaining votes occurring as previously scheduled.

I believe that that would call for the time sequence of the 30 minutes to begin now on the Helms amendment No. 2488.

Mr. HELMS. Which of my amendments is amendment No. 2488?

The PRESIDING OFFICER. The Senator will withhold a moment.

Mr. HELMS. I certainly will.

The PRESIDING OFFICER. To identify the amendment the Senator is requesting it is amendment No. 2488 on the Department of Defense appropriations bill dealing with health care reform.

Mr. HELMS. That answers my question then, I am sure. In other words, amendment No. 2488 is the modification of the first health reform amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Mr. President, will my colleague yield one more moment?

Mr. HELMS. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, since this amendment has been substituted, I ask unanimous consent that the 30 minutes previously allotted to the prior amendment be allotted to this amendment with 10 minutes going to the Senator from North Carolina, 10 minutes to the Senator from Iowa, and 10 minutes to this Senator.

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

The Senator from North Carolina.

Mr. HELMS. Mr. President, let me save the Senate a bit of time. The immediately ensuing rollcall vote on the first Helms amendment to Labor-HHS will be a waste of the Senate's time because I am going to move to table my own amendment and ask for the yeas and nays on the motion to table unless the Senate proceeds and grants my unanimous consent to vitiate the yeas and nays on that first amendment. I ask unanimous consent in that regard. There is no point in having a rollcall vote on it.

The PRESIDING OFFICER. The Chair as the Senator from Colorado will object, in the absence of the majority leader being here.

Mr. HELMS. All right.

I understand what is going on, I say to the distinguished Senator occupying the Chair.

So, before I do move to table my amendment, then, I think I should make clear that following the vote on the motion to table my original amendment, another vote will immediately follow, on virtually the same amendment, this one having been offered to the Defense bill. That is what the Chair just confirmed to me. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

So the two amendments, the one that I shall move to table and the one on the Defense appropriations bill, are identical except for my addition of the following language to the original sense-of-the-Senate declaration. It is a portion that is in both amendments that I read now.

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.

That is where the first amendment ends. The second amendment, which is the one to the Defense appropriations bill merely adds the following:

Unless the Senate has had the full opportunity to debate and amend the proposal after Congressional Budget Office estimates have been made available.

Now, as I say, this next vote is totally unnecessary. But let me explain

why we are forced to proceed with such an unnecessary vote. Yesterday, Senator STEVENS on my behalf suggested that since I intended to modify my original amendment, the original amendment be withdrawn inasmuch as the yeas and nays had been obtained on the original amendment. When the unanimous consent to have my first amendment was proposed, an objection was heard on the Democratic side, as it was just moments ago.

I do not know what kind of games they are trying to play. That suits me fine. I can play them, too. Normally, in a situation like this courtesy prevails in the Senate, but in this case courtesy did not and does not prevail.

Now, let me point out that every publication, every observer that I know of has said wait to reform our health care system until January; do not do this thing in a rushed order. A recent NBC-Wall Street Journal poll found that 61 percent of those polled said to wait on health care reform. Only 34 percent said pass the bill now.

Here is the telephone number if you want to call Senators at the last minute and say, lay this thing aside until January and do not be foolish and pass something that is going to be bad for the American people. The Senate telephone switchboard number is 1-202-224-3121. You might want to call right now and get hold of your Senators.

Other polls also say that we should wait. The Hart-Teeter poll for the Wall Street Journal and NBC was conducted on April 30. It said "pass the bill this year, 34 percent"; "continue to debate the issue and act next year, 58 percent."

So, by a wide margin, Americans are of the opinion that it is a mistake for the Senate to rush through health care reform this year. It has become strictly a political issue. It is not a health issue anymore. It is a political issue. And we ought not to operate in that atmosphere in passing a piece of legislation this important.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I am advised that technically the unanimous-consent agreement was not entered. So I would renew the unanimous-consent request that the vote on or in relation to the Helms amendment No. 2480 occur immediately after the disposition of the Helms amendment No. 2466, with the remaining votes occurring as previously scheduled; with 10 minutes being allotted to the Senator from North Carolina, as in the previous unanimous-consent request; 10 minutes to the Senator from Iowa, Senator HARKIN; and 10 minutes to this Senator, as in the previous unanimous consent request; with the time used by Senator HELMS having been deducted from his 10 minutes.

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

Mr. INOUE. Mr. President, parliamentary inquiry. Does Senator HARKIN have 10 minutes assigned?

The PRESIDING OFFICER. The Senator is correct; the Senator has 10 minutes.

Mr. INOUE. Mr. President, in his behalf, I yield back the remainder of my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Parliamentary inquiry.

Under the unanimous-consent request, is it true that I now have 10 minutes to speak on the Helms amendment?

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator is correct.

Mr. SPECTER. I thank the Chair.

Mr. President, I have asked for 10 minutes to speak on the amendment by the Senator from North Carolina, which had as its original purpose to delay the consideration of health care legislation until next year, and it has been modified, as I understand, to delay consideration until there is adequate time. We will be voting on the Helms amendments in due course.

I had reserved these 10 minutes to speak on the subject because for many weeks I have said that I would not join any filibuster against health care legislation. However, over the last weekend I have reconsidered that position because of the complexities of the Mitchell bill and what may be a rush to judgment.

My current thinking is that we should take up this bill and take the time to do it right and not on anyone's political timetable. The bill is a very complicated bill, as is evident from the fact that it has not yet been filed, as I understand it.

This morning's Washington Post contains a report which questions whether the Mitchell bill can be scored and be presented to the Senate at this time. The report notes that "Since MITCHELL unveiled his plan last week, the legislation has been rewritten hundreds of times, sources said, because the original plan would have created a huge deficit." And there are many, many questions outstanding as to what the Mitchell plan would actually do.

When the original Clinton health care plan was proposed, I asked my staff to make a list of all the agencies, boards, and commissions, because I was so surprised by the complexity of the plan. Instead, my staff made a chart of the new agencies, boards, and commissions in the Clinton plan, and the chart showed that the plan had some 105 new agencies, boards, and commissions in a bill that was 1,342 pages long.

If the Chair will indulge me, I will go to the back of the Chamber to show the chart.

Mr. President, this is the chart of the Clinton health care program, with the

boxes in red signifying 105 new agencies, boards, and commissions and the boxes in green signifying the existing agencies which have new administrative responsibilities.

Since my staff and I obtained the draft of the Mitchell proposal, with the work of John McCann, who is an intern in my office from the University of Pennsylvania's Fells Institute, working literally night and day, this chart has been prepared which shows at a glance the enormous bureaucracy of the Mitchell health bill. This was prepared from the preliminary draft of the Mitchell bill, and as yet we do not have the final version of the bill. The initial draft was 1,410 pages long and the red boxes here show 170 new boards, agencies, councils, commissions, programs, and functions, and 44 existing agencies with new and expanded functions.

Mr. President, this chart shows the enormously complicated bureaucracy which would come into play with Senator MITCHELL's bill. My suggestion has been consistently that what the Senate should do is not to scrap the current health care system but to build on it. Toward that end, I introduced, some 18 months ago, Senate bill 18, which would be directed at covering the 37 to 40 million Americans now not covered, provide for coverage for pre-existing conditions, coverage for change of jobs and the reduction of spiraling health care costs. I intend to speak about that later today when my time will come to address the overall Mitchell proposal.

I believe that the Congress has not faced a challenge as serious as the one now confronting it, perhaps, in the history of the Congress; certainly since Social Security was enacted in the 1930's. I believe that we have to take whatever time is necessary to do it right. I do not think we ought to be motivated by any political timetable, where it is said that it is necessary to get this bill out before the November elections so the President's purpose can be accomplished. I do not think there ought to be any Democratic timetable to help Democrats. I do not think there ought to be any Republican timetable on a filibuster for political purposes, either.

During the course of the last week, as I have been in my home State, Pennsylvania, I have heard many, many questions raised about this plan. People approach me on the train traveling to and from Washington, DC, in the shopping malls, and again in restaurants.

I believe I struck a chord, apparently, 2 days ago when, discussing this matter, I commented about what my Aunt Rose in Wichita, KS, had to say about the Clinton health care plan and what she has read about the Mitchell proposal. From time to time, I find more wisdom in talking to my Aunt Rose than I find in the committees and on the floor of the U.S. Senate.

Aunt Rose had a very basic approach. Her approach was, "I like the health care coverage I have now. I have Medicare and I pay \$91 a month. What will happen to me under Senator MITCHELL's bill?" And I could not answer that question.

And then she said, "I'd like to see the poor people covered. I'd like to know what is going to happen there." She said, "What is it going to cost if we have the Mitchell health care plan adopted?" And I could not answer that question for her.

I was talking to my wife over the weekend. Joan used to have a small business which was a bakery which made candy, walnut pies, and double chocolate mousse pies. She said, "Arlen, what would these health care plans cost me if I were still running that small business?" She said, "I certainly could not afford to pay several thousand dollars a year for each additional employee."

And I said, "Joan, I do not know. I do not know the answer to that question."

We have just seen a report come out from the Entitlement Commission, again drawing the dangers of the cost of entitlements in America. And on the Senate floor no subject has been debated more in my 14 years here than the deficit, which is around \$250 billion a year, and the national debt, which is \$400 trillion. What these entitlements will cost is unanswered. Today's story in the Washington Post again reiterates that.

So, Mr. President, it is my view that we ought to take up health care reform and we ought to seek answers to these questions. I do not think it is indispensable—

Mr. BUMPERS. May I borrow your chart?

Mr. SPECTER. You may borrow my charts, Mr. BUMPERS.

Mr. BUMPERS. I want to borrow the maker of the chart.

Mr. SPECTER. You want to borrow the maker of the chart? I will be glad to make the maker of the chart available to Senator BUMPERS as well.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, the concern which I have is that in this rush to pass health care reform we will not have a chance to receive input from the American people. Hearings would be useful, but I am not saying the hearings on the Mitchell bill are absolutely indispensable.

But there is a quality that, when time passes and there are newspaper analyses, editorials, op-ed articles, and radio talk shows, the American people will discover what the bill is all about. We should have input from organizations representing senior citizens, con-

sumers, doctors—if I may have 1 additional minute, Mr. President?

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

Mr. SPECTER. Mr. President, that is what I think is necessary in order to have an evaluation of the program.

When the Clinton health care proposal was introduced in October of last year, the initial response was terrific. But as the American people began to understand it, the favorable rating for the Clinton health care plan went way down.

We have not yet even had the final version of the Mitchell health care plan. But I submit that when you take a look at this chart with the 170 new agencies, boards, commissions, programs, and functions, and 44 new agencies existing with new responsibilities, that we ought to pause. We have to take our time on this vital subject to do it right if we are to do it at all.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina has 4 minutes 58 seconds remaining.

Mr. HELMS. Mr. President, momentarily I shall move to table my own amendment, and I am going to urge all Senators to join me and vote to table. Before I do that, I ask unanimous consent that several things be printed in the RECORD at the conclusion of my remarks. First is a poll by the Times Mirror and the Harvard School of Public Health which asks:

"Will health care reform give you the freedom to choose a doctor?" Thirty-three percent said they would have as much freedom. But 58 percent said they would have less freedom to choose their doctor.

Second, a poll conducted by the CNN/USA Today/Gallup Poll, in mid-July asked:

"Do you think you have enough information to judge the health care plans which have been proposed?" Twenty-nine percent said they have enough information. A resounding 70 percent said they need more information.

Third, a Hart/Teeter poll from the Wall Street Journal/NBC asked:

"Should Congress pass the health bill this year?" Thirty-four percent said yes. But 58 percent said continue to debate the issue and act next year.

I ask unanimous consent that these three polls be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Now just a sample of commentaries. One is from this morning's Washington Post. It says the same thing I have said in my amendment—let us wait until next year. Written by Robert J. Samuelson, who has a similar piece in the latest issue of Newsweek, the article is headed, "Health Care: Start Over Next Year. They don't know what they are doing up there." I would say that is an under-

statement. So I ask unanimous consent that this article be published in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. One of the most sensible publishers in the country is the publisher of the Charlotte Observer in my own State, Rolfe Neill. This past Sunday, Rolfe devoted his op-ed piece to a Viewpoint headed, "What's The Rush? Don't hurry to provide lifetime, irrevocable benefits that we can't afford."

I ask unanimous consent that Rolfe Neill's column be printed in the RECORD.

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

(See exhibit 3.)

Mr. HELMS. Let me make one more attempt to save the Senate 15 minutes—it will be 25 minutes. There is no point in having two votes on this. It suits me fine, but I am going to ask unanimous consent, once more, that the yeas and nays be vitiated on my first amendment, the one to Labor/HHS, so that I can withdraw it. Then we can proceed to the vote on my second amendment, the one to the defense bill, which is almost identical.

The PRESIDING OFFICER. Is there objection to the motion to vitiate the yeas and nays?

Mr. INOUE. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Let the RECORD show this side is not trying to delay anything.

EXHIBIT 1

[From a Times Mirror-Harvard School of Public Health poll, June 23-26, 1994]

WILL HEALTH CARE REFORM GIVE YOU THE FREEDOM TO CHOOSE A DOCTOR?

As much freedom: 33%.

Less freedom: 58%.

DO YOU THINK YOU HAVE ENOUGH INFORMATION TO JUDGE THE HEALTH CARE PLANS WHICH HAVE BEEN PROPOSED?

Have enough information: 29%.

Need more information: 70%.

No opinion: 1%.

CONGRESS SHOULD . . .

Pass the Health Bill this year: 34%.

Continue to debate the issue and act next year: 58%.

EXHIBIT 2

[From the Washington Post, Aug. 10, 1994]

HEALTH CARE: START OVER NEXT YEAR

(By Robert J. Samuelson)

They don't know what they're doing up there.

Among other things, the Democratic health care plan contains a large—and unjustified—multi-billion-dollar tax on younger workers. You wonder whether most members of Congress know this or even care. The whole health care debate is now completely out of control. The desperate effort to craft something that can be advertised as "universal coverage" means that Congress literally no longer knows what it's doing. Anything resembling the Democrats' bills, if enacted,

would produce massive unintended side effects.

Apparently, most Americans grasp this. In a Newsweek poll last week, respondents were asked whether Congress ought to "pass reform this year" or "start over next year." By a two-to-one margin (65-31 percent), they said "start over." They sense that the versions of health reform crafted by House and Senate leaders are hodgepodes of conflicting provisions whose only purpose is to win passage. But what is clear to ordinary Americans is denied in Washington. In the capital, the fiction is that legislators know what they're doing and are debating rational alternatives.

"I think you're going to see a very good, erudite back-and-forth," says House majority leader Richard Gephardt, sponsor of the House bill. Well, it won't be "erudite" if members of Congress don't understand the consequences of their actions.

Gephardt's plan, for instance, would create a new Medicare Part C program for the unemployed, workers in small companies and many existing Medicaid recipients. The Congressional Budget Office estimates that the program might enroll 90 million people. But the projection could easily err by millions in either direction. More important, Medicare Part C emphasizes "fee for service" medicine (patients selecting individual doctors), while the rest of the bill emphasizes "managed competition" (reliance on health maintenance organizations and similar plans).

In a single stroke, the bill would separate the under-65 population into two groups, mainly based on income and size of employer. Each group would be crudely steered toward a different type of medicine. In practice, this division may not be politically acceptable or economically workable. Many Americans may find one type of medicine more appealing than the other and resent being excluded. Or the artificial segmenting of the medical market may raise costs for both "managed competition" and "fee for service." Gephardt doesn't know; no one does.

Now, consider the tax on young workers. It arises from "community rating." As people age, their health costs and insurance premiums rise. But "community rating" requires that everyone pay the same rate. This provision is included in the House bill and, in a modified version, in the Senate bill. The effect would be to raise insurance for younger workers (say those below 45); the amounts are hard to estimate, but a good guess is at least \$300 to \$500 a worker. If employers have to pay higher insurance, they will pay lower salaries. The invisible tax on young workers might total \$15 billion to \$25 billion annually.

Is this fair? No. If enacted, it would compound the existing bias against the young. Already, one-third of the federal budget goes to the elderly; the young are taxed to support the old. How much farther is this to go? Or is it a cynical reaction to voting patterns (the young vote less than the middle-aged or old)?

Questions like these swirl around both Gephardt's plan and Senate majority leader George Mitchell's. It is hard even to describe Mitchell's plan. He says it's voluntary and lacks a "mandate." Wrong. It's true that it doesn't mandate companies to buy insurance for workers. But it does mandate a standard benefit package for firms—the vast majority—that offer insurance. Because the mandated benefits are, above average, this would probably raise health spending. Companies below the new standard would increase bene-

fits; those above would have trouble lowering them.

Next, Mitchell hopes to achieve 95 percent insurance coverage by offering subsidies for low-income workers to buy it. But there's a "fail-safe" mechanism to limit subsidies if the budget costs exceed projected costs. However, if 95 percent coverage doesn't occur by 2000, Congress could require employers to pay 50 percent of their workers' insurance. But this would apply only to firms with more than 25 workers. Got it? Neither Mitchell nor anyone else knows whether this would reach 95 percent coverage.

These plans are confusing because the health debate evaded the basic tension between expanding health services ("universal coverage" etc.) and controlling health spending. It's hard to do both at the same time. The plans' complexities—as with the original Clinton plan's—aim to disguise this conflict. Republicans haven't been especially constructive in this debate because they haven't faced up to it either. But they are now correct that a bad bill would be worse than none.

Chaos is now the most important (and largely unreported) reality about the health care debate. Dozens of provisions in these bills would have huge unappreciated consequences. John Shells of Lewin-VHI, a health consulting firm, says premiums for small businesses in the Mitchell bill could be 25 percent higher than for big companies. The CBO agrees a gap exists but puts it lower. Who's right? Do most members of Congress understand the gap? Probably not. Still, the pretense in Washington is that Congress is making conscious choices.

The pretense is sustained because in Washington politics is sport, especially at the climax of a legislative battle. All attention fixes on who wins and loses—and the deals that enliven the game. Rhetorical blasts are taken for reality; political reporters know little of how legislation would work and care less. This often leads to bad laws, and in health care, the potential for blunders is huge because Congress is tinkering with one-seventh of the economy and most aspects of medicine.

In May, Robert Reischauer, head of the CBO, warned that trying to find a compromise by combining provisions from different bills might make the health system worse. He compared it to building an auto engine with incompatible parts: "You can't say I want a piston from Ford, a fuel pump from Toyota . . . and expect the engine to run." Well, that's precisely what's happened. The contraption is no longer even a car made with incompatible parts. It's now part car, part tractor and part rollerblades. It's a clunker. Most Americans seem to understand this. Will Congress?

EXHIBIT 3

[From the Charlotte Observer, Aug. 7, 1994]

WHAT'S THE RUSH?

(By Rolfe Neill)

Don't hurry to provide lifetime, irrevocable health-care benefits that we can't afford.

Amid the insanity of congressional health-care debate comes an idea so compelling you yearn for its acceptance but know better. Americans for Tax Reform is circulating a 30-word covenant and asking each member of Congress to sign. It says:

LEGISLATIVE PRIORITY PLEDGE

I pledge to the taxpayers of my state that I will not vote to enact any health-care reform plan that I have not first personally read in its entirety.

The Wall Street Journal editorial page, boosting ATR's efforts, reports Republicans are signing but no Democrats. Hillary Clinton's original plan was some 1,300 pages of rules and definitions. You believe this will not increase health-care costs? When Medicare began in 1965, estimated annual expense for the hospital trust fund by 1990 was \$10.1 billion. The reality: \$68 billion. Name a single government scheme that costs less than predicted. I don't trust my government to design a national health system.

Two health issues are entangled, fueling a volatile discussion. One is to retard or reduce expense for the 85% of us insured; the other is to provide universal health coverage, taking in the 15% of people without insurance. The Clintons say the debate is between the caring and the uncaring. More accurately, it's between the questioning and the unquestioning.

The 15% is a fungible figure which proponents don't break down. Included are:

1. A charm group who are between jobs.
2. People who refuse to buy insurance because they feel they don't need it, estimated as high as 8.5 million of the 38 million uninsured.
3. Those who work but are too poor to pay insurance premiums, even though their Medicare and Medicaid payroll tax deductions pay for health coverage for retired people and nonworking poor.

None of these 38 million people is without emergency care. Any person showing up at a hospital emergency room is treated irrespective of ability to pay. We are about to radically redesign 14% of the gross national product. Everything we know about large systems suggests that we proceed very carefully. Instead, the president is horse trading with reluctant senators and representatives, promising pork for their districts and states if they will vote in a national health scheme that Americans are increasingly dubious about.

CANADIANS MUST WAIT

A doctor friend just back from Toronto tells of months of waiting by Canadians for free surgery because of insufficient government funds. There's a quota, and when those dollars are exhausted the list of waiting patients is carried over to the next year. He saw seven of 12 operating rooms empty in a major hospital despite the clamor for operations. An estimated 40% of Canadians in severe pain must wait more than a year for surgery, according to Fraser Institute, a public policy group in Vancouver. It may take a half year to see a neurologist and equally as long to obtain neurosurgery after it is prescribed, says the institute.

The London Times recently carried this headline about England's National Health Service: Indigestion Patient Gets Date to See Doctor: April, '96.

American hospitals have seen the future, and it is cost containment. They are diligently wringing out expenses. President Clinton has done the nation a service to focus on health care. But the rush to provide lifetime, irrevocable benefits for which there is not sufficient money is unwise advocacy. Bankruptcy or government health rationing loom.

The 6.2% taken from your paycheck for Social Security stops after you earn \$60,600 in a year. For Medicare, the payroll tax is 1.45%, and you pay the tax on every dollar earned. Your employer pays a like amount of 6.2% for Social Security and 1.45% for Medicare. Even so, the hospital trust fund will be exhausted as early as 1998 and no later than 2000.

Medicare's actuaries say payroll taxes (employee + employer = 2.9%) will have to rise to 4.3% of payroll by 2000 and to 10% by 2035 to pay estimated costs.

MOVE CAUTIOUSLY

Scary? There's worse news. Today, four workers support each retiree. By 2050, when today's 10-year-olds retire, only two workers will be available to pay the Social Security and medical costs of each retiree.

Move cautiously. Make change gradually and see if it works. Pull back from the rush-to-adjourment stampede for a health bill. We could attempt to fix it for 15% while butchering it for the 85% now covered. Hippocrates was right: First, do no harm.

Mr. HELMS. Mr. President, I move to table my amendment. I do hope every Senator will join me in voting to table my amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE MOTION TO TABLE AMENDMENT NO. 2466

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 2466.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 100, nays 0, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—100

Akaka	Feingold	McConnell
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durenberger	Mack	Wofford
Exon	Mathews	
Faircloth	McCain	

So the motion to lay on the table the amendment (No. 2466) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on agreeing to the underlying committee amendment on page 63, line 5 of the bill.

The amendment was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The Senate resumed consideration of the bill.

Pending:

(1) Dole Amendment No. 2479, to provide for the termination of the United States arms embargo of the Government of Bosnia and Herzegovina no later than November 15, 1994

(2) Helms Amendment No. 2480, 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.

(3) Bumpers Amendment No. 2481 (to committee amendment on page 37, line 7), to reduce the amount for the acquisition of Milstar satellites.

(4) Helms Amendment No. 2488 (to committee amendment on page 2), to express the sense of the Senate regarding the congressional timetable for considering health care reform.

(5) Bumpers Amendment No. 2489, to reduce the amount for the procurement of the Trident II Missile Program.

VOTE ON AMENDMENT NO. 2488

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2488 offered by the Senator from North Carolina.

Mr. LEVIN. Mr. President, I support tabling this amendment. As it is drafted it is self-defeating and counter to the United States' efforts to combat international drug cartels.

The amendment would prohibit us from appropriating some of the funds we spend to curtail the production and transport of illegal Colombian drugs unless the Colombian Government takes detailed, specific actions to change Colombian law. Whether or not these changes would be good or appropriate is not the question. Rather, the question is, is it wise to condition what we think is best in our own interests on changes the Colombian Government may or may not make? We do not give Colombia assistance to fight illegal drug cartels out of charity. We give that assistance because it is in our interest to do so. This amendment would be self-defeating. If we determine that such assistance is best for our antidrug effort, then the funds should be appropriated. If, however, we determine that such assistance is not best for our antidrug effort, then they should not be appropriated. But if we tie our own hands by conditioning our antidrug efforts on whether or not Colombia makes the changes we tell them to make, that just doesn't make sense.

Should many, many countries in the world make changes in their laws and conduct? You bet. Should countries that receive U.S. assistance make changes? You bet. But the nonhumanitarian assistance we give other nations is not given for their benefit, but for ours. Therefore I am not willing to allow another nation to determine

whether we can appropriate funds that we think is in our best interest to do so. Therefore I urge the tabling of this amendment.

Mr. INOUE. I move to table.

The PRESIDING OFFICER. The Senator from Hawaii is recognized to make a motion to table.

Mr. INOUE. I move to table.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—54

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Riegle
Conrad	Kerry	Robb
Daschle	Kohl	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Dorgan	Levin	Simon
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford

NAYS—46

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grassley	Packwood
Campbell	Gregg	Pressler
Chafee	Hatch	Roth
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thurmond
Danforth	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	
Durenberger	McCain	

So the motion to table the amendment (No. 2488) was agreed to.

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

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

The motion to lay on the table was agreed to.

(Later the following occurred.)

CHANGE OF VOTE

Mr. SHELBY. Mr. President, on rollcall vote 268, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

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

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 2478

The PRESIDING OFFICER. The question occurs, under the previous order, on a motion to table amendment No. 2478 offered by the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—66

Akaka	Glenn	Moseley-Braun
Baucus	Gorton	Murray
Biden	Gregg	Nunn
Bingaman	Harkin	Packwood
Bond	Hatfield	Pell
Breaux	Heflin	Pryor
Bryan	Helms	Reid
Bumpers	Hollings	Riegle
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Roth
Chafee	Johnston	Sarbanes
Coats	Kassebaum	Sasser
Cochran	Kerrey	Shelby
Cohen	Kerry	Simon
Conrad	Kohl	Simpson
Danforth	Leahy	Smith
Daschle	Levin	Specter
Dodd	Lieberman	Stevens
Dorgan	Lugar	Thurmond
Exon	Mathews	Warner
Feingold	Metzenbaum	Wellstone
Ford	Mikulski	Wofford

NAYS—34

Bennett	Durenberger	Mack
Boren	Faircloth	McCain
Boxer	Feinstein	McConnell
Bradley	Graham	Mitchell
Brown	Gramm	Moynihhan
Burns	Grassley	Murkowski
Coverdell	Hatch	Nickles
Craig	Hutchison	Pressler
D'Amato	Kempthorne	Robb
DeConcini	Kennedy	Wallop
Dole	Lautenberg	
Domenici	Lott	

So the motion to lay on the table the amendment (No. 2478) was agreed to.

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

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

The motion to lay on the table was agreed to.

DISASTER ASSISTANCE

Mr. NUNN. Mr. President, I rise to address two amendments offered by Senator COVERDELL and myself that provide additional disaster assistance to areas of Georgia, Florida, and Alabama that were hit by Tropical Storm Alberto in July.

The first of these amendments adds \$35 million in fiscal year 1995 to the ap-

propriation for the public health and social services emergency fund. The existence of this fund reflects the broad range of human resources needs created by natural disasters, especially floods. Community life is disrupted—local health and human resource services are disrupted—and families are disrupted. The money provided under this amendment can help to meet these needs.

The floods associated with Alberto struck hardest at some of the lowest income areas of Georgia's lowest income region. Not surprisingly, these same areas have the highest rate of public assistance and the greatest dependence on public health and social services. The bulk of the appropriation made in this amendment to go into four categories—substance abuse and mental health services, services for children and families, disease control and prevention, and services for the elderly.

The Alberto disaster has created a particular threat to public health. The sanitation problems accompanying any flood are serious and in Georgia this has been compounded by widespread breakdown in water and sewer systems. The Centers for Disease Control needs additional money to help monitor disease outbreaks related to the disruption. Public health services need funds to help treat individuals with flood related injuries and illnesses. This appropriation will provide money for the CDCP to identify public health threats and to community and migrant health centers to treat a surge of patients seeking medical treatment.

All spending made possible by this amendment will be strictly contingent on a future request by the administration for an emergency appropriation. From the experience of the midwestern States last year, it is clear that the administration will require extremely detailed documentation before making a request, and that the actual figure requested may well be less than the amount provided through this amendment.

The second amendment sets aside \$10 million in the Department of Education's impact aid account to assist school districts affected by the floods. Several school districts in Georgia saw their property tax bases reduced or eliminated by flood damage. These impact aid funds will assist these districts in replacing the lost revenues. This amendment is not a new appropriation. I am informed by officials at the Department of Education that there is over \$20 million in unobligated funds in the impact aid account. This amendment sets aside up to \$10 million of the existing account for damage associated with Tropical Storm Alberto.

Mr. President, I thank Senator HARKIN and Senator SPECTER and their staffs for their assistance in getting these amendments cleared and adopted.

RE TARKIO, MO

Mr. BOND. For some time now I have been working with officials from the Heartland Educational Institute in Tarkio, MO, on a project to utilize the former Tarkio College campus, create new jobs and stimulate a depressed economy in Atchison County, near our border with Iowa.

Officials from the city of Tarkio have requested a Department of Education write-down on their debt and release of the liens against the Tarkio college property. The Department of Education opposes this, believing that it can recoup some of the funds owed on the facilities' loans by a sale.

I would like to ask the distinguished chairman of the subcommittee if he would be willing to work with me, and with officials from Tarkio and from the Department of Education on finding a solution to this problem that will satisfy all the parties involved and permit the local community to move forward on generating economic development through a new youth rehabilitation facility.

Mr. HARKIN. I too am concerned about the situation in Tarkio, and believe that economic development there would help my own State of Iowa. I plan to work with my friend from Missouri and the Department to develop a plan that will work for the local community as well as for U.S. taxpayers.

TRIBALLY CONTROLLED COMMUNITY COLLEGES

Mr. CONRAD. Will the Senator from Iowa, the chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, yield for a question?

Mr. HARKIN. I would be pleased to yield for a question.

Mr. CONRAD. First, I want to thank the chairman, Senator HARKIN, and the ranking member, Senator SPECTER, for including language in the committee report to expand the telecommunications-telemedicine infrastructure to provide education and training to medical, psychology and nursing students in the four-State area of North Dakota, South Dakota, Montana, and Minnesota. This project will link the four community-based campuses of the University of North Dakota's School of Medicine, 67 rural community-based hospitals in North Dakota, Minnesota, and Montana, and 16 tribally controlled community colleges in North Dakota, South Dakota, Montana, and Minnesota.

I would like to speak in more detail about one particular component of this project: the linkage to the 16 tribally controlled community colleges. The primary and initial purpose of this linkage is to allow Indian students to receive their first 2 years of education toward a degree in psychology in a reservation setting—an approach proven successful through other Indian educational programs such as the Indians into medicine program. The University

of North Dakota's Department of Psychology is nationally recognized by the American Psychological Association for its education and training of native Americans. This telecommunication linkage will facilitate the recruitment and training of native Americans in the field of psychology.

Of the estimated total projected cost of \$1,560,000, \$160,000 will be available to purchase equipment for 16 downlink sites at the tribal colleges, and up to \$50,000 of the administrative funds for this project could be used for tuition, fees, and stipends for the native Americans enrolled in the field of psychology.

Does the chairman concur that this level of funding is consistent with the language included in the Senate report on telecommunications-telemedicine infrastructure?

Mr. HARKIN. Yes, I do, and I thank the Senators from North Dakota for bringing this important issue to my attention.

Mr. CONRAD. Just for further clarification, I would like to ask the chairman if he concurs with the spending totals for the other elements of this package. It is my hope that the total for the project could be allocated as follows: equipment for the digital video system—\$500,000; equipment for 25 downlink sites in Montana—\$250,000; equipment for 10 downlink sites in Minnesota—\$100,000; transmission costs for both fiber and satellite—\$370,000; and administrative costs—\$200,000.

Mr. HARKIN. The Senator has presented what seems to be a very realistic package. I am certainly hopeful that the Health Care Financing Administration will respond favorably.

Mr. DORGAN. I also want to thank Senator HARKIN and Senator SPECTER for their assistance in this very important project.

Mr. INOUE. I want to compliment my colleagues on developing this creative approach to addressing the critical health and mental health needs of American Indians in the Northern Plains region. The American Indian population served by this program will total more than 120,000 in a part of the country that experiences some of the highest levels of morbidity and mortality in accidents, suicide, and infant mortality, amongst any population group in the United States.

I am particularly pleased that the tribally controlled community colleges, at least half of which are located in this region, are an integral part of this effort. Section 115 of the Indian Health Care Improvement Act (P.L. 94-437, as amended by P.L. 100-713) was enacted to assist these institutions in providing opportunities for Indian students to enter the health professions. The appropriation which we are discussing today will certainly provide the infrastructure necessary to carry out the purposes of the act.

In closing, I have visited the Northern Plains and understand the profound health care needs of the tribes in this region. I am, therefore, very encouraged by the efforts of my colleagues in the development of health care education by use of telecommunications.

Mr. BYRD. Mr. President, the Senate has just completed action on the fiscal year 1995 Labor/HHS appropriations bill, the 12th of the 13 regular appropriation bills, leaving only the Defense appropriations bill remaining. I commend the chairman of the subcommittee, Senator HARKIN, as well as the ranking member, Senator SPECTER, for their outstanding efforts on this very important appropriations bill.

As members are aware, the Labor/HHS appropriations bill contains funding for numerous critical programs designed to address many of the social problems facing our Nation. This bill seeks to provide educational opportunity for our Nation's young people. In addition, this bill seeks to make further progress in the area of biomedical research through appropriations to the National Institutes of Health, as well as appropriations to the Department of Labor to ensure a safe workplace for all Americans.

The managers of the bill deserve particular recognition for their efforts to balance these many competing demands and to do so while remaining within the subcommittee's very tight 602(b) allocation.

Senators HARKIN and SPECTER have served on the Labor/HHS Subcommittee for a number of years and have worked together in their capacities as chairman and ranking member. The Senate and the Nation owe them a debt of gratitude for their dedication and their commitment to excellence in carrying out their responsibilities on their subcommittee.

Mr. SIMPSON. Mr. President, I rise to speak concerning this amendment which would appropriate \$100 million to reimburse states for the cost of educating immigrants. The money would be distributed under the Emergency Immigration Education Act of 1984.

This amendment and the underlying Emergency Immigration Education Act do not differentiate between legal and illegal immigrants, which very much concerns me. The Commission on Immigration Reform recently issued an excellent interim report making recommendations to the administration and the Congress on a variety of immigration issues, including that of providing Federal financial aids to the States for the costs of immigration.

The Commission recommended a "short-term authorization of financial aid to offset at least a portion of certain identifiable costs to states and localities resulting from unlawful immigration."

I have seen no solid evidence that it is even possible to accurately identify

either the number or cost of illegal immigrants. One reason for this is that—believe it or not—many State and local government agencies are prohibited by law, ordinance or rule from even "communicating" with the Immigration and Naturalization Service.

The Commission on Immigration Reform recommended that if there is to be such Federal reimbursement to State and local governments that there also be "a requirement that the state and local governments cooperate with Federal authorities to enforce the immigration laws of the United States."

If this appropriation were to reimburse impacted States for the cost of educating illegal alien children, then taking \$100 million from other programs to fund this amendment might well be justified—if those costs can be identified.

However, since many State and local governments prohibit their officials from communicating with the Immigration Service, I do not know how they can identify those costs attributable to illegal immigration. Cooperation with the INS should be a condition of any such amendment.

If this appropriation is to reimburse States for the costs of educating legal immigrant children, then this amendment is not the proper approach to reduce those costs.

If legal immigration is so high it is placing an unreasonable financial burden on the States, the answer is to reduce immigration, rather than provide Federal reimbursement. Also, States could rethink some of their very expensive bilingual education programs.

It has been the policy of the United States for more than 100 years that newcomers should "pay their way" after immigrating to the United States.

Personally, I believe that legal immigrants do pay their way, and that the impacted States probably benefit from legal immigrants, if they are coming in reasonable numbers. Some studies have found that legal immigrants more than pay their way, although there have also been contradictory studies.

If the numbers are unreasonable, and if immigrants are causing a burden the states cannot bear, then we should be discussing reducing admissions until the economies of the impacted states have had an opportunity to recover.

Mr. COVERDELL. Mr. President, I rise in support of H.R. 4606, the fiscal year 1995 Labor, Health, and Human Services, and Education appropriations bill. I want to congratulate my colleagues, Senator HARKIN and Senator SPECTER, for their diligent work on this bill.

I rise to lend my support to language included in the report that accompanies this legislation. This language deals with the extramural construction

funds provided under the National Center for Research Resources. The mission of the Center is to support the research technologies and shared resources that are critical to maintaining the health of all Americans. As such, the National Center supports construction programs which directly assist the Center in achieving its goals and mission.

One such project mentioned in the report is the National Center for Primary Health at the Morehouse School of Medicine in Atlanta. Since its founding, the Morehouse School of Medicine has dedicated itself to the primary health care needs of the American people, with a particular emphasis on minorities. As a result of this dedication, the Morehouse School of Medicine leads the Nation in the percentage of graduates who enter the primary care specialties. And, despite the fact that the school is less than 20 years old, its faculty has successfully competed for more research funding than one-third of all of the medical schools in the country. The National Center for Primary Care will build upon this foundation.

The National Center for Primary Care will be a national resource that will conduct, sponsor and participate in academic, clinical, and health services research. To achieve this mission, the center will accomplish the following goals:

To increase significantly the number of primary care physicians.

To create a national health and social policy center focused on identifying and analyzing the complex social, education, psychological, behavioral, economic and historical factors which contribute to current problems of diminished health status, access and quality in the provisions of both preventive and acute health care.

To augment both outreach and community-based clinical networks with new communications technologies to form a solid base for its expanded research and health policy efforts.

To create a new set of collaborative linkages focused on medical education, health and social policy and the dissemination of basic and applied research supported by expanded on-site teleconferencing capabilities and computer support.

I cannot think of an institution better suited to undertake this challenge than the Morehouse School of Medicine. The school, under the stewardship of its president, Dr. Louis Sullivan, already possesses the elements that are necessary to ensure that the National Center for Primary Care will be a national model for basic biomedical and applied research.

For example, the school has established an outstanding program of medical education. The Morehouse School of Medicine also possesses a fundamental understanding of the complexities

and challenges involved in the provision of primary care services to individuals and families in low-income urban neighborhoods and rural communities. As a result, the school has built a long-standing and solid base of trust within many underserved communities. Finally, the Morehouse School of Medicine has developed an excellent program of basic applied research with an increasing emphasis on community-based research related to the environmental, economic, and social factors affecting health status.

I want to thank the chairman for recognizing the contribution the Morehouse School of Medicine has made in the area of primary health care. The inclusion of report language is testimony to the success and respect the school has achieved. I want to urge the Assistant Secretary for Health and the director of the National Center for Research Resources to carefully review and consider the Morehouse School of Medicine's application for extramural construction funds for the National Center for Primary Care.

FUNDING FOR SCHOLAR-ATHLETE COMPETITIONS IN 1995

Mr. CHAFEE. Mr. President, I would like to thank the managers of the appropriations bill for the Departments of Labor, Health and Human Services, and Education for their help in providing funding for a program that was authorized earlier this week in the Improving America's Schools Act which reauthorizes the Elementary and Secondary Education Act. The provision included in the ESEA authorizes the Secretary of Education to provide \$1 million for scholar-athlete games to be conducted in 1995. I am delighted that the appropriators were able to provide \$500,000 for this program. Of course, we will be back next year with the hope of securing the rest of the authorized amount.

In 1993, the Institute for International Sport at the University of Rhode Island conducted the World Scholar Athlete Games; 2,000 students from 125 countries and all 50 States participated in the games. Through these games, friendships were formed and understanding was developed between boys and girls who would otherwise never have crossed paths. I believe that through this form of interaction bridges between diverse populations are built.

The Institute for International Sport plans to conduct similar games in Rhode Island in 1995. The Rhode Island Scholar-Athlete Games will bring together boys and girls from the 5th through 12th grades. These students will have a record of academic excellence or have demonstrated marked improvement in their school work. The institute is dedicated to making a special effort to include low income and minority students. Rhode Island is a small State with a lot of diversity.

These games will reflect that diversity and help to develop greater understanding between these students.

The sports activities that are planned include: baseball, softball, sailing, basketball, volleyball, soccer, tennis, swimming, and track. The cultural activities will include: art, band, debate, choir, theater, poetry, and creative writing. The Institute for International Sport also plans to hold theme days on the subjects of ethics and fair play, the environment and substance abuse.

Educators and civic leaders from every State will be invited to attend and observe the games. The institute will offer training sessions to these individuals to enable them to emulate the Rhode Island Scholar-Athlete Games in their home States.

I greatly appreciate the cooperation of Senator SPECTER and HARKIN in providing the funds for this program, and I am delighted that Senator PELL has joined me in ensuring funding for scholar-athlete competitions in 1995.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.
Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.
The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.
The PRESIDING OFFICER. Are there Senators in the Chamber wishing to change their votes?

The result was announced—yeas 87, nays 13, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—87

Akaka	Daschle	Johnston
Baucus	DeConcini	Kassebaum
Bennett	Dodd	Kennedy
Biden	Dole	Kerrey
Bingaman	Domenici	Kerry
Bond	Dorgan	Kohl
Boren	Durenberger	Lautenberg
Boxer	Exon	Leahy
Bradley	Feingold	Levin
Breaux	Feinstein	Lieberman
Bryan	Ford	Lott
Bumpers	Glenn	Lugar
Burns	Gorton	Mack
Byrd	Graham	Mathews
Campbell	Grassley	McCain
Chafee	Harkin	McConnell
Coats	Hatch	Metzenbaum
Cochran	Hatfield	Mikulski
Cohen	Heflin	Mitchell
Coverdell	Hollings	Moseley-Braun
D'Amato	Inouye	Moynihhan
Danforth	Jeffords	Murkowski

Murray	Riegle	Simpson
Nickles	Robb	Specter
Nunn	Rockefeller	Stevens
Packwood	Sarbanes	Thurmond
Pell	Sasser	Warner
Pryor	Shelby	Wellstone
Reid	Simon	Wofford

NAYS—13

Brown	Gregg	Roth
Conrad	Helms	Smith
Craig	Hutchison	Wallop
Faircloth	Kempthorne	
Gramm	Pressler	

So the bill (H.R. 4606), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, with that vote, the Senate has overwhelmingly approved H.R. 4606, the Labor, Health and Human Services, Education, and related agencies appropriations bill for fiscal 1995. I want to thank all Senators for their indulgence, for bringing their amendments to the floor, and for their support for passing this important bill.

I specially want to thank the staff who have worked so long and so hard on this bill. As Senator SPECTER and I have stated earlier, with the tight budget caps, this has been a particularly tough year on this subcommittee. In spite of these pressures, we have crafted a good bill, with strong bipartisan support. Much of the credit should go to the staff.

On the majority side, I want to recognize our staff director, Ed Long, along with Jim Sourwine, Carol Mitchell, Susan McGovern, Bill Cordes, Ellen Murray, Ron Yucas, Gladys Clearwaters, and Antonio Clinkscales. For the minority, I want to thank Craig Higgins, Bettilou Taylor, and Margaret Snyder.

To all of them, my heartfelt thanks and gratitude for the many hours they put into this effort.

We are now looking forward to conference with the House. Last year, conference on the fiscal 1994 bill lasted less than 3 hours. I'd like to complete conference on next year's bill in record time.

Again, I thank all my colleagues for their support.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees.

The PRESIDING OFFICER (Mr. DORGAN) appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND conferees on the part of the Senate.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the conference report on H.R. 4426, the Foreign Operations appropriations bill, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 4426, making appropriations for foreign operations, export finance and related programs for fiscal year ending September 30, 1995.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report to H.R. 4426.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—88

Akaka	Feingold	McConnell
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boren	Gramm	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Nunn
Breaux	Harkin	Packwood
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Hutchison	Reid
Campbell	Inouye	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Rockefeller
Cochran	Kassebaum	Sarbanes
Cohen	Kennedy	Sasser
Conrad	Kerrey	Shelby
Coverdell	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Stevens
DeConcini	Levin	Thurmond
Dodd	Lieberman	Warner
Dole	Lugar	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	
Exon	McCain	

NAYS—12

Byrd	Helms	Murkowski
Craig	Hollings	Roth
Domenici	Kempthorne	Smith
Faircloth	Lott	Wallop

So the conference report to H.R. 4426 was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now

proceed to the conference report on H.R. 4453, the military construction appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 4453) a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

(The conference report is printed in the House proceedings of the RECORD of July 27, 1994.)

Mr. BYRD. Mr. President, the Senate version of the fiscal year 1995 military construction appropriations bill included an amendment, which I authored, which would have appropriated \$25.1 million to the Department of Defense, to be transferred to the Coast Guard, to defray the expenses for a consolidation of activities at the Coast Guard's operations systems center at Martinsburg, West Virginia. These funds would have been completely offset by the rescission of \$25.1 million previously appropriated for a Navy military construction project, which was canceled. The bill, as so amended, passed the Senate on July 15. The conferees agreed to the amendment. However, the managers on the part of the House decided to delete, without prejudice, the appropriation proposed by the Senate for the Coast Guard, inasmuch as the matter comes under the jurisdiction of the Transportation Appropriations Subcommittee. Therefore, the conference agreement at issue does not include any funds for the Martinsburg Coast Guard project, and I do not plan to offer an amendment at this time to restore the funds.

By way of explanation, Mr. President, the purpose of the Senate amendment was to provide funds for construction of facilities in connection with a consolidation at the Coast Guard Operations System Center at Martinsburg sought by Coast Guard officials in their quest to streamline operations.

The Coast Guard Commandant has indicated that that agency has undertaken a number of cost-benefit studies that could result in the centralization of certain information functions at the Coast Guard's Operations Systems Center. The Commandant indicated his belief that such consolidations will prove to be cost effective to the taxpayer.

Mr. President, the Coast Guard has developed a program to streamline its vessel documentation function at an eventual savings of approximately 20 personnel and \$1 million per year. The Coast Guard advises that this initiative would consolidate 14 regional documentation offices in one location. A centralized vessel documentation processing facility will produce significant

efficiencies. Currently, with 14 regional documentation offices, the representatives of industry, law enforcement, and other users must often make several inquiries to more than one office to gather information on a vessel. Additionally, service delays are inherent whenever a vessel's records are required to be forwarded to a new office as a result of the vessel's changing its port of documentation. Under the consolidated office concept, only one inquiry will be necessary and customer service delays will be significantly reduced.

In summary, the Coast Guard has embarked upon a program to consolidate and streamline its operations, and it has expressed its desire to expand upon its successful experience in Martinsburg.

The location of the Coast Guard Operations Systems Center at Martinsburg is not unique. Other examples of Coast Guard support facilities which are not located at coastal sites include the Coast Guard Pay and Personnel Center located in Topeka, Kansas, and the Coast Guard Institute, located in Oklahoma City, Oklahoma.

The Navy also has support facilities which are not located at coastal sites, including the Naval Weapons Support Center in Crane, Indiana, the Naval Ships Parts Control Center in Mechanicsburg, Pennsylvania, and the Navy Finance Center in Cleveland, Ohio.

Mr. President, the Coast Guard provides a valuable service, nationally and internationally. This funding would have helped the Coast Guard to consolidate, to operate more efficiently, and to save the taxpayer money in the long run. I support those efforts.

VOTE

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report to H.R. 4453.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—95

Akaka	Coverdell	Grassley
Baucus	Craig	Harkin
Bennett	D'Amato	Hatch
Biden	Danforth	Hatfield
Bingaman	Daschle	Heflin
Bond	DeConcini	Helms
Boren	Dodd	Hollings
Boxer	Dole	Hutchison
Bradley	Domenici	Inouye
Breaux	Dorgan	Jeffords
Bryan	Durenberger	Johnston
Bumpers	Exon	Kassebaum
Burns	Faircloth	Kempthorne
Byrd	Feingold	Kennedy
Campbell	Feinstein	Kerrey
Chafee	Ford	Kerry
Coats	Glenn	Kohl
Cochran	Gorton	Lautenberg
Cohen	Graham	Leahy
Conrad	Gramm	Levin

Lieberman	Murray	Sasser
Lott	Nickles	Shelby
Lugar	Nunn	Simon
Mack	Packwood	Simpson
Mathews	Pell	Specter
McConnell	Pressler	Stevens
Metzenbaum	Pryor	Thurmond
Mikulski	Reid	Wallop
Mitchell	Riegle	Warner
Moseley-Braun	Robb	Wellstone
Moynihan	Rockefeller	Wofford
Murkowski	Sarbanes	

NAYS—5

Brown	McCain	Smith
Gregg	Roth	

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENTS CONCURRED WITH EN BLOC

The PRESIDING OFFICER. Under the previous order, the Senate concurs en bloc with the House amendments to Senate amendments number 6, 10, 13, 15, 16, 19, 20, 23, 24, 27, 31, and 32, and the Senate recedes from its amendment numbered 29; as follows:

In the House of Representatives,

Resolved, That the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4453) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes."

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 8 and 14 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$49,386,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$188,062,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 13 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$57,370,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$22,748,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$57,066,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$1,013,708,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$1,183,710,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$1,205,064,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$277,444,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "\$1,102,289,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with the following amendments:

Restore the matter stricken by the Senate, with a amendment as follows:

In lieu of the section designation "SEC. 126.", insert: "SEC. 127."; and

Retain the matter proposed by the Senate with an amendment as follows:

In lieu of the section designation "SEC. 126." insert: "SEC. 128."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section designation "SEC. 127.", insert: "SEC. 129."

Resolved, That the House insist on its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill.

The PRESIDING OFFICER. The motions to reconsider these votes are laid upon the table.

DEPARTMENT OF DEFENSE APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4650, the Department of Defense appropriations bill, which the clerk will report.

The assistant 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.

Pending:

(1) Dole Amendment No. 2479, to provide for the termination of the United States arms embargo of the Governments of Bosnia and Herzegovina no later than November 15, 1994.

(2) Helms Amendment No. 2480, 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.

(3) Bumpers Amendment No. 2481 (to committee amendment on page 37, line 7), to reduce the amount for the acquisition of Milstar satellites.

(5) Bumpers Amendment No. 2489, to reduce the amount for the procurement of the Trident II Missile Program.

VOTE ON AMENDMENT NO. 2481

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment numbered 2481 offered by the Senator from Arkansas to the committee amendment on page 37, line 7. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 38, nays 62, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—38

Biden	Kassebaum	Pell
Bradley	Kerry	Pryor
Breaux	Kohl	Riegle
Bumpers	Lautenberg	Robb
Byrd	Leahy	Rockefeller
Conrad	Levin	Roth
Dorgan	Lugar	Sarbanes
Feingold	Mathews	Sasser
Graham	Metzenbaum	Simon
Harkin	Mitchell	Simpson
Hatfield	Moseley-Braun	Wellstone
Hollings	Moynihan	Wofford
Jeffords	Murray	

NAYS—62

Akaka	Dodd	Kerry
Baucus	Dole	Lieberman
Bennett	Domenici	Lott
Bingaman	Durenberger	Mack
Bond	Exon	McCain
Boren	Faircloth	McConnell
Boxer	Feinstein	Mikulski
Brown	Ford	Murkowski
Bryan	Glenn	Nickles
Burns	Gorton	Nunn
Campbell	Gramm	Packwood
Chafee	Grassley	Pressler
Coats	Gregg	Reid
Cochran	Hatch	Shelby
Cohen	Heflin	Smith
Coverdell	Helms	Specter
Craig	Hutchison	Stevens
D'Amato	Inouye	Thurmond
Danforth	Johnston	Wallop
Daschle	Kempthorne	Warner
DeConcini	Kennedy	

So the amendment (No. 2481) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the majority leader.

VISIT TO THE SENATE BY PRESIDENT TER-PETROSSIAN OF ARMENIA

Mr. MITCHELL. Mr. President, we are being visited today by a distin-

guished guest, and I will, following this brief introduction, ask unanimous consent that there be a recess for approximately 10 minutes to permit Senators to greet our guest, who is in the rear of the Chamber.

It is my privilege to introduce to the Senate the President of the Republic of Armenia, Levon Ter-Petrosian.

President Ter-Petrosian has the distinction of being the first democratically elected President of that country. He also played a critical role in the efforts which led to Armenia's independence in 1991, paying for his efforts with a period of imprisonment from 1988 to 1989. Three months after his release from prison, he was elected to the Supreme Council, Armenia's legislature, and became Chairman of that body from 1990 until 1991, when he was elected President.

In addition to securing such a prominent role for himself in the recent history of his country, President Ter-Petrosian is a noted scholar of ancient Armenian history, with a Ph.D. in philology from Leningrad University.

On behalf of all of the Senate, we welcome President Ter-Petrosian and wish him well in the quest for peace for his troubled region. In that context, I would like to salute the efforts which have led to a cease-fire in the Nagorno-Karabakh crisis and to express the Senate's hope for a lasting peace plan to which all parties can agree.

Mr. President, I ask all Senators now to join me in welcoming President Ter-Petrosian.

[Applause.]

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a recess for a period of approximately 10 minutes to permit Senators to greet the President of Armenia.

There being no objection, the Senate, at 12:11 p.m. recessed until 12:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 2489

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2489, offered by the Senator from Arkansas [Mr. BUMPERS] to the committee amendment on page 25, line 8 of the bill.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—40

Baucus	Harkin	Murray
Biden	Hatfield	Pell
Boren	Jeffords	Pryor
Boxer	Kassebaum	Reid
Bradley	Kerrey	Riegle
Brown	Kerry	Rockefeller
Bryan	Kohl	Roth
Bumpers	Lautenberg	Sarbanes
Byrd	Leahy	Sasser
Conrad	Levin	Simon
DeConcini	Mathews	Wellstone
Dorgan	Metzenbaum	Wofford
Feingold	Moseley-Braun	
Grassley	Moynihan	

NAYS—60

Akaka	Exon	Lugar
Bennett	Faircloth	Mack
Bingaman	Feinstein	McCain
Bond	Ford	McConnell
Breaux	Glenn	Mikulski
Burns	Gorton	Mitchell
Campbell	Graham	Murkowski
Chafee	Gramm	Nickles
Coats	Gregg	Nunn
Cochran	Hatch	Packwood
Cohen	Heflin	Pressler
Coverdell	Helms	Robb
Craig	Hollings	Shelby
D'Amato	Hutchison	Simpson
Danforth	Inouye	Smith
Daschle	Johnston	Specter
Dodd	Kempthorne	Stevens
Dole	Kennedy	Thurmond
Domenici	Lieberman	Wallop
Durenberger	Lott	Warner

So the amendment (No. 2489) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2480 offered by the Senator from North Carolina [Mr. HELMS] to the committee amendment on page 2, line 15.

The yeas and nays have been ordered.

Mr. INOUE. Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE MOTION TO TABLE AMENDMENT NO. 2480

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2480.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—53

Akaka	Bumpers	Daschle
Baucus	Byrd	DeConcini
Bennett	Chafee	Dodd
Biden	Cohen	Dorgan
Bingaman	Conrad	Durenberger
Boren	Coverdell	Exon
Breaux	Craig	Feinstein
Bryan	Danforth	Ford

Glenn	Levin	Pell
Gorton	Lugar	Pryor
Graham	Mathews	Reid
Harkin	Metzenbaum	Riegle
Inouye	Mikulski	Robb
Jeffords	Mitchell	Rockefeller
Johnston	Moseley-Braun	Sarbanes
Kennedy	Moynihhan	Simon
Kerrey	Murray	Wofford
Leahy	Nunn	

NAYS—47

Bond	Hatch	Murkowski
Boxer	Hatfield	Nickles
Bradley	Heflin	Packwood
Brown	Helms	Pressler
Burns	Hollings	Roth
Campbell	Hutchison	Sasser
Coats	Kassebaum	Shelby
Cochran	Kempthorne	Simpson
D'Amato	Kerry	Smith
Dole	Kohl	Specter
Domenici	Lautenberg	Stevens
Faircloth	Lieberman	Thurmond
Feingold	Lott	Wallop
Gramm	Mack	Warner
Grassley	McCain	Wellstone
Gregg	McConnell	

So the motion to lay on the table the amendment (No. 2480) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

HEALTH SECURITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2351, calendar No. 539, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2351) to achieve universal health insurance coverage, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I wonder if I might claim my leader time before we start on the health care. Has leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I yield 5 minutes of my leader time to the Senator from New York, [Mr. D'AMATO]. I will take about 2 or 3 minutes. I do not want to delay my colleagues.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I would like to call the attention of my colleagues to four articles in today's Washington Post.

First, I recommend the story on page 1 entitled, "CBO Is Lukewarm on Senate Health Plan." This story summarizes some of the problems the non-partisan Congressional Budget Office has with Senator MITCHELL's proposal. Let me share a few quotes from that story.

The CBO also found the [Mitchell plan] would be difficult if not impossible for indi-

vidual States to implement, and that a proposed tax on health care plans whose benefits costs exceed certain levels could increase the cost of insurance for many people and cause some to drop coverage.

Furthermore, the bill's proposal that there be an employer mandate only in States that do not reach 95 percent coverage by 2000 would cause businesses to move across State borders to avoid the payment.

The Agency also found an aspect of the Mitchell bill—establishing three additional medical subsidy programs—would be difficult to accomplish in a sensible and administrable fashion.

It is obvious from this story, Mr. President, that the CBO preliminary analysis of the Mitchell bill should be read by every Member of this Chamber before we begin the amendment process.

The second article worth reading is on the front page and it is entitled "A Second Opinion as Debate Begins." And this article reports that Mrs. Clinton believes the Mitchell bill is an "untested approach," and she expresses her skepticism that "it would work as advertised." Mrs. Clinton also expressed her preference for the legislation sponsored by Congressman GEPHARDT.

Mrs. Clinton's influence on this issue is well known. And no doubt about it, she has been a very eloquent voice in this debate. But if she believes the Gephardt bill is better, it should lead us to wonder what will happen in a House-Senate conference committee. Will the White House be exerting its influence to set aside whatever bill the Senate passes, and to adopt the Gephardt approach? If that is to be the case, why do we not just bring the radical Gephardt bill up for a vote right now.

Also on the front page is a headline that reads "Businesses Desert Key Health Bills."

And the article reports that:

A wide range of small and very large businesses have come to the same conclusion that the bad news [in the Mitchell and Gephardt bills] far outweighs the good.

The article also contains a very compelling quote from James Klein, the executive director of the Association of Private Pension and Welfare Plans.

Mr. Klein points out correctly that the folks who are saying that the Mitchell bill is not as bad as the Clinton or Gephardt bill are asking the wrong question. And he says the right question about the Mitchell bill is, "Is it better or worse than the current system with all its flaws?"

And Mr. Klein concludes:

Business, both large and small, is increasingly of the view that it is worse than the current system and shouldn't be allowed to go through.

That is also the conclusion shared by the highly respected economist Robert J. Samuelson, in the fourth article in today's Post that I recommend to my colleagues.

Let me just share a few quotes from Mr. Samuelson's op-ed which can be found on page A-19.

Among other things, the Democratic health care plans contain a large—and unjustified—multi-billion dollar tax on younger workers. You wonder whether most Members of Congress know this or even care. The whole health care debate is now completely out of control. The desperate effort to craft something that can be advertised as "universal coverage" means that Congress literally no longer knows what it's doing. Anything resembling the Democrats' bills, if enacted, would produce massive unintended side effects.

Chaos is now the most important (and largely unreported) reality about the health care debate. Dozens of provisions in [the Democrats' bills] would have huge unappreciated consequences. John Sheils of Lewin-VHL, a health consulting firm, says premiums for small businesses in the Mitchell bill could be 25% higher than for big companies. The CBO agrees a gap exists but puts it lower. Who's right? Do most Members of Congress understand the gap? Probably not.

And Mr. Samuelson—who, to be fair, also criticizes Republicans in his article—concludes by writing:

In May, Robert Reischauer, head of the CBO, warned that trying to find a compromise by combining provisions from different bills might make the health system worse. He compared it to building an auto engine with incompatible parts. "You can't say I want a piston from Ford, a fuel pump from Toyota—and expect the engine to run."

Well, that's precisely what's happened. The contraption is no longer even a car made from incompatible parts. It's now part car, part tractor, and part rollerblades. It's a clunker. Most Americans seem to understand this. Will Congress?

Mr. President, Will Rogers once said that "All I know is what I read in the paper."

And no doubt about it, after reading the Washington Post this morning, one thing I know is that it would be foolhardy for Americans to trade in the best health care system in the world for a plan that raises as many questions and as many concerns as the plans by Senator MITCHELL and Congressman GEPHARDT.

I ask unanimous consent that the two Washington Post articles be printed in the RECORD.

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

HEALTH CARE: START OVER NEXT YEAR—THEY DON'T KNOW WHAT THEY'RE DOING UP THERE

(By Robert J. Samuelson)

Among other things, the Democratic health care plans contain a large—and unjustified—multi-billion-dollar tax on younger workers. You wonder whether most members of Congress know this or even care. The whole health care debate is now completely out of control. The desperate effort to craft something that can be advertised as "universal coverage" means that Congress literally no longer knows what it's doing. Anything resembling the Democrats' bills, if enacted, would produce massive unintended side effects.

Apparently, most Americans grasp this. In a Newsweek poll last week, respondents were

asked whether Congress ought to "pass reform this year" or "start over next year." By a two-to-one margin (65-31 percent), they said "start over." They sense that the versions of health reform crafted by House and Senate leaders are hodgepodes of conflicting provisions whose only purpose is to win passage. But what is clear to ordinary Americans is denied in Washington. In the capital, the fiction is that legislators know what they're doing and are debating rational alternatives.

"I think you're going to see a very good, erudite back-and-forth," says House majority leader Richard Gephardt, sponsor of the House bill. Well, it won't be "erudite" if members of Congress don't understand the consequences of their actions.

Gephardt's plan, for instance, would create a new Medicare Part C program for the unemployed, workers in small companies and many existing Medicaid recipients. The Congressional Budget Office estimates that the program might enroll 90 million people. But the project could easily err by millions in either direction. More important, Medicare Part C emphasizes "fee for service" medicine (patients selecting individual doctors), while the rest of the bill emphasizes "managed competition" (reliance on health maintenance organizations and similar plans).

In a single stroke, the bill would separate the under-65 population into two groups, mainly based on income and size of employer. Each group would be crudely steered toward a different type of medicine. In practice, this division may not be politically acceptable or economically workable. Many Americans may find one type of medicine more appealing than the other and resent being excluded. Or the artificial segmenting of the medical market may raise costs for both "managed competition" and "fee for service." Gephardt doesn't know; no one does.

Now, consider the tax on young workers. It arises from "community rating." As people age, their health costs and insurance premiums rise. But "community rating" requires that everyone pay the same rate. This provision is included in the House bill and, in a modified version, in the Senate bill. The effect would be to raise insurance for younger workers (say those below 45); the amounts are hard to estimate, but a good guess is at least \$300 to \$500 a worker. If employers have to pay higher insurance, they will pay lower salaries. The invisible tax on young workers might total \$15 billion to \$25 billion annually.

Is this fair? No. If enacted, it would compound the existing bias against the young. Already, one-third of the federal budget goes to the elderly; the young are taxed to support the old. How much farther is this to go? Or is it a cynical reaction to voting patterns (the young vote less than the middle-aged or old)?

Questions like these swirl around both Gephardt's plan and Senate majority leader George Mitchell's. It is hard even to describe Mitchell's plan. He says it's voluntary and lacks a "mandate." Wrong. It's true that it doesn't mandate companies to buy insurance for workers. But it does mandate a standard benefit package for firms—the vast majority—that offer insurance. Because the mandated benefits are above average, this would probably raise health spending. Companies below the new standard would increase benefits; those above would have trouble lowering them.

Next, Mitchell hopes to achieve 95 percent insurance coverage by offering subsidies for

low-income workers to buy it. But there's a "fail-safe" mechanism to limit subsidies if the budget costs exceed projected costs. However, if 95 percent coverage doesn't occur by 2000, Congress could require employers to pay 50 percent of their workers' insurance. But this would apply only to firms with more than 25 workers. Got it? Neither Mitchell nor anyone else knows whether this would reach 95 percent coverage.

These plans are confusing because the health debate evaded the basic tension between expanding health services ("universal coverage" etc.) and controlling health spending. It's hard to do both at the same time. The plans' complexities—as with the original Clinton plan's—aim to disguise this conflict. Republicans haven't been especially constructive in this debate because they haven't faced up to it either. But they are now correct that a bad bill would be worse than none.

Chaos is now the most important (and largely unreported) reality about the health care debate. Dozens of provisions in these bills would have huge unappreciated consequences. John Sheils of Lewin-VHI, a health consulting firm, says premiums for small businesses in the Mitchell bill could be 25 percent higher than for big companies. The CBO agrees a gap exists but puts it lower. Who's right? Do most Members of Congress understand the gap? Probably not. Still, the pretense in Washington is that Congress is making conscious choices.

The pretense is sustained because in Washington politics is sport, especially at the climax of a legislative battle. All attention fixes on who wins and loses—and the deals that enliven the game. Rhetorical blasts are taken for reality; political reporters know little of how legislation would work and care less. This often leads to bad laws, and in health care, the potential for blunders is huge because Congress is tinkering with one-seventh of the economy and most aspects of medicine.

In May, Robert Reischauer, head of the CBO, warned that trying to find a compromise by combining provisions from different bills might make the health system worse. He compared it to building an auto engine with incompatible parts: "You can't say I want a piston from Ford, a fuel pump from Toyota * * * and expect the engine to run." Well, that's precisely what happened. The contraption is no longer even a car made with incompatible parts. It's now part car, part tractor and part rollerblades. It's a clunker. Most Americans seem to understand this. Will Congress?

CBO IS LUKEWARM ON SENATE HEALTH PLAN (By Dana Priest and Helen Dewar)

The Congressional Budget Office yesterday gave a decidedly mixed review to the Senate leadership's health care reform bill.

The agency, in a preliminary analysis, said the bill would achieve its goal of covering 95 percent of the population in 1997, almost immediately after enactment, but would increase the deficit by \$9 billion by 2000. The CBO said it would also be necessary to require employers to cover the 14 million people who would remain uninsured after 2000. The requirement is called the employer mandate.

Because of the way the Congress's budget rules are structured, the deficit would not prevent Congress from adopting the bill. The agency, which Congress created to give it independent economic analysis and forecasting, predicted the bill's adverse impact on the deficit would eventually disappear.

The CBO also found the plan by Sen. George J. Mitchell (D-Maine) would be difficult if not impossible for individual states to implement and that a proposed tax on health care plans whose benefits costs exceed certain levels could increase the cost of insurance for many people and cause some to drop coverage.

Furthermore, the bill's proposal that there be an employer mandate only in states that do not reach 95 percent coverage by 2000 would cause businesses to move across state borders to avoid the payment.

"Because of the disruptions, complications, and inequities that would result, CBO does not believe that it would be feasible to implement the mandated system in some states but not others; the system would have to include either all states or none."

The agency, which is charged with estimating the cost of legislation on the federal budget, also found an aspect of the Mitchell bill—establishing three additional medical subsidy programs—would be difficult to accomplish in a "sensible and administrable fashion."

The subsidies would cost the federal government \$115 billion over four years in addition to what it would spend on Medicaid, the current federal-state Medicaid medical program for the poor.

Since Mitchell unveiled his plan last week, the legislation has been rewritten "hundreds of times," sources said, because the original plan would have created a "a huge deficit." The bill now includes few subsidies for small, low-wage firms. It also would not limit, as the Clinton bill did, out-of-pocket costs for individuals. The changes could pose serious political problems for Mitchell because the business subsidies had been a sweetener to attract lawmakers worried about burdening firms with new costs.

The bill includes a novel approach to cost containment—a 25 percent tax on health plans whose annual price increases exceed a government-set limit. The tax is projected to raise about \$6 billion in 2000.

Mitchell adopted the provision as a way to raise money and to force health plans to lower their costs. To avoid criticism by labor unions, which oppose it, he inserted a rule prohibiting health plans from passing the tax on to consumers. But the CBO said such a restriction would be difficult to enforce, the tax would be passed on and, if insurance were voluntary, the increase would force some people to drop coverage.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank the leader for yielding me this time.

REMOVING TREASURY OFFICIALS

Mr. D'AMATO. Mr. President, today eight of my colleagues on the Senate Banking Committee joined me in sending a letter to Secretary Bentsen. It is a short letter. I am going to take the time to read it because it is important.

DEAR MR. SECRETARY:

As you are no doubt aware, the Senate Whitewater hearings revealed that Roger Altman and Jean Hanson were not fully truthful or forthcoming with the Senate Banking Committee on February 24. Thereafter, they continued to be less than truthful in a series of letters to the committee dated March 2, 3, and 11.

Indeed, undisputed testimony by White House witnesses at the Whitewater hearings concluded last week established that White House officials specifically warned Mr. Altman on March 1 that his February 24 testimony "could be misleading." In addition, Josh Steiner, your chief of staff, gave testimony during the Senate hearings on Whitewater that the New York Times has described as "comical," referring to his efforts to repudiate his own writings.

By their actions, these officials have brought dishonor on your office, and we believe their continued service at Treasury cannot be productive. They have irretrievably lost the confidence of this committee. We hope that you will act swiftly to remove these officials and restore the Department's standards.

As I say, eight of my colleagues joined with me.

Secretary Bentsen has an obligation. It is not good enough to wait to see what the signal from the White House is. It is the Secretary's stewardship that is in question, and in terms of the actions of these three people who serve at his pleasure, I believe that their swift removal is the only thing that will restore the honor and credibility of the Department.

Mr. President, I have noticed something of late, and it has to do with Whitewater, but it goes beyond. Every time someone appears to be at odds with the President, the White House immediately has their minions running out there, whether it is DNC, whether it is Members of the Congress, whether they take to the floor of this Chamber or the other, and they look to attack the character and undermine the credibility of the person who may be at odds or have a difference of opinion. It has been going on and it continues to go on. This is their modus operandi. They try to be disingenuous after the President's lawyer, Mr. Bennett, who is the attack dog, starts. Oh, we disavow. And then one Member of the Congress after another.

It is pretty partisan. You cannot suggest to me that some of those Members up there attacking the people have not been part and parcel of this operation. They attacked Jay Stephens, the former U.S. attorney in Washington. They attacked the new independent prosecutor, Judge Kenneth Starr, and now they are even attacking the three-judge court that appointed independent prosecutor Starr. This game has gotten tired and old. It is their little tricks.

The President's lawyer, Robert Bennett, and the White House operatives should know better. I think it is about time we call them the way we see them, and that is the way this Senator sees them. I for one believe we have an obligation to stand up and not submit to this new kind of attempt to still the voices of people who have a difference of opinion.

I thank the Chair. I yield the floor.

HEALTH SECURITY ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate on the bill, S. 2351, equally divided and controlled between the majority and the minority leaders or their designees.

Who yields time?

Mr. PACKWOOD addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, in a moment, I am going to yield to the Senator from Minnesota such time as he wants.

But I am telling you, I have reached the limit of my patience. Last night, the majority leader introduced a new bill. It has no number. He has not introduced it. He had it printed by the Government Printing Office. It is not a star print, which requires unanimous consent. It is a new bill. And apparently what he has done—I have it all on the one page, and I have not had a chance to look at it yet.

The following sections have been modified since the initial printing of S. 2351, which was his bill only last week. Title I, 101, 102, and so forth; title II, title III, IV, V, right on through title IX.

We have no idea what he has done. We are now soon going to be on this bill. This is exactly the problem I have been talking about for the last month. Are we going to go day by day with brandnew bills, brandnew amendments, with no chance to see them? Do these have to be costed? Do they have any cost? Does anybody know? Has anybody seen them? No.

Is the majority party so determined to pass a bill, any bill, that they do not care whether anyone sees it or not? We have already turned down Senator HELMS' sense-of-the-Senate amendment this morning that we should not proceed unless we have Congressional Budget Office estimates. We turned that down. That is the budget procedure we have voted to follow for years. We should have estimates before we go. We defeated that.

Now we have a bill we have never seen. We have modifications to the previous bill that we only saw last week that was 1,400 pages, 14 pounds.

It is an absolutely insane, insane, unfair process to ask us to now know what is in this bill that has not been introduced, but was printed last night at the request of the majority leader.

Mr. President, I yield to the Senator from Minnesota such time as he may deem necessary.

Mr. KENNEDY. Will the Senator just yield for purposes of clarification? What exactly is the point that the Senator was making?

The PRESIDING OFFICER (Mr. AKAKA). Does the Senator from Oregon yield?

Mr. PACKWOOD. No, not on my time.

Mr. MOYNIHAN. Mr. President, now, comity, comity; and no breaking of furniture.

Mr. PACKWOOD. I just did not want it on our time. That is fine.

Mr. MOYNIHAN. Sure. I yield to the majority leader such time as he requires.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I simply want to make one point, and then I will be glad to yield to our colleagues.

I introduced my bill 1 day after announcing my plan.

It was based upon the Finance Committee bill. That committee had completed its work a month before, and the Labor Committee bill which completed its work 2 months before. In June, Senators DOLE and PACKWOOD announced that they had a plan, and it was introduced as a bill last night, 6 weeks later. No one has yet had a chance to read it. It was for many weeks a phantom bill.

We welcome the opportunity to read the bill now finally after a 6-week delay. But I hope now that we can concentrate on debating the issues, not on when which bill was printed for whom. We moved as promptly as possible.

There will be ample opportunity to debate this bill. I have said many times no one will be rushed. We will stay here as long as it takes, as many days and weeks, months, if necessary, for every Senator to be able to consider the bill amply.

But let us be clear with respect to proceedings on the bill. My bill was introduced 1 day after I announced my plan for everyone to see. And it took more than 6 weeks to get our colleagues' bill from the time they announced the plan. We welcome the debate. We welcome the discussion. Perhaps we can get to the issues before this debate is through.

I thank my colleagues.

Mr. PACKWOOD addressed the Chair. The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, just so the record is complete, in late June, Senator DOLE and I asked the legislative counsel's office—that is, the professional staff that drafts bills—to draft our bill. They only have so many people. They indicated they had to draft the finance bill first—and I am not complaining about that. Then they again set aside our bill to draft the majority leader's bill. We would have loved to have had our bill last June, the first week in July, or the second week in July. We just did not get it. We could not get it. I am not blaming anybody. It is no one's fault.

But for the majority leader to blame us because the professional staff that drafts the bills put his bill ahead of ours, seems to me, borders on a bit of hypocrisy.

I am glad we are going to have plenty of time. Senator DOLE and I are not suggesting that we rush our bill. We would be perfectly happy to take a recess for a month, and let everybody study our bill.

I hope that this is the last bill he is going to introduce because we spent a lot of time going through last week's bill.

I do not know. But I might say to my good friend from New York that I have heard—I do not know if this is true—that the provision he and I especially do not like about percentages of residents and number of residents may not be in this bill now. I do not know if it is or not. But I would hope it is out.

I hope the day after tomorrow we do not get another list like this. This is effective August 9, another list of titles and changes when we have spent hours and hours studying the last bill we have. You cannot quite go through this in a night.

So I would implore the majority leader to discuss with himself what it is he wants and make up his mind. I will not ask him—make up his mind and give us one last bill that we can work on.

I yield such time as my good friend from Minnesota wants.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. ROCKEFELLER. Will the Senator from Oregon yield?

Mr. PACKWOOD. On Senator MOYNIHAN's time. Yes.

Mr. ROCKEFELLER. Just as a point of clarification, the objection that the Senator raised on work force and residency caps has been removed. It is not in the bill printed on the podium before the Senator.

Mr. PACKWOOD. Let me thank my good friend from West Virginia. I am delighted it is out of the bill. Does he happen to know what else is out of the bill? I do not know what else is out of the bill. Does he know what is in the bill? I do not know what is in the bill either. That is all I am asking.

Mr. MOYNIHAN. May I say we will have those specifics for the Senator presently.

Mr. PACKWOOD. I thank my good friend from New York.

I now yield as much time as the Senator from Minnesota needs.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank my colleague from Oregon for yielding, and for my other colleagues for this brief debate.

I must also begin my comments by thanking 4-plus million constituents in the State of Minnesota for making this opportunity available to me. It has been a tremendous thrill, and it has been a real challenge as the last few minutes—perhaps the last few weeks have indicated—to serve in the U.S. Senate, particularly to serve them on an issue like this. I have enjoyed it a great deal.

I also want to thank my colleagues on the Finance Committee and on the Labor and Human Resources Committee for the most valuable education anybody could ever get both on the health policy and into the process by which legislation is made.

As I was listening to the debate which preceded my colleague from Oregon yielding to me, I was reminded of an incident that some wonderful staff person pulled out of a little history book on how Medicare came to be. He has been reading a series of L.B.J. books, and people who have written about L.B.J.

But he has this wonderful little story about Lyndon Johnson who is in the middle of negotiating with Medicare with the Ways and Means Committee and, in Johnson's book called "The Vantage Point," on page 216, he talks about this story. The story is about a man in Texas who was being tested for a job as a railroad switchman. They asked him the following:

What would you do if a train from the east was going 60 miles an hour, and a train from the west was coming 60 miles an hour, and they were both on the same track, they were a mile apart, and they were headed for each other?

The guy responded:

I would run and get my brother.

And they asked him why. He said:

Because my brother has never seen a train wreck.

L.B.J. wrote that he at that time turned to Wilbur Cohen, who was his health staff, and said:

I thought I would run and get my brother because if the Ways and Means Committee Medicare bill got reported out, there would be a train wreck.

I am sort of getting the sense here as I follow the opening on health care reform that we may well have a 60-mile-an-hour train from one direction and a 60-mile-an-hour train from another direction. But I do not think I am going to run and get my brother. I am going to, if my colleagues do not mind, make a couple of comments about the process, and then particularly about the bill which the majority leader has put in front of us.

I only reluctantly supported this resolution by the Senator from North Carolina this morning because I do not think we are rushing to health care reform. We have been doing health care reform ever since I got here. I do not agree with the notion that we are rushing to do health care reform. I remember writing a speech for George Bush in January 1992, while he was President of the United States. And we were trying to persuade him to take leadership on health care reform. A lot of people have been doing health care reform.

It is a reality that in the last few months we have had a variety of plans added to the wide variety of plans which we have been debating over the last year, and viewed from a public

standpoint, there is a certain amount of rushing to a conclusion and a lot of confusion about exactly what this is all about.

But if I may begin my comments by reminding my colleagues and perhaps others that I stand at a desk that was occupied by health care reformist. There was nobody in this body when I arrived here as committed to health care reform as the late John Heinz from Pennsylvania. I sat next to John Heinz on the Finance Committee for at least 8 or 10 years before his untimely death. And there was a person who was totally committed to reforming the health care system, the way we pay for it, the way we insure it in this country. I stand now next to the Senator from Oregon who, when I got here in 1978, was a leader in health care reform. At various times we will hear from the Senator from Kansas, our Republican leader, who was doing health care reform when I got here. I remember our first act in 1979 on the Finance Committee was to beat, by one vote as I recall, the hospital cost containment approach to health reform of President Carter. While I do not know where my colleague from New York was at on that particular vote, I do know where the majority leader, the Democratic leader of the House was; he, too, voted against it.

In those days, we were doing bipartisan health care reform. The decision was that a national budget for hospitals and price control of hospitals in this country—by at least one vote in the Finance Committee and by a narrow vote in the Ways and Means Committee—was not the way to reform or change the system.

Congressman GEPHARDT was wise then, and Senator PACKWOOD was wise then, as was Senator DOLE, and anyone else who voted against that particular approach to health care reform.

In the 1980's the Republicans led in reform, using the Government program—the little-known Government program—called Medicare as the vehicle for health care reform. One of our colleagues said this morning on the floor of the Senate—Senator SPECTER from Pennsylvania—that his Aunt Rosie does not want anybody messing with her \$91 payment on her Medicare plan. She thinks it is the Blue Cross plan she buys at home. Another one of my colleagues at breakfast said that a relative of his called and said, "I do not want any Government in my Medicare plan." I have a poll taken by AARP back in 1984 which tells us that even in 1984, 4 out of 5 Americans who are on Medicare do not realize that it is a Government-run program. I suspect that the number may be greater today.

Anyway, we have been using, through the 1980's, that Government program—Medicare—as a way to try to change the approach to health care in this country. Mr. President, I remind the

occupant of the chair, the Senator from Hawaii, because he was not here, that in the first 6 years of this period when we had a Republican Senate and President, I happened to chair the Health Subcommittee of the Senate Finance Committee. Senator BAUCUS from Montana was the ranking member and then GEORGE MITCHELL, the majority leader, was the ranking member, and many people I see on the floor today were part of that committee. Every single thing we did, from prospectively pricing hospital payments to the so-called DRG payments to prospectively pricing the part B payments in 1989, was bipartisan. Everything we did to try to bring catastrophic insurance and drug benefits and long-term care to the elderly were cooperative efforts—in that case, between Senator MITCHELL and myself and others on the Finance Committee. Bipartisan. It was not a Republican bill; it was a bipartisan approach. The same thing is true of the outcomes of the work we did on AHCPR. The same thing is true of every effort that we made at changing the system—which everyone says is the greatest system in the world. It is not. It delivers the best health care in the world. That is why people come from all over to use it. But, as a system, it has been found wanting by many of us. We have tried to change it using Medicare as a vehicle. Every single time we have done it, it has been bipartisan.

Mr. President, I went back and looked at a book I wrote in the early 1980's. I wrote two books on health policy, but only one of them ever got printed. The other one is buried in about seven chapters that are edited and not published. I looked at the one that got printed back in 1979. I laid out the first health care reform bill that I authored, and its principles are the same as the principles that are incorporated into bills like Kerrey-Chafee, Breaux-Durenberger, Cooper-Grandy, and the current bipartisan Finance Committee bill.

I was reminded of this because in a conversation with my number two son, who is now working at a hospital in Minneapolis, he started telling me, "Dad, you know, in your book you said" this and that. I said, oh, my God, what a compliment that a kid will read and remember something his dad said or wrote. But in 1981, I laid out eight principles for reform. I am not the only one. I am sort of identifying those of us who have been involved in health care reform before Bill Clinton got to be a Governor, to say nothing of being a President. Health care reform did not start with the election of 1992. It did not start with the election in Pennsylvania. It started before I got to the U.S. Senate and has been ongoing, and the bottom line is that it has been bipartisan.

Mr. President, if for no other reason than history, I ask unanimous consent

that the speech I referred from September 1981 be printed in the RECORD.

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

A FRAMEWORK FOR HEALTH SYSTEM REFORM
(Remarks by Senator Dave Durenberger to the National Health Council, Washington, DC, September 18, 1981)

It was over two years ago that I first introduced the Health Incentives Reform Act. Since that time I've learned a lot about health care in this country. I've learned which government programs work and which ones don't. I've learned about fraud and abuse. I've learned about getting the best health care in the world to the people who need it. And I've learned how much it all costs. But through it all, my faith in the principles underlying the Health Incentives Reform Act has not wavered. I started out with a strong belief in the value of choice and the strength of the private sector. Somewhere along the way the ideas were translated as "pro-competitive" and that's true—but the underlying theme remains consumer choice.

Choice gives individual consumers the opportunity to select a product or service that best meets their needs. The most successful provider of that goods or service will be the one that best responds to consumer desires—whether those desires include cost, quality, appearance, or other factors. As I'm sure you know, these very basic elements of a competitive market do not exist in health care. The ultimate consumer of health services, the patient, is usually insulated from the cost of care by a private or government insurance plan. Furthermore, when patients do share in the cost of their health care, they find there's nothing to shop around for—in other words, no choices. How many employees have a choice of health plans? How many Medicare beneficiaries do? Not many. And without consumer choice to stimulate providers to be responsive and efficient, we really can't expect doctors and hospitals to change their behavior. More regulation won't cure the ills of our health system. But neither will the status quo. We must introduce the basic elements of choice and competition into health care.

In the course of thinking about these issues I've come to realize that achieving a better health system entails much more than simply enacting a so-called pro-competitive bill. No single bill can include all the elements needed to make our health system more competitive. The reason we have market failure in health care cannot be attributed to any single piece of legislation in the past. The course to our present state of affairs has been incremental, and likewise our movement toward greater competition will have to be incremental. That doesn't mean that our action will be limited or slow in coming. It only means that we will act broadly and persistently.

An incremental approach requires that a competitive framework be established which can be used to formulate positions on the entire range of health issues. It's very easy for health policymakers to view issues in isolation and forget the contribution each one makes to the whole. You can't expect a business to produce a good product if each division sets its own agenda. There has to be coordination and an overall corporate strategy. Improving the health system is no different. It needs an overall framework and game-plan.

EIGHT GUIDING PRINCIPLES FOR CHANGE

I've thought a lot about a framework for health, and I'd like to share with you today the guiding principles I've been developing. Most of these principles apply to other issue areas in addition to health, and are representative of my general philosophy on the role of government in society.

1. Choices are good. Government policy should expand choices to the individual, not limit them.

Monopolies in service provision, whether public or private in nature, should be avoided. Citizens benefit from choice, whether it's in the form of competition with Ma Bell for long distance rates or in the alternatives to the U.S. Postal Service for package delivery. Government has done a reasonably good job of extending health care choices to its employees through the Federal Employees Health Benefits Plan. Similar choices should be extended to Medicare beneficiaries and veterans.

2. The government is generally a better purchaser of services than provider of them.

Government does not allocate resources as well as private markets and should directly provide services only when a private alternative is unavailable. In cities like New York, private bus lines are able to make a profit on runs the transit commission consistently loses money on, despite charging the same fare. Another example is in the area of municipal garbage collection. Those communities like Newark, Kansas City, and Minneapolis, that contract out for refuse collection, are able to save millions of dollars compared to communities that directly provide the service.

A further extension of this principle is that, if possible, government payments should go through the beneficiary rather than directly to the provider.

As an example, consider the G.I. Bill. Veterans were given the choice of going to whichever institution they wanted to receive their education, certainly a preferable alternative to building exclusive Veterans Colleges to handle all veteran education. In the area of subsidized housing, special projects conducted by HUD in Green Bay and South Bend have demonstrated that housing allowances—a form of voucher—give beneficiaries a range of choices that made them happier and the market more responsive. The same approach should be used with Medicare and Medicaid.

3. Consumer choice is enhanced as information increases. Government policy should facilitate the flow of information.

Individuals cannot be expected to make sound choices if they are provided with insufficient or inaccurate information. Furthermore, information must be presented in a straightforward and comparable manner. Individuals should not have to compare apples with oranges. Consider the value and popularity of a publication like Consumer Reports. It helps us compare products on the basis of cost and quality. On the other hand, look at the information the government provides federal employees under the FEHBP—there seems to be plenty of information there, but at least for me it's very difficult to make heads or tails out of. Information must be provided in a usable form.

4. The price of goods or service should be a true measure of its cost. Government policy should not facilitate hidden costs or cross-subsidizations.

A good example is the subsidy our government provides for tobacco. It's bad enough that the government gets in there and mucks up all the price signals that would

otherwise be shaping the market—but then to have the stuff so unhealthy on top of that. It just doesn't make sense. In the health area, Medicare cost allocation formulas often force hospitals to shift legitimate expenses to private paying patients. Such cost-shifting doesn't save the system any money, but it does distort the price signals buyers perceive. Consumers should get what they pay for and pay for what they get.

5. The government should guarantee access to necessary care. However, standards of access cannot be open-ended and must be realistic.

Not every town has a Bloomingdale's or a hospital or an orthopedic surgeon, but access to these facilities and services is usually reasonable. In the medical area, geographical access is only one issue; there's also economic access. We provide medical services to those who can't afford them. But consider the difficult issue we face as medical technology offers us expensive new treatments for disease. True, the treatment may be better, but is it worth 10 times the cost? We simply cannot afford a health system which sets standards solely on the basis of available technology with no regard for price. Setting standards for access is a thorny but unavoidable government responsibility.

6. A responsive market will have fluctuations in capacity. Temporary shifts and increases in capacity are to be expected as the market adjusts.

Shifting buyer preference causes some producers to increase output while others decrease theirs. Consumer preference for fuel-efficient cars left our American auto manufacturers with too many large cars and too much capacity to produce them. Even though they are rapidly downsizing their models, they still have more capacity than they need for producing large automobiles. But that's not bad; it's just part of the process, and government shouldn't be tempted to meddle with it. In the health area, that means getting away from certificate-of-need.

7. The government should establish guidelines for quality, but recognize that quality will ultimately be judged by the individual.

Consumer protection often takes the form of government regulating the producer and setting standards for quality. For years the government has tried to regulate standards for mileage and crash restraints in automobiles. The government has also tried to control the use of artificial sweeteners, even though diabetics might choose to accept the risk of cancer to decrease their sugar intake. A more appropriate role for government is to establish guidelines and, as mentioned earlier, provide adequate information to the individual making the choice.

8. The government's role in stimulating competition should be to assure fair market conditions, not regulate its particular brand of competition.

We each have a slightly different definition of competition. What's important is not that we install one particular model, but that we create the conditions that will allow the market to diversify and shape its own future.

That's it. If I get up to ten, maybe we can call them the Commandments. For now, I guess they're just the Beatitudes.

As an example of how they might be used, take health planning. The concept is a good one. When it comes to a community's health system, citizens should have some input. But the regulatory authority we've given planning agencies is dangerous and uncalled for. To a planner, excess capacity is the bane of our health system. To a believer in the market and my sixth principle, excess capacity

is a part of change and innovation. As I see it, the elimination of all excess hospital beds in a community would significantly reduce the pressures for change within the hospital industry. Franchising may be okay for McDonalds or Wendy's, but it's not okay for the government. We should neither franchise peanut growing nor health care, and HSAs should not have the certificate-of-need authority they now enjoy.

I know you are interested in the more talked about pro-competitive provisions. I tend to think in terms of public buyers and private buyers. As the major purchaser of health care, government certainly has a responsibility to shape up its own act. Consequently, I have been very interested in proposals which would extend voucher-type options to Medicare and Medicaid beneficiaries. The proposals range from fairly limited ones, like Senator Heinz' bill to capitate HMOs under Medicare, to broader voucher schemes in the mold of Alain Enthoven's ideas.

I recognize both the technical difficulties and unknowns associated with a shift to capitated payments, but I believe we must pursue it now. From the standpoint of the budget process, capitated government contributions would make Medicare spending predictable and precise. From the standpoint of the beneficiary, there would be choices; choices which would allow the individual to best match his or her health needs with a qualified health plan. It all fits with my guiding principles, especially the first two. I expect the scope and details of a capitation plan for Medicare and Medicaid to be developed by my staff and the administration over the next several months. The Senate Finance Committee should be in a position to hold hearings and mark up a bill by early next year.

I'd be less than candid if I said I expected smooth sailing for these provisions. There is tremendous inertia in current federal policy. Government is accustomed to what we have, and so is the private sector. As a public buyer, government must change its position by directing its dollars through the beneficiary, offering choices, and returning coverage to the private sector. As private buyers, businesses must assure that fair market conditions exist for their employees. The market place can work if we all work to make it happen.

Mr. DURENBERGER. Mr. President, one of the things that our chairman of the Finance Committee has taught us this year, in literally hours and hours and hours of hearings on health care reform, is to define our terms. And we are all grateful to him for having done that. I hope that in the course of the debate, in the next week or two, however long it takes, that those definitions will come in handy. I must say, listening to the debate and discussion last night, the opening statements last night, starting with the majority leader's statement, I heard a lot of examples of Americans denied access to health insurance because of medical conditions.

As someone who has been trying to change the system for a long time, and who stood on the floor in 1992 with Lloyd Bentsen when he was chairman of the Finance Committee, and passed the national legislation that would have eliminated all of those problems, I do not like the idea that today's

health care reform is premised on a set of real problems that could have been resolved in 1992, except the Democratic Congress would not permit us to take up that bill on the House side. But every one of those stories is a real story. My colleague from West Virginia told these stories about the medically uninsurable in Minnesota. They are real people who are really suffering. We have been trying for years to resolve that through insurance reform. It has been held up, for whatever reason, until now when it becomes a part of the overall health care reform. But it is only part of the health care reform debate.

One of the Sergeants at Arms was kind enough to come up to me and say, "Senator, I just learned you were not going to be here next year." In a way, that, too, is a compliment, that the word has not gotten out, even though I announced it a year ago. I went back to Minnesota in September and announced that I was not going to run for a fourth term, and Mrs. Clinton came to town the next day and sort of wiped me out. That is probably why he did not hear about it. She did a wonderful job all day long, as she did in many communities, alerting people to the need for health care reform.

At the end of the day, there was a 1-hour television program, one-third of it came from Rochester, MN, at the Mayo Clinic where Mrs. Clinton was, and PAUL WELLSTONE was up in a small town in northeastern Minnesota, and I was sitting in my hometown of St. Cloud, MN, which, to you Garrison Keillor fans, is Lake Wobegon. In Rochester, there was a 5-year-old youngster who had a serious disability with which she had been dealing since birth, a very expensive, medically uninsurable person. We talked for 15 minutes about how health care could help her and billions of people like her.

Then we went up to northern Minnesota to the little town of Moose Lake, and Senator WELLSTONE was there with Dr. Ray Christianson, who that year had been the Family Practitioner of the Year, and talked for 15 minutes on how health care reform put a family practitioner in every rural community in America.

We came to Lake Wobegon where I was sitting with the owners of the Ace Hardware Store, Cathy and Denny Timm, who were 35 years old—I remember that—from Clearwater, outside Saint Cloud, and have the Ace Hardware Store.

They had the television camera there, and Hillary Clinton was on the other end of it. It is hard to know what the Timms were going to ask.

Well, Denny Timm looks right in the camera and says:

Mrs. Clinton, we so appreciate your coming to Minnesota. This is my question: I am glad we are going to do health care reform. I need to know how much is it going to cost, who is

going to pay for it, and how is it going to affect my 16 employees, half of whom are part time, and most of them are college students.

That was a much more difficult question to answer in 2 or 3 minutes by the First Lady of the United States, and it has become a more difficult question to answer as time goes on: How much is it going to cost? Who is going to pay for it? And how is it going to affect me?

Mr. President, I am going to deal with that subject in the context of the majority leader's bill. I wish I were here dealing with the context of the Finance Committee bill because it is the one bipartisan, or nonpartisan, bill that passed out of any committee of the House or the Senate. But I do not have that opportunity right now. I would like to talk about it in that context. But we will talk about it in the context of the Mitchell bill.

Before I do that, I want to say to the majority leader how much I have enjoyed working with him. I already referenced the fact that he and I worked on Medicare catastrophic. We worked our way through all the difficult efforts to pass it and stood on the floor of the Senate here trying to defend it as it was being defeated by a 65 to 35 vote. His heart is in the right place. There is no question about it.

(Mr. KERREY assumed the chair.)

Mr. DURENBERGER. But it is critical, Mr. President, as we try to find a solution to the challenge of what is health care reform, how much is it going to cost, who is going to pay for it, and how are we, the people of America, going to benefit from it, and what changes are we going to have to engage in in order to enjoy these benefits, that I talk about the Mitchell bill.

After July 2, when the Finance Committee bill was reported out, it was common knowledge that the Finance Committee bill, which was basically a market-based bill, and the Labor Committee bill, which is very much like the Clinton bill, were going to be melded. The word also went out that the drafters were going to reach out to those of us on the market side of the ledger.

We had one meeting, no ongoing discussions, no negotiations, no involvement in the drafting of the bill. When the draft emerged, we were told this was a market bill.

The majority leader says today that he tried to write it on the Finance Committee bill. Mr. President, I have read the Finance Committee bill. I wrote a lot of the Finance Committee bill. My staff did and other staff did. This is not the Finance Committee bill. It is not a market bill.

Today I want to tell you why. I have come to the conclusion that it is not health reform. It is 95 percent universal enrollment. It does insurance reform, but it does not do market reform.

Most people have never seen a medical market, at least not that they

would recognize when they see it, but Americans live in a market economy and we operate in markets all the time. We are accustomed to choosing from a variety of products that we need on the basis of value, quality, price, service, satisfaction. We all know that. We have markets for food, for homes, for cars, for furniture, for dancing lessons, for restaurants, just to name a few. But we do not for health and medical services.

There are some, and I know some of my colleagues on this floor, who will say medical services cannot be bought and sold, you cannot put a value on them, you cannot put a price on them, you cannot judge consumer satisfaction; they are a social good; the heck with the price; the heck with the service.

Mr. President, we have medical markets now. Most of them do not work as well as they could. Some work better than others, and for most of our lives, the fact is that we have taken the quality of medicine and access to medical services for granted. Everyone who is here today knows that. Cost was no object. We pay doctors' fees for their services on a piecework basis.

I imagine, when I was a kid there were probably 100 different services doctors could do for you. Today there are apparently 9,000 different services, if you look just at the Medicare codes, a piecework service. And cost was no object. We sent the bills to insurance companies, and they paid them for us.

Doctors and lawyers and insurance companies then got State governments into the business of protecting fee for service. They passed laws preventing competition and choice. They taxed insurance premiums. They mandated long lists of benefits. They imposed other requirements. Every time in the licensure proceeding there was a new kind of doctor or medical professional, someone passed a law saying that new kind has to be in the benefit package.

The result is we have lots of services available. We have very high quality, but you really would not know it. We have the best care, as has been said often, but it costs so much. We are approaching a crisis in access and affordability, as the majority leader said last night.

The only thing that has demonstrated that we can actually do reform and actually get cost under control in this system is one national rule. It is called ERISA, and there is an ERISA rule, written in 1974 as a way to protect pensions at the national level, which has now been expanded to include all employee benefits, including health insurance. One little law has made it possible for employers and employed people all over America to say the system does not work; it costs too much and produces too little. And all over America, from Multnomah County, OR, to Mahnom County, MN, you

name it, employers and employees have come together in coalitions to self-insure. Self-insure. What does that mean? It means that at work our group will take on the risk of providing for the medical services of our employees.

What does it really mean? What it really means is you are not going to use health insurance because, if you use health insurance, you have to buy a whole bunch of services you do not need. You have to buy a whole bunch of providers you do not need, and you have to pay twice as much as you ought. Lately, it means you also have to take on taxes at the State level, surcharges at the State level, whatever the case may be.

What do you get in return for it? You think you get malpractice reform from the States? No. You think you get insurance reform from the States? No. Not until the last year or so did they start insurance reform.

You get a lot of costs on a fee-for-service system, and it is only because of this one little national law, the ERISA law, that people have said we are going to take responsibility for changing this system. And in community after community and company after company and CALPERS in California and the Minnesota public employees in Minnesota and Rochester, NY, and places all over America, people have gotten together and said the system is broken. Yes, the care is the best in the world, but the cost has no relationship to what we are buying. And so they have used this to take charge of their own access to the system. They are demanding value for their money.

And in this whole series of relationships that are being built up—the latest in my home community is called a health care action group, and it is a marvel the way intelligent employers and intelligent employees, banding together with people like the Mayo Clinic, the Park-Nicollet Clinic, all these doctors who in other places we accuse of being greedy—but not here. If you tell the doctors that they are going to be rewarded for being the best that they can be, they will be the best that they can be, not the most expensive they can be.

Because they understand, like in any other market in the world, that the measure of success in being best at what you are is that you get all the business, not that you get to charge the highest prices. That only works in professional baseball and football; but not in the grocery stores, not in any other competitive markets. If you are the best that you can be, you get the business.

That is why in the health care action group, you have all these people coming together to negotiate better ways to define what is health; what is a good medical service; what is a good outcome; how do we better share the risk; how do we get our employees more involved in making these decisions; how

do we reward people for staying healthy?

This is ordinary Minnesotans at work. No Government told them what to do. No Government or alliance or HIPC, or anything else. Only them. They made it up themselves.

All over America, this sort of thing has been going on in just the last few years. Efficient networks of care have expanded enrollment today. Up to 51 percent of private sector employees are in some kind of new network. I think my colleague from Oregon talked about this last night. The goal of market-based health care reform is to capture the gains of this trend toward competitive markets, to recreate national rules so that all these local markets can work, to give the hospitals of this country some sense of direction.

If we are going to cut them in half, the number of beds, they ought to know how it is going to be done. If you are going to get rewarded as an insurance company for being accountable rather than just being a bill-paying service, we ought to know what the rule is. And if you buy your health insurance in Minnesota but you use it in Florida, you ought to know the rule is the same in Florida as it is in Minnesota. National rules for local markets.

And no two markets are the same, Mr. President. The Omaha market is different. It is a different culture. Medicine is a series of relationships. Health care is a series of relationships at the local community level. But everyone in those relationships needs to deal by the same rules.

So, taking this little national rule, this so-called ERISA rule, we have tried to adopt a set of principles that said if we can just have national rules by which these markets can operate, then we do not have to tell the markets how to operate.

If they can do it in Minnesota without the Government telling them how to do it, if the Mayo Clinic, which is 1,100-plus doctors—you know, now they are in the primary care business and the rural business and the specialty business.

If the Mayo Clinic, from 1986 to 1992, can be averaging a growth of only 3.4 percent a year and in the last 2 years less than 1 percent growth in cost, they must be doing something right.

We have talked before in the Finance Committee about liver transplants at the Mayo Clinic—which is one of the best in the world, according to the U.S. News and World Report—are something less than \$150,000—for a liver transplant.

Now that is a lot of money, but nothing compared to Tampa General Hospital in Tampa, FL, where my folks live, where it is over \$300,000.

Now, who is better, Mayo or Tampa General? I do not know. Ask King Hussein. He goes to Mayo. But ask the av-

erage American, they do not know, because nobody tells them; because we pretend this is a social good and we cannot tell them this sort of stuff. Why not? Why not? No good reason.

Now, I am going to use that chart in just a second for another purpose, but the reality is—to get to the heart of what I want to talk about—the reality is that all of the Democratic bills that I have seen, and that includes the majority leader's bill, start out the same way. They all say we are for managed competition. They all say we have buyer co-ops, we have insurance reforms, we have rules for accountable health plans. They all start out the same way. They preempt some States' actions, in many cases, so we can have national rules and preempt the States from their anticompetition work.

But what they give with one hand, they take away with the other. They are so anxious just to get to universal coverage without having Government pay its fair share of its promises, that they compromise the market in order to get there.

President Clinton paid for universal coverage with something he called savings—savings.

Senator MOYNIHAN—and I know he does not like it when any of us say this—called that financing scheme "fantasy financing."

But, Mr. President, practically every committee in the House and the Senate has turned down explicit financing. There is no broad-based income tax to cover the 15 percent of Americans that are uninsured. There is no broad-based income tax or excise tax or anything like that to cover the cost of bringing all low-income people into this system.

There was a large tobacco tax but, thanks to a lot of Democrats, in particular from tobacco-growing States, that tax is practically gone.

So, we cannot raise real taxes. Fortunately, we cannot raise debt anymore, because we have a resolution that says we have to stop at \$5.3 trillion.

We have only two choices.

Congressman GEPHARDT says, and the President has said in his original bill, we have to mandate somebody else to pay the bill. Let us have an employer mandate so all the employers pay 78 percent of these premiums, and then we in the Government will not have to raise the money to pay for universal coverage. It is called regulatory federalism, for those who are students of the way intergovernmental systems work.

There are three things the Federal Government can get people to do. First is taxes; the second is debt borrowing; and the third is tell someone to do it—mandate it.

Now, the employer mandate does not seem to be going anywhere, and there is a very soft employer mandate in this particular bill.

The universal coverage sponsors need a mandate. Without it, they have to re-

sort to hidden financing. They have to shift funds from one place to another—cost shifts. They say we need to have universal coverage in order to end cost shifts. But what they do is force everybody into community-rated pools of payers in order to do cost shifts.

Let me say that again. What they do is force everybody into community-rated pools. The President had these things called mandatory alliances. In the labor bill, they had alliances which they said were voluntary, but the coverage pools served as the cost-shifting vehicle. Now, in the Mitchell version of this, we are going to have 78 percent of American workers in large community rated pools, and the other 22 percent in experience-rated pools, composed of employers of 500 or more. The objective is to get everyone into a community-rated pool of payers in order to do cost shifts, not to stop them.

What does raising this requirement of a firm from 100 to 500, for example, have to do with anything? You cannot self-insure if you are less than 500 employees. You have to go into some kind of community-rated pool. And I think they begin with adjusted community ratings, then they go community rated, or something like that.

What does that accomplish? Well, for one thing it stopped all these employers from getting together and negotiating what I was talking about earlier.

In the State of Vermont, there is only one company that employs more than 1,000 people. So in all of the State of Vermont, you have all these negotiators who are trying to change the system probably down to one or two or three people.

There are 50,000 employers between 100 employees or less and 500 employees or less—50,000 people all over this country who could be negotiating to get the quality of health care up and the prices down, but they are all wiped out. They are all wiped out. Half of the employees in this country are in groups of 100 or less and half in groups of 100 or more, which is why we chose 100 as the breaking point. In smaller firms, they need to group up to get market power.

The second reason we chose it, those of us who believe in the market, is that we wanted people, a lot of employers and a lot of employees, working to change this market. But, no, that is not what the Mitchell bill does.

All the firms in the Mitchell proposal are required to sign up for a cooperative within these pools. Remember, there are 78 percent that are in one of these mandatory pools. If there is no co-op available, believe it or not, what do you do? You go to Washington, DC, where the Federal Employee Health Benefit Plan will put a co-op together for you; a Government buyer from Washington, DC, given a competitive advantage over all other co-ops.

Senator MITCHELL takes away the incentive for many employers and many

groups and associations to negotiate. We have carefully tried to bring trade associations, MEWA's, a lot of other employer organizations into this process. And now they are gone. What happens? Once all of these buyers are into one pool, what happens? Now the cost shifting begins in earnest. Last night, I heard our colleague, the chairman of the Labor and Human Resources Committee, Senator KENNEDY, say the majority of the funding in the Mitchell bill comes from savings in the Government programs. He is right. This bill increases cost shifting from Government to private employers in several ways. Today, two-thirds of the current cost shifting is embraced under payment by Federal programs, Medicare and Medicaid—something in the neighborhood of \$24 billion to \$25 billion a year.

Not only will this cost shift continue, but the Mitchell bill plans to increase it. What are Medicare savings? They are budgeted reductions in fees for Medicare expenditures. Medicare currently pays 59 cents on \$1 of medical charges of part B, and 71 cents on a \$1 of hospital charges in part A. Who pays the rest? That is a cost shift. There is no question about it. The cost shift works easily in the suburbs, where you have a lot of third-party payers to shift it on, but it does not work so easy in rural areas where two-thirds of the people are in Medicare or Medicaid.

So the difference is consistently shifted onto employers. And the rationale in the Mitchell bill for getting 78 percent of the working people into these large co-ops is so that you have this much larger pool, guaranteed to pick up the costs that are shifted from the Government programs. Senator MITCHELL said he is changing Medicaid so these people can join private plans as well—again, through these pools. Senator MOYNIHAN and I had a proposal for how to do this, how to phase it in over a period of time. But that is not the proposal in this bill. The proposal in this bill is to have all of the low-income people come right into the pool with working people or small businesses. The problem is that insurers do not know how to estimate the risk of previously uninsured individuals, so they will inflate the potential risk, thus raising the cost to everyone in the pool. So workers' rates go up. This makes risk adjustment, which we barely understand, very difficult. And health plans will go back to risk avoidance rather than seeking risks to insure.

Low-income individuals who qualify for subsidies would not have to pay for deductibles and copayments. The Government does not pick up the cost of the copayments or deductibles—you will. These will be shifted onto working people in that pool, as well. Subsidized people do not have to follow open enrollment rules, according to the Mitch-

ell bill. They can sign up when they are sick without penalty. Think of that. When you know you are sick, you can go buy an insurance plan in part of this pool. So prices will reflect this personal risk selection, as well.

If that is not bad enough, plans cannot cancel people who fail to pay their premiums. Those losses are passed on to people who pay their bills. In effect, free riders shift costs onto riders. And we are not done yet. Not satisfied with cost shifts onto employers in the community-rated pool, the Mitchell bill allows new cost shifts from the community-rated pools to larger employers who are buying in experience-rated markets. Using "risk adjustment" programs governed by Federal and State rules, the funds will be transferred from huge community-rated pools to large employers. And this is simply a hidden payroll tax. Because it is hidden it is unlimited and open-ended.

The focus of criticism so far on the Mitchell bill has been on the triggered mandate on employers. But you do not need a mandate to force employers to pay the Government's obligations. You do not need a mandate to force employers to pay the Government's obligations. This bill, the Mitchell bill, does it for you. This 2001 trigger is not the problem with the Mitchell bill. The majority leader said in his opening statement today the only way cost shifting can be stopped is to cover everybody. The way his bill does it, the cost shift does not stop, it is institutionalized—from politicians who make promises and then break them and force working people to pay the bills.

Any kind of coverage extension that is premised on savings in this place has to be looked at very closely. And whether it is the drug benefit for the elderly, the \$90 billion drug entitlement which is paid for from savings, or any of the other additional benefits, somebody has to answer the question that Denny Timm asked up in the Ace Hardware Store: Who is going to pay for it? How much is it going to cost? And how much is it going to affect me?

Shared responsibility, I cannot find it in this bill. People who have gold-plated plans continue to have unlimited tax deductions. Some of the law firms in this town pay \$1,000 a month for plans, with a tax subsidy of 39 percent. That is \$4,680 a year of your taxes going to buy their health plan. They put nothing at risk to maintain that system. The self-insured in the Mitchell bill—over 5 years, self-insured people will only get a 50 percent deduction for their premiums. Working people who pay their own premiums get nothing—nothing—while the lawyer gets a \$4,680 tax subsidy.

I appreciate very much the efforts of the majority leader. Let me conclude by saying to the majority leader and to my colleagues who are on the floor, particularly those who are the leaders

of the committees who brought us to this day, what I said earlier. First is that I do not think we are rushing to judgment on health care reform. We have been at this for a long time, and it is about time we take action. So I am on your side on that.

But I also say, we have to start looking at the forest, not at the trees. Universal coverage is a tree. We cannot even define it. Medically uninsured is a tree. Employer mandate triggers, there is a tree. FEHBP, that is a tree. Risk adjustment, that is a tree. Mandated benefits, that is a tree.

We need a vision of what the forest could be. We cannot get to a bipartisan—which I think it needs to be—health care reform bill one amendment at a time on this bill. We cannot get there one vote at a time.

I just need to conclude by reading from the quotation from Bob Reischauer, that was included in the Robert Samuelson article in today's Washington Post. For whatever else you may think of Reischauer's estimating prowess, I think he has been in health policy for as long a time as many of the rest of us. He warned trying to find a compromise by combining provisions from different bills might make the health system worse. He compared it to building an auto engine with incompatible parts.

"You cannot say," he says, "I want a piston from a Ford and a fuel pump from a Toyota, and expect the engine to run."

Mr. President, the majority leader, I am afraid that is what we are trying to do with these melded approaches to health care reform. We need a vision for what we could be as a nation; the role of medical invention, of information technology and, yes, the role of Government in getting us there.

I also think that it needs to be—and I have pledged to all of my colleagues—it needs to be bipartisan. By that, I do not mean one or two or three Republicans. I think there are a substantial number of Republicans in this Chamber and there are a substantial number of Democrats who do not want to put this off, who want to deal with this issue. And we need to be given the opportunity to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I first thank the Senator from Minnesota for his words. That he has not dropped out of this effort is hugely important to us.

He has been on this issue from the day he arrived in the Senate. I, for one, hope he will leave a large achievement behind him. I think it is still possible. I think what he has said this afternoon makes it even more so. I want to thank him, and tell him of the gratitude I have had for his work in the Finance

Committee all these years and, in point of fact, the only slight change I would make to his erudite factual statement is that the bill before us is, in fact, at this moment still the Finance Committee bill.

Mr. DURENBERGER. Will the chairman yield?

Mr. MOYNIHAN. Of course.

Mr. DURENBERGER. I leave you with one story. This is gleaned from the Tragedy of Lyndon Johnson by Eric Goldman. This is a story, again, that involves the passage of Medicare in 1965. As the story goes, one of the ways in which this Medicare bill was ensured of success is that Lyndon Johnson, being given a variety of ideas that came from Republicans, said laughingly to his staff, and I will quote:

Just tell them to snip off the name Republican and slip those little old changes into the bill.

I thought of that story in the context of my advice to the majority leader and to my colleagues on the Democratic side of the aisle. That sort of sums up the essence of bipartisanship in this place, and it is a long tradition. It goes back to LBJ. You can, as far as I am concerned, snip off any contribution I make to the effort if, in fact, you can make sure it is bipartisan and you can make it happen this year in a way that—as the Finance Committee chairman said earlier, at least 60-plus Members of this body to get it passed.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield the learned and indefatigable Senator from West Virginia as much time as he desires, 20 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank my dear friend from the State of New York.

Mr. President, as we prepare to finally work the Senate's will on health care, a story comes back to me. Back about 50 years ago, a Russian visitor to Washington sat and observed a session of the Congress and said: "Congress is so strange. A man gets up to speak and says nothing. Nobody listens and then everybody disagrees."

I think everybody in this body can remember debates on this floor where we have had the same kind of thought. But I hope and I pray that all of us will approach the next days and weeks as we debate and resolve a bill to deal with our Nation's health care crisis, that we will approach it very differently than what the Russian observer saw.

When each of us sought election by the people of our States to this Senate, we never thought or agreed that it would be easy. I truly doubt that any of us tell our constituencies that we serve in the U.S. Senate just to talk or to make speeches or to argue amongst

ourselves until we can go home for the night. We are all here to confront problems, not to pretend they do not exist. We are all here to represent the people of our States as part of the same union bound together as a nation. And now we have reached this moment when we confront a problem called health care in America.

In our wake are years and years of speeches about the crisis of rising health care costs and diminishing health care coverage.

I noted my friend from Minnesota, as he spoke, said many true things. And I think that the majority leader, Senator MITCHELL, has reached out in his bill by making many compromises. I interrupted the Senator from Oregon to point out that the cap on residency at academic health centers have been eliminated. That was in order to reach out, not only to the Finance chairman but also to the Senator from Oregon, and others, who felt that way.

We have reached out in terms of making alliances not mandatory but voluntary. We have stretched out the time line. If there is ever to be a mandate, it will never happen until the next century and only then under certain circumstances, only if the Congress does not follow the orders of the commission. We have reached out.

But I have to say that in the search for the 60 votes that the Senator from Minnesota so dearly wants, that this does have to be a two-way process. We cannot constantly be reaching out and out and more and more and then nothing comes back. It is very hard to reach agreement that way.

So here we are with our years of speeches about this crisis. This debate begins after, as you go over the years, I would say virtually thousands of hearings in Congress. Certainly tens of thousands of hearings and public meetings in our homes and visits that all of us have had with people in our States. Hundreds of reports, hundreds of studies and commissions, mountains. They fill cabinets in everyone's offices and in distant chambers somewhere in this complex, telling us some of the grim facts about health care in America.

We have to be realistic. The Senator from Minnesota spoke about the fact that we let the market work. That is one of the compromises Senator MITCHELL has made in this bill, is to give more time for the market to work. But I have to point out to my friends on the other side that the Department of Labor has recently indicated that workers who are insured, who have insurance through their jobs, that their numbers dropped from 66 to 61 percent over the last 10 years and that the trend is downward under the voluntary system. That means, Mr. President, that 5.5 million more working Americans are now uninsured.

The market system works in different sectors in different ways. Does it

work perfectly in health care? I am afraid not. At some point, we have to draw on everything that we have learned, from the experts, from our own constituents and from our own souls, and decide on the actual steps that will solve as much of the problem as we possibly can this year.

With the health care plan submitted by the majority leader, we now have that opportunity. This is a bill that tries to achieve the major goals of health care reform in ways that will work and that we can afford and that are fair. The majority leader can only offer the rest of us the opportunity to act. He has no powers further than that. Then it is up to us. In order to complete this process and pass a good bill, enough of us have to commit to the hard work, commit to the honesty, looking at ourselves squarely in the mirror that comes along with solving problems that are as difficult and complex as health care. We have to do the listening and ultimately the decision-making that must occur if action is to be taken on behalf of the American people.

That, Mr. President, is what a legislative body is supposed to do. That is why we are here. That is why we are hired on. If too many Senators treat this debate upcoming as only a chance to score points, one against the other, one party against the other, their win is the American people's loss.

If too many Senators also stay stuck on the idea that we should hold off one more time until next month or next year or the next election, their delay dashes the hopes of millions of Americans—many in my State—who are now thinking maybe—just maybe—something will soon happen here to help them with their health care nightmare. If too many Senators refuse to admit that solving problems takes compromise and risk, their evasion means leaving the health care problem exactly where it is, and there is that possibility, Mr. President. There is that possibility, that from all of this effort, nothing will happen; that we will talk about bipartisanship but in the end there will be only one Republican and a number of Democrats and everybody else will be "no" and the votes will not be there. There is that possibility that we have to confront.

If we do that, leave the problem where it is, sadly, millions of Americans will have the terror of getting sick or of getting a pink slip, and yet everywhere I look someone is calling for more delay. We hear battle cries of filibusters against Senator MITCHELL's health care reform bill, itself a compromise bill based upon a compromise bill. Most astonishing is the talk that it is too late. Too late for whom? For us? Mr. President, it is not too late for the people that I represent. As West Virginians have told me now for many years, over the many years that I have

worked on this issue, they simply need the politics and the posturing in Washington to stop. That is the only way—there is no other way—to actually solve the health care problems that are hurting our people, choking our businesses, and robbing our future.

For what are the champions of delay waiting? Is it not obvious enough that if Americans could get health care that they need on their own, through the current system by simply working hard and playing by the rules, they would have it, that they would be insured, that we would have universal coverage? The system has been in existence for quite a long time.

Unfortunately, this is a problem where they need Congress to act and to not make excuses. The rules that affect their lives, that are ruining lives, have to be changed, and only we can do that. That is what the bill from the majority leader is about. We have the time we need to pass a good bill. We have the time to keep faith with what matters most to the American people. We are building from years of work by Senator after Senator, many of them on this floor now—Senator MOYNIHAN, Senator DURENBERGER, Senator DOMENICI, Senator DOLE was here, many others—Senator PRYOR, Senator SIMON—many years of work by many Senators, 40 alone among the Finance Committee and the Committee on Labor and Human Services, Senators who have been steeped in this for years, who devoted untold hours to this issue, and we have 8 weeks left in this session to produce something that meets the basic test.

For West Virginia, there is only one outcome that deserves to be called too late. That is if Congress fails to pass a good health care bill this year. Then it will be too late for thousands of families in my home State—11,000 of whom will continue to lose their health insurance each month through no fault of their own. If trying to enact reform is pushed off once again, it will be too late for thousands and thousands of our senior citizens, veterans, children, young people, small business owners, and, Mr. President, for the 210,000 people in working families in my State who work each day, pay taxes and play by the rules but do not have health insurance. In a country called America, that should not exist.

These West Virginians cannot put their health care problems on hold or send them on recess, and they sure cannot turn to the Federal Employees Health Benefits program like we can. They have their own life savings, their homes, their peace of mind, their financial future, and, in some cases, their lives on the line. So for West Virginians, too late comes only if the Senate does not work through this bill, through our disagreements, and through our way to real results for very real people.

Mr. President, I think about Gary Smith and his family in Salem, WV. Their situation to me says it all. One of Gary Smith's three sons suffers from neuro-fibro mitosis, which is an unusual disease commonly called elephant man's disease. The son needs surgery to correct part of his face that is growing out of proportion with the rest of his body.

Gary, the father, works, painting high tension towers for a Pennsylvania company, but that very high stress job does not come with health benefits. The last time his son had surgery, the surgery cost \$50,000. They were lucky that time; the hospital absorbed some of the costs and saved the family from bankruptcy. But this time they have to come up with the money; this time no more relief; the extra surgery cannot be put off; and yet the Smiths have too much to qualify for Medicaid—he is working—and too little to buy insurance on their own. He does not make that much. They have nowhere else to go.

I have no idea whether Gary Smith is a Democrat or a Republican. I have no idea if his political thinking is mainstream, midstream, to the left, or upside down, and I could care less. I just know that America cannot go on being a country that leaves hard-working people like Gary Smith out in the cold. It does not make sense, morally or economically, to be a people that are divided between those who can get health care and those who cannot, or between the people in businesses who shoulder the costs of rising health care and those who cannot or will not.

That is why Democrats and Republicans, the left, the middle, the right, whoever you are, have to do this together or we will fail. The majority leader deliberately and carefully crafted a bill that draws on the work of Senators from both sides of the aisle, from many committees—particularly two—and from other bills, a compromise on a compromise on a compromise, to try to get the votes, earnestly to try to get the votes.

The bill passes the most important test. It lays out the steps to universal coverage. We will get there, step by step—more slowly than I had hoped but with the important beginning of focusing on children. The bill responds to the fears about more bureaucracy which is so often discussed on this floor. It cuts most of it out. That will be an interesting subject for debate.

There are now protections and benefits for America's small businesses. Senator MITCHELL's bill includes prescription drugs and long-term care, the very proposal in fact that DAVID PRYOR and I made in the Finance Committee to guarantee home- and community-based care to millions of people, not just older but people of all ages, since 40 percent of the people who need long-term care are, indeed, younger than 65.

The bill has essential provisions to address the chronic shortage of primary care physicians all over our country, in both rural America and in our inner cities. We spend billions and billions of hard-earned taxpayers' dollars, Mr. President, to train physicians. Most taxpayers do not know that—billions of dollars to train physicians. Tax dollars through the Federal Treasury pay for over half the cost of what is spent in the totality of training a physician in America today.

Now, does that not suggest the Federal Government on behalf of taxpayers should also have something to say in suggesting that the money be used to train the kinds of providers that Americans need and where they need them, and in the right numbers? Taxpayers' money, public policy should follow behind that.

That simply is what the work force section in this bill is about, to make sure that we have the kinds of doctors to meet the needs of all Americans in West Virginia, in New York, in California, and in every other State.

The bill before us aims at keeping faith with America's veterans. There happen to be 27 million veterans in America. Comprehensive health care reform makes it finally possible to improve the quality and availability of medical care for all veterans, not just the 2.67 million who use the veterans hospitals now, but for all 27 million. It has extraordinary possibilities. It is in the bill. The leader's bill is our chance to meet that goal.

So, Mr. President, in conclusion, when all this is taken together, there is no arguing with the notion that Americans will have better, more affordable, more dependable, more secure health care with the Mitchell bill.

Mr. President, I urge all of my colleagues to think long and hard about the consequences of how we spend these next several weeks. It is in our power to produce a bill that eases the burdens of families and businesses and children in every State and town of this country. It is in our reach to work out our differences and put our energies into achieving positive results. It is now up to us, each of us, of both parties, to prove that we can turn our years of words about health care into deeds that extend to Americans the basic health security that can never, ever be taken from them.

I thank the Chair. I thank my distinguished finance chairman.

I yield the floor.

Mr. MOYNIHAN. Mr. President, could I just congratulate my learned and, as I said, indefatigable friend, the Senator from West Virginia, on his statement. He is entirely right. There is no reason whatever to go out of this Congress without legislation. He has said, in somewhat different tones but with the same level of comity, exactly what the Senator from Minnesota said,

Senator DURENBERGER, who opened the debate today.

I think it is going very well. I hope people are listening to this.

Mr. PACKWOOD addressed the Chair. The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Oregon.

Mr. PACKWOOD. Mr. President, the Senator from West Virginia is one of the decent and kind people in the Senate. I have a quarrel with a number of things he said. But I will take only one.

He said the majority leader very carefully crafted this bill, taking bits and pieces from other bills and coming forth with almost nirvana. I did not think the last bill was nirvana.

But if this bill was so carefully crafted taking bits and pieces from all of the bills from all of the hearings, why last night do we have this? It does not have a number on it yet. This is the majority leader's new bill with every section, every subsection practically, changed. We do not know what is in it. If the last bill that he introduced was so carefully crafted, why do we need this? And if we need this, is this the last carefully crafted bill? Or are we going to have another carefully crafted bill tomorrow, or next week, or next month?

I think what crafting is attempting to do is to pick up a vote here and there, and he will craft it and craft it and craft it until he thinks he has the votes. It has nothing to do with the substance of the subject. It has a lot to do with the votes for the subject.

I yield as much time to my good friend from New Mexico as he may want.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the junior Senator from West Virginia, while I have not had the opportunity to work with him as much as some Senators on the Finance Committee, we disagree on some things. But I, too, want to compliment the Senator from West Virginia on the way he conducts himself both on a personal basis and on a senatorial basis. I hope I am considered his friend because I take that view with his family. I am very pleased to be working on this bill. I hope we can come up with something together, bipartisan. I am not sure we can. But I want to express that right up front.

Mr. President, when I first came to the Senate a long time ago, I brought to Washington my children, all eight. And my last born were twins. They were 5½ when I was elected. We brought them and we bought a big enough house for all of them. So we live pretty far out, because, obviously, we do not have a lot of money. The further out you go, the more you buy. So we actually bought a house from the Israeli Embassy, which had a staff

house out there. I did not know that. But it turned out to have a nice basketball pole and everything.

So I worked hard and did not spend much time with the children. But one morning I said, I am just going to go in late. I am going to be with them. It is teachers' holiday, so they were home. By then they were about 7. They were sitting in two chairs, as you might suspect, in front of the television set. Things have not changed much. And they were attentive as can be.

I put on my trusted robe. I sat behind them, and I was going to kind of be part of them, I thought, for a little while. So I put in a few words this way, a few words that way to see if they would focus on me instead of that television. Finally, one of them looked over her shoulder and said, "Daddy, you is no king. You're just a Senator."

Well, you know, this problem is big enough for a king. It is big enough for somebody who just sits down and says we are going to fix it. We do not have that luxury. So the second best luxury, as I see it, is to be a Senator, to be in this body at this historic time and to do just one very simple thing; that is, to try to get health care reform without doing a lot of harm to other things. And that is what worries me.

I am going to talk about the bill today that I thought was the premise for Senator MITCHELL's and President Clinton's proposals to reform health care. And many in this Senate know—and I take a great deal of pride in this—I did not come here today unprepared. I mean, there will be some things I will tell the people of this country and the Senate that nobody knows yet about this bill. I thought the good thing about being here right now and the way we are structuring it was maybe we would educate the American public and maybe we would educate ourselves, and maybe we would do the right thing. You cannot do the right thing in this kind of reform without knowing what you are talking about.

I just want to suggest that nobody is to blame. It is just sort of an admission on my part that I feel a bit let down today because I am going to spend about 35 or 40 minutes talking about what I think is very important about the deficit of the future, the debt on our children in the future, the fiscal policy of our Nation, new taxes and what they are going to do to our future, and how this great health care system might be adversely affected by what we are trying to do in the name of doing things better.

So I feel a bit let down after that work because I have just got this piece of paper that lists sections effective August 9 of yet a new bill. Frankly, I am not sure I am explaining to the American people the health care reform bill that is pending before the Senate for their consideration because I now find that this very well could be

a whole new bill. First of all, it has grown. I did not catch that until just a couple of minutes ago. But this is 38 pages longer than the first bill—whatever that means. However big it was, it is 38 pages longer. I now find that in this bill, believe it or not—this new one, which I assume is out there to see whether 51 Senators can join it—there are a total of 139 sections that have been modified, amended, or deleted. That means that every single one of the 11 titles in the previous bill have been changed.

I assume that these changes are not one-word changes or grammatical changes. I assume there are some big substance changes. So I apologize right up front to those in our country and those who listen in the Senate; I apologize if my analysis is wrong. I do not believe I made a mistake. I choose to quote outsiders as much as I can in this statement. But we may be totally off the mark, because we may be talking about one proposal, and the majority leader may have a completely different proposal. I believe that is the case and, frankly, I want to make this last point only one more time: There is nothing more important to our future than that we do health care reform right. If we do it wrong, the repercussions, the legacy is an enormous thing for us to bear and for others to be burdened with.

I believe that the first Mitchell-Clinton bill that preceded this modification—I have looked at it enough and analyzed it, that I cannot believe it was seriously intended to become law. Had the U.S. House—after 51 Senators got signed up to that bill—agreed to accept that bill, I tell you, I cannot believe that it would really become law. Let me say, if that were the case, it is such a piecemeal project that I believe we would be back in 6 months with major surgery—to borrow something from the medical profession. I believe when the people of this country found out what was in it, and what they were going to have to do, for those who think this would be a good election ploy—if in 2 months they can find out things wrong with it, it will be a terrible thing for those who vote for it, because by the time people analyze what it does to the future of the American economy, to health care, to new costs, new taxes, to lack of ability to choose, and what it might do in the future to our health delivery system and professionalism, let me tell you, there would be a big price to pay.

I want to put this problem somewhat in perspective. Let me state at the outset that I believe we should enact health care reform. I think there are things in the system we ought to correct, and some of those are very serious. I give the President of the United States, Senator MITCHELL, Senator DOLE, and a myriad of others, credit for putting this issue at the top of our

agenda. But as we move toward reforming our health care system, we in this Congress, like doctors who deliver health care, should take the Hippocratic oath to do no harm. We should take that oath to do no harm. We must remain conscious of the strengths of the health care system and careful that in our rush to reform it, we recognize these simple truths:

First, our health care system is huge and it is complex, consisting of almost \$1 trillion in expenditures, private and public. It is one-seventh of the American economy now, and if not controlled, by shortly after the turn of the century it will be one-fifth of the entire gross domestic product. That is astonishing. I do not even know how to put that into common words for people to understand.

Since the gross domestic product is the sum total of everything of value that we do in a year, I think I might put it this way: This health care system will be so big that one of every five Americans will be taking care of you. So we might say, is that not wonderful? I say you can walk down the street and you can almost be assured that if five people have passed you, one of them is taking care of you.

I do not believe we will make it with that kind of system. I do not believe we can have a standard of living that is befitting of our people if one-fifth of everything of value we do, from producing cars to making desks, to buying food, to the myriad of things we live with—paying for electricity—if one-fifth of it is to stay healthy. That is what scares me, because my first point is that if you look at the leader's plan—the so-called Mitchell-Clinton plan—you do not reduce the costs of health care, you increase them. So that if you did nothing, we would be at 20 percent of the gross domestic product—and my good friend from Oregon said yesterday slightly less than that—after we do all this cost containment and all this other rigmarole that is in the bill.

Mr. PACKWOOD. If it all works right.

Mr. DOMENICI. And "if it all works right," says my good friend from Oregon.

The second point: Most Americans—85 percent—have health insurance that gives them access to the finest quality health care system in the world. That does not happen to be the case in my State. There are more uninsured. But taking the Nation, 85 percent have health insurance, and most people think it is pretty good.

So the first point to be made is that we are talking about 15 percent of Americans that are uninsured, and a system that is trying to take care of those 15 percent in a rather willy-nilly way. But built into the system we are paying a lot of money already to take care of them, but not in an ordinary, primary care way, rather through emergency care and the like.

As I see it, I do not believe that we should pass anything that we are not as certain as we can be that it does no harm to the system that is delivering first-class health care services to tens of millions of Americans. As we move to improve the physical health of Americans, I believe it is imperative that we protect our Nation's fiscal health, our budgets, our obligations and our taxes, all of which are our fiscal health, and in our rush to reform, that we do not underestimate the costs and bankrupt this Nation.

The best way for us to ensure that we are moving in the right direction is to build our reform on principles that have wide bipartisan support already. Unfortunately, there is a lot of rhetoric—and much of it is partisan—surrounding this debate. I believe it does not add very much to the actual performance of our ultimate job. But it makes achieving bipartisanship, and an agreement based on that, much more difficult.

I would almost conclude for the people of this country that if a totally partisan bill is produced, what the majority leader will have to piece together to get the segments of the party and philosophies on his side of the aisle, will end up being a plan that does great harm.

I do not see it otherwise. I do not think there should be a rush to pass a bill that is partisan, because I think anybody who understands what that means would conclude that it will not be balanced.

Health care is too important because it affects every American in one way or another. Therefore, I believe sooner or later, hopefully sooner, we will put some of this rancor aside and focus on reforming health care without driving American families and American business or our Government into huge debt and, in some instances, into the inability to pay those debts.

This great country of ours has a huge private sector. Frequently we speak of that private sector, and many do not understand what it really means. But, first, the private sector in this country is principally made up of businesses large and small. They survive, if they are competitive, for the most part. If they are not, they do not make money. They cannot pay people. They do not pay good wages.

So let us recognize that we are taking up in this legislation at a time of tremendous reform and change in this health care system that is already occurring, and most of that change is in the private sector where they are driving health care costs down.

Let me repeat. Led by large employers, our health care system is already making enormous strides in controlling costs by enhancing quality. That is happening. We can see market forces at work in my home city of Albuquerque, where competition is strong. Hos-

pital costs in that city are 40 percent lower than 200 miles away, in the city of Lubbock, TX, for such things as heart procedures and that kind of very sophisticated hospitalization and surgery.

Recently, the Wall Street Journal carried a report that a large coalition of employers in northern California used a competitive bidding process to successfully negotiate reductions in health insurance premiums of between 5 percent and 18 percent from 18 different suppliers of health services called HMO's.

This is beginning to happen all over America, especially in areas where large employers have aggressively begun managing their costs. The days of paying anything, not challenging it—just send the bill—are gone. They do not need the Federal Government to tell them how to make those kinds of changes. They are occurring dynamically and dramatically in the marketplace.

In my view, health care reform should encourage the favorable trends now taking place in the private sector, not turn over control to the Government.

Now, despite the strengths of this system, there are some facts to be faced. For too many Americans, the health care system is not working. If you work for small business, as so many New Mexicans do, you face some very serious problems because small business faces some very serious problems in terms of insurance premiums for health care. Insurers are likely to charge you much higher premiums for administrative costs than they charge larger businesses. You have less market power to negotiate good rates with insurers, and workers may be charged higher premiums. When a coworker has a medical problem like diabetes, insurers can deny you renewal of insurance if you had any major medical expenses, and insurers can exclude preexisting conditions if you switch jobs, creating job lock, one of the words that health care has brought into focus.

Moreover, if you are poor or of low income, but not on Medicaid, the high cost of health insurance makes it nearly impossible to get coverage, which is the primary reason there are so many uninsured Americans today. Americans with incomes below 200 percent of poverty, roughly \$15,000 for an individual, are three times more likely to be uninsured than Americans with incomes above that level.

And, finally, we cannot assume that costs are under control even though I have stated what is going on in the marketplace, and there is a great anecdotal evidence regarding even those emerging signs of better cost controls, principally by big businesses and big purchasers. It is clear that some regions of our country are still experiencing very high cost increases. So any

health care reform must attempt to address those problems.

I want to depart—since people here frequently think of me as one who deals with the budget and they ask me questions about the budget, want to talk a little bit about health care reform and the Federal budget. Why would I do that? Because essentially, whether we like it or not, we are going to be voting on legislation that has a big effect on our children and grandchildren in terms of the budget of the United States, whether we are still in an enormous deficit position, whether we are still unable to pay our bills as a nation. And thus, in a very real sense, the effect on the Federal budget of this plan and any major plan is of extreme importance, and we ought to try our best up front to understand it.

That is not so easy, because we are sending new things to those who make the estimates all the time. Evidence of that is today, when every section in this bill has been changed, and yet we had some estimated costs in here the day before yesterday and yesterday.

So we must be careful not to saddle our young people and to burden future generations with today's health care costs. After all, the administration in its 1995 budget document revealed that future generations of taxpayers are already projected to face taxes amounting to 82 percent of their income without health care reform. That is in the President's budget document.

To quote Harvard law professor Laurence Tribe, and this quote was made in a public hearing regarding a balanced budget. Listen to it as it resonates with reference to the issues at hand, and I quote:

Given the centrality in our revolutionary origins of the precept that there should be no taxation without representation, it seems especially fitting in principle that we seek somehow to tie our hands so that we cannot spend our children's legacy.

That is a pretty good statement by a constitutional scholar who understands the significance of indenturing future generations. He calls that taxation without representation.

There is no more compelling case for controlling health care costs than their current and projected impact on the Federal budget. Indeed, one of the most critical issues facing the country is continued growth of open-ended, mandatory spending in the Federal budget. That is, you create the situation where a citizen is entitled, as a matter of law, to benefits, and if you do not pay them, they can enforce it in a court of law. That is the definition of an entitlement. And this is led today by Medicare and Medicaid and the resulting growth in budget deficits.

It is amazing—I cannot pass judgment on the majority leader's bill or this serious modification—but it is amazing, since the major cost of future deficits is the open-endedness of Medi-

care, that that program was not found in the President's health care reform package; rather amazing, the very program causing the deficit problem and the cost containment problem for future generations, that program was left out of the reform, presumably to run much as it is today.

These costs of Government health entitlements which are not subject to competitive pressure have escalated at a remarkable pace since they were enacted in 1965 and will continue to do so in the future.

Between 1970 and 1993, Medicare spending has grown on average more than 14 percent a year, and Medicaid has grown more than 15 percent a year. It is no coincidence that the explosion of these programs coincides with the beginning of our long struggle to control the Federal debt. If, in the end, we do not control these programs, it will not matter that we have health security because our jobs, our prosperity, and our future will be in jeopardy.

I want to speak a moment about what I perceive to be a significant broken promise. I thought that the President agreed with me and many others in the production of his budget and the projections for the future. In fact, the President has said on many previous occasions that we will never get the budget under control if we do not control Medicare and Medicaid. You may remember, as I do, that the President sold his tax and budget plan to the American people on national television in July of 1993. During that TV news conference, the President said:

We need to bring the deficit down to zero. To do that, we have to pass health care reform.

In fact, his promise of spending cuts in the context of health care reform was one of the arguments he used to get Congress to approve the tax increase, which I believe the distinguished chairman of the Finance Committee said was the largest tax increase in the world in history; anyhow, somewhere close to being the highest ever for Americans.

Now, might I explain to you what was found in the President's budget and vision statement with reference to health care?

Found on pages 116 to 120 of A Vision of Change for America, the President's tax and budget plan, issued in February of 1993, the President promised massive deficit reduction from his yet-to-be unveiled health care plan. In fact, Mr. President, he promised a \$300 billion deficit reduction between 1995 and 2000.

On this chart, the President's promise is reflected in the red or orange area. Here we were. Here is where we were going to go on the green line if we left everything alone. This entire orange or red area was going to be applied to the deficit of the United States and get the deficit under control.

The President was right in one sense. We cannot balance the budget with Federal health care costs growing as they are. Despite the slowdown in private health spending, let me repeat, CBO, the Congressional Budget Office, continues to project that Medicare and Medicaid will grow at around 11 percent a year even if inflation is 3 or 2 percent. In 1980, those programs cost \$48 billion. In 2004, they will cost \$650 billion.

Now, here is what has happened to the promise and the reality.

This orange is what everybody is telling the American people is the savings that are going to accrue in the two major health care programs of the United States when and if we get the costs under control. So the President projected we are going to get health care costs under control, and here is the new line.

Here is what was projected.

And the yellow is what we are adding in new costs.

And, believe it or not, none of this goes to the deficit, for all of it is spent on the new programs. And, I might add, with the exception of one bill, every single bill on health care reform assumes \$300 billion worth of savings. We do not know whether it will work, but we assume it. Because if we are going to get health care costs down, everyone assumes that every penny of it will be spent.

And I said, let us put \$100 billion of it on the deficit by mandate and spend only what is leftover. But that was done because I understand it this way and understand that you will never get the deficit under control after you have adopted a health care program that uses all these savings unless you decide to tax the American people hugely, cut defense a huge amount—I do not think you will do that—or dramatically change the pension programs of this country.

So this debate and this program has a huge, huge footprint on what else has to happen in this country with reference to our fiscal policy for generations yet to come.

So, in other words, even after the \$260 billion tax increase, the deficit is not under control. Despite some efforts to make it appear that it has gone away, it will begin to skyrocket again. And, I must say, it will be over \$350 billion again shortly after the turn of the century.

So, looking back to the chart, we can see that the health care reform plan would actually push this deficit line to the top line from this line. A total difference between the promise and reality is close to \$400 billion. And that is \$400 billion less in deficit reduction; or, to put it the other way, \$400 billion more in deficit spending.

Now I think it is vital that we understand this. I am not sure that anybody wants to do anything about it, but I believe we ought to minimize it at the very least.

While that promise clearly was broken and cannot be met, so that nobody will misunderstand, we did offer budget proposals that reduced the deficit by cutting things. And the cuts were not in Medicare or Medicare exclusively, but many others, so we would have had a much different approach to where the deficits would end up.

Now, I want to take a look in terms of Senator MITCHELL's proposal of yesterday—clearly, I do not know about today—and tell you what it does. It creates 6, I say to Senator DURENBERGER, 6 new open-ended Government spending programs and creates or expands 15 others.

Let me repeat. We are all worried about entitlements and mandatory spending; that is, creating a program where a citizen is entitled to resources of the Government under order of the court. We have 6 major new ones, open-ended, and 15 other ones are changed, as well. None of the changes is downward, from what I can tell.

These new entitlements will cost—and this has pretty much been agreed upon by the Congressional Budget Office and our experts. Let me give you this one. The new entitlements will cost \$501 billion between 1995 and 2000, and \$1.4 trillion between 1995 and 2004. These new entitlements will bring millions of Americans on to the Federal Government's subsidy program.

And let me give you the best estimates I can there. An estimated 100 million Americans will be eligible for Senator MITCHELL's premium subsidies alone, not counting the long-term care, which is a new program with new beneficiaries, and other entitlements in this bill. I am not counting them. I am only counting the recipients of subsidies in whole or in part for insurance premiums.

And what is most alarming to me is the growth rate of these new entitlement programs. According to the Congressional Budget Office, the new premium subsidy program will grow over 10 percent a year, even after it is phased in. So if we thought we had things under control and were getting them there with new health care reform, admittedly, right up front, the Congressional Budget Office warns us that these subsidy programs will grow at a rate of 10 percent a year even after they are phased in.

The Medicare drug benefit, a brand new one, grows at 10.5 percent a year even after phased in. The long-term care program grows 44 percent a year according to the Congressional Budget Office once it is in full effect.

So I do not think there can be any mistake about it. The Mitchell-Clinton bill, under the guise of health care reform, will create several new open-ended, runaway entitlement programs.

Now, why do we have to do that when we are having difficulty understanding the reform programs and their effect?

Why would we have new programs costing huge numbers of billions of dollars?

I guess I might say—and I hope this is not the case—that maybe it is because some of those programs bring some votes and bring some support out in the country that might not otherwise be there.

It should not be surprising, then, that the proposal of yesterday does nothing to slow the rate of growth of overall health care costs in this country. Everybody is wondering—we have said that. I think Senator DURENBERGER said that. But, after all, we are just Senators. In fact, according to the Congressional Budget Office, the Mitchell proposal will actually increase national health expenditures by between \$240 and \$285 billion over the next decade. Instead of controlling it, it goes up.

I have heard a lot—at least I did 2 weeks ago, it seems like it is not so loud and often now—that we ought to pass this reform package because it is good for the middle class. Right? Let me talk about the new taxes in this bill. If the middle class feels put upon by previous taxes they better hold on to their wallets. This new proposal has massive new taxes. Between 1995 and 2000, \$110 billion; between 1995 and 2004, nearly \$300 billion. Let us add them together, in the next 10 years it is \$410 billion in new taxes. I find it very hard to believe that these new taxes will help middle-class Americans as the President has indicated.

First let me tell you about some of these taxes. There is a 1.75-percent tax on all health insurance for \$74 billion, between 1995 and 2004; a 25-percent excise tax on health insurance premiums that grow faster than a premium cap—whenever those premiums do that, that 25-percent excise is on. And yesterday Senator PACKWOOD explained in some detail how the starting point for that 25-percent tax—how that would go. It is very complex and I believe very unfair. But that is \$75 billion between 1995 and 2004.

Another 1 percent tax on health insurance premiums is levied by the States to fund administrative expenses, another \$50 billion. That tax revenue goes to the States. These are big tax increases, billions and billions of dollars in new revenue.

According to the Congressional Budget Office, these taxes do little or nothing to contain health care costs and may actually pose, "an impediment to coverage." That is taken from the Congressional Budget Office.

To quote from that report, on this 25 percent new excise tax on high-cost premiums—and let me before I quote say it does not matter to me what is written in any bill that says that is going to only be a tax on the insurance companies and the providers. In the end, the cost of the delivery system will assimilate that and the insurance

premiums will be higher on everybody. There is no way to get around it. You cannot write supply, demand, costs and expenditures, and some profit out of the private sector and claim you want them to do this, you want them to cover everybody. It will be there.

Now let me quote:

The tax on premiums of high-cost health plans in Senator MITCHELL's proposal would be difficult to implement. In addition, its contribution to containing health care costs would be limited and it might be considered inequitable and an impediment to extending coverage.

Not PETE DOMENICI, not DAVID DURENBERGER—the Congressional Budget Office. Frankly, I believe they are being generous. I cannot imagine that they would write it in the toughest language, being a neutral body and with the director being subject to confirmation by the Senate and the House.

I continue quoting the Congressional Budget Office:

Unlike taxes as contained in the Managed Competition Act and bill reported by the Committee on Finance, which would not affect the lowest-cost plans, virtually all plans would be subject to the assessment called for in Senator MITCHELL's proposal.

That is a vindication of my notion that all premiums would go up.

For middle-class Americans these taxes add up. I am not sure what it is. We are trying to find out. But I will say that for most middle-class Americans, their taxes will go up to at least an additional \$500 a year in very short order. I think it is more but I feel comfortable in saying that.

Perhaps that is why the respected president of the Kaiser Family Foundation, Drew Altman—very reputable and very professional—gave this assessment of this health care reform just last week.

The group that is most likely to be helped least, at least as the discussion stands now, is the working middle class. Which is a little surprising [he says] since it was the rise of the middle-class concern that put these issues on the front burner in the first place.

I repeat, this is not my evaluation. It is Drew Altman. I have inquired. Everybody I can ask says this is a man of high repute, and he indicates that at least as the discussion stands now, the group that will be hurt the most is working middle class.

Again, everybody is asking, if these are entitlement programs, can we not make sure they do not go through the roof? Can we not make sure they are contained? Can we not put a cap on them?

I want to offer my own observation first. If you put benefit programs in place where the citizens of America are entitled to something, and that something is health care, you are probably going to pay for it whatever the cost is, because it is very hard to take things like that away, change them, modify them, make them less of a package than you originally promised and gave.

Nonetheless, we have tried. In fact, I believe this Senator, with some very able staff, came up with a first attempt to do that. It now has a nickname. It is called a fail-safe provision. Right?

Mr. MOYNIHAN. Yes. Right.

Mr. DOMENICI. "Fail-safe" meaning we are only going to spend as much as we want to spend and we have a failsafe way to do that.

I am telling my colleagues, that fail-safe was first found in the Chafee bill. We helped draft that. But I am very concerned that if we have a significant underestimate in the cost of these new entitlements—and I repeat what I said a while ago, we have had that in every entitlement that deals with health care; so big, in fact, that it was estimated Medicare hospital insurance was going to cost us only \$9 billion in 1990. I assume the Senator is aware of that. Instead its cost was \$67 billion.

That is why I believe any legislation that we ultimately pass, in order to protect our children and children yet unborn from huge deficits, has to have a fail-safe mechanism to control costs. Unfortunately, the proposal of yesterday—perhaps it has changed today. I note that section on fail-safe is changed. I cannot tell what it does. But, unfortunately, the Mitchell-Clinton proposal on fail-safe is so watered down in terms of its rigidity, in terms of real control, it is worthless—worthless. It is based on inexact, estimated baselines, not on real dollar limits. It has a \$10 billion cushion. It leaves incredible discretion to the Office of Management and Budget. And it exempts increases attributed to economic and technical changes from the rigors of discipline.

Mr. DURENBERGER. Will my colleague yield for a question?

Mr. DOMENICI. Of course.

Mr. DURENBERGER. I know my colleague from Rhode Island is getting sensitive to the amount of time that is being allotted Republicans. But let us assume you have all of these promises made to extend all of this coverage. But the cost of the coverage exceeds what you estimate. This is your point.

Mr. DOMENICI. Yes.

Mr. DURENBERGER. At that point you have to either borrow the money, increase the deficit—

Mr. DOMENICI. Yes.

Mr. DURENBERGER. Or just using the Medicare Program as an example, you can, at the budget level here, reduce the amount that is going to be paid for doctor services or hospital services, thus you do not increase the deficit; right?

Mr. DOMENICI. The amount that the insured has to pay can be increased. That is another way.

Mr. DURENBERGER. It seems to me that if, in fact, the demands on the entire system exceed the fail-safe amount, what we normally do here is reduce the Medicare payments in the

coming year for doctor services or hospital services. That is how we get to the place where a party is paying 71 cents on a dollar of charges for hospitals and 59 cents on a dollar of doctor fees. Is that not the process?

Mr. DOMENICI. Absolutely.

Mr. DURENBERGER. So the problem then presented to the working class in America is the degree to which they end up, when they go to the doctor's office or when they go to the hospital, how much of that difference between 59 cents and \$1 do they end up paying?

Mr. DOMENICI. Right.

Mr. DURENBERGER. It seems to me—my colleague can correct me if I am wrong—no matter which way you cut it, these overpromises are either going to be paid out of debt or they become an additional tax on working people's premium.

Mr. DOMENICI. That is right.

Mr. DURENBERGER. So one of the problems we talked about earlier in the day with the Clinton-Mitchell proposal to get all working people into these large pools, and so forth, is to facilitate the additional tax from the cost shift from the promises that are made but not paid for onto the working people's premiums.

So, in addition to the specific tax—a tobacco tax, or premium tax or State surcharge—there is this hidden tax of the cost shift which occurs in the doctor's office, which is difficult to measure. I thank my colleague.

Mr. DOMENICI. You are absolutely right. The point is that to try to say to those who are worried about the next generation and how much we will have gone into debt, do not worry, even though we do not have any idea what our promises are going to cost—we have this measure out there that says it is only going to cost \$300 billion and if it is more than that, something will be done about it. I believe you have to know much better up front the cost of what you are promising. So fail-safe is a tool that is not going to be used because, if you need it, you probably will not implement it. That is the point I am trying to make.

Might I ask the Chair, how much time do the Republicans have left?

The PRESIDING OFFICER (Mr. FEINGOLD). Twenty and a half minutes.

Mr. KENNEDY. How much time on our side?

The PRESIDING OFFICER. Ninety-four minutes.

Mr. DOMENICI. Mr. President, I have some other remarks, but I note my friend Senator CHAFEE is waiting.

OTHER CONCERNS WITH THE CLINTON-MITCHELL APPROACH

But my concerns with the Clinton-Mitchell approach to health reform are not confined to just economic and budgetary questions.

GOVERNMENT-RUN HEALTH CARE

The Clinton-Mitchell plans—and all of its variation in Congress, such as the

Kennedy and Gephardt plans—are characterized by massive new Government controls, regulation, and bureaucracy.

The American people simply do not trust the Government to run the health care system. They know a Government system will be less responsive to them and will slowly undermine the quality of our health care delivery system; a system unsurpassed in the world.

Let me cite just a few examples of the massive Government role in the Clinton-Mitchell plan:

MANDATED STANDARD BENEFIT PACKAGES

Under Clinton-Mitchell, every American who wants to get health insurance will be required to buy a Government-set benefit package.

They will not be able to buy anything less.

You can be sure that if the Government is setting benefits, no treatment will be uncovered, no provider left out, and it will only get worse with time.

There is some value in standardized benefits in certain contexts, particularly for determining subsidies for low-income families.

But I am against the Clinton-Mitchell bill's limitations on choice and "one size fits all" approach.

PRICE CONTROLS

The Clinton-Mitchell bill also requires Government-set price controls, based on data that does not currently exist.

Under the proposal, the Secretary of the Treasury would set reference premium amounts for every geographic area in the country.

These reference premiums would be established based on 1994 national health expenditure data that the Secretary would somehow try to distribute by region.

According to CBO:

These determinations would be extremely complex and difficult to make, requiring adjustments for demographic characteristics (age, sex, socioeconomic status), health status, current levels of health care expenditures, uninsurance and underinsurance, the presence of academic health centers, and other factors. Little reliable information of this sort is available, and the Secretary would have to collect a mass of new information. With the reference premiums affecting not only tax liability but also premium levels, the process could prove to be quite controversial.

But, nonetheless, the Secretary would set these reference premiums, and then allow them to grow by inflation plus: 3 percent in 1997, 2.5 percent in 1998, and 2 percent thereafter.

Health insurance premiums growing faster than this rate would face the 25-percent excise tax.

Clearly, this proposal is a back door attempt to adopt the Clinton premium caps.

It is an especially bad idea because it does not distinguish between efficient and inefficient plans.

All health plans would be held to the same growth rates, regardless of

whether they have been low cost and efficient to start off with.

Moreover, the Clinton-Mitchell proposal exempts large employers' plans from the tax until after 1999.

Clearly, the tax is designed to protect, to the extent possible, the very expensive, high-cost, union-negotiated health plan.

Similar attempts at price controls have never worked in this country, and never will.

Shortcuts will be implemented and instead of reducing costs, they will lead to more inefficiency.

OTHER EXAMPLES OF GOVERNMENT INVOLVEMENT

The Government is going to determine the number of specialists and primary care physicians that can be trained in each medical residency program in the country.

The Government is going to run a new, voluntary long-term care insurance program.

The Government is going to determine which doctors, hospitals, and other health care providers are essential and therefore protected under managed care.

The Government is going to provide new opportunities for lawyers to bring suits against insurance companies for disputes over insurance claims.

The Government is going to provide new entitlement spending for health research, occupational safety and health, school-related service programs, dental schools, and countless other Government programs.

The Government is going to establish a risk adjustment program to measure the relative health status of enrollees in every health plan in the country, and then require States to transfer billions of dollars among plans based on that methodology, which today does not exist.

Do you detect a pattern of excessive Government interference here?

JOB-DESTROYING MANDATES

And now let us turn to the job-destroying employer mandates in the Clinton-Mitchell bill.

I am opposed to including any kind of employer mandate in the reform proposal.

It does not matter if it is delayed until after the next election, or triggered, or cut in half.

Because, clearly, this President and the Democratic Congress want an employer mandate—and the majority leader's proposal is just a foot in the door. It is the camel's nose under the tent. And if this bill passes and goes to conference, as sure as I am standing here, it will come back with an even more devastating, job-destroying employer mandate.

Let me quote from a senior administration health official from the August 4 Washington Post explaining their support for the Mitchell proposal:

... we hope the bill we get out of conference will have mechanisms [mandates]

that will get us to universal coverage by a more direct route.

I am particularly worried that Senator MITCHELL's proposal would single out States like New Mexico—where nearly 97 percent of all businesses are small business; and 86 percent are businesses with fewer than 20 employees.

As I read it, the mandate will be triggered only in those States that fall below 95-percent coverage.

Well, obviously, States with lots of small businesses, low income families, and high uninsured rates today are the most likely States to fall below the target.

And so the Clinton-Mitchell bill would penalize small businesses in low income States with a mandate, which will only make matters worse.

Such a mandate would destroy hundreds of thousands of jobs and severely curtail economic growth.

And, according to CBO, this state by state kind of mandate will not work, would drive business out of small States like New Mexico, and is not workable.

To quote CBO:

[a state by state mandate] would produce inefficient reallocations of business activity. Some firms that did not wish to provide insurance would migrate to states that were not included in the mandate.

Because of the disruptions, complications, and inequities that would result, CBO does not believe that it would be feasible to implement the mandated system in some states but not in others; the system would have to include either the states or none. Accordingly, CBO's cost estimates of the mandated system assume that a nationwide mandate would be in effect.

OTHER ISSUES

There are other problems with the Clinton-Mitchell bill as well: massive shifting of resources from the young to the old through strict community rating; weak medical liability reforms; State single payer options; and HMO-killing regulation and litigation.

At the appropriate time, I will have much more to say about each of these controversial issues.

THE SEEDS OF A BIPARTISAN SOLUTION

I believe we should only pass a health care reform bill that has strong bipartisan support.

I believe we can see the beginnings of that kind of an agreement in some of the major proposals put forward in the Senate, such as: the mainstream group's proposal, which is largely incorporated into the Finance Committee bill; the bill I introduced in May, the Health Care Reform Act of 1994; and the Dole-Packwood proposal, which has been endorsed by 40 Republicans.

All of these proposals differ in their details—some of which are significant—but they share some very critical core features:

EXPANDING COVERAGE IN A VOLUNTARY SYSTEM

Most Americans want health coverage to ensure good care when they

need it and to avoid the financial risk of going uninsured.

The primary obstacle for the uninsured is cost.

Nearly two-thirds of the uninsured have incomes below 200 percent of poverty.

These proposals would expand subsidies for poor and low income Americans to make private health insurance affordable.

And they reject the notion that we should begin reform by imposing new Government mandates on businesses or individuals.

CONTROLLING COSTS IN A REFORMED MARKETPLACE

Only market incentives can improve the productivity of the health care delivery system. And that is the most effective and efficient route to holding down costs while maintaining or improving quality.

To make the market work better, consumers must be permitted to compare the price and quality of competing health insurance plans.

Our proposals would give consumers the standardized information needed to evaluate the cost and quality of their health insurance and their providers.

Moreover, we should encourage consumers to be cost conscious by putting a limit on how much employers an employee can deduct from taxes for health premiums.

SMALL BUSINESS INSURANCE REFORMS

These proposals all recognize the need to establish fair insurance rules for small businesses and individuals.

They would: ban preexisting condition clauses; establish some modified form of community rating for small businesses, with age adjustments; and give small businesses the ability to pool their purchasing power and get lower premiums.

REFORMING FEDERAL PROGRAMS

Moreover, these proposals would change the Medicaid program to allow those beneficiaries to enroll in private health insurance plans like other Americans.

The proposals would protect Medicare but expand the opportunities and incentives for beneficiaries to enroll in competing health insurance plans.

Today, some 50 percent of private group health insurance is in managed care, but only 5 percent of Medicare beneficiaries are in managed care.

ACCESS IN RURAL AREAS

Our proposals would dramatically expand funding for access to care in rural areas.

In particular, they would increase funding for community health centers and the National Health Service Corps.

FISCAL RESPONSIBILITY

Finally, these proposals all recognize that we cannot afford another new runaway entitlement program.

To ensure fiscal responsibility, they incorporate a "pay as you save" or fail safe process.

That means we can only expand coverage as we achieve savings in current programs.

I believe a bill with these elements could pass with overwhelming support if we can get beyond the partisanship and focus on what we can do to help the lives of millions of Americans.

SEVERE MENTAL ILLNESSES

During this debate, Senators will disagree on many issues, and the debate will be vigorous.

However, there are a few issues which I believe cross party lines and transcend politics.

Three years ago, I introduced a bill that stated when the Senate passes health care reform, it must provide equitable health insurance coverage for persons with severe mental illness.

That bill had 21 cosponsors evenly divided between Democrats and Republicans.

In September 1993, the National Alliance for the Mentally Ill [NAMI] held a rally across the street from the Capitol where they presented me with nearly 500,000 signatures supporting my bill.

Among those persons signing the petition were President Clinton, Vice-President GORE, and Mrs. Tipper Gore.

In the time since I introduced that bill, I have spoken on the Senate floor and at numerous assemblies with both Democrats and Republicans.

Nearly every time, one of my colleagues would take me aside and agree that we must help the severely mentally ill.

People with severe mental illnesses have been subjected to discrimination because of ignorance and fear resulting in public and private health insurance plans setting arbitrary limits on the amount of coverage a person can receive for these illnesses.

As a result, individuals and families often can't gain access to care because of this very limited coverage.

It is now estimated that one out of every three homeless persons suffers from severe mental illness.

Severe mental illnesses such as schizophrenia, major depression, bipolar disorder, obsessive compulsive disorder and panic disorder, are crippling and disabling illnesses that can strike any person from any background.

We have made a lot of progress as health care reform has moved through the Congress, but I must say to my colleagues that the bill introduced by the majority leader does not go far enough.

Unfortunately, the Mitchell proposal leaves the door wide open for the continued discrimination of the severely mentally ill.

In fact, this bill explicitly authorizes cutbacks in benefits for the mentally ill to finance other types of coverage if the National Board finds the benefit package is too costly.

So, the standard benefit package could provide coverage for eyeglasses, but may not provide coverage to some-

one suffering from major depression to keep them from committing suicide.

Frankly, I believe we need to rethink that kind of prioritization in the benefit package.

I can assure my colleagues that before this debate is over we will have the opportunity of a lifetime to provide equitable coverage for the severely mentally ill and end at least one form of discrimination.

I want to close by simply stating that the bill before us—again I repeat, before we got the new bill—that this bill has severe problems and, frankly, I do not think it can be fixed. This Clinton-Mitchell bill, as I see it, is a roll of the dice and the stakes—the bet, that is—is enormously high: one-seventh of the American economy. But it is also high for every person in this country that we are trying to help: those who currently have little or no health care, those who have good health care. They are all at risk.

And if we are going to take these risks, let us do it together in a much more coherent and bipartisan approach that has broad support of all Americans. I yield the floor.

Mr. MOYNIHAN. Mr. President, I yield 4 minutes to the Senator from Massachusetts, followed by 10 minutes to the Senator from Nebraska.

Mr. KENNEDY. Mr. President, I have in front of me the Gramm-Latta amendment that was offered in the House of Representatives in behalf of the Republican administration on June 26, 1981. It is an inch and a half thick. It was offered at 11:15 in the morning and debated until 7:45—8½ hours. I did not hear a lot of criticism from a lot of our Republican friends at that time that it was going to be so difficult for people to understand. I hope they can put that argument aside.

I heard our colleagues talk about their positions with regard to the health care measures. One of the oldest techniques in this body is to describe your opponent's position. In many instances, you do not accurately describe your opponent's position.

That is what has been done this afternoon. I listened with great interest to this whole debate and discussion from my colleagues, and I could not understand the Mitchell bill as described by my good friends or what, in many instances, their complaints were really about, including my friend from Minnesota, talking about national standards and State rules. If he has amendments—that is a concept in the Mitchell bill—if he has amendments on that, if he has proposals, I hope they will be forthcoming.

When I saw my good friend from New Mexico get on his feet and talk about this legislation, I thought he would talk about one of the most important provisions, and that deals with a cause that he has been identified with in the U.S. Senate, and that is on mental health.

One of the critical issues was whether we were going to have parity in treating mental health with the physical ailments of the people of this country. That has been debated in hearing after hearing. He was good enough to testify on that issue before our committee, and we have included it. It was included in the earlier bills, and it has been included in the Mitchell bill.

So for all those Americans who have been listening to that debate, they ought to understand that we are committed in the Mitchell bill, in this legislation on page 114, to the kind of mental health benefits that the mental health needs of this country ought to have.

Mr. President, I was hopeful to hear this afternoon that some proposals by our Republican friends were going to be forthcoming. In our committee, we have had a series of different amendments and suggestions, which we worked out without having to have votes on these measures.

We eliminated a lot of the mandatory requirements on the alliances in the legislation; we were able to come together, Republican and Democrats alike; we made adjustments in terms of the malpractice provisions; we simplified the benefits package; we made some changes in cost control—all suggestions that were made by Republicans and Democrats, not waiting until the amendment process and the part of the debate and discussion earlier in the day.

Bipartisanship requires coming at least halfway. And here we have the majority leader, who has been trying to move that whole process forward. I hope that at least in the remaining time—although there is not a great deal more time on that side—this afternoon, we will at least have some areas, some suggestions, some recommendations prior to the time that we are going to come to the point of voting on these matters where we can hear about where they are going to agree. Let us hear where they want to try to make some progress.

Maybe we have to delay the point for some days and finally come to grips and have the votes on some measures. But let us at least hope that the next time we speak and Members address that that we can at least find some suggestions and recommendations on where we can begin to build the bipartisan legislation which many people have talked about but which so far has at least escaped.

I want to thank my colleagues for indulging me at this time. I see the Senator from Arkansas as well as the Senator from Nebraska on the floor.

Mr. DOMENICI. Mr. President, I wonder, since Senator KENNEDY alluded to mental illness, if I might take 3 minutes on our side to respond.

Let me do that. I ask unanimous consent that the 3 minutes I use not be counted to either side.

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

Mr. DOMENICI. Mr. President, I really hope the distinguished Senator from Massachusetts was not implying that the Senator from New Mexico, because I proposed something in the Mitchell bill, is not going to be shoulder to shoulder with him on whatever bill passes to get parity for the severely mentally ill. But I might tell my good friend, his bill that he reported moved more toward covering the mentally ill than this bill.

In fact, this bill, Mr. President, to be honest with you, does not take care of the parity that is required. And I know the question is how are we going to pay for it.

But let me tell Senators, I think we ought to treat severe mental illness in this country exactly like other major ailments. We should not have to fund it separately. If we do not have enough money for other things, we cut everything back, but we do not have to continually treat the severely mentally ill as if they do not have parity.

This bill does not do that, so I am not worried about it.

Mr. KENNEDY. Mr. President, just on our side, 30 seconds.

I welcome the opportunity, with the Senator from New Mexico, and I am sure Senator WELLSTONE, who has been a leader here, to offer an amendment on this legislation as one of the first amendments that we can consider about how we can strengthen this proposal, and work with the CBO and find ways that we can do it. This is just the kind of bipartisan effort that we should have.

I acknowledge the leadership of the Senator from New Mexico. And Senator WELLSTONE has been a leader. This would, I think, make an enormous difference and indicate that in this area of public policy we do have bipartisan support.

Mr. MOYNIHAN addressed the Chair. The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, if I may yield myself 1 minute simply to once again remind you that the bill before us is the bipartisan bill reported from the Committee on Finance, and in that, if the Senator from New Mexico could hear me, and the Senator from Minnesota will attest, mental health has full parity with all other medical needs. It is a matter of principle, and bipartisan, and was never contested.

Ten minutes to the Senator from Nebraska.

Mr. KERREY. I thank the Chair and I thank the Senator from New York.

Mr. President, I rise to discuss the matter before us, the health care reform bill introduced by Majority Leader MITCHELL.

Something needs to be done to change the laws that govern the financing and delivery of health care in America. The status quo is unacceptable.

For those of us with personal wealth who are well insured life looks pretty good. However, for the majority, whose insured status and financial capacity to pay is in doubt, life looks very uncertain.

Too many hard-working young Nebraskan families do not have insurance and cannot afford to go to the doctor until the medical situation has become an emergency. Routine health care is not affordable for many whose take-home pay must cover rent, food, clothing, and other necessities.

Just one example of the cost of a familiar health care service should help focus our minds on the need to lay aside partisan differences and pass a bill which helps make health care more affordable.

The health care service is the delivery of a baby. It costs \$12,000 to have a baby in Washington, DC, it costs \$5,000 to \$6,000 for the same services in Nebraska.

Bringing a baby into this world at either of these prices—which 20 years ago was considered to be within the household budget and thus was treated as an out-of-pocket expenditure—can be a financial catastrophe. Today, it is a procedure that is most often paid by an insurance company, the government, or by a now financially strapped family. Twenty years ago I paid cash to the doctor and hospital when my children were born. I did not have to be insured. Today, uninsured Americans who approach the birth of their first child do so with more economic anxiety and insecurity than their parents did a generation earlier.

Americans who have themselves or friends that have entered the world of high cost health care understand: The thin ice of medical indigence could break at any moment. In America the physical trauma of getting sick is an event which can also be accompanied by great financial trauma.

Therefore, we know that an urgency exists to change our laws. We also know that an urgency acted upon without careful consideration given to the question where we are going could result in our making the problem worse.

In particular we must take care not to allow the urgent need to subsidize those who cannot pay health care bills to dominate the need to contain costs. Every significant Federal intervention to expand coverage in this century—tax deductibility, Hill-Burton, Medicare, Medicaid—has increased the demand for expensive health care. This demand has increased the availability of expensive health care. Not surprisingly this has made health care more unaffordable and—we are back where we began—increased the demand for subsidies.

As I have said on earlier occasions, without a fundamental change in the way we become eligible for care—namely merely by being an American under color of law—we risk accelerating this cycle of subsidies driving demand, driving subsidies. This fundamental change, however, has been rejected by many as politically impractical.

Therefore, Americans smell politics all over this debate. They do not have to look too far to discover that political insecurity has become a greater concern than the insecurity Americans feel about health care. Mr. President, it should be this insecurity which motivates the need for change. It is this insecurity which gives such resonance to the call to provide health care that is always there.

However, Mr. President, Americans feel insecure about more than just health care. They feel insecure because they are becoming both afraid for and of their children. They feel insecure because of the pace of technological change. While technology has made us more productive and created new jobs, wealth and opportunity, it can make us feel we are skating at the wrong end of the pond. Downsizing is the bogie man of the 1990's. The stress of wondering if tomorrow is the day when they are given the news their job has been eliminated by the latest edition of the company's computer software program is very real.

American workers are also on alert to cheap worldwide labor and conscious free investment capital whose flow knows only the dictates of estimated rates of return. The recent revival of U.S. productivity demonstrates that America's work place team is willing to face international competition with the same courageous performance that has lifted our standard of living to the highest in the world. Still, in spite of this success, in the back of their minds, as they fight traffic to and from work, blue- and white-collar workers alike wonder: Is this the day my job goes to Mexico or Indonesia or China.

Insecurity in the midst of an economic recovery is the reason Americans still do not feel like their country or their political leaders are heading in the right direction. They feel misled and let down as we fail time and again to inspire and help them believe in the uncharted course of our future.

Wealthy, economically secure Americans can only guess at the terrible change which has accompanied the technological and economic advances of the past 30 years. They can only guess why the cry for health care that is always there hits home even for Americans who are currently protected with affordable insurance.

Some of them are still smarting from last year's deficit reduction legislation. That legislation and that attitude continue to influence the debate on

health care. Where this influence subjects us to the need to make certain that health care reform contains costs and contributes to deficit reduction, it is a force for good. Where this influence is an angry, petulant one note interference, it obstructs the path of progress.

Made angry by last year's increase in their rates of taxation some wealthy Americans cannot see or do not care that tens of millions of low income working Americans were given more security by an increase in the earned income tax credit. Some of them cannot see or do not care about families who refinanced their homes making it easier to keep their budgets in balance. They cannot see or do not care about self-employed Americans who are finding that health care is more affordable now that they are able to deduct 25 percent of the cost of their insurance.

They cannot see or do not care that the economic recovery—which was in place when this legislation was enacted—has strengthened Americans' job security. The demand for skills is on the rise and with it the confidence of consumers who are buying cars, building houses, and adding to the security of those who build both.

In part, wealthy Americans whose taxes were raised have a right to complain. They were made to be the fall guy rather than being told they were participating in something which needed to be done. Instead of thanks they felt the abuse captured in the phrase we are only taxing those who profited from the excesses of the 1980's.

The taxes we raised in 1993 on upper income Americans and the spending restraint we enacted reduced the amount of borrowing required by the Federal Government to pay its bills. Those who paid those taxes and those whose programs have been curbed should be allowed to feel they have done something good. There can be no doubt we have borrowed hundreds of billions of dollars less than we would have otherwise. And there can be no doubt this effort has on balance been good for the American economy.

The best test of this truth cannot be found in liberal or conservative think tanks predisposed to be for or against tax increases. Reliable truth also cannot be found in the campaign material of those who voted for or against the act.

Instead, the best guide to find the truth is to witness the response of the stock and bond markets. These markets—which may have as many individual liars as a collection of politicians—does not lie in its aggregate decisions. It looks at this kind of legislation with the cold eye of the investor. There is no mercy given on account of ideological orientation.

The market hit the bid. They bought the spending caps. They believe they will work. It even liked the tax in-

creases although that the attitude of the individual traders was less benevolent. Measured by the positive movement of interest rates, inflation, job growth, business starts, business confidence, and investment spending on equipment, the economy not only survived the blow of higher taxes, it has thrived.

The market, however, wants us to do more to reduce Federal borrowing needs. It does not want us to pass a health care bill which expands entitlements taking deficits higher. The Federal Reserve is already poised to raise interest rates on account of economic good news and fears of inflation. Action taken by us which pushes deficits higher in the name of health care security could reduce security by taking the steam out of economic growth and expansion.

America's collective capacity to subsidize those who cannot pay their health care bills is dependent on the strength of our economy. Our national capacity to buy is directly proportional to our national income. We should not make commitments to spend money unless we have the money to spend.

America needs to travel down a road of further deficit reduction. Our goal should be to arrive at a point where we are making annual payments to reduce our debt instead of annual additions. If we continue—and if we reduce the savings and investment barriers in our Income Tax Code—America's income will rise along with our capacity to pay health care bills.

The Mitchell bill contains language which provides a fail safe mechanism to make certain that does not happen. This portion of the law is designed to prevent the Federal Government from providing subsidies unless savings are obtained. In addition the law would require the Federal Government to disclose the amount of taxes that would be needed to pay for Federal health spending.

Unfortunately, this bill—in addition to bringing tens of millions of low income Americans into a subsidized system—would also give new benefits to those Americans who are already beneficiaries of Federal subsidies. This expansion causes me to doubt the promise of deficit neutrality.

This is my first category of concern: The Mitchell bill does not have sufficient safeguards against a further expansion of nonmeans tested Federal entitlement programs. Without expansion of eligibility or benefits, the year to year increase in Federal spending just for health care is almost equal to the entire amount spent on Medicare and Medicaid the year Senator MITCHELL began his distinguished career in this body. These two programs cost \$50 billion that year; this year they will cost \$280 billion.

My firm conclusion is this: Do not promise anything you will not pay for

up front. Given a chance we would all prefer to have someone else pay our bills. This is particularly true with expensive health care. These bills carry a hefty weight.

My second category of concern is the increased centralization of decision-making required by this law. This new law would shift more power over health care to Congress and Federal agencies than is desirable. If we candidly assess our abilities, most of us would admit we make decisions today which are little more than educated guesses.

Let me provide a recent example offered to make this point: We should be making fewer health care decisions in Washington, DC, not more. Last week, I received a letter written to me by Dr. Paul Collicott, chairman of the Nebraska Medical Association ADHOC Committee on Medicare. The purpose of the letter was to ask me to offer a technical amendment authorizing the Secretary of the Department of Health and Human Services to do something Dr. Collicott believes would be good for Nebraska Medicare patients and the providers who care for them.

I am inclined to agree with Dr. Collicott. He is a man with well known integrity and credentials that give his suggestions an air of correctness. How could it be wrong to help? Particularly when it sounds so fair and so likely to bring a little benefit to Nebraska's Medicare beneficiaries.

The problem is that I am not making an informed decision. The decision is based more on an assessment of what makes good political sense than on what makes good medical sense. From the point of view of a policymaker concerned about cost and quality listen to the letter and answer honestly if you feel qualified to make this decision:

This issue has to do with the impact of budget neutrality calculations on relative values under the Medicare Fee Schedule (MFS) due to coding changes for physician services and the arbitrary reduction of Relative Work Units (RWU's) that have been assigned to these codes by the Health Care Financing Administration (HCFA).

Presently, the RWU's are assigned to a certain CPT code by a peer review process through the AMA's Relative Value Update Committee (RUC). These values then are forwarded on to HCFA, and either accepted at face value or reassigned a different value. In the past, in order to achieve budget neutrality, all RWU's have been arbitrarily reduced 2-3% in order to achieve budget neutrality. These RWU's have been reduced either within a family of codes or at the individual code level. This practice has led to distortions and underlying relative base work estimates developed through the AMA/RUC process a refinement process.

Current law gives the Federal Government—and we as representatives of the people—the power and the obligation to answer this question. Allow me to summarize it. In order to achieve budget neutrality, should we stop assigning RWU's to CPT's through the AMA's RUC particularly if HCFA is

going to arbitrarily reduce the RWU's within a family of codes or at the individual level? No cheating now. Do not ask your staff to explain all the terms. You make the decision.

Just a little ridiculous, do you think? Well, the Mitchell bill would have us making even more of these kinds of decisions. Last week, I pointed out five examples where power and control were both being shifted to us and the bureaucracies which I would like to summarize again:

FEDERAL OVERSIGHT OF STATES

The Federal Government would set requirements which States must follow in the new system. States would submit an application to the Federal Government specifying how they will meet the requirements. If the State does not submit an application, or if the Federal Government does not approve the application, the Federal Government can step in and take over health care reform in the State, and charge a 15-percent tax on all insurance. After a State's application is approved, it is subject to Uncle Sam's variation of the random drug test: It can audit a State's program at any time.

FEDERAL OVERSIGHT OF MEDICINE

The Federal Government would decide how many doctors will be trained each year and how many go into primary care and how many will be permitted to train in each specialty and where they will train. The National Health Board will set standards for what is medically necessary and appropriate treatment instead of doctors. Furthermore, the National Health Benefits Board and the National Health Care Cost and Coverage Commission are exempted from the Federal Advisory Committee Act. Translation: They do not have to allow the public into their meetings.

FEDERAL REGULATION OF HEALTH SPENDING

The Federal Government would set the baseline for total health spending excluding Medicare and SSI based on 1994 spending for the standard benefit package. That number is trended forward in 1995 and 1996 based on CBO estimates for health care growth in their 1993 report. The Government then sets what the rate of growth will be beginning in 1997 and forward. Any plan that exceeds that will be taxed at 25 percent of the difference beginning in 1997. Big business and big unions are exempt from the tax until 1999.

FEDERAL REGULATION OF HEALTH INSURANCE

These regulations have the net effect of eliminating the existence of hospital indemnity policies, cancer policies, and other types of supplemental policies.

FEDERAL REGULATION OF SMALL BUSINESS

No business with less than 500 employees would be permitted to self-insure. All businesses of less than 500 would be required to join purchasing alliances.

This week, I would like to point out five additional parts of this proposed

new law which would shift power inappropriately to the Congress or to Federal agencies.

FEDERAL REGULATION OF EMPLOYERS

The Federal government is authorized to audit, regulate, and investigate employers who contribute to their workers insurance. In addition, employers will be prohibited from offering an alternative-standard benefits package. The Federal Government also will develop certification criteria for all workplace wellness programs.

FEDERAL ROLE IN ADMINISTERING PRIVATE HEALTH PLANS

Where self-insured, employer-sponsored health plans are found insolvent, the Federal Government will assume temporary responsibility for operating the plan.

FEDERAL REGULATION AND ADMINISTRATION OF PURCHASING COOPERATIVES

The Federal Government will establish procedures for operating all purchasing cooperatives. In addition, the Office of Personnel Management [OPM] must "make every effort to enter into an agreement with a purchasing cooperative in each community rating area in the United States * * *" to ensure that standard health plans offered by the Federal Employee Health Benefits Program [FEHPB] are available to all community-rated individuals. If no purchasing cooperative exists in an area or if OPM is unsuccessful in contracting with an existing cooperative, OPM must establish and administer a purchasing cooperative in that area.

FEDERAL ROLE IN COLLECTIONS

The Federal Government shall provide States with such technical and other assistance as may promote the collection of amounts owed by families. In addition, the Federal Government is responsible for assuring that employers make payments of any employer premiums. The Federal Government may also provide for collection activities to collect amounts owed to States by purchasing cooperatives.

FEDERAL OVER-REGULATION OF BENEFITS

The amount of detail in this bill significantly increases the power of the Board so that it becomes a regulatory agency with few limits on its authority to interfere in plan decisions on coverage, similar to the Medicare model. The National Health Care Board is given broad powers to promulgate guidelines, establish and update periodically tables for all categories, and to specify and define specific items and services as clinical preventive services. In addition, the Board will develop standards for appropriate management of mental illness services, establish criteria for determinations of medical appropriateness, and regulations and guidelines for determining whether an item or service is medically necessary and appropriate.

Mr. President, these are my top 10 objections. Of importance is the omis-

sion from my list of the triggered 50-50 business mandate. While that may appear on a later list, its regulatory impact is much less than meets the political eye.

Mr. President, perhaps all of these can be changed in the Mitchell bill. Certainly the majority leader has clearly and fairly indicated a willingness to make changes. My problem is that the more I read the bill the more of these things I find. And the more I find, the more work I think needs to be done to construct a bill that will make health care more affordable to all Nebraskans.

Mr. President, I am willing to work to accomplish this goal.

Mr. President, the question really before us is whether or not we have the capacity to bridge the differences between Republicans and Democrats and pass a bill that is urgently needed by the people—urgently needed.

The distinguished Senator from Massachusetts is probably the best legislator, authorizer, in this body. The distinguished Senator from New York as well has a considerable amount of experience in writing legislation, enacting legislation, and working on behalf of the people not just of the State of New York but the people of this entire country.

I see the distinguished Senator from Oregon down here, who has been a part of extremely controversial legislation in the past and has managed to get over the partisan differences and bridge the gap between the left and the right, the up and the down, the back and the forward, and all that sort of thing, and get a piece of legislation. We passed tax reform in the past. There were great differences.

Mr. President, today lives are at stake. There truly are people in America who are watching now, hoping this debate gets interesting and hoping the debate, as a consequence of getting interesting, leads to a finished product, the enactment of legislation.

The question before us is, can we bridge the differences? I say with great respect to every single Member of the Labor Committee, I wish the vehicle today was going to continue to be the Finance Committee bill, because it is a bipartisan bill. There we have Republicans and Democrats that may not have liked the getting together that occurred, may not have liked just exactly the way it was done, but because it is bipartisan, it is much less likely that you are going to get the kind of, I think, frankly, dishonest representations back and forth that lead nowhere, that make for good press releases and make for very interesting sound bites on the television stations, but do not in fact inform us so that we can make a reasonable decision.

It is true we are dealing with one-seventh of the U.S. economy. It is true we are dealing with something that is

life and death for the American people, so we need to give it our full and serious consideration. We are prepared to do that. Many of us—indeed, I would say most of us—have spent a great deal of time studying this issue, a great deal of time at home in looking at the problems that are there. It is, as the President said, bankrupting this country. There will be a \$38 billion increase from last year to this year just in Federal spending for health care—\$38 billion, Mr. President.

Now, this year alone, we will spend \$320 billion directly and \$70 billion with an income tax deduction and an offset against FICA—nearly \$400 billion in Federal tax dollars being allocated.

Now, I argue we do not disclose it, and we need to balance it. We are honest in the way we do it, but it is a tremendous amount of money. The President of the United States, when he started this thing, said it is bankrupting America, and it is. It is bankrupting businesses, and increasingly it is bankrupting families.

Why? Well, in part, we are demanding expensive health care. Not very many of us walk in and say, "Could you give me the cheapest thing you have?" Most of us walk in and say not only do we want expensive health care but, like Richard Dreyfuss in "The Tin Man," we say we want the Cadillac for nothing. And so over the past 50 years, we have come to Congress, and we have said we want expanded coverage. We want to have our purchase be income tax deductible. We want Medicare, Medicaid. We want Hill-Burton.

Every single time, indeed, we have helped people pay the bills, we have increased the coverage. We have done lots of good things. But in addition to that, we have gone from the point, in 1950, where 80 percent of the bills were paid with cash, to today, where 80 percent is either socialized through the Government or it is socialized through insurance—80 percent of us have our health care bills paid by someone else. As a consequence, most of us do not even know what the price is, and most of us in this body need to be reminded that for tens of millions of Americans, even having a baby can be a financial catastrophe.

Mr. President, it costs \$12,000 to have a baby in this city—imagine that, \$12,000. That is 2 days, a normal vaginal delivery. Now, the insurance companies only pay for 1 day. Two days, normal delivery, \$12,000.

Mr. President, my babies were born 19 and 17 years ago. I paid cash. I did not have to be insured 20 years ago. Why? Because having a baby was not a financial catastrophe if you were not insured. We have driven increased demand into the system in order to provide coverage for individuals. In order to reach out and help individuals pay the bills, we have driven increased demand into the system. The price goes

up. The requirement for increased subsidies occurs as a consequence, if you follow what I am saying. Every single time we come and drive demand into the system with Government action, it increases the price and then, not surprisingly, more Americans finding themselves needing subsidies, come to us and ask for the subsidies.

Mr. President, it is crucial for us to be honest with the American people in this debate. We are bankrupting America. We have to decide what Americans as individuals have to be responsible for in making a payment and in what areas are we going to pass the collective hat.

Every single one of us knows, and very few of us will mention, that we are subsidizing people in America today who have the capacity to pay. They just do not want to pay the bills.

Now, we subsidize lots of people with part B Medicare. We are subsidizing lots of people, as the distinguished Senator from Minnesota said earlier, who are getting high-cost health insurance plans through their employer. We have lots of subsidies in place for people today who do not deserve it.

Mr. President, we cannot pay all the bills. We cannot promise American people we are going to pay every single one of their health bills because the definition of health continues to expand.

There is no researcher in America that has instructions to find a cure or treatment for some terrible disease that is being told "Find a cure that is cheap; find a cure or treatment that is not going to cost very much money." And rarely do they find a cure or treatment that is not expensive, that is not again outside the reach of the American people's capacity to pay.

Mr. President, at some point we have to be honest and say that this stuff gets expensive. We have to be honest as well and say that there is substantial agreement in this body and feel an urgency to help those who genuinely need it. There are tens of millions of Americans out there who do not have the capacity to pay the bills, who are forced to ingratiate themselves to remain on welfare before they are told that they are eligible.

All of us know there is a problem in America. We can see the gaps and differentials that separate Republicans and Democrats. My sincere hope and prayer is that the momentum that seems to have stopped, seems to have caused lots of us to say, well, I am not sure we are going to get a bill; I hope that we are able, in a quiet moment, to acquire the humility necessary to see that the American people are counting on us to set aside our differences and enact legislation this year. It is urgently needed.

We ought to do the best we can to get a bill to the President of the United States so he can sign it on behalf of

millions of Americans who are hoping and praying that we are able to get the job done.

As I have said before, I have offered some additional suggestions for changing, in particular, the Mitchell bill. I do it with great respect for the majority leader. I trust his capacity to be deficit neutral.

We began this whole thing by saying we want to reduce the deficit with health care reform. That is the reason our deficits are going up. That was the great line that began this whole debate. We have to make sure that on final passage we are able to go home and say that we did what we said we were going to do, that we passed health care reform that reduced and not increased the deficit in spite of our desire to say, yes, it expands benefits, expands and gives people all sorts of new things. It has to reduce the deficit.

I pointed out, as well, the things where I think we shifted the power of the Government in this legislation to the Federal bureaucracies and Members of Congress.

I reiterate a request made to me by a doctor in Lincoln, NE, who frankly is asking me a question that I pretend I know what I am talking about when I answer. But the truth of the matter is I do not have the capacity to answer the question. I am shooting at a target that is behind a wall, and a spotter comes out every now and then to tell me to adjust left and right. I really, as a Member of Congress, do not have the ability to make detailed decisions that very often are not economic decisions. They are moral decisions. They are ethical decisions, decisions about life and death.

Mr. President, all of us know that typically what goes on out there in the medical community is we have a desire to keep people alive, keep someone alive, to stay alive. These are very difficult moral decisions. I must tell you I do not feel comfortable as one individual in Congress making those decisions. I certainly do not trust signing it off to some bureaucracy in Washington, DC, which will, in my judgment, do very little other than perhaps to make it difficult to get a plane into Washington National Airport.

Mr. President, I hope that our strategy here is to recognize that Americans need it. Our economic security depends upon it, and our capacity to go to bed at night and say that Americans are going to be able to afford health care depends upon our taking action.

I will continue to work with the mainstream coalition. I will continue to focus and to work with the mainstream group, a group of Republicans and Democrats, who want a piece of legislation enacted. We are tormented by the problems that we see in the country, and the status quo is unacceptable.

I will pay a great deal of respect and attention to the Senator from New

York, the chairman of the Finance Committee, and the senior Senator from Massachusetts who is probably this body's best legislator, probably the best able to see the gaps and the differences that separate one from another.

I pay a great deal of attention as well to the Senator from Rhode Island who is waiting patiently to speak next, and last, and certainly not least, the majority leader.

Mr. President, we have to take action. There is agreement here in this body. I hope in the process of debating that we do not do as the Senator from Massachusetts cautioned us against doing, and that is simply coming down with a laundry list of complaints, simply coming down and saying, here is what is wrong, here is what is bad, here is what it is, but come down, and say, here is what we want changed. And, if it is changed, we will vote on it. That is what we need to be doing; not coming down here and offering a reason to vote no. Lord knows, there are a thousand reasons to vote no. But there are tens of millions of Americans out there that are good reasons for us to vote yes.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield such time as the Senator from Rhode Island may consume.

Mr. CHAFEE. Mr. President, first, I want to thank our ranking member, Senator PACKWOOD, and the distinguished chairman of the Finance Committee. Also, I would like to congratulate my good friend from Nebraska who gave such a fine statement. What he said are the feelings that I have. I think they reflect the feelings of everyone in the mainstream coalition. We want a bill. We want a bill this year. We believe we can get a bill.

Yes, there are problems we find in the legislation before us, but I think we can arrive at a strong bipartisan measure that will get enthusiastic support in this Chamber.

So for my part, I want to say I am delighted we are moving into this health reform legislation this week. It is very complicated. I think it is time for us to do the best we can to struggle for constructive changes that are going to help our citizens lead healthier lives.

A great deal of emphasis is placed on the limited amount of time we have. Yes, we were to go out on recess at the end of this week. Can we stay another week and another week? Sure. I recognize the need to move quickly, but I do think we have to proceed with some care because the legislation we enact will have widespread and not necessarily predictable consequences. No American is going to remain untouched. It is going to affect how we are born, how we live, how we die. This is far-reaching.

I just saw in the paper a note of a little child born in Pawtucket, Diana Rebello, born on Sunday night, August 7, at Women and Infants' Hospital in Providence. Think of her life and what it means. Then I think of Theresa Nigrelli of Westerly. She is 100 years old and still stringing pearls every day at Nigrelli Jewelers. She does not need glasses. So we think of her, too.

The financial aspects of this are mind-boggling. They have been touched on before. But I would like to repeat that one-seventh of our economy in the United States of America is devoted to health care, one-fifth of the Federal budget. Of the five biggest items in the Federal budget, Social Security, defense, interest on the debt, Medicare and Medicaid, it is the last two that are going right off the chart, Medicare and Medicaid. Defense is banging along, going down; Social Security, fairly stable; interest on the debt going up, not such a substantial amount. But it is the last two that are causing us our principal problems.

The 1,410-page bill before us was only released a couple of days ago. As I understand—I am not sure it is accurate—changes are still being made to it. So it is up to us during this debate to air thoroughly for the American people what is in this proposed legislation and to ensure that our actions do not make the situation any worse. Clearly, we do not want to go backward.

I would like to quote to my colleagues a warning from Reischauer of the Congressional Budget Office in February before the Finance Committee. This is what he said:

Estimates of the interactive effects of so many complex changes to an industry that encompasses one-seventh of the economy are highly uncertain.

Underline that "highly uncertain." The estimates are "highly uncertain."

Assumptions, used by the Congressional Budget Office and other analysts, about people's behavioral responses to new incentives are frequently based on research evidence from small changes in the existing marketplace.

They are very small samplings.

In the case of the Administration's proposal—

This applies to any proposal—

however, the entire marketplace and the configurations of the actors within it would be changing, and there is no precedent for estimating the effects on health spending or the economy.

That is the end of the quote. That is what the Director says.

The same caveat applies to each of the estimates that are given in the various bills that have come before us. We all know from study and vast experience and in listening to witnesses much that is right and much that is wrong with our health care system. And we acknowledge that in many respects it is exemplary in technology

and innovation, the skill of our professionals, and the range of choices. We also know there are several things that demand reform. It seems to me very important to keep in mind what we are trying to do? What is the end game here? I think our objectives are three.

First, we must give Americans health security. We want to ensure to hard-working people like Christopher North of North Smithfield, RI, that he does not live in fear of losing his coverage. He, his wife, and two sons were covered by his wife's policy through her employer. She lost her job. They applied for a new policy. They were turned down. Why? Because their son had a preexisting condition. Minor though it might have been, it was enough for the insurance company to turn him down and thus turn down their family's insurance.

Insurance companies do not like to insure poor risks. They are very skillful at finding healthy people. And that is why many small businesses with employees who are older or have preexisting conditions are finding their health insurance—they can get it, but they cannot afford it. It is unaffordable. If one employee develops a debilitating condition, all or most of his employees are going to be dropped, frequently. This is a tricky problem in our States where 86 percent of the firms employ less than 20 people.

What about "job lock?" In other words, staying in a job, and you want to leave, but you cannot because, if you go to the new place, you will not be able to get insurance.

Donald Bolster, Bristol, RI, 13 years with Blue Cross—his wife suffers now with Parkinson's. No other insurance plan will take them on because of a preexisting condition. They cannot shop for insurance coverage. They cannot get an alternative plan. They do not have portability. They cannot move to another job. That is what is known as job lock.

The second objective: We must extend health insurance to those—as many as we can—who are not now covered. We want to make sure that the first group can keep their insurance. The second group, we want to extend it to them. We know the statistics: 15 percent of Americans, 37 million Americans at any one time, are without health insurance. In my State, it is 92,000 of our citizens, and 15,000 of them are, regrettably, children. They cannot get or do not have health insurance.

Who are these uninsured? Many people have the impression that the uninsured are the poor or elderly. That is not so. The very poor have Medicaid, and the elderly have Medicare. Ironically, in our system, single-parent families are better off in terms of health insurance than two-parent families. Single-parent families are frequently on Medicaid. Two-parent families are not. One may be working and

the wife is at home, or she may be working in a firm where they do not provide insurance. Therefore, they earn too much to qualify for Medicaid.

The vast majority of people without health insurance live in families in which the head of household is employed for at least some portion of the year. These are not people who are the unemployed, never getting a job; they are employed at least some portion of the year. In my State, 76 percent of the uninsured are in families in which the head of household works full time. Eighty-five percent have incomes above the poverty level. We all know that it is very costly for society when individuals like these do not have health insurance. They are the ones that go into the emergency rooms of hospitals for treatments or for procedures, and the hospital emergency room is not the right place. It is far too expensive for these individuals. Or else they do not go anywhere, and then the child, or the individual, or parent, comes down with a devastating illness that, in the end, costs our society far more.

The third objective is to do something about controlling costs. "Cost containment" is the buzzword used. The cost of health care in our society is getting tremendously expensive for the individual, for companies, for States—particularly through Medicaid—and for our Federal Government. In the United States as a whole, we spend 14 percent of our gross domestic product on health care—more than any other industrial nation. The Federal Government spends 19 percent of its budget—nearly 20 percent, one-fifth of all our expenditures, on health care. That is projected to go up to 25 percent by the end of the century.

Local and State governments, particularly through the costs of Medicaid for State governments, spend about 15 percent. The country just cannot sustain these costs. When you talk about what it is doing to businesses, the statistic is well known that there is a greater cost for health care than for the automobiles built by Chrysler, Ford, and General Motors. It costs more for health care than for the steel in the automobile. We spend twice as much for health care in the United States per automobile worker per car than is spent in Japan.

We have a wonderful opportunity to do something about all of this. This does not come along very often. It came along in the 1930's in the New Deal, in the 1940's under President Truman, and it came along in the 1970's under President Nixon. Yet, in each of those instances, the extremists, those demanding perfection and those who said do not do anything, got together and thwarted the chances of the group that wanted to do something. Obviously, it was not a majority.

So our challenge in 1994 is to make some history. I think we have the wis-

dom to put partisanship aside and to enact broad health care reform. I was honored 4 years ago when Senator DOLE asked me to be chairman of the Republican task force, and we worked on this and came up with legislation in 1991, and then a better bill in 1993, the Health Equity and Access Reform Today Act of 1993. We had 20 Republicans on that and, subsequently, we had two Democratic Senators join us, making it one of the only two bipartisan health care reforms.

In November of last year we formed a bipartisan group called the mainstream coalition to see if we could not work together. We are drawn by the common belief that reform is too important to be destroyed by party politics. We wanted to formulate a proposal that would put us on a responsible path toward universal and affordable coverage with effective cost controls.

We had some principles to guide us. The first was caution. Nobody knows how this thing is going to work out. Will we get better health care? How much will it cost? We have to implement the reforms slowly and build on the ongoing assessment of how it is affecting individuals and businesses and the Government.

Second, do not add to the deficit. We believe financing should have a realistic conservative time line for phasing in health insurance and for granting vouchers to the low-income individuals, which is part of our plan. And thus we came up with a so-called failsafe mechanism, which is a big word for slow it down, when you phase in the coverage, the costs, or accelerate it, depending on the success of the reforms. We want to ensure that the reforms do not add to the already dire Federal deficit.

Third, there should be a minimal level of Government intervention. Let us not replicate Medicare, which has been fine for the beneficiaries, but a disaster in terms of cost containment. That is the ultimate of the micromangement program. It is cumbersome and top heavy with regulation and produces a 12 percent annual growth in cost, which is more than double what the private sector is going up in. And only in Government-run programs do you have the bizarre situation during a House-Senate conference, where Congressmen PETE STARK and Senator JOHN CHAFEE are huddled at 2 a.m. in a corner of the Capitol deciding who is going to be reimbursed for reading an EKG, or whether nurse practitioners should be reimbursed directly or not. I do not know whether I can speak for Congressman STARK, but I can say I am incompetent to make those decisions. I suspect that he might be, too, but I have to be careful.

These service delivery issues should not be decided by politicians at 2 o'clock in the morning, but by health

care professionals working in competitive, efficient markets.

Mr. President, this Government intervention is kind of interesting. I got a letter from Jim Wilson, owner of Wilson's clothing store in Wickford, Rhode Island. He indicates he is not too sure of what the Government is doing. He asks two simple questions: First, what is the Government's track record in projecting the costs of entitlements? How good is the Government in predicting what something is going to cost when it is entitlement? And how well have these programs been managed and controlled?

I think, reluctantly, the answer has to be "horrendous" to the first one and "poorly" to the other.

In the reforms we develop, I believe there should be the least possible Government intervention and the greatest possible reliance on market forces.

Fourth, the solution we must enact must have the broadest possible bipartisan support. That does not mean Democrats or Republicans caving in to the other side, it means all of us giving up a little bit to meet in the Senate. When we are enacting reform, we will be asking the public to accept a great deal on faith. How can we earn our trust if we pass a bill by one vote? The public will be suspicious, and rightfully so. We can see what happened with catastrophic a few years ago. We can debate in earnest taking up the bill by the majority leader. He has worked hard to fuse the two bills in the Finance Committee and Labor and Human Resources Committee, which was a herculean effort. I think we are indebted to Senator MITCHELL for his effort.

There are a number of provisions in this that cause me great concern.

The Senator from Massachusetts says: "Well, list them, but just do not attack the measure. Tell us specifically what you are talking about."

I personally feel that these points that I will make should be corrected. Maybe I am misunderstanding. Maybe I do not read the legislation right. Maybe it has changed in a subsequent rewrite. I do not know.

But the President and Senator MITCHELL, and others, have indicated they are willing to give voluntary market solutions a try before imposing Government controls. In this bill and in many areas, in my judgment, that voluntary market solution effort has not been given the chance it deserves.

Some of us have been chided in the Senate for not recognizing how far Senator MITCHELL has moved. I take such criticism seriously and have spent some time looking through this proposal. What I found is surprising. It is absolutely true the approach does not have the immediate mandate on the employers which was in the original bills that were discussed, such as the President's bill.

But the leader, it seems to me, has in that instance attempted to accommodate those in his own party as well as Republicans. But let us look at some of the other issues that have been less debated and less publicly discussed since the Clinton bill was first presented, vestiges of which we still find in the Mitchell bill.

First, mandatory alliances. A single alliance set by the Federal Government through which all employers and all individuals must purchase insurance appears no longer to be part of this proposal. It is out. It appears to be. However, in its stead is a requirement that all employers with fewer than 500 employees must join a purchasing cooperative and pay any required fees, all employers, with 500 or less employees. In my State that is practically everybody. Yes, we have a few employers with over 500, but they are relatively few.

The proposal of Senator MITCHELL appears to accept the idea that there would be competing cooperatives, and would allow employees to purchase coverage outside any cooperative. This sounds good.

Let us look a little further. There also is a requirement that the Federal Government, through the Office of Personnel Management, choose what one might call a favored cooperative. That is the responsibility of the Office of Personnel Management. All employers of 500 or fewer are required to join that cooperative, although they can join others likewise, but you have to join that one and pay your dues. PPM is mandated to establish a cooperative if there is none in the area. Follow this, the end result would easily be what we sought to avoid, single alliances in an area set up by OPM, thus run by the Federal Government with all businesses under 500 required to belong.

This is one of the things that we objected to and many objected to right in the beginning.

Second, price controls. Under the original proposal, Clinton proposed a premium cap above which insurance plans could not charge. That was in the original plan. Many of us objected and argued that competitive forces should be used instead to bring the price of insurance down.

The proposal before us by the majority leader contains a provision that purports to be a market-based, cost-containment mechanism, but on closer examination, it looks like the premium cap enforced by a tax. The Government sets what it believes is a reasonable premium in each area. The Government sets this. And it is indexed to increase at a fixed amount. And if it exceeds that, then the Government imposes a tax on the difference between what the plan charges and this other amount. This is clearly not letting the market forces work.

Third, the proposal creates new regulations for all health care insurance

plans sold in the United States, not just those that are involved in the so-called uniform benefit package. In other words, it says that a whole new set of Federal regulations will apply to a whole series of plans that exist out there. It might be the cancer policy, for example. That would not be involved either. That would not be involved in the uniform benefit package.

Clearly, we can see why these new regulations apply to the uniform benefit package. There cannot be any denial for preexisting conditions, and all the things that we previously discussed in insurance market reform, but this proposal extends all of those rules to the policies that currently exist that someone might want to buy even though those policies receive no Federal subsidies.

We do not understand why you get the Government involved in this whole set of new regulations for an area that is working perfectly well now.

Next, the fail-safe mechanism that has been touched on already by prior speakers is something that we believe deeply in to make sure that what you are doing does not cost more than the expenditures that would have taken place in the plan before us. We do not believe that it accomplishes that objective.

Malpractice reform. One objective of health care reform has been to reduce the costs through medical liability reform. The bill before us proposes only modest Federal reforms. The proposal requires alternative dispute resolution but still allows the parties to go to court. There are no caps on non-economic damages, no changes in the statute of limitations. Most important of all, the bill appears to preempt tougher State malpractice laws currently on the books in favor of the weaker Federal rules.

For example, in California, they have enacted substantial medical tort reform, medical liability reform, after hard-fought statewide debate. Those California rules would all be preempted now by these Federal rules by the Federal Government. In other words, there will be total Federal preemption.

Next is medical education that has been discussed. It was discussed last night by Senator PACKWOOD and in some detail. I would like to echo my concerns that he voiced. I cannot understand—obviously, there should be inducements for those to go into primary care but for someone to sit here and say x percentage of practitioners be in primary care and y percentage in the specialties, if one wants to study to be an ophthalmologist, three cheers. It may well turn out that the market forces will work out that he does not have a job, but that is his business. Maybe he is going to be the greatest ophthalmologist. But to restrict who can and cannot take up the various specialties does not seem to me to be a constructive way to proceed.

Again, we would hope that the market forces would work that way, and as we go more and more into managed care, the market forces in that particular area are going to be stronger and stronger.

Next, ERISA. ERISA are the rules that pertain to companies that operate in many States and those that have self-insurance. Many provisions in this proposal before us will have the effect of gutting the ERISA preemptions that currently exist and that have worked successfully for the health plans of multi-State companies and self-insured companies.

The effect of these changes will be to substantially increase the cost of these plans to employers and to employees. An example is a requirement that these companies be subject to State laws involving so-called risk adjustments, in other words, to paying from one set of plans into another set of plans, so-called community-rated plans. That is an open-ended ability of States to impose a new tax on the premiums of these companies. They do not know what it is going to cost.

Association plans. There currently exists the capacity for businesses, such as a group of automobile dealers or the local chamber of commerce which may put together a whole series of small businesses in groups. They are formed to purchase insurance. Now, many of us would like to see these plans grandfathered with slightly modified rules so they can continue to exist.

To enact a health care reform bill this year, is it really necessary, as is done in this proposal, to completely revamp even those parts of our existing health system that are currently working? I do not think so.

Next is the costly new litigation proposal that exists in this plan. It establishes broad new rules that will open State and Federal courts to a huge influx of claim disputes. In fact, under this proposal attorney's fees are subsidized for certain individuals bringing suit against the claims decisions made by a health plan. There is no question that the plans will simply pay off nonvalid claims, get rid of them solely to avoid the litigation costs.

This is hardly cost containment. It is a bonanza for cost, and it is a bonanza for lawyers. General Electric has told us that it is their estimate this will add \$1 million a year to their health care costs.

Perhaps some of these ideas have merit. But I do not think any of them are essential to the enactment of health care reform.

Another point. After the employer mandate triggers into effect, this legislation prohibits insurance plans from ending an individual's health insurance coverage even if the individual or the group does not pay their premiums.

In other words, you cannot drop them for failing to pay their premiums. That

is an unusual provision. So I guess the proposal, the rationale behind it, is they want everybody insured. So you can be insured even though you do not pay your premium. I think it would be a great incentive for people not to pay their premium.

But then there is set up a shortfall add-on assessment on all insurance payers. That amount is to be used to pay for those deadbeats who do not pay for their insurance. In other words, every insurer or rate payer will pay an additional amount for those who do not pay their premiums.

Finally, next to last, is community rating. That was discussed last evening by Senator PACKWOOD. Pure community rating, as you know, eliminates any difference between the amount paid by older Americans and those paid by younger Americans. This comes in the year, I think it is, 2002. It will inevitably lead to price increases for younger workers who are not the most wealthy of groups and will force them to drop their coverage.

And then, finally, for some reason, a new occupational safety and health program is established under this legislation. I do not quite know why we have to get into that in the name of health care reform.

These are some of the reasons I have concern over the proposal set forth by the majority leader. The Mitchell bill, but for the employer mandate, appears to reflect few of the principles that those of us in the mainstream have, those of us who err on the side of less Government intervention, more marketplace competition, and effective-cost containment.

What does that mean? Does that mean that we Democrats and Republicans cannot unite on a bipartisan plan that will enjoy broad support? I do not think so. By that I mean, I do not think the negative.

I will start that over again. Does it mean that we cannot unite? I believe we can unite. Does it make sense for us to try for a bipartisan measure that keeps in mind the two objectives we all say we are for?

I think if you ask people out here what are they for, they will all say two things: We want to increase the number of Americans who have health insurance, with our goal of eventually covering everyone. Everybody would agree with that, I think. Very few would not. Second, our objective is to get costs lower for individuals, for companies, for State governments, and for the Federal Government. Cost containment.

Nearly all of us pay tribute to the effectiveness of the marketplace. We all seem to subscribe to the notion of competition. There would be very few people who would get up on the floor of this Senate and say, "I don't believe in competition. I don't believe in the effectiveness of the marketplace."

We subscribe to the notion of competition, those of us in the mainstream. We are, for the most part, extremely skeptical of Government intervention.

So why can we not unite behind a bill that incorporates those beliefs? We do not have to achieve everything this year that we would like to. There will be other opportunities to deal with this subject, to ascertain whether we should do more or less.

I and all the other members of the mainstream group want to see good health care reform enacted this year. We will do all we can to be helpful. We believe it is extremely important to have a bill with broad support.

What am I talking about? Seventy-five or eighty votes in favor—that is not an impossibility—rather than a measure that sneaks through with 51 or 52 votes.

Time is getting short, but there still remains time to produce a product that will be of great benefit to millions of Americans. What an opportunity. What a wonderful opportunity. So let us not let it slip through our grasp.

I thank the distinguished chairman of the committee.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Rhode Island for a remarkable statement and a hugely positive and encouraging one, to this Senator.

We can do this. We can do it. And if it is done, he will be one of the principal reasons it was done.

I thank the Senator.

Mr. CHAFEE. I thank the Senator very much.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the time yielded to Senator CHAFEE not be deducted from the Democratic time, and that the time for the Democratic side be adjusted to equal that used by the Republican side.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I have no objection.

I would just like to know how much time, therefore, that leaves the Democratic side. We have used ours all up.

The PRESIDING OFFICER. The Democrats will be restored to 77 minutes.

Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, the able and learned Senator from Arkansas has been patiently waiting his opportunity, and I yield him 15 minutes.

Mr. PRYOR. Mr. President, I thank the distinguished chairman of the Finance Committee.

I would just like to say that I am very, very proud that this debate is finally here, that we are joining our forces here on the floor of the Senate, that we are doing our duty. Hopefully, this is going to be a constructive endeavor, ending up in meaningful health care reform legislation that can be sent to our President.

Mr. President, in late July, the very distinguished majority leader was faced with the daunting task of integrating the two major health initiatives that were offered by the Senate Labor and Senate Finance Committees. Senator MITCHELL was challenged to develop a bill that would effectively serve as the starting point of debate for one of the greatest legislative undertakings in recent history—reform of our health care system. I applaud the majority leader for meeting this challenge and bringing to the table a bill of considerable merit. I am certain all of my colleagues would agree that he has shown impressive leadership by acting both expediently and in a very, very bipartisan manner.

The majority leader's bill is the culmination of almost 2 years of intense congressional examination, and today we are presented with a real opportunity to use our hard work to effect positive changes in our health care system. Some of my colleagues are claiming that no bill is better than a bad bill. Yet, to imply that the majority leader's proposal is a "bad bill" misrepresents the work we have done the past several months. As a team, we have built upon the groundwork laid by President Clinton with his Health Security Act. And at least up until now, we have overcome many of the barriers presented by partisan politics.

I recognize that we still have plenty of work to do. But I firmly believe that instead of throwing up our arms in frustration, we have an obligation to the American public to meet the challenge put before us today.

Mr. President, I have stated before that the cost of doing nothing far outweighs the cost of reform—both in financial and human terms. My statement today is an effort to urge this Congress to take action and to seize this very unique opportunity to offer Americans the health care they deserve. With that said, I would like to comment on a few aspects of the majority leader's bill, which I find of particular importance.

As chairman of the Special Committee on Aging, I am very pleased that the majority leader included in his plan programs aimed to alleviate the two biggest concerns of older Americans—long-term care and prescription drugs. Understanding that the financing of any health care plan must include significant savings in the Medicare Program, we simply must provide senior citizens with something in return. The inclusion of a new long-term care program as well as prescription drug coverage is a major start, I truly believe, toward guaranteeing the health security of our Nation's most vulnerable population—the elderly.

Our Nation's elderly and disabled will rest easier knowing that the majority leader's plan includes a new home- and community-based care program. This

new program is a major step in the effort to reform our long-term care system. By providing services for persons of all ages, this thrust will help give American families peace of mind regarding long-term care.

This new concept will also help end the institutional bias of our long-term care system. Currently, for many elderly and disabled Americans, the only public help available is offered in a nursing home setting. The lack of options will change, should Senator MITCHELL's plan go forward. The wedge of available services will widen, and more people with disabilities will be able to remain living at home with their families.

Another important benefit is that families will no longer have to impoverish themselves in order to get help paying the high cost of long-term care. Instead of forcing the elderly and the disabled to spend down to a low eligibility level, this opportunity is going to be made available to all Americans with disabilities. Many recipients will be required to pay some of the cost of their services. However, these copayments will be equitably set on a sliding scale, according to income. In this way, the welfare-based Medicaid methodology will be replaced by a fairer system of personal responsibility that removes incentives to squander income or to hide assets.

Our long-term care addition is going to offer a broad array of services, providing all disabled Americans with the option to remain in their homes and communities. Homemaker/chore assistance, respite services, adult day care, rehabilitation and home health care services will be among the services made available.

In our home State of Arkansas, nearly 40,000 people will benefit from this new concept. Let me tell you about a few of these people. There is a 90-year-old woman living in a small frame house—and I have been there—in rural Arkansas. She needs assistance in completing activities of daily living. She copes with seizures, heart problems, arthritis, and has a hip replacement. Her only family caregiver is a 68-year-old daughter. If it were not for the services provided by a personal care assistant, this 90-year-old woman would be living in a nursing home today and her stay there would be financed by the taxpayers.

This woman, however, is fortunate, relatively speaking, because she does have access to personal care assistance. Countless others living in our State and our country as a whole lack access to these types of services.

For example, another woman living in rural Arkansas suffers from numerous physical and emotional health problems. Despite these disabling conditions, she was turned down for community-based services because she somehow failed to meet the medical

criteria. Now, as she continues to deteriorate on a daily basis, she has become increasingly concerned about her ability to continue living in her own home. She could apply again for help but is justifiably disillusioned by the health care system. Most likely, she will end up in a nursing home, and the taxpayers, again, will foot the bill.

There are many, many other stories that I could tell to illustrate the need for the new home- and community-based program. One of those people came before the Senate Special Committee on Aging back in April. Tom Chapman is 53 and is suffering from Alzheimer's. Hazel, his wife, has done everything that she can do, including leave the work force to become a full-time caregiver to keep her husband at home.

Their daughter, 13-year-old Angela, has all but given up her childhood as a result of her father's disease. Mrs. Chapman told our committee how her husband was diagnosed with Alzheimer's 3 years ago, how the disease has progressed to the point where he can no longer dress or go to the bathroom by himself. He shadows her all day long because he is afraid to be alone. When he eats, he often does not know the food is supposed to go into his mouth.

One of Mr. Chapman's major problems is that because of his age, 53, he is shut out of many of the community-based programs that are available to those who are over 60. The Mitchell bill would change that. It would set up a new home- and community-based care program open to disabled people of all ages. Because they have no options, and Tom's care needs have become so overwhelming, Hazel, his wife, has decided to look for a nursing home for Tom. The costs of nursing home care are so prohibitive that the Chapmans have recently had to give up their home because they can no longer afford it.

These are case studies that only barely scratch the surface of the problem at hand. It is imperative we take action this year, take action now to help the millions of people in this country who are struggling to gain access to long-term care.

Mr. President, I also point out the majority leader's proposal, thankfully, includes prescription drug coverage for older Americans. Prescription drugs provide us with some of the most cost-effective medical care at our disposal. Yet under the present system, too many people have been forced to make the desperate choice between buying food and utilities or buying the medications they need to stay healthy. Over the past decade, skyrocketing prescription drug prices have made medications unaffordable to many Americans, especially our Nation's elderly. In spite of the many studies which show the harmful effects of this relentless infla-

tion on our Nation's poor and elderly, the country's drug manufacturers today say that Congress should not take any action to contain drug prices. They say we should, instead, rely upon market forces to hold down the prices of medications.

Because pharmaceutical companies retain a high degree of control over the prices of drugs they manufacture, the market fails to produce adequate cost containment for the American consumer. Competition in drug pricing is almost nonexistent because today the companies are buying the generic drug manufacturers that serve as their competition. The drug companies are also now buying the businesses which distribute these drugs throughout the American marketplace.

Through the course of my years in office, I have received thousands of letters, as I know the entirety of this Senate has, from older Americans, pleading for help in paying the cost of prescription drugs. Unfortunately, the elderly spend over two and a half times as much as the younger generation on medications, and they pay for a higher percentage of their drugs directly out of pocket. In fact, for over 75 percent of the elderly, prescription drug bills represent their highest out-of-pocket medical costs.

The Mitchell bill addresses this dilemma. It provides seniors with greater parity by including a Medicare drug benefit as part of the provisions. As I have already stated, with significant proposed cuts in the Medicare Program, we must now offer seniors some degree of help in return. This drug benefit, although many will say it is moderate, will have the added effect of reaping considerable Medicare savings due to reduced hospitalizations, generic substitutions, and improved health conditions.

The Center for Policy Studies recently found that these savings could total as much as \$37.2 billion saved over 5 years. The seniors who stand to benefit from this program are not the wealthy elderly. They, instead, represent seniors who fall within 100 to 200 percent of the poverty range.

In my home State of Arkansas, the Medicare drug benefit will result in more comprehensive prescription drug coverage for over 250,000 people age 65 and older. These seniors will be a part of the older, poorer minority elderly population who are going to benefit greatly from the so-called Mitchell proposal that is now before the Senate.

Because of these two forward thinking concepts—long-term care and prescription drug coverage—we received this morning for Senator MITCHELL's proposal the endorsement of the American Association of Retired Persons.

I would like at the proper time to place this endorsement of the Mitchell plan into the RECORD. But I would like, Mr. President, before I do that, to

quote from this endorsement. It is in about the fifth paragraph.

The PRESIDING OFFICER. The Senator has utilized the 15 minutes yielded to him.

Mr. PRYOR. It has expired?

The PRESIDING OFFICER. It has expired.

Mr. PRYOR. Mr. President, may I seek 3 or 4 additional minutes?

Mr. MOYNIHAN. Can we make it 3 minutes?

Mr. PRYOR. Yes.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. PRYOR. Mr. President, it states:

The Mitchell and Gephardt bills are about protecting American families. They offer an historic opportunity to provide each of us with affordable, high-quality health and long-term care. If either bill is defeated, health care reform will be dead for years to come.

In closing, let me state that this morning in the Washington Post, I read a very, very disturbing news article about a group of business people who are now meeting at the very exclusive City Club in downtown Washington. They have decided to oppose all health care reform bills, especially, it appears, the ones offered by the Democratic Senators.

The most disturbing statement was given and attributed to Mr. John Motley. I know Mr. Motley. He is a friend. He runs the NFIB, the National Federation of Independent Businesses. By the way, this is not a small organization. They have an enormous PAC fund, they have an enormous number of employees. This is something that Mr. Motley stated yesterday: "We are all very good at putting together votes against something," said Mr. Motley.

Mr. President, if Mr. Motley said that, this is the most cynical statement that I have seen yet in this long debate about health care. Here are a group of business people and their spokesman is saying, quoting again: "We are all very good at putting together votes against something."

I do not know exactly what our country is coming to. But unless we can really get to the bottom of some of these issues and tackle the many special interests that for years have profited from this health care crisis in America, I hate to say that we are going to be admitting that we do not have the fortitude nor the ability to carry forward with our commitment to provide health care for all Americans.

Mr. President, I ask unanimous consent to print in the RECORD the statement by the AARP president.

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

STATEMENT BY AARP PRESIDENT EUGENE LEHRMANN

AARP recommend to our members that they support the health care reform bills in-

duced in the Congress by House Majority Leader Richard Gephardt and Senate Majority Leader George Mitchell. Although neither bill is perfect, after careful review, we conclude that they provide the foundation for comprehensive health care for all Americans.

AARP has been a constant voice calling for comprehensive reform of the nation's health care system. Throughout this long and often confusing debate over how to accomplish health care reform, AARP has not endorsed any proposal, but has held steadfastly to our basic reform goals that would provide: universal coverage; long-term care coverage; prescription drug benefits; provisions to protect and strengthen Medicare; controls that reign in skyrocketing health care costs; and a fully-funded health care system that is affordable to every American.

In the almost three decades since Medicare was enacted, two other Presidents—Nixon and Carter—proposed major reforms, but Congress did not act. The time for proposals without action has passed. We are now dealing with specific legislation that demands difficult choices but offers the hope of real reform.

Trade-offs will be required of each of us, regardless of age or income. For AARP members, cuts in Medicare must be balanced by new home and community-based long-term care and prescription drug benefits. AARP will continue to fight to protect Medicare and to make sure that older Americans are always able to get the doctor and hospital care they need.

Ultimately, the choice must be between health care reform and the current health care system. We all know the problems with the current system. The Mitchell and Gephardt bills are about protecting American families. They offer an historic opportunity to provide each of us with affordable, high-quality health and long-term care. If either bill is defeated, health care reform will be dead for years to come.

This is why we are asking our members to support the Mitchell and Gephardt bills. AARP pledges to our members that we will continue to fight for our goals until they are fully achieved. By supporting these bills, we can all make health care reform a reality, not only for ourselves, but for our children, our grandchildren, and the generations to follow.

Mr. PRYOR. Mr. President, I yield the floor, and I thank the distinguished chairman for providing me the opportunity to speak.

Mr. MOYNIHAN. And we thank the tenacious Senator from Arkansas for particularly drawing attention to the pharmaceutical benefit, which is of great importance.

Now I have the pleasure to turn to a natural authority on this subject, the junior Senator from Hawaii where we have had universal health care for many years and with great and felicitous results. I yield 10 minutes to Senator AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the chairman for giving me this time.

I have joined today's debate on health care because I represent Hawaii and Hawaii leads the Nation in ensuring that basic health care is available to all. Our system delivers high-quality

care without high costs, despite Hawaii's high cost of living.

When the majority leader and the Republican leader opened the debate on health care on Tuesday, they described in very eloquent terms the problems with our health care system and their differences over how to correct these problems.

The one thing both leaders agreed was that affordability and access were the core problems with health care today. In both their speeches, the leaders used the identical words—affordability and access—to describe what is wrong with the current system.

Mr. President, for 20 years, since 1974, Hawaii has had a prepaid health care system whose keystone is shared responsibility, or employer-employee mandates. I want you and my colleagues to know, and the Nation to know, that it works for Hawaii and it will work for our Nation.

In Hawaii, we have solved the problems of affordability and access. Hawaii has achieved the American health care dream, near universal health care for its citizens and at a cost that is 25 to 30 percent below the national average. We achieved this because of shared responsibility—employers and their employees joining together to share the costs of health care coverage.

In Hawaii in 1974, we had opposition. We had opposition from the American Medical Association. We had opposition from the business community. We had opposition from small business associations. We had opposition from the Chamber of Commerce. And despite this opposition, because of the strong, solid Democratic majorities and a strong Democratic legislature and because the bill was a Democratic priority, it was passed in 1974, and we have had it now for 20 years.

So for 20 years, Hawaii has maintained a model health care system. The cornerstone of health care in Hawaii is shared responsibilities. For 20 years, Hawaii's employers have shared the cost of health insurance with their employees. As a result, Hawaii has one of the healthiest populations in the Nation.

I quote from the Journal of the American Medical Association:

Considering that health outcomes ought to be the key objective of a health care system, Hawaii fares very well, if not the best of all States, in terms of longevity, low infant mortality, and very low premature morbidity and mortality rates for cardiovascular and pulmonary disease and cancer. Two recent national analyses of the comparative health status of all 50 States, one by Northwest Insurance Company, Milwaukee, WI, and another by the Public Health Association, Washington, DC, have rated Hawaii first among all States. We believe a considerable amount of this success is attributable to direct and indirect effects of Hawaii's employer mandate over the past two decades.

*** the State's continued emphasis on ensuring access to primary care for nearly all its citizens has been a major factor in better

health outcomes and improved health status for Hawaii's people.

Death from chronic health problems, such as cancer, heart disease and lung disease, are also among the lowest. Our cancer rate is one-quarter less than the national average, our heart disease rate is one-third less than the national average, and the incidence of lung disease is half the national average.

Opponents of health care reform and shared responsibility—

Mr. KENNEDY. Will the Senator answer a question on that?

Mr. AKAKA. Yes.

Mr. KENNEDY. Does the Senator draw a conclusion that because there is early intervention—as I understand it, Hawaii has twice the visits to the doctors as we do in other States and it has half the hospitalizations. A good deal of the analysis in Hawaii, as I understand, is for preventive aspects which you included in your program which are very similar to the programs in the Mitchell program; and that that has resulted in a reduction in both the utilization of hospitals and more extensive types of treatment. Is that part of the experience?

Mr. AKAKA. The Senator from Massachusetts is absolutely correct.

Mr. KENNEDY. I thank the Senator.

Mr. AKAKA. Hawaii has enjoyed this over many, many years.

The opponents of health care contend that requiring employers to provide health insurance will lead to widespread business failures, yet our experience is just the opposite. The dire predictions about economic decline, lost jobs, and small business failures have not materialized. Requiring businesses and employees to share the cost of health insurance has not undermined Hawaii's small business climate.

Critics respond by saying, "Hawaii is different. Your State is not representative," or that, for one reason or another, Hawaii is not a good test case on the effect of shared responsibility on small businesses.

In fact, Hawaii is a very good test case because Hawaii is a small business State. Small business is the engine that drives our economy. Ninety-eight percent of the businesses in Hawaii have fewer than 100 workers. Firms with 50 or fewer employees constitute 95 percent of our businesses. Hawaii is a haven for small businesses, not the Fortune 500 companies.

Since Hawaii implemented shared responsibility, we have enjoyed steady and nearly uninterrupted small business growth. With the exception of 1 year out of the past 20, small business employment has increased each year.

The Hawaii experience defies the predictions that shared responsibility will lead to higher insurance premiums or an increase in small business failures. Beginning in 1977, Mr. President, when an index for business failures was first created, Hawaii's small business failure

rate has been half the national average. Hawaii has also been heralded as the number one "entrepreneurial hot spot" for start-up companies.

Critics also insist that employees will respond to health reform by eliminating low-wage employees. Yet, they contend that small businesses will be forced to cut jobs or shift to using part-time employees because they cannot afford the cost of contributing to health insurance.

Neither of these problems have surfaced in Hawaii.

These critics also fail to take into account the positive effect of lower insurance costs on business. What they do not appreciate is that as they get closer to universal coverage, insurance becomes less expensive, not more expensive. In most cases, businesses that currently provide insurance will see their premiums drop under the Health Security Act.

Because of Hawaii's near-universal coverage, health insurance premiums for small businesses are competitive with the low rates that large employers are able to negotiate. Despite our high cost of living, insurance rates for Hawaii's small businesses are 11 percent lower than the rest of the country. In 1993, a Kaiser Family Foundation study found that small business premiums averaged \$251 less in Hawaii than the national average. Shared responsibility and universal coverage means that small businesses obtain rates that are usually reserved for large corporations.

Shared responsibility is the best way to reduce health care costs and make insurance affordable.

Requiring employees to share the responsibility for providing health care coverage has not hurt Hawaii's economy. Hawaii has impressive economic evidence to show that our small business sector has not suffered harm from 20 years of shared responsibility. Some might even say Hawaii's economy is strong because it has a work force that enjoys quality health care.

Our employers understand that a healthy and motivated work force is the key to business success. Our businesses receive an economic payoff that is well worth the cost of providing coverage for employees. And because of this and because it has worked in Hawaii for 20 years, I know it will work in our country when we pass this bill. I urge my colleagues to keep Hawaii's experience in mind as we act on health care reform.

I thank the chairman for giving me this time.

Mr. MOYNIHAN. Mr. President, we are coming to the close of 2 days of general debate on the health care proposals, and I for one have not heard a more forceful and relevant and revelatory statement than the Senator from Hawaii—the point that as you approach universal coverage there is not

the cost shifting that brings premium rates up for small business, the fact that you have seen small businesses in 20 years in just 1 year decline in numbers through many recessions, a powerful statement for which I one for and the Senate in general are deeply grateful.

Mr. KENNEDY. Could I inquire of the Senator?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Is it true that Hawaii now has the most favorable business climate for small business in the country?

Mr. AKAKA. That is the prediction and also that is the feeling there now; Hawaii businesses have grown over the years.

Mr. KENNEDY. Just finally, does the Senator not agree with me—we have heard a great deal from those who oppose the Mitchell program—that in many respects the program that was actually adopted in Hawaii and has been in effect 20 years in terms of universal coverage, the preventive aspects of health care, many of those features have been tried and tested in Hawaii and have been effective? As I understand, Hawaii also has the burden of looking after the health needs of many of the American possessions in the Pacific basin as well; many of those people come in from the Marianas and from the other islands, and they also utilize the Hawaiian facilities, and still with all of those kinds of burdens they are able to have the kind of excellent system with all of the health benefits and economic benefits that the Senator has identified.

Mr. AKAKA. The Senator from Massachusetts is correct. We do service the Pacific region. They do use our facilities and our program, and it has worked very well for the Pacific.

Mr. KENNEDY. I thank the Senator.

Mr. MOYNIHAN. We thank the Senator for a remarkable statement. But is the Senator sure it is not somewhat connected with the climate?

Mr. President, the Senator from Montana is here, and I am happy to yield 10 minutes to him.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank the chairman. I wonder if he could yield more than 10 minutes because my statement will take more than 10 minutes.

Mr. MOYNIHAN. Fifteen.

Mr. BAUCUS. I appreciate that.

Mr. President, first, I commend the chairman of the Senate Finance Committee and also the chairman of the Committee of Education and Labor. Many, many Members of this body have explained to their colleagues and to the public at large how much we all owe our gratitude to these very fine men, and I want to join in that praise and those compliments. Without their efforts, it is clear we would not now be

here attempting to work out a solution to the health care crisis that our country faces.

Mr. President, I wish to take a few minutes here to discuss the health reform proposal now before us. I begin by saying that this is a monumental effort. It is a historic effort. It is an effort that has been well framed in this debate, particularly by the measure offered by Senator George Mitchell, our majority leader.

I commend him for his work and the extraordinary, almost herculean, efforts he has undertaken to get us here.

Montanans have discussed health care in many ways and discussed it in depth. I, for example, held town meetings and conferences and have had more talks with Montana businesses, union members, health professionals, and ordinary citizens than I have had on practically any other issue. Virtually all agree that we have to act now.

Too many middle-class Montanans are in danger, for example, of losing their coverage. Too many Montana businesses are facing the choice of whether to offer health benefits at all. That is because costs for them are rising too fast.

Listen to Gary Beley, a self-employed, self-insured rancher from Big Timber, MT.

My wife and I are 59 years of age, and ranch for a living. We have a * * * \$1,500 deductible policy on which we have filed one accident claim in over a 10-year period. They rate us in good health. From 1991 to 1993, our premium has gone up from \$3,970 to \$7,352 per year. This is an 85 percent increase in over a two year period. The increases over the last two years have been about 20 percent per every 6 months.

Mr. President, people like the Beleys are hard-working. They are middle-class Americans. They need some relief. And it is time for us to step in and do what we can to provide it.

I believe the proposal before us now will help. It will not solve all of the problems we face in health care, but it is a big step forward. Today, as we begin the debate, I want to discuss its major features. I begin with some of the reforms that will be most critical for America, rural America, particularly my State of Montana.

The first proposal before us has strong insurance reforms. These will make it easier for consumers and small businesses to buy insurance. Many have a hard time today. The proposal will limit the ability of insurance companies to deny health insurance to middle-class Americans with preexisting conditions—very important—and it limits the ability of insurance companies to cut benefits, arbitrarily drop coverage, or charge sick people dramatically higher rates, a lot of which is going on today.

Second, the measure before us offers assistance to businesses that want to offer health insurance but are unable to afford it.

Third, it will increase the number of primary care doctors, an area in which Montana in particular has serious shortages.

Fourth, it will improve the quality of rural health care because it includes a rural health condition that I proposed earlier this year. Its main features are: First, it makes Montana medical assistance facility demonstration projects permanent. This project is known as MAF's, and now operates in the towns of Jordan, Circle, Terry, and Ekalaka. And according to Walter Busch, the administrator at Roosevelt Medical Center in Culbertson, MT, a small town with a population of about 796 people by the North Dakota border—this is what he says:

The Medical Assistance Facility has improved access to quality health care services in a cost-effective manner. It has restored health care services to four remote rural communities and prevented loss of services in two others. The program has cost relatively little to implement, and has been well received by both residents and rural communities. It is a very flexible program, and yet one that has provided consistently high quality care.

The rural provisions also offer grants for what is called "telemedicine," letting rural doctors and nurses use modern technology to confer with specialists in other areas. This is very high technology and is very important to remote rural areas. It creates a program of branching to create networking among providers, allowing them to share information on equipment and techniques and to cooperate much more effectively than they can today.

It also offers tax credits to doctors and nurses who practice in underserved rural areas. That includes two-thirds of Montanans.

Finally, it creates a new, permanent position of Assistant Secretary for Rural Health at HHS. This will help make sure Federal officials do not forget about places like Culbertson, MT.

On the whole, the proposal before us is a very good effort. However, it contains two troubling provisions. These discriminate against Montana and other rural States, place a burden on middle-class taxpayers, and endanger any support for the proposal as a whole. What are these two provisions?

The first creates a fund for teaching hospitals. These are large profit-making institutions, and about half of this fund will go to hospitals on the east coast. The fund is financed with a 1.5 percent premium, or a tax on health plans, all health plans, designed to raise about \$65 billion over the next 10 years for these hospitals.

These hospitals also receive about \$80 billion in transfers from the Medicare trust fund. The mere existence of this fund is a problem for me. There is no hard evidence that teaching hospitals require this kind of a new fund. I am not convinced that creating it is good policy. And my preference would be to

eliminate it and return to the subject when and if a critical need is proven in the next several years.

However, the fund has a lot of support, and I do not insist upon striking it. But I do insist that it be fair. If we create a fund, it must support all hospitals with critical needs wherever they are because I will offer an amendment to set aside 30 percent of the fund for rural hospitals. That will deal with a real, grave, and worsening crisis, because 10 percent of rural hospitals closed in the last decade. They are gone. They provide no care. Rural areas where 3 in 10 Americans live have fewer than half as many physicians for providing patient care as urban areas. Where cities on the average have 225 doctors per 100,000 residents, rural areas have only 97 doctors per 100,000 residents.

Two of every three Montana counties are underserved, and rural areas have higher levels of chronic or serious illness—that is documented—and have higher percentages of senior citizens than any part of the country as a whole.

My amendment will give hospitals in these regions some critically needed aid. It will make sure that the fund is shared evenly among hospitals that need support. And it will preserve 70 percent of the money to deal with any problems that teaching hospitals might encounter.

The second problem is the proposed tax on high-cost insurance plans. This is an idea which sounds good. After all, we do need to control costs. We want people to choose the most sensible plan for themselves. So why not give them a push toward less ambitious, lower cost plans by taxing the higher cost plans? But when you look closer at this proposal, you find it is much more complicated. You find in fact that the tax will hit again rural heartland States harder than other parts of the country.

Many of the health plans this text covers are not luxuries. They are not gold-plated plans. They are the only option for people in high-risk jobs like logging, millworking, mining, and agriculture. Farming is now the most dangerous occupation in the United States with annual death rates at 52 per 100,000 workers, almost five times the national average. These people are responsible, they are hardworking middle-class citizens, and these jobs are the backbone of Montana's economy. This tax, then, has a large and unfair impact on middle-class Montana workers and industries.

This version, I must say, is less onerous than the version which led me to vote against the Finance Committee package that Senator MITCHELL has attempted to improve upon. But in its current version, it is still unfair to Montana, and it is hard to see how I can support any bill containing it. We should not raise the cost of premiums

for honest, hardworking, middle-class families. Health reform should do just the opposite. It should make premiums cost less; not more, but less.

This proposal also would require large businesses to share the cost of health insurance for their employees. But it is a requirement unlikely ever to take effect. It provides that only if market forces fail to push us to 95 percent coverage by the year 2000, and if Congress does not bring us to that level by 2002, then all businesses with more than 25 full-time employees will be required to pay 50 percent of the cost of health insurance for their employees.

Most Montanans now, as a matter of course, get their health insurance through their employers. But some large businesses nationwide do not help provide insurance. They contribute to cost shifting, and thus to waste in our health care system. That makes everyone's premiums higher. In essence, they impose a private tax on middle-class Americans. And people like the Beleys in Big Timber, MT, are paying it.

These businesses should cover their employees. They have no excuse.

Small businesses, however, should not be subject to a mandate. They operate on small financial margins, and mandating health coverage would cost jobs, that is clear. Thus, the proposal exempts all businesses with 25 or fewer full-time employees from any mandate, ever. That is more than 80 percent of Montana firms. I believe it is fair to small business and does give the market a chance to work.

The Congressional Budget Office believes the proposal will cover 95 percent of Americans. Even if CBO is wrong, Congress has 2 years to address the issue. Only if this fails will large businesses be required to help provide insurance. It is a responsible approach, and I will vote to keep it.

I think we will not do enough to control costs. In many ways, this is the fundamental issue. Rising health costs put Federal and State budgets under tremendous pressure. Within the next 5 years, higher health costs will reverse the progress we have made in the deficit reduction bills of 1990 and 1993. They hold down wage increases for Montana and American workers, lowering the standard of living. And they make American business less competitive relative to foreign firms.

Sooner or later, we will have to deal with this problem. Budget pressures will give us no choice. I hoped we would do it this year, but it seems to be a political reality that we have no consensus to do it. Neither this proposal nor any Republican alternative will control costs effectively. But whether we pass a Democratic reform, a bipartisan proposal, a Republican bill, or nothing at all, we will have to do it soon.

This proposal's creation of a Commission on Health Care Costs is at least a

step in the right direction. This Commission will report on health costs, gather information on the reasons health care costs are rising, and suggest possible ways to address the problem. That means pressure will come on Congress to take on health costs, and that we will have the most current information available to us on how to deal with it.

The fact that we will not control costs this year is regrettable. I think the American people want us to focus more on costs, and we are not doing so. But the Commission on Health Care Costs is an acceptable—barely—second best. And the failure to do more is no reason to oppose the reforms we have before us—support for small business, insurance reforms to guarantee coverage, and improved rural health care.

In conclusion, I again commend the majority leader, in particular, for his work. As he said, this proposal will change before it passes. But its introduction helps us along the way toward our goal of national health care reform. With this bill, Gary Beley and his wife will no longer have to insure on their own. They will be able to join a group and get lower rates. That may not be everything the Beleys need, but it is a start.

Finally, I want to take a minute to commend my legislative assistant, Maureen Testoni, for her tremendous work on health care over the past 2 years. She has worked long hours and provided me with consistently good, sound advice, cogent advice. I want to thank Maureen for her work and congratulate her on her wedding later this month.

Thank you, Mr. President. I look forward to the debate.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Montana for his very cogent remarks.

I yield 15 minutes to the chairman of the Committee on Agriculture, the able, learned Senator from Vermont, Senator LEAHY.

Mr. LEAHY. Mr. President, I thank my good friend and neighbor across the beautiful Lake Champlain. I know that he, like I, wish we could be almost in parallel areas—he in his lovely farm in upstate New York, and me on my lovely farm in upstate central Vermont, where we could then protect both shores of Lake Champlain. But, Mr. President, we are here to do something that I hope will protect all of us, all Americans, and that is to bring health care to all Americans.

I was reading the sports page the other day, and I came across a quote from Shaquille O'Neal, the famous basketball star who plays for the Orlando Magic. "The Shaq" hurt his back, but he said he was not worried. He said, "I am not too concerned—I have good health insurance."

That quote hit me because it summed up what we are all debating about—

whether we give America's families the same kind of peace of mind about their health care. We should not have to be a famous basketball star and somebody who makes millions of dollars a year to have good health insurance.

In Vermont, my home State—and this is a State of only 560,000 people—5,000 people in Vermont lose their health insurance each month. There are 56,000 Vermonters without health coverage; 49,000 of them are in working families. Almost 6,000 of those Vermonters are children.

Mr. President, I know many, many of these Vermonters. Many of them are my neighbors, my friends. Some of these Vermonters without health insurance went to school with me. Some grew up on the same street I did in Montpelier, VT. Some are people I have known all their lives. They are hardworking, good, honest, decent people. The fact of the matter is that they have worked as hard as anybody in this Chamber and do not begin to have the kind of health coverage we have.

Too many Vermont families do not share "The Shaq's" sense of security because they know that if they have an illness or if they lose a job, it might mean the very end of their health insurance. They are asking everybody in this Chamber to do something to end their fears.

Let me give a personal example. A Vermonter, a mother of three children, one of whom is developmentally disabled and another of whom has a chronic disease, said it this way:

I am asking the congressional delegation from Vermont to make sure that this work is done in a timely fashion. Our children cannot wait while party lines are haggled over. This issue is so important to many of us. Please remember that there are real families out here, struggling to provide meals and a roof over their heads and their families'. They should not have to worry about who is going to pay the doctor bill, too.

That is why we need health care reform, to give this mother, and so many parents like her across this country, some peace of mind.

There are those who do not agree. They say, "We want health care for Americans, and we understand that Americans who lose their jobs may lose their health care. We want to do something, but not quite yet, and really not in this form. We have to do something a little different, so let us make changes. Of course, we want everybody to have health care—believe us when we say that—but maybe not quite yet because we are not quite ready."

The people who say they are all in favor of health care but not yet and not quite in this form or that form and maybe we should wait a year to study it, the people who say this are invariably people who do have health care. They can wait until next year or the year after or the year after that because they have health care, and they

know they and their spouses and brothers and sisters and parents and children are all covered.

But what do you say to those people who are hard working Americans who do not? What do you say to people who have a child with a chronic illness and could not get insurance for that child no matter what? What do you say to the people who have a preexisting condition and they know no matter how hard they work or how good they are they are not going to get health insurance?

Those people who do not have health insurance are also very real. They are just as real as those who have health insurance who say we can wait. They are trying to raise families, like this Vermont mother of three. They want us to remember them while we are having this debate.

I think of the debate on programs of Social Security and Medicare. During the debate on Social Security, we were told about how little good it would do for older Americans. We heard about the end of the American tradition. We heard about socialization of America. We heard when people were talking back in the thirties whether we would have Social Security, we were told by many who opposed it, that it would do more harm than good, that it would hurt older Americans, that it would turn us into some kind of socialistic nation.

During the debate on Medicare, one Senator said:

It would achieve little for those who need it, while subjecting the very fabric of American life to the strain of severe and unnecessary sacrifices.

We are going to hear these arguments again. We will hear all of the reasons why we cannot cover people, why we cannot have guaranteed coverage through the workplace.

The special interests have hired the best lawyers in Washington to make sure they lose no ground in this bill. Some groups have gone so far as actually placing calls for people who they then supply with a script so they can say "We oppose this" or "We oppose that." That is shameful.

Let real Americans talk. Let us let the real people with a personal stake in this come forward, not someone who is a hired gun for or against any plan.

I congratulate Senator MITCHELL for getting us to this historic moment. He introduced a bill that will let us do what is right for the people of this country. His bill is a moderate and reasonable approach. It can move this country toward universal coverage.

The majority leader listened to the concerns people have with the President's plan and put together a bill that is less bureaucratic, emphasizes primary and preventive care, provides extra protection for businesses, and pays for itself.

Some say it does not go far enough. Others say it goes too far. We have

seen the debate. I watched many of the debates the distinguished Senator from New York had in his Finance Committee. I wish to commend him. I think there was probably not a single issue that he did not bring out and explore in the best possible way. The distinguished senior Senator from Massachusetts [Mr. KENNEDY] did the same in his committee.

We have heard these debates. I think it is safe to say in listening to them we know there is never going to be a perfect solution. We are not in a perfect world. And if we wait for the perfect, if we let the perfect be the enemy of the good, we would never get off the ground, and millions of Americans would be without health insurance.

Is the bill before us the one I would have drafted? Is it the one the Senator from New York would have drafted or the one the Senator from Massachusetts would have drafted if they could write it all by themselves? I doubt if it is. But there are 100 Senators who have to vote on it here and 435 Representatives in the other body who have to vote on health care. And every one of us could look at whatever piece of legislation is before us and say it is not precisely what I would have wanted but it is a start.

The debate goes forward. I want to look at each part as we vote on it, but I would like to see us get to the bill, debate each part, and then decide up or down. I will look at how it will affect Vermont and how it will affect the country.

I want to make sure my own State's efforts to make our own health care system more efficient and more accessible are not diminished in any way.

There are a lot of things I like about Senator MITCHELL's plan. It has full funding of WIC. That is a goal my colleague, Senator JEFFORDS, and I shared and fought for for many, many years. It is something that we can say to poor pregnant women in this country that they can get the same kind of nutrition as someone who has more money. Their children can have at least a chance at birth. Having gone through the pregnancy, the gestation with decent nutrition, they should then have decent nutrition when they start their young life.

It has strong privacy protections. We want to know that people will not have their medical histories the subject of curiosity or harmful disclosure for commercial advantages, that someone cannot go into computers and find out everything about a person's life and sell it.

It has State flexibility, allowing States to implement national reforms on a fast track.

Coming from one of the most rural States in the Nation, I am glad to see it has strong rural provisions so that when you talk about health care reform that is not an empty promise to

those who live in small cities and towns.

Many Senators last night mentioned the 59th anniversary of Social Security is coming this Sunday. I want to quote one Representative whose words from that debate are just as wise today. Here is what he said:

I have looked forward to the initiation of such a program for many years. I must not let temporary disappointment over one feature of the program blind me to the great benefits of the program as a whole.

I urge Senators to remember these words and remember the hard-working people we are fighting for.

Let us debate the Mitchell plan. Let us improve it where we can. Let us, when we disagree with something, vote it up or down. Let us debate every amendment Senators have to offer. And let us vote.

Let us not give the American people the spectacle of a Senate unwilling to come to grips with this, unwilling to vote on each issue.

We have worked hard on this. The distinguished Senator from New York, the distinguished Senator from Massachusetts, the distinguished majority leader and many, many of our Republican colleagues have worked very, very hard on this.

Now let us bring it to fruition. I think on the thousands of hours by hundreds of professional staff members who worked on this. I am proud to be joined on the floor of the Senate by the senior staff member of my office who worked on this, Theresa Alberghini. She started off as a member of Mrs. Clinton's Health Care Task Force early on last year. She has worked with the President, with the First Lady, with Members of this body and their staffs, and with the Governor of our own State, trying to bring to me at least the best information possible but also to bring her own other talents. There are hundreds of other men and women associated with the Senate who have been doing the same.

Let us not let all that work go in vain. Let us face up to this, and let us hope in the coming days and weeks we can reach a conclusion for the American people.

Mr. President, I thank the distinguished chairman and my good friend from New York for yielding me this time.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I especially thank the chairman for the wisdom and for the experience behind his counsel, that no bill is going to satisfy all of us about all of the things, but this is the moment for a bill.

Again, I thank the Senator.

Mr. President, may I ask how much time is remaining?

The PRESIDING OFFICER. The Senator from New York controls 14 minutes and 16 seconds.

Mr. MOYNIHAN. Mr. President, in an act of abandon but enthusiasm, I yield it all to my friend from Ohio, and may I say that with this the distinguished Republican manager and I will have used all of our time, and so this will be the last address of the day in this debate.

Senator METZENBAUM.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I thank my colleague from New York and rise to take the position of the abandoned Senator, having been given this position by reason of an act of abandonment by my friend and colleague.

I rise to express my strong support for comprehensive national health care reform.

Let us not kid ourselves. This is a defining moment.

At many points in this century, the Congress has been on the verge of enacting a universal health care system and each time we have shied away from it.

Once again, we have a chance to rise to the challenge.

I implore my colleagues, please do not let this moment slip away again.

To the naysayers who say no bill, filibuster, or next year, I say, you are letting the American people down; you are playing politics with the health needs of the American people.

We must put the long-term needs of the American people first.

I believe that each one of us elected to this Chamber knows that this country should have a universal health care system.

Every American should have the right to go to a doctor or a hospital when they are sick. That is the heart of what we need to do: Assure every American access to affordable high quality health care.

We are elected Senators in order to lead. We are elected to do what is right for the country.

There will always be a certain amount of politics being played between Democrats and Republicans. The Republicans have made a political calculation that they can become the majority party if the American people believe that the Democrats failed to enact health care reform.

And, regrettably, too many Democrats also are fearful of reform. They want Republican cover to hide behind with some of their constituents.

But bipartisanship solely for its own sake would only mean a lowest common denominator reform bill.

Democrats need not fear health care reform. As long as we do what is right for the American people, we will be heroes, not failures.

Health care reform can be relatively simple. If we only have the courage of our convictions, we can do it.

The American people are fed up with politicians because of our willingness to put politics before policy.

So, as we begin this debate, I implore my colleagues, let us cast each vote in the name of a better health care system, let us live up to the aspirations of the American people, let us put the need for comprehensive health care reform first.

Every one of us is going to get sick at some point in our lives. And everyone must be able to go to a doctor or the hospital when he or she is sick. Every one of us; young and old; rich and poor; husbands and wives; children and grandchildren.

Let me tell you some of the cases that we are talking about. These are individual cases from Ohio.

Patrick Joyce, 3 years old, has cystic fibrosis. He needs access to specialized care to live a normal life. But without the money to get the medical care, he cannot live a normal life.

And then there is Shawn Durham, a 1-year-old child, rare heart defect, who has already had three heart surgeries—three heart surgeries on a 1-year-old child. The parents are in college. They have no insurance, and no insurance company will cover them. Can we in good conscience turn our backs on such cases?

John Corcoran, whose wife has Alzheimer's; his daughter has seizures. Neither can get insurance. And poor John is a farmer who would lose his business if either were to be hospitalized.

Then there is Donna McNamee, born with a bone disease, considered a pre-existing condition. She cannot get insurance. She has to stay as a dependent of her parents in order to get Government help.

Fred Griffith, his wife has diabetes. That was considered a preexisting condition. He lost his job. He searched for a job which would insure his wife's pre-existing condition. The only job he found was in Indiana. So he must travel and be away from his wife for extended periods of time to keep insurance.

Health care is not just a broad term. Health care relates to real people. Health care means people who today do not have insurance—37 million of them, maybe 39 million by this time, out there in the countryside. It is not a particularly important figure to you, unless one of your loved ones is one of those 39 million.

Donna Osmond is 59 years old. In 1989, she was stricken with breast cancer. She was insured through her husband's company. Her husband now wants to retire. He is 62. But if the husband retires before he turns 65, he loses coverage for his wife. And he cannot find insurance coverage elsewhere because of Donna's preexisting condition.

Eugene Schumacher, 70 years old. His mother is in a nursing home. In the last 6 months, he spent over \$10,000 for room and board and \$1,200 for medication. He is afraid he will run out of

money because of the medical expenses. David Kuehl is a hemophiliac, his medication costs up to \$100,000/year. He is no longer employed, but has extended health insurance coverage for 2 years through COBRA. When the 2 years is over, it is unlikely he will find insurance coverage elsewhere.

Under a national health care plan, we can cover everyone. That is what they do in other countries. That is what we ought to do in the United States of America. This is the richest, most powerful country in the world.

There is absolutely no reason why we cannot provide adequate health care to all of our citizens.

No one can claim that we are not already paying enough for health care in this country. We are spending \$1 trillion dollars a year—I did not say billion, I did not say trillion, I said trillion—14 percent of our GDP each year on health care and still we have 39 million Americans without health insurance.

This is an absurdity. We must start by creating a national framework for the financing and delivery of health care. We must have the courage to step in at the Federal level.

The Mitchell bill takes an important first step. I am frank to say the Mitchell bill does not go as far as I would like, but it represents a sound attempt by the majority leader to craft a middle-ground health care reform package.

Under the Mitchell bill, workers and their families would continue to get their insurance through the workplace. Nonworkers and those workers whose employers do not provide benefits, would be covered through publicly sponsored programs.

Everyone would receive a standard set of health care benefits with an emphasis on preventive care to reduce long-term costs.

Employers may voluntarily contribute to their workers' health coverage, but if a voluntary system does not work, in the year 2000, a national commission, with Congress' acquiescence, would impose a mandatory employer contribution.

The Government will provide subsidies to low-income individuals and businesses.

This bill, as I said, is not all that I would like it to be, but represents a good start. I would like to see it strengthened in a number of areas, and will fight to change it.

I believe employers should be required to contribute to their workers' health insurance now, not in the year 2002.

I believe we need better subsidies for low-income and working families.

I also believe we need to do more to control health care costs.

Currently, there are a lot of people making money—important money—off our health care system.

The hardest challenge we face is standing up to the special interests—

the AMA, the AHA, the insurance companies, the pharmaceutical companies. But we must make our decisions based on what is the right policy, not on what the lobbyists want.

The special interests will adapt to whatever system we deem right. But we in the U.S. Senate must bite the bullet.

Quite frankly, we have too many doctors and hospitals who are ripping off the system. And we have too many doctors and hospitals spending too much time figuring out how to make money and not enough time providing health care.

We need to turn things around. We need to control the spiraling rate of increase in health care spending.

We need to recognize that we have many doctors who provide to the economy and to the health care of this country, not ripping off the system to protect their interests.

We need to get control of provider fraud and abuse, which is estimated to exceed \$100 billion a year.

We need to reduce the administrative wastes of the insurance industry, which is ripping us off for almost 25 percent of every health care dollar, about \$200 billion a year.

Frankly, I think we ought to eliminate the insurance industry entirely from the health care business.

But even if there is not support to eliminate unnecessary insurance, we must require insurance companies to bring their costs under control. Some companies are spending as much as 40 percent of insurance premiums on administrative costs.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. METZENBAUM. I will, indeed.

Mr. KENNEDY. Does not the Senator agree with me that the kinds of inclusions in the Mitchell bill to deal with fraud and abuse could mean the savings of billions of dollars that are escaping at the present time?

Mr. METZENBAUM. I certainly agree with the Senator from Massachusetts. There is not much doubt about that. There are abuses. There are excesses. And the Mitchell bill deals, in my opinion, very effectively with trying to eliminate those.

Mr. KENNEDY. Without that bill, we do not have in place today those kinds of provisions that have been included in the measure. I must say, as I think the Members of this body know, to a great extent they were the result of the activities and the suggestions or recommendations by the Senator from Ohio.

Finally, I would just like to know whether the Senator feels the kinds of protections for consumers in this legislation are important as well?

Mr. METZENBAUM. I think the Mitchell bill moves very far in the effort to protect the interests and concerns of the consumer. The Senator

from Massachusetts and I have worked many hours—many years—trying to protect consumers, whether it had to do with consumer fraud generally or whether it had to do with consumer abuses in the health care field. I think the Mitchell bill will do much to protect the average American consumer. That is the reason I think it is so important we move forward.

Mr. KENNEDY. I was interested in working with the Senator because we included in there sort of a report card on different health care systems, hospitals, and also on doctors, so the consumers would be able to find out whether there was consumer satisfaction, whether there were delays, whether there was service, whether there is good service, so consumers would be able to have additional kinds of information which does not now exist, generally speaking.

Some States, for example Pennsylvania, have moved on it. But does the Senator not agree with me that those features which have been included in the Mitchell program would be of great help and assistance? They may even be strengthened. I know the Senator would like to strengthen them.

Mr. METZENBAUM. The features in the bill move a long way in providing that protection. The Senator is correct. I hope we can do more. I hope to be able to achieve some of those changes on the floor of the Senate. But let us face it, half a loaf of bread—in this case maybe three-quarters of a loaf of bread—is better than no bread at all. And I think this bill goes a long way in providing consumer protection.

Mr. KENNEDY. I just wanted to commend the Senator because I have been here for the last part of the debate yesterday and this afternoon, and this is really one of the first comments made about the advantages of this bill in terms of dealing with the problem of fraud and abuse and, second, in identifying one of the additional features of the Mitchell bill, besides moving us towards universal coverage and helping get a handle on cost containment and the preventive programs and the down-payment for our seniors. But there are important kinds of consumer protections and information, as well as dealing with fraud and abuse. These seem to me to be factors the American public would welcome.

Mr. METZENBAUM. I have no doubt about that. I think passing the Mitchell bill would do much to help the American people as far as consumer fraud and consumer abuses in the health care field.

Mr. KENNEDY. I thank the Senator.

Mr. METZENBAUM. I thank the Senator for his questions. Frankly, I would like to see a collaborative program in which all the major parties participate.

The PRESIDING OFFICER (Mr. CONRAD). The time of the Senator has expired.

Mr. METZENBAUM. Let me inquire if anyone else is seeking the floor. If not, I ask for an additional 5 minutes.

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

Mr. METZENBAUM. I prefer to see a collaborative system in which all the major parties—consumers, doctors, hospitals and Government—sit down and negotiate what we will spend and how we will spend it. That is what every other country does. It is not a perfect or painless system, but it works. Everyone sits down together and decides what they are willing to spend on health care.

Some people say we can control costs through competition. I have my doubts about that. Individuals are not in a position to shop around for the cheapest surgeon or forego surgery if they think the price is too high. Individuals should not be shopping around for the cheapest doctor. And doctors should not be competing against each other on price—but rather on the quality of the care they provide.

Employers and managed care companies claim they can assure quality care at a lower cost, but neither data nor logic is on their side. Almost all of the studies show managed care companies are not saving much more money than traditional insurance companies. And to the extent that managed care companies are saving money, they are doing it by pressuring doctors and hospitals to discount their fees and not by improving the quality of health care they provide.

All that managed care does is substitute a level of managed care bureaucracy for insurance company bureaucracy. One need look no further than the financial pages to see what is going on in the health care market. Managed care companies are merging like wildfire in order to take over and control the health care market. Just this year Metropolitan Life and Travelers agreed to merge to create the second largest HMO, controlling one out of every four doctors in this country.

Columbia Health Care merged with Medical Care of America, a deal worth over \$1 billion.

New York Life purchased Ethix Co. to create a 2 million enrollee HMO.

The list goes on and on and on. Insurance companies are at the forefront of this movement now, owning 45 percent of all the HMO's in this country. Two-thirds of all HMO's are for-profit entities. These companies are not in this business solely to deliver health care. They are in the business to make money—a respectable effort on their part. But when that money comes out of those dollars needed to provide adequate health care for the people of this country, or comes out of the pockets of doctors and hospitals who are squeezed up against the wall, then there is something wrong.

HMO profits increased 20 percent in 1993: Cigna, Aetna, Humana, U.S.

Health Care, and Prudential had combined annual profits of almost \$500 million last year. And who is paying for these profits? The American taxpayer, that is who, the average American.

Let us not kid ourselves. Managed care is big business and big money, and that is not good for the American people. Putting all this power, all of this economic strength in the hands of these HMO's, which are buying each other up at an unbelievable pace, means they think no matter what system we here in Congress bring about, they are going to be able to squeeze more and more dollars out for themselves, for their executives, and for their shareholders.

I am willing to give the managed care industry a chance to prove that it can hold down costs. But I have very little—very little—confidence they will. I think Senators will be speaking on this floor 10 years from now and they will see the HMO's have really been a detriment to bringing about a better national health care system. I think we could do it better on our own, without turning it over to the HMO's. But I believe we have to start now, one way or the other, with or without the HMO's, to take control of this monster that has been created and that is depriving average Americans of the health care that is so much needed.

In conclusion, let me say I believe we have an incredible opportunity before us. We have the opportunity to make a real difference in people's lives and improve our country for future generations. We can do it, but only if we put politics aside and put the American people first. I would say, anyone in this Senate who delays this matter from moving forward on the appropriate pace is providing a disservice to his constituents and is not the kind of American of which I or any other American could be proud.

I yield the floor.

Mr. KENNEDY. Will the Senator just yield? How much time does the Senator have?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. KENNEDY. I will engage my colleague at another time. I see the Senator from Hawaii here and I know the Senator is about to begin.

The PRESIDING OFFICER. All time on the bill has expired at this time.

The Senator from Oregon.

Mr. PACKWOOD. I ask unanimous consent for 30 seconds to respond to the Senator from Ohio.

Mr. KENNEDY. If I get 30 seconds as well.

Mr. PACKWOOD. Mr. President, my colleague speaks about managed care as being almost corrupt. I will cite him just one statistic. In the Portland metropolitan area, 53 percent of the Medicare beneficiaries are now in managed care programs and they joined it voluntarily. You cannot compel a Medicare

beneficiary to join. These people are not joining something they think is corrupt, evil and profit-minded that is going to do in their health care. They are joining because they think they get better service and quality than they do from the regular Medicare Program.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to address a similar issue. Would the Senator not agree with me that in some areas it has been successful; in other areas there has been a squeezing of the services to the patients and the patients have not been able to take advantage and be adequately protected?

One of the features of the Mitchell bill is it does provide for remedies for individuals if they are going to be squeezed out by the budget crunches in the development of the HMO's. If it is not necessary, it does not need to be utilized. But where it is necessary, there are additional kinds of protections which otherwise do not exist under current law.

Mr. METZENBAUM. Without the Mitchell bill there would be no protection. As a matter of fact, in response to my friend from Oregon, the fact is right at the present time many doctors are being squeezed by being told to bring in 12,000 at \$2 a head. And the doctors then have to provide a different kind of medicine than they are providing now.

I think it is important that we not kid ourselves. The HMO's, in some instances, have provided useful services, but, in the long run, I think we need some of the protection provided in the Mitchell bill. Without it, I think the patients will suffer.

The PRESIDING OFFICER. All time has expired.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4650, which the clerk will report.

The bill 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 continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is the committee amendment on page 2, line 15.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2491 TO THE COMMITTEE AMENDMENT ON PAGE 2, LINE 15

(Purpose: To ensure that the President of the Republic of China on Taiwan can enter the United States on certain occasions)

Mr. BROWN. Mr. President, I rise to offer an amendment to the committee

amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. SIMON, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. STEVENS, and Mr. INOUE proposes an amendment numbered 2491 to the committee amendment on page 2.

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

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

The amendment is as follows:

At the end of the pending amendment, add the following new section:

"SEC . VISAS FOR OFFICIALS OF TAIWAN.

Section 4(b)(6) of the Taiwan Relations Act (22 U.S.C. 3302(b)(6)) is amended—

(1) by inserting "(A)" immediately after "(6)"; and

(2) by adding at the end the following:

"(B) Whenever the president of Taiwan or any other high-level official of Taiwan shall apply for a temporary visa to visit the United States for the purposes of:

(i) Discussions with United States federal or state government officials concerning trade or business with Taiwan or the reduction of the U.S.-Taiwan trade deficit;

(ii) Discussions with United States federal or state government officials concerning nuclear proliferation;

(iii) Discussions with United States federal government officials concerning U.S. national security or the national security of Taiwan; or

(iv) Discussions with United States federal or state government officials concerning the provision of humanitarian relief and assistance for regional disasters;

The official shall be admitted to the United States, unless the official is otherwise excluded under the immigration laws of the United States."

Mr. BROWN. Mr. President, this amendment is not new to the Members. It is one we have considered on other bills. It is known as the visas-for-Taiwanese-officials amendment. It is proposed by myself and Senator SIMON and has been strongly opposed by a few Members of the other body and has not been retained in conference. Thus, it is offered here again.

This amendment, passed by the Senate with 94 senators voting in favor of it and none voting in opposition, is one which expresses the Senate's intent in no uncertain terms. In addition to Senator SIMON and myself, Senators LIEBERMAN and MURKOWSKI join us, as well as the distinguished senior Senator from Hawaii who has been kind enough to lend his cosponsorship and support to this particular amendment.

The amendment attempts to correct a problem that has arisen in our relations with Taiwan: Specifically, the failure of this administration to allow the leadership of Taiwan to enter our Nation and to conduct official business with our government.

To correct this problem, the amendment outlines some very distinct areas

in which it is clearly in the United States interest to have a dialog with the Taiwanese leadership. It requires that the president of Taiwan and other high-level officials be admitted to the United States for discussions to reduce the trade deficit between the United States and Taiwan; for discussions concerning efforts to reduce nuclear proliferation; for discussions involving United States national security; for discussions with regard to humanitarian relief and assistance with regional disasters.

These are all areas where I think most Members or all Members would feel it is appropriate and vital for us to work with the Taiwanese. Thus, we felt it essential to make the Congress intention clear.

Generally, decisions concerning entry into the United States for high-level visitors belongs with the administration. But Taiwan has been completely prohibited by this administration from any entry into the United States for its top officials. This administration's policy led to the rather humiliating experience of when the Taiwanese president visited Hawaii this past May and was denied the right to stay overnight in Hawaii while his airplane was being refueled. Humiliations of this nature should not be repeated. Our amendment sets forth minimal reasons for which Taiwan's leadership would be welcome to enter the United States, all of which are very much in our Nation's interest.

Mr. President, since the Senate has already expressed its opinion by voting 94 to 0 in favor of this provision, I see no reason to ask for a record vote, unless the distinguished senior Senator from Hawaii feels it would be appropriate.

Mr. INOUE. Mr. President, if my colleague from Colorado will yield.

Mr. BROWN. I yield to the Senator.

Mr. INOUE. Mr. President, this measure has been debated at quite some length. It has been accepted by the Senate by a vote and, as noted by the author, I am one of the cosponsors and I would be very pleased to accept it as a manager on the part of the Democrats.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I join in accepting the amendment of the Senator from Colorado. I am also a cosponsor, as I recall.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUE. I would like to assure the Senator from Colorado that we will do our best to see that it stays in the conference.

Mr. BROWN. I thank the chairman.

VISAS FOR HIGH-LEVEL TAIWANESE OFFICIALS

Mr. MURKOWSKI. Mr. President, I am pleased to join my good friend from Colorado, Senator BROWN, in offering

this amendment to ensure that high-level officials from the Taiwanese Government will be issued visas to visit the United States to discuss issues of mutual interest to our two governments.

I find it shocking that this amendment is even necessary. The Taiwan Relations Act was passed "to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan." 22 U.S.C. 3301. This policy has been impeded because of the U.S. Government's restrictive policies on high-level visits.

I remind my colleagues that Taiwan is the world's 13th largest trading partner and the United States 5th largest trading partner. With \$16.2 billion in United States exports to Taiwan in 1993, it was the United States second largest export market in the Asia-Pacific region, after Japan. It holds the world's largest foreign reserves. Taiwan is friendly, democratic, stable and prosperous. Its human rights record has steadily improved.

And how do we treat this democratic country that plays such an important part in our economic and security interests in East Asia? I believe we wrongly treat them like an international pariah. In May of this year, I was embarrassed to learn that the Department of State refused the request of the Honorable Lee Ten-hui, the freely elected leader of the democratic Republic of China on Taiwan, to overnight in Hawaii en route to Costa Rica. I believe this decision was extremely ill-advised. Similar snubs have met other high-ranking Taiwanese officials. For instance, Taiwanese officials are forced to meet with United States Government officials in hotels, rather than Government buildings, even though they are discussing issues that are of mutual interest to the people of both countries.

The U.S. Government has the opportunity to make long overdue changes to its policy. For well over a year, the United States Government has been engaged in an interagency review of its policy toward Taiwan. President Clinton could take important steps to show clear United States support for Taiwan as part of this policy review. He could begin by welcoming President Lee Ten-hui on U.S. soil for a visit. There is ample precedent for such a visit by the leader of a country with which we don't maintain formal diplomatic ties. Senator BROWN and I also would like the State Department to allow President Lee to visit our home States of Alaska and Colorado as part of our efforts to expand and strengthen ties between the people of the United States and the people of Taiwan.

President Clinton could also incorporate high-level exchanges into its

new policy. I encourage President Clinton to send one of his Cabinet officers to Taiwan this fall. Fifty-three of my colleagues joined me in a letter to the President inviting him to do just that. Such visits will promote American interests in Taiwan and ensure the continued success of American business projects.

Even small, but symbolic changes, such as allowing the Coordination Council on North American Affairs to change its name to the Taipei Representative Office will show that the United States is prepared to treat the people of Taiwan with the respect they deserve.

Mr. President, I know my colleagues have supported many amendments over the past year that have had the intent of sending a signal both to the United States Government and to the people of Taiwan that the United States Senate supports positive changes in United States policy toward Taiwan. I am confident that this amendment will be added to that list. I hope the administration is listening.

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

The amendment (No. 2491) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2492 TO THE COMMITTEE AMENDMENT ON PAGE 2, LINE 15

(Purpose: To make Poland, Hungary, the Czech Republic, and Slovakia eligible for allied defense cooperation with NATO countries, and for other purposes)

Mr. BROWN. Mr. President, I rise to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. SIMON, Ms. MIKULSKI, Mr. ROTH, Mr. DOLE, Mr. WARNER, Mr. DOMENICI, Mr. LIEBERMAN, Mr. HELMS, Mr. COHEN, and Mr. KOHL, proposes an amendment numbered 2492.

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

Without objection, it is so ordered.

The amendment is as follows:

At the end of the Pending amendment, insert the following new section:

SEC. . ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION.

(a) SHORT TITLE.—This section may be cited as the "NATO Participation Act".

(b) TRANSFER OF EXCESS DEFENSE ARTICLES.—The President may transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 or under the

Arms Export Control Act to Poland, Hungary, the Czech Republic, and Slovakia.

(c) LEASES AND LOANS OF MAJOR DEFENSE EQUIPMENT AND OTHER DEFENSE ARTICLES.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796b) is amended by striking "or New Zealand" and inserting "New Zealand, Poland, Hungary, the Czech Republic, or Slovakia".

(d) LOAN MATERIALS, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—Section 65(d) of the Arms Export Control Act (22 U.S.C. 2796(d)) is amended—

(1) by striking "or" after "United States" and inserting a comma; and

(2) by inserting before the period at the end the following: ", Poland, Hungary, the Czech Republic, or Slovakia".

(e) COOPERATIVE MILITARY AIRLIFT AGREEMENTS.—Section 2350c(e)(1)(B) of title 10, United States Code, is amended by striking "and the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, the Czech Republic, and Slovakia".

(f) PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES.—Section 2350f(d)(1)(B) is amended by striking "or the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, the Czech Republic, or Slovakia".

(g) STANDARDIZATION OF EQUIPMENT WITH NORTH ATLANTIC TREATY ORGANIZATION MEMBERS.—Section 2457 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) It is the sense of the Congress that, in the interest of maintaining stability and promoting democracy in Eastern Europe, Poland, Hungary, the Czech Republic, and Slovakia, those countries should, on and after the date of enactment of this subsection, be included in all activities under this section related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries."

(h) INCLUSION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President should recommend legislation to the Congress making eligible under the provisions of law amended by this section such other European countries emerging from communist domination as the President may determine if such countries—

(1) have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(2) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

(i) CERTIFICATION REQUIRED.—Before exercising the authority in subsection (a), or in section 63(a)(2) of the Arms Export Control Act, with respect to Poland, Hungary, the Czech Republic, or Slovakia, the President shall determine and certify to the appropriate congressional committee that no such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

The PRESIDING OFFICER. The Senator should know that the pending question is the committee amendment. The Senator has drafted the amendment that he has sent to the desk as an amendment to the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the amendment be considered as an amendment to the pending committee amendment.

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

Mr. BROWN. Mr. President, the co-sponsors of this amendment include Senators SIMON, MIKULSKI, ROTH, DOLE, WARNER, DOMENICI, LIEBERMAN, HELMS, COHEN, and KOHL, in addition to myself. The amendment has also been considered previously by this body. It relates to Eastern Europe and specifically the countries of Poland, Hungary, the Czech Republic, and Slovakia, making these countries eligible for allied defense cooperation with NATO countries.

When the Brown-Simon-Mikulski-Roth amendment was considered previously, Slovakia was not included. The version before the body includes Slovakia as well as Poland, Hungary and the Czech Republic. In addition, this version differs from previous amendments in one other respect. At the end of the amendment has been added a section involving certification. I might simply read it to the body because I think it is different from what we have proposed before:

Before exercising the authority in subsection (a),—

And here I might insert this is discretionary power for the President, it is not mandatory, but discretionary for him to use—

or in section 63(a)(2) of the Arms Export Control Act with respect to Poland, Hungary the Czech Republic or Slovakia, the President shall determine and certify to the appropriate congressional committees that no such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

This modification came as a result of discussions with Members in the past conference committee who expressed concern that it would be inappropriate to include any country under this authority who has exported defense articles to terrorist countries. In addition, Members felt that excess U.S. defense articles should be restricted from countries that have made other infractions of international discipline that we would reasonably expect NATO members and potential members of NATO to have complied with. It seemed a reasonable request and appropriate to include in this amendment.

Let me simply emphasize, because we have debated this before, what I think is so important. Right now the countries of Eastern Europe are making decisions about their future. The history of Poland, as well as these other Eastern European republics, is replete with stories of domination and subjugation by other countries in the region, whether it is as in the case of Poland which was once divided between the

Soviet Union and Germany in the initial stages of World War II, or whether it is the other countries that have struggled under years of foreign domination.

The local politics of these countries are pushing them to deciding whether or not they become associated with NATO.

The democratic governments of these countries want to be associated with NATO. They want to be part of NATO. They want to stand side by side with the free men and women of this world and stand up for freedom and independence and opportunity.

Actions led by our Government and joined by other NATO members have cast a cloud over the hopes for security of these fledgling democracies. The question has been raised as to whether or not membership is appropriate and whether or not we wish them to be part of NATO.

Mr. President, it is my own feeling that our reluctance to allow them to immediately move into NATO is not a manifestation of the opposition of the American people.

Consequently, this amendment carries with it an important message, a message that goes far beyond simply qualifying them for a small but significant step on the road to NATO membership.

The message is that the United States is interested in the security concerns of these nations; we are interested in establishing thriving democracies in Eastern Europe. We are interested in standing side by side with the men and women of these countries to promote a free and democratic world.

The amendment merely grants discretionary authorization. It gives the President the option to work with these countries in making them eligible for aspects of allied defense cooperation. It does not mandate any action by the executive.

Nonetheless, the Brown-Simon-Mikulski-Roth amendment is a sign: a symbol that the United States wants to move towards their NATO membership and evidence of our interest in their fate.

I hoped very much that this would have been unanimous. When it was voted on earlier, it received a 76 to 22 vote. But I hope in time it will be unanimous because these brave people of Eastern Europe want to stand with America and with NATO for freedom.

My own sense is that if we turn our back on them, if we do not encourage their movement towards NATO, we will send a signal that it is all right for other countries to once again exert their influence over the heartland of Europe. It will indicate that we may be willing to stand aside if others attempt to dominate these nations.

Mr. President, I hope that day never comes. I hope we never ever, ever again turn our back on Eastern Europe. I

hope we never again send a message that it is all right for powers to try to control them, and dominate them, and subject them to their will.

What is more, I believe by making our intentions clear, by moving ahead with NATO membership, we will take the issue off the table. Instead of being an open question where countries can suggest that a course of policy for their country would be to once again exert control over Eastern Europe, if Poland, Hungary, the Czech Republic and Slovakia become members of NATO or at least move toward membership, that eventuality would not even be a subject of debate.

That, I think, is our purpose here. It is to extend a hand of friendship, extend a hand of interest, extend a hand of commitment to the people who so eagerly want to be a part of the free world. These countries, all four of them, have expressed an interest in joining NATO. All four of them have a democratic system of government. All four of them have established civilian control over the military. And all four of them I believe are on the path toward becoming contributing, substantial, and important members of NATO.

So while this is merely permission, while this is merely authority that gives the President the opportunity to include them in allied defense cooperation efforts, the symbolism of this measure is terribly important. That is why I have asked the chairman to include this amendment in the bill.

The NATO Participation Act has been considered before, but it was not held in the conference. This issue is too important to let pass. The moment is too critical. I for one will continue to stay the course, working to ensure its final enactment into law. I think the bipartisan nature of the support for this amendment is one that will result in its passage if it receives full consideration by Members of the other body.

Mr. President, I believe the amendment has been cleared on both sides. I ask the chairman if he feels it would be helpful in conference to have a record vote, or if the body has already expressed its will on this matter.

Mr. INOUE. Mr. President, under the able leadership of the distinguished Senator from Colorado, this measure was fully debated and accepted by the Senate by a vote of 76 to 22. The Senate has spoken, and accordingly I will be most pleased to accept the amendment. I am certain my colleague, the vice chairman of the committee, will be pleased to do likewise.

However, may I suggest to the Senator that the amendment as presented will amend a section on military personnel, and it would make it a bit more difficult for the managers of this bill to serve as advocates in the conference. May I suggest that it be made part of the amendment on page 142, between lines 5 and 6?

Mr. BROWN. Mr. President, I ask unanimous consent that the amendment be placed to the bill on page 142, between lines 5 and 6.

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

Mr. BROWN. I thank the Senator.

Mr. INOUE. With that, I will be most pleased to accept the amendment.

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

The amendment (No. 2492) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2493 TO COMMITTEE AMENDMENT ON PAGE 141, LINE 22

(Purpose: To express the sense of the Congress concerning the progress of reform in Bulgaria)

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

The PRESIDING OFFICER. The pending question is the first committee amendment, the Chair reminds the Senator from Colorado.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2493 to the committee amendment beginning on page 141.

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

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

The amendment is as follows:

At the appropriate place in the committee amendment, add the following new section—

SEC. . SENSE OF THE CONGRESS CONCERNING THE REPUBLIC OF BULGARIA.

(a) FINDINGS.—The Congress finds that:

(1) In the spring of 1990, Bulgaria held its first round-table discussions and held its first free, democratic elections in June, 1990;

(2) In August 1990, the Bulgarian Grand National Assembly elected Dr. Zhelyu Zhelev as President of the Republic;

(3) On July 12, 1991 the Parliament of Bulgaria adopted the new Constitution of the Republic of Bulgaria, which proclaims that Bulgaria is governed by the rule of law;

(4) In addition, the Bulgarian Constitution establishes the principles of a market economy in Bulgaria, including Article 17 which guarantees and protects the right to property and inheritance and proclaims the inviolability of private property, and Article 19 which states that the economy of Bulgaria is based on free economic enterprise;

(5) In October 1991, Bulgaria held its second parliamentary elections;

(6) Since 1990, the Bulgarian parliament has passed more than 200 laws establishing legal protections for a free market economy including the Law and Land Ownership, the Law on the Protection of Competition, the Law on Commerce, the Law on Privatization, the Law on Accounting and the Law on Banking;

(7) The Bulgarian private sector has grown from 5% of GNP in 1990 to 22% of GNP in 1993, and by the end of 1993, 47% of Bulgarian farm land had been returned to its owners prior to 1948;

(8) In June 1990, Bulgaria established diplomatic relations with NATO and on February 14, 1994, joined the Partnership for Peace;

(9) Since October 1991, the Bulgarian minister of defense has been a civilian and this practice is scheduled to be institutionalized when the Bulgarian Law on Armed Forces is adopted in September 1994.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of the Congress that:

(1) The Republic of Bulgaria is making swift and important progress to join the West and should be strongly commended for its efforts;

(2) The Republic of Bulgaria is making significant progress toward establishing democratic institutions, a free market economy, civilian control of the armed forces and the rule of law;

(3) As the President evaluates increased defense cooperation with central and eastern Europe, Bulgaria's extensive reform efforts should be given every possible consideration.

Mr. BROWN. Mr. President, I ask unanimous consent that the amendment be considered as an amendment to the pending committee amendment.

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

The Senator from Colorado.

Mr. BROWN. Mr. President, this is a sense-of-the-Senate amendment, and is designed to express the sense of Congress concerning the progress of reform in Bulgaria.

Mr. President, this amendment's purpose is similar to that of the previous amendment concerning the countries of Poland, the Czech Republic, Hungary, and Slovakia.

Bulgaria has made progress of a dramatic sort in developing democracy, a market economy, and civilian control of its military. Although not included in the previous amendment, nevertheless we felt a sense of the Congress amendment was appropriate and important to send a signal to the Bulgarians that we have noted their progress toward democracy, that we have noted their commitment to civilian control of the military, and that we have noted, most importantly, their strong and sincere interest in becoming part of NATO.

As a sense of Congress, it does not commit us to legislative action, but it does make it clear that we applaud their progress, that we recognize their interest in becoming part of NATO, and we express our support for continued progress.

Mr. President, I personally feel it is most important that the Bulgarians understand how much we appreciate their commitment and their interest in promoting democracy. I also believe it is important that Bulgaria not take our failure as a nation to move rapidly with regard to NATO membership as any sign that we lack an interest or concern in their future or their commitment to democracy.

Thus, this sense of Congress is a first step in conveying that message. I am certain it will not be the last as Bulgaria moves toward full NATO membership.

Mr. President, I also ask unanimous consent that the pending amendment be considered as an amendment to the committee amendment on page 142, between lines 5 and 6.

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

Mr. INOUE. Mr. President, as manager of the bill, I would be very pleased to accept this amendment, and we will do our best to see that it hangs on in conference.

Mr. BROWN. I thank the Senator.

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

The amendment (No. 2493) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2494

(Purpose: To require a study by the JCS and the Secretary of Defense for a master plan for basing of Reserve 130's)

Mr. BROWN. Mr. President, I ask unanimous consent to lay aside the pending committee amendment. I rise to offer an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. CAMPBELL, proposes an amendment numbered 2494.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . STUDY OF C-130S.

(a) REPORT.—Within six months of enactment of this Act, the Chairman of the Joint Chiefs of Staff (JCS) shall recommend to the Secretary of Defense a master stationing plan for C-130 aircraft for the active and reserve components based on the National Military Strategy and current contingency plans of the Joint Chiefs of Staff. The report shall include:

(i) a review of existing Air Reserve Component C-130s; and

(ii) a master plan for basing future Air Reserve Component C-130s over the next twenty years.

(b) INTERIM REDUCTIONS.—No reductions of primary authorized C-130 aircraft (PAA) shall be permitted until after completion of the report.

(c) APPROVAL.—Within 2 months of receipt of the report from the Chairman of the JCS,

the Secretary of Defense shall approve the final master stationing plan for C-130 aircraft and shall provide it to the congressional defense committees. The Secretary shall also provide the final report to the Air Force and to the National Guard Bureau for implementation.

Mr. BROWN. Mr. President, in recent years, it has become a practice by Members of the other body and others to deal with the location of C-130 transportation aircraft through specific legislation; that is, to have Members stand up and seek to gain, for bases within their State or region, additional aircraft.

We can all understand and appreciate this interest and this vigilance in promoting one's district or one's State. On the other hand, it strikes this Member that the decision as to where to deploy aircraft should be made by our military leaders after sufficient study and objective review, not from legislation added without either.

There is a need, of course, for military flexibility. There is also a need, I think, for objective analysis. It would be a tragedy if the location of these aircraft becomes a question of simply amending the appropriations bill when it is brought before the body.

Thus, we have proposed an appropriate study and report as to where these aircraft as they are purchased should be located. We have asked that within 6 months of the enactment of this amendment that the Chairman of the Joint Chiefs of Staff shall recommend to the Secretary of Defense a master stationing plan for C-130 aircraft for the active and reserve components based on our national military strategy and on current contingency plans for the Joint Chiefs of Staff.

Mr. President, Colorado would love to have additional C-130 aircraft. But that is not the purpose of this amendment. The purpose of the amendment is to ensure that aircraft are located where they are most needed. Colorado, just as every other State, must take its chances. We must be willing to compete for these aircraft and to ensure that they are located where they are most needed, where they will be most effective.

The purpose of this amendment is simply that; to ensure that there is an objective analysis and review that the aircraft are located where they will do the most to defend our Nation, not simply to satisfy one Member's or the other's desire to increase the aircraft located within his or her district. It will be helpful in maximizing the cost-effectiveness of U.S. defense capabilities.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUE. Mr. President, the managers will be most pleased to accept this amendment with one modification for clarification purposes. In section B, Reductions, "No reductions of primary authorized aircraft", if the

author of the measure would modify this to place between the words "of" and "primary" the term "C-130", otherwise, someone could interpret this to mean that it would cover all sorts of aircraft.

Mr. BROWN. I thank the distinguished chairman for his suggestion.

I ask unanimous consent that the amendment be so amended.

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

Would the Senator please send the altered language to the desk?

Mr. INOUE. Mr. President, I have just been advised that the modified version of the amendment is at the desk at the moment.

With that understanding, the managers are pleased to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Colorado wish to vitiate his request to modify?

Mr. BROWN. Thank you, Mr. President.

I ask unanimous consent to vitiate.

I thank the chairman.

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

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 2494) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BROWN. Mr. President, I ask unanimous consent to lay aside the pending committee amendment in order to offer an amendment to the bill.

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

AMENDMENT NO. 2495

(Purpose: To express the sense of the Senate concerning Lowry AFB)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. CAMPBELL, proposes an amendment numbered 2495.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING LOWRY AFB.

It is the sense of the Senate that—

(a) in issuing any lease, permit or deed of conveyance for use to assist the homeless

under the Stewart B. McKinney Assistance Act concerning Lowry Air Force Base, Colorado, the Secretary of Health and Human Services, representatives of the City of Denver, Colorado, representatives of the City of Aurora, Colorado and representatives of homeless providers whose applications have been approved by the Secretary of Health and Human Services should jointly determine that such use is reasonable under the redevelopment plan for Lowry Air Force Base, Colorado; and

(b) the Department of Defense and the Department of Health and Human Services, in coordination with the appropriate committees of Congress and appropriate state and local authorities, should develop a reform proposal to address the many difficulties created for local communities by existing laws relating to the loan, lease or conveyance for use of government property during the base closure process.

Mr. BROWN. Mr. President, this is a sense of the Senate and it concerns Lowry Air Force Base. The amendment attempts to address the question of the administration of the McKinney Act as it applies to Lowry Air Force Base. Included in the bill is a provision that allows exemptions from the provisions of the McKinney Act for a base other than Lowry. This amendment does not attempt to duplicate that exemption, but it expresses the sense of the Senate that there be consultation and cooperation between the Secretary of Health and Human Services and representatives of the cities of Denver, Aurora, and representatives of the homeless providers.

Mr. President, the land transfer that is underway with Lowry Air Force Base is one of the largest transfers of Federal military property to the local communities in the history of Colorado. It has enormous impact. I think, as all Members will appreciate, the process of losing a base is difficult and troublesome at best.

What we have found as Denver and Aurora have undergone the difficult process of base closure at Lowry is enormous consternation and people who feel their hands are tied as they attempt to find the best and most effective use for the base. The McKinney Act obviously has significant impact in terms of the future use of this base as well. Provisions of the McKinney Act may require significant changes from current land use patterns in that part of the community.

Lowry Air Force Base was originally located on the outskirts of Denver, some distance away from housing. Over the years, it has been encompassed, engulfed and surrounded by an attractive neighborhood as well as a variety of other uses that differ significantly from its original surroundings. Our amendment simply makes it clear that the Senate wishes for full communication and coordination to occur between Denver and Aurora, the homeless providers and the Secretary of Health and Human Services. All determinations concerning the future use of Lowry

AFB should be made jointly. We believe that by working together, they can improve the transition and make the adjustments to Lowry ultimately a benefit for the community. In addition, their coordination will provide a great opportunity not only for housing the homeless, but ensure uses for the base compliment the existing land use patterns of the community.

I believe this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. I ask unanimous consent to set aside the pending amendment.

Mr. INOUE. Mr. President, may I ask my friend from Colorado to temporarily withhold his request. I have a very important request to make.

UNANIMOUS-CONSENT AGREEMENT

Mr. INOUE. Mr. President, I ask unanimous consent that all floor amendments in order to H.R. 4650, the defense appropriations bill, must be offered by 7 p.m. this evening; that at the hour of 6:50 p.m., Senator STEVENS will be recognized to offer amendments for Republican Senators who have not had a chance to offer, and at 6:55 p.m., Senator INOUE be recognized to offer amendments for Democratic Senators who have not had a chance to offer; that no votes occur prior to 9 p.m. this evening; that the two leaders or their designees have until 9 p.m. to offer amendments that are in response to possible nonrelevant amendments that may be offered; that when the Senate considers the Nunn-Mitchell Bosnia amendment and the Dole Bosnia amendment No. 2479, there be 2 hours for debate on both amendments under the control of Senators DOLE and NUNN, or their designees, with an additional 30 minutes under Senator MCCAIN's control; that when all time is used or yielded back, the Senate vote on the Nunn-Mitchell amendment, followed by a vote on Senator DOLE's amendment No. 2479; that no amendments be in order to either of these two Bosnia amendments; that when the bill has been read a third time the Senate vote on passage of the bill; that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the preceding all occurring without any intervening action or debate; that the Senate resume consideration of S. 2351, the health care reform bill, at 9 a.m. on Thursday, August 11, for 4 hours of de-

bate only, with the time equally divided between the two leaders, or their designees, and that at the conclusion of that time, the Senate resume consideration of H.R. 4650, the defense appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I am informed that there is no objection on this side at this time.

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

Mr. BROWN. Mr. President, I had intended at this time to offer an amendment that dealt with a study of the transportation of chemical weapons. More specifically, included in the bill as it came over from the House is a provision that prohibits a study on the feasibility of transportation of unitary chemical weapons.

I thought that it was appropriate to study a slightly different item related but dissimilar—that is, the transportation and destruction of neutralized portions of unitary chemical weapons. The difference, quite clearly, is that one is neutralized and not as able to do damage. The other, a unitary chemical weapon being transported, has a much greater potential for damage. The problem is basically this: The Defense Department has been unsure that the prohibition on the study of transportation of unitary chemical weapons which was included in appropriations legislation prevents them from studying the feasibility of transportation and destruction of neutralized portions of those unitary chemical weapons. Defense Department lawyers, quite naturally, want to follow the law, want to follow the guidelines, and are cautious in this regard.

My intention simply had been to clarify the existing provision in the bill by offering an amendment to ensure that studying transportation and destruction of parts of those weapons that have been neutralized already is permitted.

In discussions of this matter with the distinguished chairman and his staff, I have been assured that their intention is to allow the study of the transport of neutralized portions of unitary chemical weapons. My intention would be to include within the RECORD a colloquy with the chairman that deals with this clarification, rather than offering the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I would like to express my gratitude and appreciation for the accommodation of the Senator from Colorado. I think we can work this out.

Mr. BROWN. I thank the chairman for his help.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

If the Senator will withhold one moment, if I might inquire of the Senator

from Colorado his intentions with respect to his amendment No. 2495.

Mr. BROWN. Mr. President, the amendment, we believe, will be cleared on both sides. There is one Member from whom we have not been able to get a final word on that clearance. My hope is that the body will proceed with other matters while we attempt to get that cleared.

Mr. INOUE. I ask unanimous consent that that amendment be temporarily set aside.

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

MODULAR AIRBORNE FIREFIGHTING SYSTEMS
[MAFFS]

Mrs. FEINSTEIN. I would like to engage the distinguished chairman of the Defense Appropriations Subcommittee in a brief colloquy regarding an important National Guard equipment issue: replacement of the Modular Airborne Firefighting System [MAFFS].

As a Senator representing a state which has been especially hard-hit by the damage and destruction of wild fires, I am particularly aware of the importance MAFFS play in National Guard and U.S. Forest Service fire fighting efforts. In 1992 for example, MAFFS were used on 163 occasions to successfully combat some of the 65 major forest fires that burned more than 623,420 acres of land and caused \$285 million in damage.

As the Chairman knows, MAFFS are self-contained, reusable fire fighting systems carried on National Guard C-130 aircraft that supplement commercial firefighting aircraft. There are currently eight MAFFS located in various locations throughout the county, each capable of delivering 30,000 pounds of retardant in just 7 seconds.

Through the use of MAFFS, the National Guard has been able to prevent immeasurable damage to lives, property, forest lands, and scenic areas. Between 1973 and 1993, National Guard units completed more than 2,600 missions with MAFFS that delivered nearly 8 million gallons of retardant. In fact, all eight MAFFS are currently being used in the west to combat wild fires in California, Oregon, Washington and several other States. Every region of the country is protected by the critical mission that MAFFS perform.

Unfortunately, the MAFFS in operation today are more than 20 years old; the technology dates to 1971 and there are consistent problems with maintenance and repair of the systems. The estimated cost to replace the eight MAFFS is \$15 million—each unit costs \$1.5 million, with an additional \$3 million needed to re-engineer the outdated technology.

I know that the distinguished Chairman understands the importance of MAFFS in firefighting efforts, and hope that the Chairman will consider the need to replace the National Guard's MAFFS during conference on this bill.

Mr. INOUE. I agree with the distinguished senior Senator from California that Modular Airborne Firefighting Systems are an important resource that the National Guard and the U.S. Forest Service use to combat wild fires throughout the country. I also understand that the MAFFS currently in operation today are more than 20 years old and are in need of replacement.

The Senator from California is aware that this bill provides \$180,000,000 of undesignated funds for the National Guard to procure any equipment it needs to meet both its federal and state missions. I can assure the Senator from California that I will do everything I can to ensure the National Guard funding for miscellaneous equipment will not go below the Senate level. I am also hopeful that when fiscal year 1995 equipment funds are made available to the National Guard they will see the urgent need to replace the eight MAFFS you have identified.

Mrs. FEINSTEIN. I thank the distinguished Chairman very much for his consideration of this very important issue.

FUNDING FOR THE CONVERSION OF FORT ORD

Mrs. FEINSTEIN. I would like to engage the distinguished Chairman of the Defense Appropriations Subcommittee in a brief colloquy regarding defense conversion funding for Fort Ord.

Fort Ord has a long and illustrious history as one of the nation's largest military facilities. Named in honor of Maj. Gen. Edward Ord, who commanded Union troops during the Civil War, Fort Ord encompasses 28,000 acres on the Monterey Peninsula, where it has served as an important Army staging area for 77 years.

At the peak of World War II, when it served as a staging area for troops fighting in the Pacific theater, more than 50,000 troops were stationed there. It played an important role in the Korean and Vietnam wars as well. From 1972 through 1993 it was the home of the 7th Infantry Division, and as recently as last year, over 15,000 troops were stationed there.

As my colleagues can well realize, the closure of this facility has had a devastating impact on the surrounding communities of Monterey, Seaside, Marina, as well as other cities up and down the Monterey Peninsula. In response to the closure, the California State University system has put together an ambitious plan to utilize the existing facilities to develop a new university campus, an initiative that I strongly support.

Last year, Congress expressed its support and provided \$15 million to begin the conversion, and I thank Chairman Inouye for everything that he did to make that possible. I am hopeful that \$18 million can be provided in 1995 to continue the work. These funds are critical to the successful conversion of Fort Ord from a mili-

tary base to a world-class university, that when completed will serve 25,000 students from all over the nation.

This project is moving full steam ahead. On July 8 of this year, Secretary of Defense William Perry personally attended the ceremony transferring the title of the first of three land parcels to the University. The other two parcels will be transferred once they are deemed safe for use.

The defense conversion funds will be used primarily for converting buildings into classrooms, laboratories and administrative offices, and bringing the existing buildings up to both seismic, and health safety (i.e. asbestos abatement) codes. Funds will also be used to provide for accessibility according to Americans with Disabilities Act guidelines. No funds will be spent on overhead, which are being funded by the State in a cost-sharing arrangement. I strongly believe that we must keep this project on track, and a continued Federal commitment is vital to that end.

I am hopeful that the Chairman will be able to review this matter in conference and address the continued need of defense conversion funding for Fort Ord.

Mr. INOUE. The distinguished Senator from California can be assured that I will indeed review this matter in conference with the House, and will address Fort Ord's need for continued defense conversion funding.

Mrs. FEINSTEIN. I thank the distinguished Chairman very much for his consideration.

Mr. INOUE. Mr. President, I have an amendment proposed by Mr. GORTON, Mrs. MURRAY, and Mr. INOUE.

The PRESIDING OFFICER. Does the Senator intend to offer this as an amendment to the committee amendment or would he want the committee amendment set aside?

Mr. INOUE. Mr. President, I ask unanimous consent that we set aside the committee amendment.

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

AMENDMENT NO. 2496

(Purpose: To impose an additional condition regarding the requirement to reimburse the Mucklesoot Indian Tribe of Auburn, Washington)

Mr. INOUE. Mr. President, I send to the desk an amendment proposed by Mr. GORTON, Mrs. MURRAY, and Mr. INOUE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Hawaii [Mr. INOUE], for himself, Mr. GORTON, Mrs. MURRAY, and Mr. INOUE, proposes an amendment numbered 2496.

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

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

The amendment is as follows:

On page 19, line 19, after the period, insert the following: "The Secretary may not pay the Muckleshoot Indian Tribe the reimbursement otherwise required by the preceding sentence unless the Tribe waives in writing all claims that the Tribe may have against the United States or any agency or official of the United States (in the official capacity of that official), against the State of Washington or any agency or official of the State of Washington (in the official capacity of that official), and against the City of Seattle, Washington, or any agency or official of the City of Seattle, Washington (in the official capacity of that official), regarding the disposal of the Puget Sound Naval Air Station."

AMENDMENT NO. 2496

Mr. GORTON. Mr. President, I am offering an amendment that would place an additional condition on the reimbursement of funds to the Muckleshoot Indian Tribe for its expenses in developing and submitting a reuse base for Naval Station Puget Sound. Specifically, my amendment would require that the tribe forfeit its ability to file suit against local, State or Federal Government in writing before receiving this reimbursement. I understand that the amendment has been agreed to on both sides.

This issue began with the 1991 Base Closure Commission's recommendation to close Naval Station Puget Sound. Because the base sits on Lake Washington near downtown Seattle, a number of groups have expressed interest in acquiring portions of its real property. Beginning shortly after the Commission's recommendation, the city of Seattle, in conjunction with the local Navy office, began work on a community reuse plan that sought to accommodate as many groups as possible. After numerous hearings and revisions, the city arrived at a plan that accommodates two Federal agencies, the McKinney Act, and the various concerns of the surrounding community. At the same time, the Muckleshoot Indian Tribe was developing a separate reuse proposal.

While the Department of the Navy will ultimately decide which plan is implemented, the Department's decisions are guided by a Federal screening process that prioritizes requests. That process asks that Federal entities be considered before the McKinney Act and State and local governments.

Various Federal agencies have disputed the standing of Indian tribes in this process. Some agencies, such as the Bureau of Indian Affairs, have suggested that an Indian tribe proposal represented by a Federal agency be considered with other Federal requests. Others, such as the Department of Navy, have determined in accordance with their interpretation of U.S. law that Indian tribes should be considered as State and local governments.

The administration has yet to decide which of these interpretations the De-

partment of the Navy is to follow. As a result, the Department of the Navy has delayed choosing between the proposals for Sand Point. Regardless of its decision, however, I understand that the Muckleshoot Indian Tribe developed its proposal while under the impression—from Federal agencies—that Indian tribes would be considered as Federal agencies. In the event that the Navy does not give tribes that status, this bill will compensate the Muckleshoots by as much as \$600,000 for the cost of developing and submitting a proposal. In the end, this language will help the city of Seattle, the Navy and the Muckleshoot Indian Tribe reach an agreement acceptable to all sides.

The amendment I am offering would simply clarify this language to prevent the Muckleshoot Indian Tribe from receiving this compensation if it also chooses to file suit against a Federal or State Government or the city of Seattle. Law suits have tied up the reuse of other military bases while imposing significant legal expenses on all parties. A lawsuit on the final reuse of Sand Point would, in my opinion, be one of the worst possible outcomes of this long process. It would cost the taxpayers, it would cost the tribe, and it would leave the base closed, but not surplused.

Mr. President, I wish to thank the distinguished Senator from Hawaii for including the reimbursement provisions in this bill and agreeing to this amendment. If the White House chooses to emphasize the importance of community reuse proposals, as this body has directed it to on some occasions, I believe that it is probable that the Muckleshoot Indian Tribe will not have a Federal claim to Sand Point. In that event, this reimbursement will discourage the tribe from filing suit, while compensating the tribe for its real expenses in developing and submitting a proposal. This is in the very real interest of the city of Seattle.

Mr. INOUE. Mr. President, this amendment has been cleared by both sides and approved and accepted.

The purpose is to impose an additional condition regarding the requirement to reimburse the Muckleshoot Indian Tribe of Auburn, WA.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

So the amendment (No. 2496) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. I ask unanimous consent that the prior vote be also reconsidered and tabled.

AMENDMENT NO. 2497

(Purpose: To limit the use of funds for deactivating or reducing Army ROTC units)

Mr. INOUE. Mr. President, I send to the desk another amendment proposed by Senator DANFORTH and Senator BOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for himself, Mr. DANFORTH, and Mr. BOND, proposes an amendment numbered 2497.

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

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

The amendment is as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . Funds appropriated for the Army by this Act may not be expended to deactivate or to take any action necessary to deactivate any Army Reserve Officers' Training corps unit, or to reduce any such unit for the purpose of eventually deactivating that unit, unless the Secretary of the Army has determined that the unit has been placed in, and has been evaluated for a full evaluation period under, the Effective Management Program of the Army Cadet Command.

Mr. DANFORTH. Mr. President, I rise today to offer an amendment to rectify what I believe is a very unfair and arbitrary decision made by the Department of the Army last week. On August 2, the Army announced that it would deactivate 18 Army Reserve Officers' Training Corps units at colleges and universities throughout the country. Seventeen of the units that the Army will deactivate had been placed in the Army Cadet Command's Effective Management Program [EMP] and were the subject of long reviews. The Army Cadet Command uses the EMP program to evaluate and assist units which suffer from declining enrollment. After an evaluation period of between 2 and 4 years, units not achieving full viability are recommended for closure. According to the Army, "using the EMP process for closure purposes provides a definable, defensible DOD supported logic for these actions." Mr. President, I recognize that military budgets are shrinking and that each of the services must take extraordinary steps to cut spending. The Cadet Command's EMP program appears to be a reasonable way to cut back ROTC units which have outlived their usefulness.

For one of the 18 schools, however, the Army did not utilize the EMP. The Army announced that Washington University in St. Louis, MO, would lose its ROTC unit "under the provision of the contract agreement between the University and the Secretary of the Army." For Washington University, the Army did not undertake a thorough review. It did not put its unit on evaluation status or provide assistance to correct any deficiencies in the program. It did not give Washington University 2 to 4 years to rebut allegations

against its program or to demonstrate its commitment to the ROTC program. Instead, the Army avoided a thorough review and, to the great surprise of Washington University, elected to deactivate the ROTC because of alleged contract violations. Mr. President, this is the first time the Department of the Army has ever attempted to close an ROTC unit based on contract violations. If a drop in numbers of participants—an easily measured occurrence—deserves a thorough, 2 to 4 year review, then certainly alleged contract violations should be given a comparable review and an equal opportunity for rebuttal and for rectification. In the case of the Army's actions towards Washington University, the lack of a formal review process has permitted the Army to begin the process of deactivating a unit based on erroneous and very poor arguments which would not—and will not—survive a serious review.

The Army alleges three contract violations. The first alleged contract violation, according to the Army, is that the ROTC facilities at Washington University are not on the Washington University campus. There is no section of the contract which specifically requires that an ROTC facility be on campus. This alleged violation must relate to section 2(b) of the contract between the Army and Washington University, signed April 8, 1965. That clause requires Washington University "to make available to the Departments of Military Science the necessary classrooms, administrative offices, office equipment, storage space, and other required facilities in a fair and equitable manner in comparison with other departments of the institutions."

Mr. President, the Washington University ROTC facility is on campus and has been in the same location on campus for the last 16 years. The University owns the Academy building in which Army ROTC is housed. The ROTC building is directly across the street from the classrooms and offices of the School of Engineering and it is located in a neighborhood where many Washington University students live. To provide ROTC and other students with easy access to the north side of campus, the university built a walkway over Milbrook Boulevard, which provides a direct link between the Academy building and the School of Engineering. This walkway is similar to the underpass constructed by the university to connect the south side of the university to student dormitories, recreational fields, and the Department of Music facilities. This allegation by the Army is simply incorrect. If the Army truly had a problem with the location of the ROTC building, one would think it would have taken considerably less time that 16 years to voice objections.

The second allegation is that Washington University does not provide aca-

demetic credit for ROTC courses. This requirement is found in section 2(d) of the contract: "The governing authorities of this institution agree * * * to grant appropriate academic credit applicable toward graduation for successful completion of courses offered by the Department of Military Science."

Once again, this allegation is not accurate. The university leaves it up to individual schools within the university to determine whether or not ROTC courses should be provided academic credit. The School of Engineering provides up to three course credits for ROTC programs, and is considering expanding that to six. Those courses count as electives and are not factored into students' grade point averages [GPAs]. The School of Arts and Sciences does not provide course credit. That is Washington University's interpretation of appropriate credit.

Washington University's policy regarding course credit is better for its ROTC students than the policies of several other schools and is similar to many others. Some universities offer no course credit at all for ROTC courses. Bucknell University, Princeton University, Syracuse University, the Clairmont Colleges, the Massachusetts Institute of Technology, Georgetown University, and George Mason University are among those institutions which fit into this category. Several place restrictions on course credit. Neither Rutgers University nor the University of Pennsylvania include ROTC courses in a cadet's GPA. Davidson gives credit for only one ROTC course. The University of Washington does not award credit towards graduation for ROTC courses taken in the first two years of college. The University of Indiana offers activity credit but not regular course credit. Some universities give discretion to the university's colleges in a similar manner as Washington University. The University of Cincinnati, Temple University, the University of Pittsburgh, and the University of Michigan all follow that approach.

The third allegation is that Washington University does not support the ROTC program. The Army alleges that because Washington University includes a disclaimer in certain university publications pointing out the difference between university policy and DOD policy regarding sexual orientation, Washington University is somehow not supporting the ROTC program. First, I can find nothing in the contract which requires that the university provide general support for the ROTC program. It is required only to meet the specific terms of the contract. Second, to read this disclaimer as a serious lack of support of ROTC is misguided at best, and at worst can be viewed as an attempt to scapegoat Washington University for having a policy on sexual orientation which is different from the military's.

Washington University's non-discrimination statement reads: "Washington University encourages and gives full consideration to all applicants for admission, financial aid, and employment. The University does not discriminate in access to, or treatment or employment in, its programs and activities on the basis of race, color, age, religion, sex, sexual orientation, national origin, veteran status, or disability. Present Department of Defense policy governing ROTC and AFROTC programs discriminates on the basis of sexual orientation; such discrimination is inconsistent with Washington University policy."

Mr. President, this is a statement of fact. This does not demonstrate a lack of support for the ROTC program. Lack of support would be kicking ROTC off campus. This is what Pitzer College, California State University-Chico, and California State University at Sacramento did. It simply represents an attempt to deal with a contradiction between university and Pentagon policy in a responsible, respectful manner. And Washington University is not alone in utilizing disclaimers. Rutgers, Bucknell, Princeton, Claremont, Cincinnati, and Pittsburgh all have disclaimers.

Washington University has supported the ROTC program since 1919. It is the only Army ROTC program in the St. Louis area, which is home to several universities. In February of 1970, protesting students fire-bombed the ROTC building and burned it down. Despite strong student sentiment to the contrary, the University committed itself to keeping ROTC on campus. And over the past several years, as student and faculty sentiment has clashed with DOD policy on the issue of sexual orientation, Washington University has issued a disclaimer rather than taking more severe action. Washington University has supported the Army. And now, instead of giving Washington University ample opportunity and due process to rebut and respond to the allegations, it has made a quick decision to destroy the 75 year relationship.

Mr. President, in summary, these three allegations offer no good reason to deactivate the ROTC program at Washington University. Washington University behaves no differently than many other schools which continue to have ROTC programs. For the Army to suggest otherwise is simply inaccurate and unfair.

Mr. President, my amendment would not permit the Army to use these very shoddy allegations to deactivate ROTC at Washington University, or at any other university. It would require the Army to utilize a fair process to deactivate all ROTC units. Cadet Command already has such a procedure. In the Army's words, "using the EMP process for closure purposes provides a definable, defensible DoD supported logic

for these actions." This amendment would require the Army, if it does see fit to review the ROTC program at Washington University, to place the unit in the EMP and give it the same degree of consideration and support that it has given other units. If, at the end of the EMP 2- to 4-year evaluation period (the full evaluation period), it feels ROTC should be discontinued at Washington University, then at least it will have given the University a fair chance to rebut allegations it views as unfair and to demonstrate its intense interest in continuing the program. Anything short of that would be grossly unfair to an institution which takes its 75-year relationship with the Army very seriously and expects the same in return.

Mr. President, I ask unanimous consent to print in the RECORD a memorandum dated August 2, 1994.

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

INFORMATION FOR MEMBERS OF CONGRESS
SENIOR RESERVE OFFICERS' TRAINING CORPS
CLOSURES

The Department of the Army announced today that 18 Army Reserve Officers' Training Corps units at colleges and universities throughout the country will be deactivated. Each year, the U.S. Army Cadet Command does an Annual Program Review and assessment of schools on the Effective Management Program [EMP]. The EMP is a program Cadet Command uses to assist units which are marginally effective. Each year, all programs are reviewed. As a result of that review, some units are put on evaluation status and provided positive assistance. After an evaluation period (usually 2-4 years), those units not achieving full viability are recommended for closure. The program also identifies potentially strong markets for possible ROTC unit establishments.

As a result of this year's review, 18 ROTC programs will be deactivated. Based upon the EMP review, 17 of these units have exhibited a downward trend in many of the performance categories, including officer production, cadet enrollment, and academic disciplines of officers commissioned. One of the 18 units will close under the provision of the contract agreement between the University and the Secretary of the Army. Of the 18 units to be deactivated, seven are host schools and 11 are extension centers (smaller units that work under the direction of a nearby "host" unit). These extension centers have an average of three ROTC instructors assigned, and commissioned an average of four officers per school during the past years (versus a target of ten).

This year's review also identified 10 host units for downgrade to extension centers. Consequently these units will be missioned and resourced at a lower level commensurate with their performance and market size. Additionally, the Annual Program Review identified one extension center for upgrade to host status, moving a host position to another location, and an opening of an extension center.

Recognizing that some hardships to both schools and cadets will result from these closures, the Army will provide options for completing ROTC and obtaining a commission to all cadets in their junior and senior

years and all scholarship cadets. Cadet Command will notify and assist each affected cadet during the School Year 1994-1995. Senior officers from Cadet Command will deliver notification letters to the presidents of the affected schools on August 3, 1994.

When these reductions are completed, the Army will still have 316 units with representation in all 50 states, the District of Columbia, Puerto Rico, and Guam. Once closures are completed at the end of School Year 1994-1995 (there is normally a 1 year lag between notification and actual closure), the opportunity to participate in ROTC will remain in each State.

Last year, the Army leadership approved the closure of 17 schools at the end of School Year 1993-1994. Using the EMP process for closure purposes provides a definable, defensible DoD supported logic for these actions. Cadet Command works diligently to support these "at risk" programs and the closure decision will not be unexpected. The closures are an integral part of the overall re-engineering of Cadet Command. It is efficient to close our least productive units and redirect resources to move viable programs. This action will have no effect on the Army's Junior Reserve Officers' Training Corps (JROTC) program which is conducted at the high school level.

Furnished by Office, Chief of Legislative Liaison.

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides and is acceptable.

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

The amendment (No. 2497) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUYE. I ask unanimous consent that the prior vote be also reconsidered and tabled.

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

AMENDMENT NO. 2498

(Purpose: To require a preference for the use of local and small businesses for environmental restoration and remediation of Kaho'olawe Island, Hawaii)

Mr. INOUYE. Madam President, I send to the desk an amendment proposed by Senator AKAKA.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. AKAKA, proposes an amendment numbered 2498.

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

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

The amendment is as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. 8121. PREFERENCE FOR LOCAL AND SMALL BUSINESSES TO CARRY OUT ENVIRONMENTAL RESTORATION AND REMEDIATION OF KAHO'OLAWE ISLAND, HAWAII.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities to carry

out environmental restoration and remediation of Kaho'olawe Island, Hawaii, and the waters surrounding that island, the Secretary of the Navy shall, to the maximum extent practicable, give a preference to small business concerns and small disadvantaged business concerns located in the State of Hawaii. In giving the preference, the Secretary shall give especial preference to businesses owned by Native Hawaiians.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 7(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

Mr. AKAKA. Madam President, I offer an amendment to H.R. 4650, the Department of Defense appropriations bill for fiscal year 1995. The amendment I am offering would provide preference to small and minority-owned businesses in Hawaii for the restoration and remediation of Kaho'olawe, Hawaii.

Kaho'olawe holds a special place in the hearts of Hawaii's people. This island, devastated by years of bombings, still contains many culturally and historically significant resources. Ancient burial places, fishing shrines, religious monuments of old Hawaii can still be found on Kaho'olawe. Fortunately, the island was placed on the National Register of Historic Places.

The restoration and remediation of Kaho'olawe is important to the people of Hawaii, particularly to the Native Hawaiian community. In fact, the State of Hawaii recently designated the island as a cultural preserve. Thus, it is only fitting that preference be given to native Hawaiian-owned business and other small businesses in Hawaii, who have the cultural sensitivity in restoring and preserving Kaho'olawe.

Such preference is not new or unique. Native American groups have also been given preference for similar projects, and preference to local firms has also been given to communities affected by base closure or realignment. Given the cultural significance of Kaho'olawe to the people of Hawaii, it is only fair and fitting that we also extend a preference to the island's cleanup to its people.

Mr. INOUYE. Madam President, the purpose of this amendment is to provide preferential treatment to small businesses in the cleanup of the island of Kaho'olawe.

This amendment has been studied and approved by the managers.

The PRESIDING OFFICER. Is there further debate?

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

So the amendment (No. 2498) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2499

(Purpose: Limitation on Compensation)

Mr. STEVENS. Madam President, I send an amendment to the desk on behalf of Senator NICKLES.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NICKLES, proposes an amendment numbered 2499.

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

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

The amendment is as follows:

On page 11, line 19, before the period, insert the following: "Provided further, that the Undersecretary of Defense for Policy, shall, not later than October 15, 1994, transmit, in unclassified and classified forms, the Rand Corporation Study, published on or about December 1993, on The U.S. Role in Possible Middle East Peace Settlements to the congressional defense, intelligence and foreign affairs committees."

Mr. STEVENS. Madam President, I ask consideration of the amendment. It has been cleared on both sides in amendment form.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment.

The amendment (No. 2499) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, if I may speak to Members on my side, I have now until the hour of 6:50 p.m. to offer amendments on behalf of Republican Senators. We have no more ready to be offered at this time. I am hopeful that the Members and their staffs will be aware of the deadlines that have been set for offering of amendments and will bring them to the staff and to me as soon as possible.

Mr. INOUE. Madam President, I would like to also advise Members on this side of the aisle that we have until 6:55 p.m. to offer amendments. Furthermore, I would like to point out that we hope to finish this measure tomorrow. If that is the case, I hope amendments will be brought up as soon as possible.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, in the next few weeks, Congress—at the President's behest—may determine for all time not only the availability, but the quality of health care in America. The magnitude of this undertaking is so immense, the risks so consequential, and the potential for doing harm to a system that, with all its imperfections, remains the envy of the world is so evident that it should humble us all.

I have no doubt that every Member—in both Houses and on all sides of the debate—is motivated to act by the very best of intentions. But neither the nobility of the cause nor the sincerity of its advocates necessitates our careless disregard for the axiom of governance that our past experiences have shown to be the most sound principle for organizing the affairs of a great nation: the least government involvement practical is preferable.

Alexis de Tocqueville, to whose wise observances we often turn for insights about our national character, illuminated the pivotal importance of a minimally intrusive government to the success of democracy in America by envisioning the relationship between government and the governed in the event that democracy failed in America. He wrote:

[Government] will be an immense and tutelary power, which takes upon itself to secure [the people's] gratifications, and to watch over their fate. That power is absolute, minute, regular, provident and mild. It would be like the authority of a parent, if, like that authority, its object was to prepare men for manhood; but it seeks, on the contrary, to keep them in perpetual childhood. For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of their property, and subdivides their inheritances. What remains, but to spare them all the care of thinking and all the trouble of living?

From the outset of the health care debate, I have adhered to a set of principles that I believe are essential to constructive reform of our health care system. Reform should maintain the high quality of American health care; expand access for those who are currently excluded from the system; allow those who have insurance to keep it if they become ill or lose their job; preserve choice and strengthen security for all Americans. The distinguished Majority Leader's bill, which we are now considering, does not meet these

criteria for a number of reasons which I will detail in subsequent debate.

But it is that first principle of governance, that the least government involvement practical is preferable, and which I believe the Majority Leader's bill seriously violates, that forms the basis of my opposition to Senator MITCHELL and the President's approach to health care reform.

Let me briefly explain why. The new taxes and employer mandates proposed by Senator MITCHELL and the President will be used to finance an enormous Government takeover of the health care system. They will pay for a huge new entitlement program that will subsidize at least 100 million people—almost half of the country. Subsidies would be available to some families with incomes up to 300 percent of the poverty line. Families of four with income of \$44,000 would be entitled to a subsidy.

Additionally, the bill creates three other new entitlement programs at an estimated cost of \$172 billion, including Medicare prescription drugs, a new long-term care program, and a new government-run medical education program funded by a tax on all health insurance plans.

Under Senator MITCHELL's plan, at least 20 new bureaucracies will be created. They include: the National Health Care Cost and Coverage Commission; the National Health Benefits Board; State health insurance purchasing cooperatives; Federal health insurance purchasing cooperatives established by OPM; a National Quality Council; a Worker's Compensation Commission; a National Council on Graduate Medical Education; State Consumer Information and Advocacy Centers; Quality Improvement Foundations; a National Guarantee Fund for Multi-State Self-Insured Plans; State guaranteed funds; a Biomedical and Health Services Research Fund; and mandatory State alternative dispute resolution.

The President and Senator MITCHELL's plan imposes substantial new Government regulation. In addition to the employer mandate, it would impose a complicated new tax on health plans whose premiums increase faster than the Government allows. It will operate in a manner similar to price controls. The plan also bans self-insurance for firms with fewer than 500 employees, and imposes a standard benefits package which limits consumer choice.

In short, Mr. President, for those of us who worry about excessive Government interference in one of the most personal decisions any American will ever make—choosing health care for his or her family—there is a great deal for us to be concerned about in the President's and Senator MITCHELL's health care plan.

I do not question the motives of the proponents of this plan. I am confident

that theirs is a principled advocacy motivated by a belief that a huge Government role is necessary to reform those aspects of our health care system which we all agree need to be reformed. Again, I do not question anyone's motives. I only question their solution.

Likewise, ours is a principled opposition based, as I have said, in our profound skepticism about new and expansive Government activism in regulating America's health care system. As the debate on health care reform proceeds, much discussion will be focused by necessity on many arcane and complex aspects of various reform proposals. But we should not lose sight, Mr. President, that at the core of this debate is a fundamental disagreement about the extent of Government involvement that is necessary to make a good system better.

That is, in the end, most of what this debate is all about. And I deeply resent attempts by proponents of the President's approach to ascribe all manner of devious and nefarious motives to opponents of the President's plan. Again, this is a principled disagreement. We opponents believe just as sincerely in our plan to reform America's health care system, as the President, First Lady and their allies in the Congress believe in their plan.

Last week, the distinguished majority leader appealed to all Senators to avoid casting aspersions on the intentions of any one involved in this historic debate, on either side, and to keep partisan bickering to a bare minimum; that the issue was too important and the moment too consequential to be settled through personal attacks and political posturing. I could not agree more.

Yet, I would have hoped that the majority leader's plea would have been heard on both sides of the aisle, at both ends of Pennsylvania Avenue. Apparently, that was not the case.

Today, our Democratic colleagues denied Senator HELMS' request to vitiate the yeas and nays on an amendment which he proposed. If there was anything other than a political motive for opposing his unanimous-consent request it was not apparent to me.

Yesterday, the First Lady, Mrs. Clinton, was reported to have described opponents of the President's plan as a "small core of people" who want to prevent America from being a "compassionate and caring nation." She went on to apparently link those with different views on health care reform from hers to efforts to inject "hatred" into our political system." Lastly, she questioned the motives of one of our colleagues by name.

I would point out to the First Lady, that in every poll I have seen, the American people also oppose the President's health care plan. Does this mean that the majority of Americans lack compassion or are morally bankrupt?

I find the First Lady's unfair and unfounded characterization of our intentions to be entirely inappropriate, deeply offensive, and certain to undermine the majority leader's attempt to conduct the debate on health care in a respectful and informative manner.

No one in this town has cornered the market on compassion—no one. We are all moved by the many compelling personal stories that are often recounted to argue for one view or another in this debate. Americans share a great many concerns. We all have families. We all suffer anxieties about their welfare. We are all sympathetic to the anxieties of others. The ability to appreciate the pain of human suffering is not a virtue unique to the President's character.

Just like the President, the First Lady, and our Democrat colleagues, Republicans elected to Federal office came to this town with the intention of doing right by their constituents and their country. We are just as sincere in wanting to leave this good and blessed Nation better than we found it. We all believe in progress. We disagree over means, but not ends.

I find it most unfortunate to be obliged to remind the White House that what occurred in January, 1993 was that Bill Clinton was inaugurated the 42d President of the United States. What did not occur was the arrival of a morally superior force of public servants determined to save the country from a small core of cold-hearted evildoers bent on frustrating the President's attempts to make America a more compassionate Nation.

I hope the First Lady's attack yesterday will be the last time this debate is marred by White House efforts to turn a principled debate about the proper role of Government in one-seventh of our Nation's economy into some cosmic struggle between good and evil. Such tactics do a grave disservice to the President, to Congress and to the American people who, quite rightly, want this debate to be enlightening and conducted with the respect and fair-mindedness appropriate to a decision of such profound consequences for their well-being.

Madam President, I suggest the absence of a quorum.

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

I ask unanimous consent the pending committee amendment be set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Does the Senator from Arizona withdraw his request for the call of the roll?

Mr. MCCAIN. I withdraw my request for the quorum call and maintain my right to the floor.

The PRESIDING OFFICER. The Senator does continue to have the floor. The Senator from Arizona.

AMENDMENT NO. 2500

(Purpose: To provide for a temporary waiver of the prohibition on concurrent payment of disability compensation and uniformed services retired and retainer pay for certain totally disabled career members and former career members of the uniformed services)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAHAM, proposes an amendment numbered 2500.

Mr. MCCAIN. 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 142, between lines 7 and 8, insert the following:

SEC. (a) The prohibition on concurrent award of compensation and retirement pay (including naval pension) set forth in section 5304(a)(1) of title 38, United States Code, does not apply to a person who has a service-connected disability if—

(1) the person has completed at least 20 years of service in the uniformed services that is creditable for purposes of computing the amount of retirement pay to which the member is entitled;

(2) the disability was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

(3) the disability is a disability rated as total—

(A) by the Secretary concerned as of the date on which the person is retired from the uniformed services; or

(B) by the Secretary of Veterans Affairs within four years following the date on which the person is retired from the uniformed services.

(b) Notwithstanding section 1463(a) of title 10, United States Code, the amount of retirement pay paid in accordance with subsection (a) concurrently with the payment of disability compensation to the recipients of such retirement pay shall be paid out of funds appropriated by this Act.

(c) Subsection (a) is not applicable to a person for any period for which the disability of such person is not a disability rated as total as described in paragraph (3) of such subsection.

(d) In this section:

(1) The terms "compensation", "service-connected", and "Secretary concerned" have the meanings given such terms in section 101 of title 38, United States Code.

(2) The term "disability rated as total"—

(A) means a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; and

(B) does not include a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities or by reason of any other factor.

(3) The term "uniformed services" has the meaning given such term in section 101(a)(5) of title 10, United States Code.

(e) This section shall take effect on October 1, 1994, and shall apply to months that

begin on or after that date and before October 1, 1995.

Mr. MCCAIN. Madam President, I ask unanimous consent to add Senator GRAHAM of Florida as a cosponsor of this amendment.

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

Mr. MCCAIN. Madam President, for over 3 years now I have been engaged in fighting for a cause which I feel strongly about—the discrimination of disabled veterans who must forgo retirement benefits. Current law prohibits concurrent receipt, requiring a career military servicemember who retires with 20 years of service and is disabled, to offset his or her retirement pay with any VA disability compensation the member receives. Because the career Military servicemember receives no separate payment for his service-connected disability, our Government is effectively requiring career military retirees to fund their own disability benefits. Therefore, I rise today to offer an amendment to correct this gross inequity.

Madam President, the amendment I have offered would waive the prohibition of concurrent receipt for a year and provide for concurrent payment of disability pay and retired pay if the following criteria is met:

First, a veteran has completed 20 years of military service; and

Second, the disability was incurred or aggravated in the performance of duty in military service; and

Third, disability is rated as 100 percent at the time of retirement or within 4 years of the veteran's retirement date.

According to recent figures from the Department of Defense, there are about 7,000 former servicemembers who are rated 100 percent disabled and have completed 20 years of service. The cost of paying concurrent receipt in this legislative provision is about \$55 to \$60 million and will affect about 3,500 veterans.

Because the Office of Management and Budget has scored this change in concurrent receipt policy as a PAYGO cost, offsets elsewhere in the Department of Defense account must be found. However, although this task has become increasingly difficult, I believe that there are still some areas in the Department of Defense budget that can be cut and not have a detrimental effect on readiness in our Armed Forces.

For example, the travel pay of senior-level officer and civilian executive travel of the Pentagon staff. This travel is primarily for Department of Defense civilians, Generals and Admirals and Members of Congress. Additionally, funds that are available for support to travel such as the operation and maintenance funds of the Air Force 89th Airlift Wing, the Marine Corps HMX-1 Squadron, and the Joint Chiefs and Service Secretaries execu-

tive transport aircraft should be considered. According to the Department of Defense's own figures, it seems outrageous that these costs for executive travel approach nearly \$370 million.

Equally as astonishing is the exorbitant administrative costs that the Department of Defense spends each year processing travel orders. In fact the Department of Defense spends more each year to process travel orders than it does on travel itself. According to figures compiled by Vice President AL GORE and the National Performance Review [NPR], the Pentagon spends \$2.3 billion each year processing \$2 billion worth of travel vouchers.

I do not believe it is necessary for me to list for the Appropriations Committee all the areas in the Defense budget which could be reapportioned to fund funding to pay for concurrent receipt. Suffice it to say this should be done, not at the expense of readiness in our Armed Forces, but rather from defense accounts such as executive travel, university research, research, development, test, and evaluation, and military construction, for example.

Concurrent receipt is a fairness issue. The present law simply discriminates against career military people. Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. Over the past several years the Congress and the Department of Defense have sought to deal with this issue in a variety of ways.

I know personally the character of Americans who take up arms to defend our Nation's interests and to advance our democratic values. I know of all the battles, all the grim tests of courage and character, that have made a legend of the Army, Navy, Marine Corps, and Air Forces' devotion to duty.

Let me remind this body of the grave sacrifice that our men and women who risk their lives for their country must endure. The United States has exerted military force more than 240 times since the end of World War II. That number will almost certainly increase in the future.

We have seen the efficacy of U.S. military power in this new era displayed in Panama and the Persian Gulf. But we have also seen conflicts that reveal the limits of that efficacy, and for which we have few, if any, viable military answers. Such is the case in the horrible tragedy of Somalia and Bosnia.

But be assured, we will continue to place our servicemen and women in harms way. When our vital interests are so threatened that such a grave step becomes necessary.

It is also appropriate to note, Mr. President, that we know how important our Armed Forces have been to

advancing the just influence of our values. The Iron Curtain did not collapse by accident. The triumph of freedom in the world today is a direct consequence of the blood shed by those in battles too numerous to mention. Their sacrifices protected more than a narrow definition of our national interest. They served, in Lincoln's words, as "a beacon light of liberty" to the most oppressive societies on Earth.

We now have an opportunity to show a measure of our gratitude to these brave men and women. It is time for Congress to reverse the law that prohibits career military who are wounded during their service to our country from receiving earned retirement benefits.

I have learned, through personal experiences, that our human resources are our most valuable asset. You cannot win a war on firepower alone. Our Armed Forces have the most technically advanced weapons in the world, but if you don't have skilled, experience to operate and the best trained soldiers, sailors, marines, and airmen to operate them, then we are not adequately prepared to fight to defend our national interests.

I believe we have prepared ourselves properly. Never has this Nation seen a better trained and better educated Armed Forces.

However, we are moving to a smaller force structure, from 1.8 million to 1.2 million personnel by the turn of the century. Our service men and women are losing faith in the careers they have chosen. Draconian cuts in the defense budget negatively impact our active and retired military service members each day. In my nearly 25 years of military service and my continued close observation of the military since I retired, I have seen an erosion of benefits for active and retired service men and women each and every day. To opponents of concurrent receipt who make the argument that the military receives an abundance of benefits which should exclude them from any additional benefit, I can only remark that they are dead wrong.

I cannot think of a more fitting way for Congress to appropriate some of the reduced defense expenditure, than to correct the policy of requiring American veterans, injured in service, to waive their earned retirement benefits in order to receive disability benefits. It is entirely inequitable that military retired pay is offset dollar-for-dollar by veterans' disability compensation pay.

I firmly believe that nondisability military retired pay is post-service compensation for service rendered in the U.S. military. Veterans' disability compensation pay is not.

In my view, the two pays are for very different purposes; one for loyal and selfless service to our country and the other for physical or mental pain and suffering; occurred in that service.

Previously, I have cosponsored concurrent receipt legislation, like that sponsored by my friend and colleague from Florida, Senator BOB GRAHAM, which required a sliding scale of offsets that would reduce compensation as disability ratings increase. Other proposals call for a phase-in over a number of years, a proposal only to individuals who have a 30 percent or less rated disability, and other variations on these themes.

Because of the complexity of some of these proposals and the costs associated with them, I believe that most of the proposals compromise the basic philosophy behind the purpose for this legislation. Again, that philosophy holds that VA disability pay is for physical or mental pain or suffering and it should remain independent of career military service pay.

Last year, it was involved in a very sad case where a career Arizona sailor lost his leg from injuries sustained while serving aboard a Navy guided missile destroyer. This young man lost his leg above the knee, yet only received 60 percent disability. So, with a veteran with 100 percent disability, how can you say no? No, to his earned retirement pay for his 20 years of service to his country. No, to the disability compensation for mental or physical pain or suffering caused from service to his country. How can anyone deny a military retiree with 100 percent disability from receiving his retirement pay and veterans' disability pay?

I am very hopeful that, once the administration and the Pentagon finally understands that Congress will not allow it to ignore disabled military retirees, that the Department of Defense will provide the Congress with a fair and equitable plan to permanently and properly compensate military retirees with disabilities.

I hope my colleagues understand the grave injustice that we have subjected our most seriously injured veterans to. I hope that they will vote for this amendment as a first step to correct this inequitable policy and restore to our disabled service men and women the proper measure of our Nation's gratitude for their great sacrifices on our behalf.

Madam President, I ask unanimous consent that letters of support for this legislation from the Military Coalition, a consortium of 25 nationally prominent military associations, the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees be printed in the RECORD.

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

THE MILITARY COALITION,
Alexandria, VA, August 6, 1994.

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

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of 25 nationally promi-

nent military associations (signatures enclosed) representing 3.75 million active, retired, and reserve members of the seven uniformed services and their families and survivors, strongly supports your proposed amendment to the FY 1995 Defense Appropriations bill that would provide concurrent receipt of military retired pay and VA disability compensation for retired members with 20 or more years of service, who are determined to be 100 percent disabled, and whose disability was incurred as a direct result of their military duties.

The Military Coalition has long supported the concept of concurrent receipt, but recognizes that funding constraints may necessitate limiting eligibility to those whose disability is most severe. This approach is consistent with the recommendations made by the Coalition during testimony before the Senate Armed Services Subcommittee on Force Requirements and Personnel on April 14, 1994. The Coalition concurs that the required funding should not come from readiness-related areas of the defense budget.

We deeply appreciate your continuing advocacy of the need to redress the compensation inequity imposed upon disabled military retirees, and will continue to work with you toward achieving this worthy goal.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret),
The Retired Officers
Assn., Co-chairman.

MICHAEL OUELLETTE,
Sergeant Major, USA
(Ret), Non Commissioned
Officers
Assn., Co-Chairman.

The letter was also signed by representatives of the following organizations:

Air Force Sergeants Assn.
National Association for Uniformed Services.
The Retired Enlisted Assn.
Enlisted Assn. of the National Guard Assn. of the US.
Marine Corps Reserve Officers Assn.
National Military Family Assn.
Commissioned Officers Assn.
Marine Corps League.
CWO & WO Assn., USCG.
Jewish War Veterans of the USA.
United States Armed Forces Assn.
Naval Enlisted Reserve Assn.
Navy League of the US.
The Military Chaplains Assn.
US Army Warrant Officers Assn.
US Coast Guard CPO Assn.
National Guard Assn. of the US.
Naval Reserve Assn.
Reserve Officers Assn.
Air Force Assn.
Assn. of Military Surgeons.
Fleet Reserve Assn.
Assn. of US Army.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
August 10, 1994.

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

DEAR SENATOR MCCAIN: The Veterans of Foreign Wars of the United States (VFW) strongly and unconditionally supports your proposed amendment to the FY 1995 Defense Appropriations Bill that would provide concurrent receipt of military retired pay and VA disability compensation for retired members who have served on active duty for 20 or more years and who were subsequently determined to be 100 percent disabled as a result of illness and/or injury incurred in the line of duty.

The VFW has had a nationally approved resolution reflecting the collective judgment of our 2.2 million member organization for each of the past eight years asking Congress to grant concurrent receipt of military retirement pay and veterans disability compensation to all disabled retirees. Given the present budgetary constraints this Congress is working under, we believe your amendment is absolutely the right course of action to take today. We wholeheartedly agree that the required funding should not be taken from the readiness related areas of the defense budget.

In closing, we again thank you for all your efforts on behalf of disabled veterans in general and disabled military retirees in particular. The VFW will continue to work closely with you and your professional staff to achieve our common goals.

Sincerely,

BOB MANHAN,
ASSISTANT DIRECTOR,
National Legislative Service.

THE AMERICAN LEGION,
Washington, DC, August 9, 1994.

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

DEAR SENATOR MCCAIN: For many years The American Legion has believed that the professional members of the Armed Forces of the United States throughout their careers, have made repeated sacrifices for their country in ways neither found nor expected in a civilian profession. They live under circumstances of adverse environmental conditions, suffer through long periods of family separation while deployed in military operations, work in foreign lands under hostile weapons fire with insufficient personnel to meet mission requirements and receive little recognition for a job well done. It is that unquestioned loyalty, commitment to ideals and reaction to danger throughout a career that can result in permanent physical impairment and a requirement to fund their own disability compensation from their retired pay.

The American Legion supports your proposed legislation to award concurrent receipt of both retired and disability pay to those professional career veterans who are adjudged to be 100 percent disabled after their 20 year retirement, or within four years afterwards, and are disabled because of service-connected or line-of-duty service. The numbers of retirees who meet these criteria are estimated at less than 3,500, but are the most deserving because of their sacrifices and the reduction or negation of their earning potential for follow-on employment.

It is recognized there are other circumstances and criteria that cause military retirees to become 100 percent disabled. Under your proposed criteria some of them may be exempt from this bill. However, even though they are no less deserving, and even though The American Legion continues to support concurrent receipt for all disabled military retirees, the fiscal realities of today's budget may for now, prohibit coverage of all retirees who are 100% disabled. But, as a grateful nation this small initial step should be taken for the most seriously disabled who have unselfishly served their country.

Sincerely,

BRUCE THIESEN,
National Commander.

DISABLED AMERICAN VETERANS,
Washington, DC, August 10, 1994.

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

DEAR SENATOR MCCAIN: On behalf of the more than 1.4 million members of the Disabled American Veterans (DAV) and its Women's Auxiliary, I take this opportunity to express our support for your proposed amendment to the Fiscal Year 1995 Defense Appropriations Bill. Your amendment would provide concurrent receipt of military longevity retirement pay and Department of Veterans Affairs (VA) disability compensation for totally disabled veterans.

As you are aware, the DAV has long supported the principle of concurrent receipt for military longevity retirement pay and VA disability compensation. While your amendment does not grant concurrent receipt to all service-connected disabled military longevity retired veterans, it would provide meaningful assistance to our nation's most seriously disabled service-connected military retirees.

Your efforts on behalf of America's disabled veterans are greatly appreciated. If there is anything my staff can do to assist you in achieving this worthy goal, please do not hesitate to contact them.

Sincerely,

RICHARD E. MARBES,
National Commander.

PARALYZED VETERANS OF AMERICA,
Washington, DC, August 10, 1994.

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

DEAR SENATOR MCCAIN: The Paralyzed Veterans of America (PVA) wholeheartedly supports your proposed amendment to the FY 1995 Defense Appropriations Bill which would enable service-connected disabled veterans to receive both retirement and disability pay. This concurrent payment would only be applicable to those veterans whose disability is rated 100 percent, and is granted upon their 20 year retirement, or within four years afterwards. Although PVA would like to see this benefit extended to all 100 percent service-connected retired members, the need to limit the number of beneficiaries due to budgetary constraints is appreciated.

PVA appreciates the support you have extended to the disabled veterans in the past and again thank you for your efforts in this proposed amendment.

Sincerely,

RICHARD F. JOHNSON,
National President.

UNIFORMED SERVICES
DISABLED RETIREES,
Albuquerque, NM, August 10, 1994.

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

DEAR SENATOR MCCAIN: The Uniformed Services Disabled Retirees (USDR) represents all service-connected disabled military retirees who served in not only one (1), nor two (2); but in three (3) of our Nation's wars. It also includes the Cold War.

We strongly support your proposed amendment to the FY 1995 Defense Appropriations Bill. We realize that the Bill would provide concurrent receipt for those retired members with 20 or more years of military service and determined to be 100 percent disabled by the Department of Veterans Affairs as being incurred in the line of duty. I would hope that under the determination of the Department of Veterans Affairs, that they would include those who are rated as 100 percent disabled for unemployability.

The issue of concurrent receipt denial is a century old law. In its original state, the law was written to make it unfair and unjust besides discriminatory towards the service-connected disabled military retirees. Today, it places a financial hardship upon this group of America's disabled veterans, especially those rated as 100 percent disabled for total disability and or unemployability.

USDR encourages the United States Congress to accept your amendment and finally partially end the unfairness and injustice.

We of USDR greatly appreciate your continued advocacy to address the unfairness and place an end to the injustice pertaining to concurrent receipt.

Sincerely,

STEPHEN WOLONSKY,
President.

It is my understanding that this amendment may be accepted by the managers. If not, I will request the yeas and nays.

I ask unanimous consent to add as cosponsors Senator DOLE, Senator GRAMM, Senator FORD, Senator PRESSLER, Senator BINGAMAN, Senator MACK, Senator AKAKA, Senator DASCHLE, Senator SARBANES, and Senator LAUTENBERG.

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

Without objection, the pending committee amendments are set aside.

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

The PRESIDING OFFICER. Is there further debate?

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I rise in support of the McCain amendment which addresses a fundamental matter of fairness and equity for a group of 100 percent disabled military retirees who incurred their disability in the performance of duty. In my view there is no one more deserving of the full benefits they earned than these individuals who each served our Nation at least 20 years and now are generally unemployable as a result of disability.

The amendment would, for this carefully selected group, allow concurrent receipt of their military retired pay and their VA disability benefit without the currently mandated dollar for dollar reduction in their retired pay. As the Senator from Arizona has pointed out, career military retired veterans are the only group of Federal retirees who are required to waive a portion of their retirement pay in order to receive VA disability compensation.

I commend the Senator from Arizona for his perseverance in trying to find a way to address this inequity within the budget constraints we face. He has designed a narrow exception to the current statute that will begin to deal with this inequity by focussing on those most needing these benefits. The cost, estimated at \$55 million, is paid for through nonreadiness reductions, particularly in the travel area where recent reports have indicated the Pen-

tagon is spending an inordinate amount of money on administrative expenses.

I am delighted to be part of this effort to ensure those military retirees with 100 percent disability as a result of the performance of their duty for the Nation over a 20-year career can receive the full benefits they earned through their service. I hope the amendment will be broadly supported by our colleagues.

Mr. GRAHAM. Madam President, I also rise in strong support of the amendment offered by the Senator from Arizona. There is a perversity here in that two military veterans, both of whom have suffered an injury in the course of service to their Nation, both of whom are receiving disability payments, one of whom elects to continue in military service until retirement. That individual, upon retirement, will see his or her retirement benefits reduced proportionate to the receipt of disability payments.

The second serviceman or woman who elects to leave the service and go into other employment, including employment with another Federal agency and serves until retirement, continues to get their full disability payment and the retirement that they have earned.

So the practical effect of this is to penalize those persons who, after having suffered a disability in the service to the Nation, then continue that service until retirement. It is a very perverse set of incentives in terms of maintaining the loyalty and service of outstanding people for our Nation's military.

It is, I think, an inexplicable example of unfairness to a group of citizens who, if anything, deserve our special commendation, both for having suffered an injury in service of the Nation and then having continued to serve until retirement.

I hope this Senate will end that unfairness this year with the adoption of the amendment offered by the Senator from Arizona. I am very pleased to join him in this effort.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCAIN. Madam President, it is not clear to me yet whether the managers of the bill will choose to accept the amendment or at the appropriate time I will seek the yeas and nays. At this time, I yield to the distinguished manager of the bill, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, if the Senators will indulge us, may I suggest the absence of a quorum?

Mr. MCCAIN. Could I ask the Senator to withhold that? I ask for recognition.

The PRESIDING OFFICER. Does the Senator from Hawaii withhold his request for a quorum call?

Mr. INOUE. I just suggested the absence of a quorum to discuss this matter.

The PRESIDING OFFICER. The Senator from Arizona has asked that the Senator from Hawaii withhold that.

The Senator from Arizona.

AMENDMENT NO. 2501

(Purpose: To require reimbursement of the Department of Defense for funds made available by the Department for civilian sporting events)

Mr. MCCAIN. Madam President, I ask unanimous consent that the pending amendment be set aside so that I may send an amendment to the desk.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2501.

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

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

The amendment is as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. 8121. REIMBURSEMENT FOR FUNDS PROVIDED IN SUPPORT OF CIVILIAN SPORTING EVENTS.

(a) AGREEMENT FOR REIMBURSEMENT.—Notwithstanding any other provision of law, funds made available to the Department of Defense under title II of this Act may not be expended either directly or indirectly to support the World Cup Soccer Games, the Goodwill Games, an Olympiad, or any other civilian sporting event until the Secretary of Defense—

(1) enters into an agreement with the entity or entities that are to receive the funds to provide for such funds to be reimbursed to the Department under terms and conditions established by the Secretary; and

(2) certifies to Congress that the agreement ensures that such reimbursement will be made.

(b) TERMS OF AGREEMENT.—An agreement entered into under subsection (a)—

(1) may not require any reimbursement until after the sporting event is complete and all event-related contractual obligations have been met by the entity or entities with which the agreement was made;

(2) shall provide that the amount reimbursed may not exceed 25 percent of surplus funds; and

(3) shall provide that no reimbursement is required if the entity or entities with which the agreement was made has no surplus funds after all other contractual obligations have been met.

(c) DEFINITION.—In this section, the term "surplus funds" means the amount equal to the excess of the total amount of revenues (other than tax revenues) and contributions received by the entity or entities referred to in subsection (b) over the total amount of the expenditures made by the entity or entities.

Mr. MCCAIN. Madam President, the amendment is a rather simple, straightforward amendment. It requires that the Department of Defense be reimbursed for expenditures entailing the use of Department of Defense

personnel and equipment to provide security for any civilian sporting event, but that the Department of Defense only has to be reimbursed if there is a profit and if there is a profit, only on 25 percent basis of that profit.

What I am saying is that if the taxpayers' dollars are spent in the World Cup, the Olympics, the Goodwill Games, or any other, and a profit is made, as happened in the Los Angeles Olympic games which made a staggering \$222 million profit, if there is a profit, then this amendment says that on a 25-percent basis of that profit, that the Department of Defense would be reimbursed.

I want to make it clear that I strongly believe that security needs to be provided for any of these games. The memory of the 1972 Olympics tragedy in Munich haunts all of us, and I would not want to reduce that security in any way. But I do believe that since we are spending taxpayers' dollars and sending Department of Defense personnel and equipment to be used, that if that Olympic game or that civilian sporting event makes a profit, then some of the money of the profits should be returned to the Department of Defense.

It is pretty straightforward, and I think it is logical and I think it is reasonable. I know that the Senators, especially from the State of Georgia, and other places, object to this amendment.

Let me also point out, Madam President, that most of these games do not make profits. The Senior Olympics, the Special Olympics—all of those—and the Olympics in Atlanta, I am told, do not expect to make a profit. So I do not expect the Department of Defense to be reimbursed if they do not make a profit.

I am only saying if they do make a profit, at least on a 25-percent basis that the Department of Defense should be reimbursed.

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

Mr. HEFLIN. Madam President, the announcement that the city of Birmingham had been selected to host the preliminary competition in the 1996 Olympic soccer tournament was an occasion for all the citizens of Alabama to rejoice. We were even more delighted to learn that Birmingham was one of two host cities for the quarter-final games.

Thousands of people turned out in August 1993 when members of the Atlanta Committee for the Olympic Games, the U.S. Soccer Federation, and the Federation of International Football Association visited Birmingham. I think the spirit and enthusiasm which were so evident that day had a great deal to do with the decision to award these games to Birmingham.

I assure you this spirit is even stronger today. The citizens of Alabama will put forth every effort and

dedicate every resource to guarantee that the athletes and spectators to these games receive an Olympic welcome that is second to none. I am told that as much as 60 percent of the world's population will watch these games on television. We know well the opportunity this presents to put our State on display around the world, and State leaders have assured me it will be taken full advantage of.

Hosting these prestigious games means much more than games run efficiently and people being welcomed. Those attending the games must be kept safe. The bitter memories of Munich in 1972, when terrorists scarred this celebration of the human spirit, remain with us still. We simply cannot afford to take a chance on anything like that happening on American soil.

The resources of the Department of Defense and other agencies involved in this security—the FBI, State Department, and Department of Treasury—are vital to the success of this mission. We cannot do it without them, and providing this assistance is clearly within one of Government's basic responsibilities—that of protecting its citizens and visitors to our shores.

Mr. President, my distinguished colleague from Arizona maintains that adoption of this amendment will not compromise security. However, I know that Senator NUNN, chairman of the Armed Services Committee, is opposed to this amendment. He clearly does not believe it to be in the best interests of the Olympic games being held in Atlanta. I also understand that the Defense Department itself does not support the amendment. Existing DOD policy allows for reimbursement in appropriate cases.

Therefore, I urge my colleagues to oppose this amendment. Planning is simply too far along, and the success of that planning is too critical for the process to be changed now. It is a risk we cannot afford to take.

Mr. SHELBY. Madam President, I rise in opposition to the amendment offered by my distinguished colleague from Arizona. My colleagues know that I am a strong supporter of national defense, and have always supported efforts to make sure that our men and women in uniform have the resources needed to perform their mission. I think this amendment could have disastrous results, and I must therefore oppose it.

I share the pride felt by all Alabamians at the decision to designate Birmingham, AL, as the host city for preliminary Olympic soccer games. Alabama, as well as the rest of the South, will be on display in July 1996 for the entire world to see. These games will build on the momentum generated by the recently held World Cup Games in this country, and the added prestige afforded by the Olympic rings will assure that thousands of people will assemble

in Birmingham to watch the preliminary Olympic soccer games.

Security is unfortunately a vital part of the modern Olympics. We all remember the tragedy of the Munich Olympics, and no one wants to see any repeat of that in our own country. Local and State officials are going to need significant help in preparing for the complex threat posed to these games by the increasingly sophisticated and numerous groups of terrorists springing up around the world. The majority of the entire world will be watching these events, and this affords tempting opportunity for these evil and dangerous groups to elbow their way into the spotlight of world attention.

Madam President, I too want to help DOD husband its resources, but this amendment is wrong. In fact, I am told that DOD does not support this amendment. As I understand it, existing DOD policies allow for reimbursement for security expenses whenever it is appropriate, and DOD does not feel the need for any added protection.

The distinguished chairman of the Senate Armed Services Committee opposes this amendment because he fears that it may adversely impact the complicated process that is necessary to develop and implement a plan with the flexibility and sophistication to meet the serious threat of international terrorism. I concur in that judgment.

Madam President, those who have planned for the Atlanta Olympic Games have relied for more than 4 years on the continued ready availability of certain limited DOD resources. Introducing a new and complicated reimbursement process at this late date gains us little, and could cost our Nation much.

I urge my colleagues to defeat this amendment.

Mr. LIEBERMAN. Madam President, on previous occasions I have come to the floor of the Senate to speak about a program which helps people across the country and the world demonstrate courage, build self-respect, and feel the pride which comes from doing one's best even in the face of adversity. As you well know, the program I am speaking about is the Special Olympics which is the result of the vision, energy, and efforts of a very special woman, Eunice Kennedy Shriver, some 25 years ago.

This coming year, July 1 to 9, 1995 to be exact, the Ninth Special Olympics World Summer Games will bring over 6,700 special athletes from over 135 countries along with 2,000 coaches, 15,000 family and friends, 45,000 volunteers, 1,500 media representatives, and over half a million spectators to Albert Magnus College, Quinnipiac College, Southern Connecticut State University, the University of New Haven, and Yale University. For 9 exciting days, these Special Olympic games give men and women with mental retardation

the opportunity to compete in Olympic athletic events and to feel the reward of their hard work, training, perseverance, and courage. These games will, in fact, be the largest sports event in the world in 1995.

I know that no one in this body wants to deny these Special Olympians their days of competition and celebration and that the amendment which we are currently debating is not aimed exclusively at the Special Olympics. But I am compelled by my strong feelings for these games to point out the difficulties which would befall the Special Olympics if this amendment passes.

The Special Olympics is being organized through a network of volunteers throughout the country. As a 501(c)(3) charitable organization, it relies on corporate sponsorships, philanthropic donations, and individual contributions to fund the events. The organizing committee has sought assistance from governments at the local, State, and Federal levels. It has no alternative. Response to its calls for help have been resoundingly positive. The White House welcomed the participation of the organizing committee in the activities of the Federal task force organized to support the 1966 Olympic Games and the 1994 World Cup Games. The Department of Defense has guidelines in place for determining the degree to which the Department can assist such activities. We should note that DOD has provided "in-kind" services with the consent of the Congress for such past events as the Los Angeles and Lake Placid Olympic Games, and the World Cup USA.

The Department of Defense has worked with the Special Olympics Organizing Committee to identify specific needs which it cannot fulfill by other means—such things as security, traffic support, medical support, emergency ordinance disposal, water resupply, and some limited transportation. The Department is prepared to provide these services and estimates that the in-kind costs will not exceed \$3 million. Many of these tasks will be performed by the men and women of the Connecticut National Guard in conjunction with training; the leadership of the Connecticut Guard is proud and eager to have the opportunity to provide these services. The cooperative efforts of the Department of Defense and the organizing committee have produced a plan to provide those services which the military does best and would do if called on in a military action. It is the view of those responsible officials in the DOD that providing these services will not attrit the readiness of our military forces or deplete DOD funds for a cause totally unrelated to national security.

The pending amendment would establish reimbursement requirements and procedures which supplement, or perhaps replace, existing DOD policies which already allow the Department to

request reimbursement for any service or mission that resides with another public or private entity. The proposals would result in detailed reimbursement negotiations and a process which will make it very difficult for the organizing committee of this event to concentrate their efforts on making these important games a reality in less than a year from now. This process is unnecessary and will, in reality, complicate the efforts of thousands of volunteers trying to do a noble task. Further, it could result in the negation of agreements already reached on particularly vital services such as security. I believe this amendment is not necessary and would be counterproductive to these Special Olympics.

Madam President, I fully agree with the desire of the amendment's sponsor to seek ways to protect the readiness of our vital military forces. If I thought that the \$3 million of in-kind services which we have already authorized and now seek to appropriate would denigrate the ability of our forces to respond to a call to arms, I would not support it. I do not believe this is the case. Support of these games is consistent with past practices of the Department of Defense as approved by the Congress. Moreover, it is consistent with the best traditions and values of the people we represent. I will vote against this amendment and urge my colleagues to do the same.

Mr. BENNETT. Madam President, I would like to raise a few concerns about the McCain amendment. I understand his concern about shrinking defense budget. His concerns are valid. However, I am not convinced this amendment will result in a boost to DOD coffers.

On its face, this amendment appears reasonable. It requires that DOD be reimbursed for providing security at international sporting events, provided they make a profit. However, I believe, this amendment will do more damage than good. In fact, the McCain amendment may have the unintended effect of reducing the level of reimbursement that DOD currently receives.

Since winning an Olympic bid is of great interest to many in my State, I took the time to look into exactly what providing security at the Olympic games entails. I was astounded. My colleague from Atlanta, Senator COVERDELL, has already outlined the onerous process, so I will not recount it now. However, I think it is important to reiterate that their is a reimbursement mechanism currently in place. Where it is appropriate, DOD can negotiate reimbursement agreements to individual entities, on an ongoing basis. Under the McCain amendment, contracting would be required up front. When 34 different agencies are involved, contracting with every entity can only add time and expense to an already complex process that is based on good faith negotiations.

This amendment would also provide DOD reimbursement in the event a profit is made. However, this may never occur in some instances. It would seem to me that ongoing reimbursement is likely to benefit the military far more than the alternative.

The Department of Defense, the supposed beneficiary of this change in procedure, opposes this amendment. I think that is a good indication that the promise of improved or increased reimbursement under this amendment is suspect.

If the McCain amendment held the promise of dramatically improving current practice, I would assuredly vote for it. However, this is not the case, so I will oppose the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I reluctantly oppose the amendment as offered by my good friend and colleague from Arizona.

First let me say to the Senator from Arizona that I share, as I am sure every American does, the deep commitment that he has made and does make to the men and women of our military and the sacrifice that they make on a day-to-day basis for the welfare of our Nation.

But I have believed in the context of Government and its relationship with business, and Americans as citizens, and taxes that we should never get in the business of changing the rules in the middle of the road.

This is an American Olympiad, not a Georgia Olympiad. Georgia is the house, so to speak, of a great accomplishment that America would entertain the centennial Olympiad. We are well over, well over half of the way through the planning process for the Olympics that occur in the summer of 1996 in Atlanta, in America. Over half the planning has been exhausted. We are deep into the process. We have only 700 days until the torch is lighted in America and in Atlanta.

This is not the right time to upset or interrupt or convolute the process of the arrangements in terms of the financials nor in terms of the security.

I personally think that the international community has begun to have questions about this Nation's commitment to the international Olympiad. We are one of the only nations that does not fund it. This is privately funded in the United States, and that has always raised questions. So to begin at this point, halfway through the planning process, on the Olympics to occur in this country in 1996, not only do we

destabilize the planning and preparation for this massive event, this massive world event, but we also send signals about the planning process in other cities that are negotiating for the Winter Olympics, like Salt Lake City, UT.

Disruption of a multibillion dollar event halfway through the process is a very serious issue for this country and for those planning the Olympics.

Now, Madam President, there are 34 different governments involved with the planning of the 1996 Olympics. They are not all in Georgia—34 different Olympic venue sites and governments affected.

Now, I wish to read from the amendment. It states, Madam President, that no funds made available to the Department of Defense under title II of this act may not be expended, either directly or indirectly, to support the World Cup soccer games, the Goodwill Games and Olympiad—that is the 1996 Olympics—or any other sporting event until—and this is the pertinent language, Madam President—“until the Secretary of Defense enters into an agreement with the entity or entities that are to receive the funds, to provide for such funds to be reimbursed to the Department under terms and conditions established by the Secretary and certifies to the Congress that the agreement ensures that such reimbursement will be made.”

So with 700 days to go, the Secretary of Defense—and we know the pace with which the Federal Government moves—700 days away from the torch being lit—would begin discussions on terms of the financing for security of the world's athletes in Atlanta, I suppose sometime in the next month or two, and I have to only envision that we would not be able to resolve all these agreements until the moment of the games, which would not allow for the appropriate planning and disposition of resources that have already been agreed upon.

Madam President, I will urge my colleagues not to vote for this amendment at the time we take the yeas and nays, not in disagreement to the intent or purpose of the Senator from Arizona. But in this case, to introduce this kind of interruption in the process of planning for the World Olympics I believe is not appropriate given the timing that we are facing.

Madam President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Is there further debate?

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Madam President, I ask unanimous consent that the amendment be temporarily set aside so that I might offer an amendment.

Mr. MCCAIN. I object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I say to my friend from Nevada, we are in the middle of the debate on this amendment, and I ask his indulgence. I am sure we can get it finished very quickly, return to the original amendment which was set aside, dispense with that, because I am sure it has been agreed to, and then my friend from Nevada can proceed.

I hope he understands I just wanted to respond to the Senator from Georgia.

Mr. BRYAN. Will the Senator yield for a further question?

Mr. MCCAIN. I will be glad to yield. Mr. BRYAN. My only concern is that at 6:50 the time for offering amendments is cut off unless one does so through the managers.

Mr. MCCAIN. Madam President, I understand better now the concern of the Senator from Nevada, and I would remove my objection to the unanimous consent request of the Senator from Nevada.

Mr. BRYAN. I thank my friend from Arizona.

I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2502

(Purpose: To withhold funds allocated for construction of the headquarters buildings of the National Reconnaissance Office which were unobligated as of the date of enactment of this act until a review of that construction project is completed and Congress is informed of the results of the review)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. BOREN, and Mr. GRAHAM, proposes an amendment numbered 2502.

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

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

The amendment is as follows:

On page 142, between lines 7 and 8, insert the following new section:

SEC. . Of the funds made available by this Act for the National Reconnaissance Office under the classified Schedule of Appropriations accompanying this Act, funds allocated for construction of the headquarters buildings of the National Reconnaissance Office which were unobligated as of the date of enactment of this Act may not be obligated or expended until the Director of Central Intelligence and the Secretary of Defense have completed a review of that construction project and the results of such review have been disclosed to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. BRYAN. Madam President, I will be brief because I know there are other amendments pending. I think most of my colleagues were as surprised as I was yesterday morning in reading the Washington Post story on page 1 entitled, "Spy Unit's Spending Stuns Hill."

I have reference, Madam President, to the \$310 million facility that is being used to house the National Reconnaissance Office. This is a project of incredible magnitude, a million square feet, which will cost us about \$175 per square foot, well beyond what any comparable commercial building might require.

Let me just say, Madam President, that the genesis of this building dates back to the late 1980's when the Senate Intelligence Committee and its counterpart in the other body encouraged the National Reconnaissance Office to begin planning to colocate facilities that were scattered around the country. There is no objection in concept to that.

I was not on the committee until last year, so when I saw this in the paper yesterday, I asked for a briefing from the staff.

BRYAN AMENDMENT ON THE NRO HEADQUARTERS FACILITY

Mr. WARNER. Madam President, I am pleased to join Senator BYRAN as a cosponsor of his amendment concerning the NRO headquarters facility in northern Virginia. In my opinion, this amendment represents a reasonable check on this construction project.

Twenty-five years ago, as under Secretary of the Navy, I first started my public service responsibilities of overseeing Intelligence functions. Throughout my 5 years plus in DOD I was specifically tasked to operate the Department of the Navy's program which are now part of the NRO.

The NRO is essential to our Nation's security. To the extent that the United States is a superpower today, that status is dependent to a large part on the work of the NRO.

But the question before the Congress and the executive branch is whether the plans for consolidation and expansion of the NRO facility, as conceived in the cold war era, were properly reviewed in the aftermath of the demise of the Soviet Union.

Given that the DOD budget, which contains the overall Intelligence budget, has gone down from 15 to over 25 percent in various categories over the past 5 years, to what extent was the NRO facility scaled back?

Or, conversely, given that Intelligence is a force multiplier of our Defense forces, is there justification for level or increased NRO funding?

How did this controversy of today start?

On July 26, I chaired a Senate Intelligence Committee briefing on the NRO facility. Chairman DECONCINI joined that briefing later and reviewed the same facts. We jointly agreed to send a

letter to the Secretary of Defense and the Director of Central Intelligence demanding more information. That letter was sent on July 29.

Then, on August 4, the chairman and I decided to have a formal hearing and seed declassification of as much material as possible. We joined in a letter to that effect on August 4.

Next, we made a field trip to the NRO construction site this Monday. Later that day, you informed me that public disclosure of this project would be immediate because of White House, DOD, and CIA decisions. Only today did I learn that the President was involved in this decision. The administration issued press releases at 5:00 on Monday. Our press conference followed shortly thereafter.

It had been my intention that the Intelligence Committee would at least have an opportunity to gain a full understanding of the executive branch response to our inquiry of July 29 before public disclosure. That, in my judgment, would have lessened to some extent the public confusion that exists today.

The NRO facility which I toured on Monday morning is truly a massive installation—a series of four modern towers comprising 1 million square feet. By rough comparison, the Pentagon consists of 5 million square feet of usable space.

I am concerned that this facility, which was conceived during the cold war, is now disproportionate to the needs of the NRO. I have been unable to find any information which indicates that a scrub was done of this project following the collapse of the Soviet Union. At every step along the way, this project continued to expand. For example, in the summer of 1992, long after the dissolution of the Soviet Union and the collapse of the Warsaw Pact, the NRO decided to expand this project from three to four towers.

I am also concerned about the basic issue of fairness to other Government employees, intelligence as well as others, who are working in facilities which are not as comfortable. In the Pentagon, I know from personal association, most employees work in cramped, aged quarters. Some perform the same high-level intelligence work as to the NRO employees. Why should NRO personnel be treated differently?

These are some of the issues which we must explore in detail.

Madam President, I would like to take this opportunity to correct a misperception which I have seen in press reporting on this issue. It has been reported that the Congress knew nothing about this construction project—that the CIA built this facility without informing the Congress. In fairness, that is simply not true. We knew that the NRO was building a new headquarters facility in northern Virginia. In fact, I played a role in bring-

ing the NRO building to my State. Our complaint is that we were not adequately informed about the scope or the cost of the facility.

In fairness to the executive branch, this raises a legitimate question of whether the Intelligence Committee and perhaps other committees were forceful enough in their requests for more details. We, as the Congress, had the ultimate leverage to cut off funding until our informational needs were met. So we have a measure of self-examination to perform. I add that as a question to this debate.

Let us look at a specific example. The fiscal year 1991 Intelligence Authorization Act conference report stated that the NRO's "land and facility acquisition will remain subject to the prior approval of the appropriate congressional committees." This did not happen with regard to this facility. The NRO did not seek specific prior congressional approval for the Westfields project—instead, funding for the facility was buried in the base portion of the budget, an unspecified aggregate of various O&M costs.

This base funding for the Westfields project continued despite specific congressional direction to the NRO in the fiscal year 1994 intelligence authorization act conference report which stated, "The conferees also explicitly stipulate that each individual program must provide complete details for the entire request—not simply any changes from the base level provided in the prior fiscal year. Despite this requirement, the fiscal year 1995 budget request for the new NRO facility was once again buried in the base budget. Following this, the staff of the Intelligence Committee acted to initiate our audit and recommended a full briefing for committee members.

The NRO decided to bypass both GSA regulations and military construction procedures for the construction of the headquarters facility, opting instead to operate under the DCI's "special authorities." Did the Intelligence Committee sanction this approach? If so, under what conditions? Were those conditions followed? We need answers to these questions.

Madam President, does the Congress share a measure of responsibility for this problem? Could we have been more diligent in following up on our demands for more detailed and complete information at an earlier stage? Perhaps, but we should not have to be investigators. It is incumbent on the executive branch to be forthcoming in providing budget details to the Congress. We do not have the resources to conduct in-depth investigations on every item in the budget, nor should we have to. Detailed information on this project should have been provided to the Intelligence Committee and the Appropriations Committee.

In my opinion, this project should and will go forward. The facility is

nearing structural completion. It will be an asset to the Intelligence Community, and indeed to the Nation, upon completion. Our task now is to ensure that the remaining construction on this facility is conducted in the most cost effective manner for the American taxpayer.

Fortunately, this project is at a stage where decisions can be made to invoke savings, achieve greater efficiency, and maximize utilization of this prime space by additional defense or Intelligence-related activities. During a hearing on this issue earlier today, the Intelligence Committee received assurances from top NRO officials that the NRO will allow maximum utilization of this facility by other elements of the Defense and Intelligence communities. Indeed, the NRO has already begun work on such options. It is now our responsibility to monitor the completion of this project and ensure that cost-saving options are pursued.

Mrs. FEINSTEIN. Mr. President, I rise today as an original cosponsor of the Bryan amendment to withhold funds for the construction of a National Reconnaissance Office [NRO] headquarters.

Frankly, I was extremely troubled to learn that more than \$300 million is being spent to secretly construct an NRO facility in northern Virginia to consolidate personnel located in California and throughout the country.

Apparently, construction of the NRO facility was begun in 1990 and undertaken without the full knowledge and approval of Congress. This raises serious concerns about congressional oversight of this project and the entire NRO organization. In my opinion, the credibility of the NRO has been damaged, and Congress will be forced to more closely scrutinize its budget and activities.

Last week, my staff contacted Pentagon offices to inquire about speculation that NRO personnel were moving from offices at Los Angeles Air Force Base [AFB] in California to a new NRO headquarters building near Dulles International Airport. The Air Force denied all knowledge of such a proposed consolidation, and inquiries to the NRO went unanswered. The way these inquiries were handled leads me to believe that the intelligence community was trying to deceive Congress or, at a minimum, me. This is simply unacceptable.

Still today, after Pentagon officials testified before the Senate Intelligence Committee, the NRO has not provided me or my office any information, except a joint statement that was released to the press.

Apparently, construction of the NRO facility was originally planned for a partial consolidation of NRO headquarters personnel that are scattered throughout the Washington area. This

would have allowed for construction of a building with two office towers at substantially less cost than current estimates.

However, sometime in 1992, after the fall of the Soviet Union—the primary target of NRO activities—the intelligence community decided to proceed with a full consolidation of NRO personnel nationwide. This decision caused the estimated cost for the new facility to near \$350 million as two additional office towers were added, for a total of four huge towers. I am unclear why additional funds were allocated for this new structure at a time when defense and intelligence budgets were declining.

My staff still has not been able to determine exactly what type of consolidation is being proposed or the details of the approval process. Specifically:

When and how was the decision made to shift from only partial consolidation to full consolidation?

How many military, civilian and contractor personnel are being affected?

Where are these personnel currently located?

When is the proposed consolidation occurring?

What implications does the proposed consolidation have on the base realignment and closure [BRAC] process?

Because NRO is partly a Defense Department agency, is it subject to the BRAC process?

Was a true cost-benefit analysis completed to determine whether the associated costs of the NRO facility and full consolidation justified any national security or fiscal gain?

I have already written to Defense Secretary Perry expressing my concern over this matter and submitted some of these questions to him. I expect answers to these questions as soon as possible. I also expect the review currently being undertaken by the Director of the CIA and Deputy Secretary of Defense to address these and other issues.

In addition to my concerns regarding general congressional oversight of the project, I am particularly troubled that, though the consolidation was approved years ago and the Intelligence Committee was notified, I was never made aware that jobs would be moved out of California. Also, I am concerned that the consolidation of personnel from Los Angeles AFB may have an adverse impact—direct or indirect—on the upcoming 1995 base closure process, especially considering that this is just one of a number of planned consolidations out of Los Angeles AFB.

Mr. President, this matter needs to be thoroughly looked into and I hope that much of the information surrounding the project can be declassified so the public and taxpayers will have full knowledge of what is being built near Dulles International Airport.

I fully support this amendment which withholds unobligated funds for

the NRO headquarters building until a full review has been completed and questions have been answered.

The PRESIDING OFFICER. The Chair would state to the Senator that under a previous order, in 30 seconds, the floor will return to the Senator from Alaska, who will be able to offer amendments for the Republicans for 5 minutes, and then it will go to the Senator from Hawaii.

So the Senator from Nevada has 30 seconds remaining to present the case for his amendment.

Mr. BRYAN. May I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. BRYAN. Am I protected under the previous unanimous-consent agreement by having offered my amendment in a timely fashion? If so, I would be happy to yield the floor and simply ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

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

The Senator from Alaska is recognized under a previous order for 5 minutes in which to present the Republican amendments.

Mr. MCCAIN. Madam President, could I ask the Senator from Alaska to yield for a request?

Mr. STEVENS. I only have 5 minutes. I am happy to yield to my friend.

Mr. MCCAIN. Would it be in order to go ahead and dispose of my previous amendment that I understand is agreed to?

Mr. STEVENS. It would be contrary to the time agreement. We must get these done by 7 o'clock.

Madam President, I have a series of amendments. Let me just read them by name of the sponsor. If there are any further ones to come, we will put them in.

I have an amendment by Senator SPECTER; another amendment by Senator SPECTER; a third amendment by Senator SPECTER; an amendment by Senator DOMENICI and Senator BINGAMAN; another by Senator DOMENICI; an amendment proposed by Senator HELMS; an amendment proposed by Senator CHAFEE; another amendment by Senator GRASSLEY; an amendment by Senator MURKOWSKI for himself and Senator DOLE; an amendment by Senator HATCH; an amendment by Senator MCCONNELL; an amendment proposed by Senator DOLE; another by Senator DOLE for himself and Senator MCCAIN; an amendment by Senator COHEN; a second amendment by Senator COHEN; an amendment by Senator DOLE for himself, Senator LIEBERMAN, Senator MCCAIN and others; an amendment by Senator COHEN; an amendment by Senator THURMOND and Senator DECONCINI; an amendment by Senator ROTH; and an amendment for myself.

That is the extent of the amendments that have been presented.

I also have an amendment by Senator MCCONNELL.

I ask that all those amendments be submitted in accordance with the time agreement. I have 2 minutes remaining. I would like to reserve those.

The PRESIDING OFFICER. Without objection, it is so ordered. The time remaining will be reserved for the Senator from Alaska.

Under the previous order, the Senator from Hawaii is recognized.

Mr. INOUE. Madam President, I have a series of amendments that I would like to submit in behalf of my Democratic colleagues. First, by Senators NUNN and MITCHELL on Bosnia and Herzegovina; second, by Senator HARKIN; third, by Senator LIEBERMAN; fourth, by Senator SHELBY; fifth, by Senator BOREN; sixth, by Senator SIMON; seventh, by Senator BINGAMAN; eighth, by Senator LEVIN; ninth, by Senator WELLSTONE; and another BINGAMAN amendment. Senator BINGAMAN has two amendments. I have another amendment by Senator FEINSTEIN; two by Senator INOUE; and one proposed by Senator DODD.

Mr. STEVENS. May I have time back?

The PRESIDING OFFICER. The Senator will send those amendments to the desk. Without objection, they will remain in order. Does the Senator from Hawaii reserve the remainder of his time.

Mr. INOUE. If I may.

Mr. STEVENS. Madam President, I have an amendment by Senator KEMPTHORNE and two separate amendments by Senator HELMS. I send those to the desk and add those to the ones I previously submitted.

I, too, would like to reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, those amendments will be added to the list of amendments to be considered.

The Senator reserves the remainder of his time.

The Chair informs the Senators that Senator INOUE has 3½ minutes remaining and Senator STEVENS has 2 minutes 20 seconds remaining.

Mr. STEVENS. Madam President, I send an amendment to the desk for Senator DOLE.

The PRESIDING OFFICER. Without objection, it will remain in order.

Mr. INOUE. Madam President, I send to the desk an amendment proposed by Senator MITCHELL and Senator COHEN.

The PRESIDING OFFICER. Without objection, it is in order. That will be added to the list of amendments.

Mr. INOUE. I have an amendment proposed by Senator JOHNSTON.

The PRESIDING OFFICER. Without objection, it is in order.

Mr. INOUE. I have an amendment by Senator BUMPERS.

The PRESIDING OFFICER. Without objection, it is in order.

Mr. STEVENS. Madam President, I send an amendment to the desk in behalf of Senator WALLOP.

The PRESIDING OFFICER. Without objection, it will be in order.

Mr. INOUE. Madam President, I send an amendment by Senator DECONCINI to the desk.

The PRESIDING OFFICER. Without objection, it will be in order.

Mr. STEVENS. Madam President, I send an amendment to the desk in behalf of Senator COHEN and state that it may be duplicative of the one I previously submitted, and I ask the clerk to eliminate it if it is a duplicate.

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

Mr. INOUE. Madam President, I have an amendment by Senator BREAU.

The PRESIDING OFFICER. Without objection, Senator BREAU's amendment will be added to the list of amendments to be considered by the Senate.

Mr. STEVENS. Parliamentary inquiry. It is my understanding that there will be a period after we have offered the amendments for review of the amendments. Will the Chair have these amendments indicated so that each of us may have the others' amendments as quickly as possible?

The PRESIDING OFFICER. That will be the normal course that will be followed.

Mr. STEVENS. I would state, Madam President, that to the best of our knowledge those are the submissions for this side of the aisle.

Mr. INOUE. Madam President, I believe they are complete here.

The PRESIDING OFFICER. The Chair will state that the hour of 7 p.m. having arrived, there will be no further amendments allowed under the unanimous-consent agreement.

Mr. STEVENS. Parliamentary inquiry: Those amendments will be called up by the individual Senators under the time agreement. That is the understanding.

The PRESIDING OFFICER. The Chair has no agreement on how the amendments will be disposed of. But the Chair assumes they will be disposed of in due course.

Mr. STEVENS. It is this Senator's understanding that those are the only amendments that may be considered now under the bill as pending business, is that correct—subject to the leaders having the right to offer amendments if they desire to do so?

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Alaska is entirely correct in his understanding.

Mr. STEVENS. I thank the Chair. If I might address, through the Chair, the Senator from Arizona; the majority manager and myself will be considering the amendment of the Senator from Arizona concerning the disability for retired members of the armed services.

AMENDMENT NO. 2500

Mr. MCCAIN. I ask unanimous consent that we set aside the pending McCain amendment concerning the Olympics and return to the previous amendment on concurrent receipts, and I ask unanimous consent that Senator DOMENICI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The question before the Senate is amendment No. 2500.

Mr. INOUE. Madam President, the managers of the bill have had the opportunity to study the amendment of the Senator from Arizona, and we find it to be acceptable. It will not be subject to a point of order.

So accordingly, may we have a vote? The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. What amendment is this? I did not hear the Senator.

The PRESIDING OFFICER. Amendment No. 2500.

Mr. STEVENS. It deals with the retirement.

Mr. NUNN. Is this a new retirement program? I would like to ask a couple of questions. Is this a new entitlement program? And if it is, how much does it cost? I just heard about the amendment.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has the floor. Is he yielding the floor or asking a question?

Mr. NUNN. Madam President, I would like to ask the Senator from Arizona if this is a new entitlement program.

Mr. MCCAIN. Madam President, as the Senator from Georgia knows, current law requires a career military service member who retires after a length of service and is disabled to offset his or her retirement pay with any VA disability compensation that the member receives. I do not believe you would call this a new entitlement program. What it does is provides for concurrent payment of disability pay and retired pay if the following criteria are met: A veteran has completed 20 years of military service; the disability was incurred or was aggravated in performance of duty in the military service; the disability is rated 100 percent at the time of retirement or within 4 years of veteran's retirement date.

And in response to another question the Senator asked, the costs are approximately \$55 million to \$60 million in additional costs incurred with this change in the law. This is \$55 million to \$60 million additional.

Mr. NUNN. Is that per year?

Mr. MCCAIN. That is correct.

Mr. NUNN. If the Senator will yield, I think I will ask a further question. Is this a 1-year program, or is this a program that is intended to continue?

Mr. MCCAIN. It would be intended to continue right now. It affects approximately 7,000 military retirees who are

rated 100 percent disabled and have completed 20 years of service. I would estimate that obviously there would be very few additional people, enrollees, in this program, since one of the criteria is that the disability was incurred or aggravated in the performance of duty. That, obviously, is a very small number of people.

Mr. NUNN. I understand. The way it is worded, it is only for 12 months, but it is the Senator's intent to continue it year after year?

Mr. MCCAIN. At this time, it is a temporary waiver. It is 12 months.

Mr. NUNN. So it is a 12-month period, but it is the intent to start this as a continuing program?

Mr. MCCAIN. That would be my intent.

Mr. NUNN. Where does the money come from—out of the Department of Defense? Is it Department of Defense money that would pay for this?

Mr. MCCAIN. I say to the Senator from Georgia, yes, it comes from travel pay of senior level officers, and civilian executive travel of Pentagon staff, estimated to be approximately \$370 million a year at this time.

Mr. NUNN. I have not had a chance to study this amendment. I do not want to interfere with whatever the managers of the bill may decide on the amendment, but I hope they will take a very careful look at it now in the conference. I think we have to be extremely careful about starting programs which, though they are intended for even the most deserving possible beneficiaries, become entitlement programs.

We all know that the entitlement programs are eating us alive, eating the budget apart. We are really not going to have any discretionary money at all from year to year. We are going to have it all wrapped up in entitlement programs. I am not sure exactly what this one is and how it is going to be structured, where the money will come from. And what are the implications for people less than 100 percent disabled, say, 85 percent disabled or 90 percent? Do we exclude them? If they are 50 percent disabled, are they not counted? I do not know where this leads or how much money is involved.

I hope my friends from Alaska, Hawaii, and Arizona will look very carefully at this amendment—even if it is accepted here on the floor—in conference, because the cost implications could be rather serious, particularly when these programs have a tendency to grow and grow and grow and open up eligibility beyond original intent. Before you know it, you have a first-class, sure-enough entitlement program that costs millions each year, hundreds of millions, and it goes into billions, and then we wonder why we cannot get them under control.

I know the Senator from Arizona has looked at this, but I hope everybody

will do so in terms of the fiscal consequences of it, and also what it does.

Mr. BYRD. Madam President, the amendment being offered today seeks to provide a temporary waiver of the prohibition on the concurrent payment of both disability compensation and retired pay for fiscal year 1995. The amendment would pay for these additional entitlement costs out of the discretionary funds appropriated in this bill. This amendment appears to address an inequity that is worthy of redress. However, this is an issue for the authorizing committee to decide, and to pay for, out of spending in its jurisdiction.

Last year, we had before the Congress a budget resolution and a reconciliation bill. My colleagues on the other side of the aisle voted against the resolution and the reconciliation bill. They argued that those measures cut defense too much, and other spending too little. Many came to the floor during that debate to decry that entitlement spending was out of control and that the President and Congress were not doing enough to control these mandatory programs.

The amendment, in effect, cuts other programs in the bill to pay for the increased benefit costs. So, let us be clear about this point, the effect of this amendment is to cut available discretionary defense funds to pay for an increase in an entitlement. It is hard for me to believe that this can be right. How many times have we been told that we cannot cut defense any further? How many times have our colleagues decried the growth in entitlement spending and chastised the majority for failing to control mandatory increases?

Madam President, the amendment by the Senator from Arizona is a well-meaning amendment. It promises only fairness to our well-deserving disabled, military retirees, by eliminating a disparity between military retirement and other Federal retirement programs. Who can fault the logic? Are not our disabled, military retirees worthy of the best benefits we can afford to provide? Of course they are.

I feel that if we establish a pattern of using discretionary funds to correct problems in mandatory programs, however, we will find ourselves entering a thicket that will impose increasing problems for us.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2500) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2501

Mr. MCCAIN. Madam President, I think there is further debate on the

amendment that was previously set aside on the Olympics. The Senator from Pennsylvania has three short amendments. I do not know if the Senator from Georgia wants to continue debate on that amendment. I would just as soon yield to the Senator from Pennsylvania.

Mr. NUNN. Madam President, I would like to be able to make a statement on the amendment of the Senator from Arizona that relates not just to the Olympics, but other international athletic events that are in the United States. I will do it whenever it is appropriate. I do not know when that one is going to be voted on.

Is there any order decided by the managers of the bill on this amendment?

Mr. INOUE. Madam President, parliamentary inquiry. Under the unanimous-consent agreement, will the vote on the amendment of the Senator from Arizona come up at 9 o'clock tonight?

The PRESIDING OFFICER. Under the agreement, no votes are in order until 9 o'clock.

Mr. NUNN. Madam President, what would be the order of debate then? I would like to be recognized to make about a 5-minute statement if I could. I know the Senator from Pennsylvania may want to present other amendments.

The PRESIDING OFFICER. If all the Pastore time has expired, the debate need not be germane to the pending question.

Mr. NUNN. Madam President, I would like to make a statement on the Olympic amendment if I could be recognized.

The PRESIDING OFFICER. The Senator has the floor.

The Chair would like to add one thing. On amendment 2500, the motion to reconsider the motion to lay on the table is agreed to.

The Senator from Georgia is recognized.

Mr. NUNN. I thank the Chair.

Madam President, I oppose the amendment of the Senator from Arizona relating to international games and reimbursement.

The Armed Services Committee has been working very closely with the Defense Department for a number of years on the conditions and procedures under which the Department of Defense provides unique security support to major international athletic events held in the United States. These procedures have been refined over the years through DOD support for major international athletic competition in the United States going back to the Lake Placid Olympics in 1980.

The procedures are working well. They recognize a legitimate and very important, indeed, a unique Federal responsibility that cannot be carried out in any other level, and they should not be changed on the spur of the moment, as this amendment would do.

Ever since we had the attack on the Israeli athletes at the 1972 Munich Olympics, which was a terrible tragedy, it has been recognized that our large international athletic events pose unique and major security problems. Very few communities in the United States maintain the security and public safety resources to provide security for a major international athletic event.

DOD has unique resources and expertise that can be used to assist planners in staging international events in order to protect the U.S. national security interests and avoid incidents like the terrible and tragic 1972 terrorist attack in Munich.

DOD support consists primarily of security and public safety-oriented support that is not available from any other Federal, State, or local law enforcement agency. This support is provided only under conditions that do not affect the Department of Defense's ability to carry out its military mission particularly for National Guardsmen and reservists, such as military police and a communications unit. DOD support for these events is often carried out as a part of a unit's normal training cycle. And what we try to do is encourage the Department of Defense and the National Guard units to get out in front with their planning so that the Olympic event itself can be part of the annual training of the National Guard people, which does not add budgetary cost and which give themselves good training.

Examples of this support include communications, explosive ordnance details, aviation support, for security and emergency response, as well as training.

The Department of Defense does not provide direct funding to these events. What the Department does provide is in-kind support for DOD stocks of equipment that is returned to DOD after the event is completed.

The amendment mistakenly assumed that the Department of Defense provides security support for the organization or entity staging the event, such as Atlanta's Committee for the Olympic Games, called ACOG.

What DOD actually provides is security support directly to the State and local law enforcement agencies that are responsible for providing the security for the event. The support does not go through the organizing committee. In the case of the Olympics, DOD provides security support through the Olympic security support group. Any support provided by the Department of Defense to an organizing committee is generally provided on a different basis, a noncost or reimbursable basis.

If the intent of the McCain amendment is that any of the law enforcement agencies to which DOD provides security support must reimburse the Department of Defense, I think that

would be a serious mistake. The unacceptable outcome would be that these agencies would only request the assistance from the Department of Defense that they were able to afford, that they were able to budget, instead of asking for what they need to provide a safe and secure environment for the games.

If the intent of the McCain amendment is somehow to require the organizing entity of an event like the Olympics to reimburse the Department for security support, I think that would also be a serious mistake. If we require the organizing entity to reimburse DOD for security support that goes to local and State law enforcement agencies, it would mean the ultimate decision for what security measures are needed would leave. That would put those decisions in the hands of the organizing committee rather than local law enforcement agencies. This could lead to a situation where the organizing committee makes a decision for security support based on what they can afford rather than what law enforcement agencies feel is needed to provide for a safe and secure environment for these events.

Madam President, the international climate has a huge effect on what kind of security we need, for instance, in the 1996 Olympics, but this amendment would apply to all international games. It would apply to games like the Goodwill Games that will be held in, I believe, New York in 2, 3, or 4 years. It will apply to events that have taken place in places like California. It would apply to any international event.

And I will assure anyone who ever aspires to have an international event will have a very hard time complying with the amendment here and still staging that event in a secure environment.

We should understand events like the 1996 Olympics are truly a national event involving the entire Nation. If we have a terrible tragedy of the kind of terrorist attack in 1996 or any other international games held in the United States, the damage is going to be done to the entire Nation, not simply to one State or one city.

The United States is the host for all of the countries of the Olympic movement. If security for the Olympics is not adequate, it reflects poorly on the U.S. ability to host international events in an environment where security is a concern.

If DOD support is provided on a reimbursable basis, it will, I think, leave some State and local governments in a position where they simply are not able to afford the security arrangement and the precautions that are truly needed based on terrorist threats and other threats.

This is not the time to send a message to the world that the U.S. Government is going to pinch pennies when it comes to providing essential security

support for a major international event like the 1996 Summer Olympics. The Federal Government and all in this country have a major stake in and responsibility for the security of international athletic events held in the United States. The modest support the DOD provides to these events is a recognition of this Federal responsibility.

Madam President, the Defense Department supports the current process and opposes this amendment.

I urge our colleagues to vote against this amendment because it could be very destructive not only to the Olympics but to other international events.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS-CONSENT AGREEMENT

Mr. INOUE. Madam President, I ask unanimous consent that the vote on or in relation to the McCain amendment No. 2501 occur at 9 p.m. this evening.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Madam President, reserving the right to object, I think there may be debate on it yet. I have no objection if all debate is over by that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I will just take a moment more. I will just give examples of the games that we have had help with from the Department of Defense in the past.

We had help in the Lake Placid Olympics in 1980. We had help from DOD for the Los Angeles Olympics in 1984. We had help from DOD for the Pan Am games in 1987. We had help for the Goodwill Games in 1990. We had help for the World University Games in 1993. We had help for the 1994 World Cup. We will have DOD help for the Special Olympics in 1995, and also we plan help for the Summer Olympics in 1996.

These are matters of I think great importance. I do not think the amendment really is an amendment that is appropriate under any conditions, but certainly we should put any effective date of this amendment way out in the future, because these events are already underway and are being planned.

I can assure anyone that this would have a disruptive effect not only on the Olympics in the State of Georgia that I represent but also on the forthcoming events like the Special Olympics in 1995 and other events that may be coming to this country.

I believe the Senators from Idaho will also have an interest on this based on their own aspirations for international events.

So, Madam President, I yield the floor. But I would ask clarification if the Senator from Alaska can tell me when this will be voted on and if the yeas and nays have been ordered.

Mr. STEVENS. Madam President, it is my understanding the yeas and nays have been ordered, and we will vote at 9 o'clock under the agreement just entered into.

The PRESIDING OFFICER. That is correct.

The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I ask unanimous consent that Senator DOMENICI be added as an original co-sponsor of the amendment previously adopted offered by the Senator from Arizona.

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

Mr. STEVENS. Madam President, with regard to the pending amendment that has been offered by the Senator from Arizona dealing with the Olympics, I have had the honor to be associated with the Olympic movement for many years and have made many trips to the sites where we have provided some military assistance to the Olympic movement that really is in the form of security of some type.

Much of that in the past has been done by National Guard units. Others have been done by arrangements with the basic sponsoring entity. I remember the Lake Placid games, for instance.

But, I must tell my friend from Arizona, I must oppose his amendment, because I believe that, as stated by the Senator from Georgia, one of our basic responsibilities as the host country is to assure the safety of the athletes who come to our country. And we have done this. We did it in the Indiana games. We have done it in the Los Angeles games. We have done it almost in every one of the international games I know of. And the reason is that in this country of ours, where there is great freedom and opportunity and openness, there is more of an opportunity for people to endanger the lives of some of these athletes or to disrupt the games in their own personal pursuits.

I do not believe we should have an amendment like this on this bill. We do have money in this bill. I would point out to the Senator, there is an appropriation of \$10 million to cover the costs of providing logistical and other support for the 1996 Summer Olympics to be held in Atlanta. We also have funds in here for the Special Olympics, which have a different type of problem as far as the ability of the Department of Defense to assure the logistic support for those games in New Haven, CT.

This has been an ongoing arrangement. It does maintain the relationship of the Department of Defense to these Olympic sports and to our international games. I think it is absolutely essential that we maintain that relationship and that we have people involved in the planning process from the very beginning to assure that we do meet our national responsibility for as-

sureing the safety of the people involved in the games and maintaining the peace of this country.

It is, in my opinion, one of the best functions the Department of Defense has, in terms of its relationship to international sports.

It is not, I must say, something that could be reimbursed. I remember one time when there was a force of the Department of Defense standing by in case something went wrong. Nothing went wrong. Who is going to pay for that? That is part of our national responsibility. I think it must be maintained. The moneys provided in this bill are to assure those responsibilities will be met in Atlanta. I support that wholeheartedly and hope that the Senate will take that into account when we vote at 9 o'clock.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I had sought recognition and have been here for a little more than an hour to take a few minutes on three accepted amendments. I wonder if my colleague from Arizona would yield for that purpose.

Mr. MCCAIN. I will not. I have to respond to the Senator.

The PRESIDING OFFICER. I have just recognized the Senator from Pennsylvania. If you wish to yield, that is up to you.

Mr. SPECTER. Madam President, I ask unanimous consent that, at the conclusion of Senator MCCAIN's comments, I be recognized for a few moments to offer three amendments, setting the present amendment aside.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Very briefly, Madam President, I say to the Senator from Alaska, I do not disagree with anything that he said. I urge him to read the amendment. The amendment says that if the games make a profit, 25 percent of that profit would go to reimbursing the Department of Defense. Only if they made a profit.

In Los Angeles, they made a profit of \$122 million; \$50 million went for security. I am all for that security. The Special Olympics will not make a profit, the Senior Olympics will not make a profit, and they are saying that the Atlanta Olympics will not make a profit. So I do not see where they have a problem. It is only if they make a profit, then 25 percent of that.

None of us want any derogation of security. None of us want anything but the strongest possible security which only the Department of Defense can provide.

I am just saying, if they make a profit, 25 percent of that profit would go

back to the main mission of the military, which is defending the national security interest, where we do not have enough ships. We have people on food stamps, we do not have enough ships, airplanes, and guns and we are spending this money on things like Olympics, which make \$122 million in profit and do not reimburse the Government for it at all.

Let us be clear on what this amendment is Madam President. It is if they make a profit, which they say they are not going to do, and it is 25 percent of the profit, not the entire profit of these Olympic games, in order to reimburse the taxpayers of America for the Department of Defense money and equipment and manpower that was expended.

I want to apologize to my friend from Pennsylvania who has been very patient throughout this debate.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2503

(Purpose: To provide for the reassignment of members of the Army affected by the restructuring of the Army National Guard and the Army Reserve under the offsite agreement)

Mr. SPECTER. Madam President, consistent with the unanimous-consent agreement just entered into, having set aside the pending agreement under that agreement, I call up amendment No. 2503.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2503.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . IMPLEMENTATION OF AGREEMENT ON THE RESTRUCTURING OF THE ARMY NATIONAL GUARD AND THE ARMY RESERVE.

(a) FINDING.—Congress finds that the implementation of the off-site agreement may result in the loss to the Armed Forces of military personnel who have significant military experience and expertise.

(b) REASSIGNMENT OF MEMBERS.—(1) To the maximum extent practicable, the Secretary of the Army shall ensure that members of the Armed Forces who would otherwise be separated from service as a result of the deactivation of military units of the Army National Guard and the Army Reserve under the off-site agreement be reassigned instead to units that are not being deactivated.

(2) The reassignment of a member under paragraph (1) shall not affect the grade or rank in grade of the member.

(c) REPORTS.—Not later than 15 days after the end of each calendar quarter while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a report on the

number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding calendar quarter.

(d) DEFINITIONS.—In this section:

(1) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(2) The term "off-site agreement" means the agreement on the restructuring of the Army National Guard and the Army Reserve.

Mr. SPECTER. Madam President, this is an amendment which seeks to preserve military skills which might otherwise be lost under extensive arrangements which have been made by the Army Reserve and the Army National Guard.

The issue came to my attention as a result of the threatened loss of expertise and experience of some 4,000 dedicated troops who are members of the 157th Separate Infantry Brigade, which is an Army Reserve unit headquartered in Horsham, PA. Under the arrangement between the Army National Guard and the Army Reserve, this unit would be deactivated and these 4,000 troops, who have considerable expertise, would be lost for our national defense.

After looking into the issue, it had been proposed that the deactivation be delayed until there had been a GAO study, but the Department of the Army had a considerable problem with awaiting that GAO study to carry out this agreement, the agreement being necessary because of the reduction in the Department of Defense appropriations, something that I think is necessary and in the national interest. These arrangements between the Army Reserve and the Army National Guard are entirely understandable.

So this amendment would accomplish retaining the expertise to the maximum extent possible by calling upon the Department of the Army to see to it that there be a reassignment of those who would be deactivated, either from the Army National Guard or the Army Reserve. This would save the expertise and would accommodate the many people, not only among the 4,000 in Horsham, PA, but across the country. It would have applicability beyond my State and I think it would be very good for the national defense and accommodate the interests of many thousands of Army National Guard men and women, National Guard personnel, and Army Reserve personnel.

As I understand it, this amendment has been cleared by both managers.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The amendment (No. 2503) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2504

(Purpose: To delay the implementation of the Antler Military Operations Area)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2504.

Mr. SPECTER. 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, insert the following:

"No funds appropriated under this Act may be obligated or expended for the purpose of establishing the Antler Military Operations Area, Pennsylvania, for the purpose of conducting aerial combat training operations until:

"(1) Region III of the Environmental Protection Agency has completed its currently ongoing Environmental Impact Review."

Mr. SPECTER. Madam President, this is an amendment which would delay the implementation of low-altitude flights in a training corridor over central Pennsylvania until the regional office of the Environmental Protection Agency has reviewed the environmental impact of these flights.

This proposed flight pattern has caused enormous distress over some 1,200 square miles in central Pennsylvania where these low-level flights would have an enormous impact on the quality of life of the people who live there.

Central Pennsylvania is a beautiful place. It is essentially rural, although there are some cities in the Harrisburg, PA area. There has been an enormous public concern about how such flights would impact on the quality of life there.

And there is a study, which is being undertaken in region III of the Environmental Protection Agency, and the implementation of these low-level flights would be delayed until region III has an opportunity to review the environmental impact.

Again, it is my understanding that this amendment is acceptable to both of the managers.

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

The amendment (No. 2504) was agreed to.

Mr. SPECTER. I thank the Chair. Another one-vote victory.

AMENDMENT NO. 2505

(Purpose: To designate funds for the Vectored thrust combat agility demonstrator)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2505.

Mr. SPECTER. 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:

In title IV of the bill, under the heading "Research, Development, Test and Evaluation, Navy", strike out the period at the end and insert in lieu thereof: "Provided further, That of the amount of funds appropriated under this paragraph to be allocated to the aircraft technology program element, \$5,000,000 of this amount may only be obligated for the completion of Phase I of the Vectored Thrust Combat Agility Demonstrator".

Mr. SPECTER. Madam President, this amendment calls for the allocation of some \$5 million, which is now appropriated under this bill from the aircraft technology development funds within the Department of the Navy, to be used to complete phase I of the advanced rotorcraft vectored thrust combat agility demonstrator. This is a program which was established in 1991 to assess the capability of the Piasecki ringtail to improve helicopter speed, range and survivability and reduce operations and support costs.

This technology has already been subjected to very considerable expenditures, some \$11.76 million of public funds and approximately \$15 million by the private contractor.

This is a very highly sophisticated technology which has been developed by Mr. Frank Piasecki, whose company is conducting the research and development on this technology. Mr. Piasecki is a world-renowned developer of the helicopter. Indeed, the first helicopter a visitor encounters in the helicopter section of the Smithsonian Air and Space Museum is a Piasecki machine. He is world renowned and has done an enormous amount of work, and this technology, if it proves effective and reliable—and that is the purpose of these tests—would be crucial to protect troops transported by the new V-22's. It would turn more tightly, thereby enabling it to survive potential enemy attack and be operated at lower cost than existing helicopters and at a considerably greater speed.

This is an issue which I think would be very, very important for combat operations, as I say, especially in support of the new V-22's. And the \$5 million will enable this technology to go forward. It does not call for the appropriation of any new funds, but will come out of appropriations already in existence from the aircraft technology development funds within the Department of the Navy.

Madam President, I ask unanimous consent my colleague Senator WOFFORD be added as a cosponsor of this amendment.

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

Mr. SPECTER. I thank my colleague from Arizona for yielding time for these brief amendments.

Madam President, I am advised the managers find this amendment acceptable.

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

The amendment (No. 2505) was agreed to.

Mr. SPECTER. Madam President, I note another one-vote victory. I thank my colleagues for that, and I move to reconsider.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2528

(Purpose: To require specific authorization and appropriations for construction projects for intelligence facilities and improvements to such facilities having an estimated Federal cost of more than \$300,000)

Mr. BOREN. Madam President, I ask unanimous consent the amendment originally sent to the desk by the Senator from Hawaii, amendment No. 2528, be modified under the terms of the modification I will send to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

AMENDMENT NO. 2528, AS MODIFIED

Mr. BOREN. Madam President, I ask unanimous consent the amendment as modified be considered under the previous request and the pending amendment be set aside.

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

Mr. BOREN. Madam President, I ask the clerk read the amendment.

The bill clerk read as follows:

On page 142, between lines 7 and 8, insert the following new section:

SEC. . (a) No project for the construction of any facility, or improvement to any facility, having an estimated Federal cost in excess of \$300,000, may be undertaken in any fiscal year unless specifically identified as a separate item in the President's annual fiscal year budget request, if such facility or improvement would be used primarily by personnel of the intelligence community.

(b) As used in this section, the term "intelligence community" has the same meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, this amendment, which is offered on behalf of myself and the distinguished chairman of the Senate Intelligence Committee, Senator DECONCINI, is aimed at preventing the situation which has recently developed and which is well known to all of us now because of media coverage of these events. I refer to the project, the headquarters project under construction for the National

Reconnaissance Office, which has now run to approximately \$300 million, in excess of \$300 million, in projected costs.

I have endeavored to go back over the record on this matter, some of which is still classified, as to how this project could have grown to such proportions. I must say it alarms me, and I was appalled to find that the project had grown to these proportions. In reviewing the record, I am convinced that the reason for this project becoming this large without sufficient congressional control is that in every year, starting in 1990 until the present time, no itemized request was made for this construction project. Instead, the costs of this construction project were buried in the budget of the agency in question under more generalized functional groupings.

Madam President, this has never been the case with other intelligence agencies. We always had separate items. We looked at those items. We considered the request for construction and for land acquisition. We had task forces within the Intelligence Committee, and I know the Appropriations Committee as well carefully reviewed all of these projects. That process was, in my opinion, subverted in a way by not having specific itemized requests for these construction projects presented by the NRO. The CIA, the National Security Agency, the Defense Intelligence Agency—all other intelligence agencies in the past have gone through the normal procedures of requesting items of appropriations for construction projects and have in essence gone through the same procedures required by military construction projects.

This amendment which I have just offered, which I have discussed with the ranking member and the chairman and staffs of both, would in no way want to cause these projects to be considered in a way that would not protect classified information. I think it is just essential, whether we are dealing with a classified project which cannot be openly discussed on the Senate or House floor or whether we are dealing with a project that can be openly discussed, that the taxpayers' interests must be protected. I think, for us to be able to protect the taxpayers' interests, we have to make sure separate itemized requests are made.

So, that is the reason for this amendment. I have discussed it with the current chairman of the Intelligence Subcommittee. It is based on my own experience of 6 years with that committee trying to make sure funds were appropriately appropriated and we kept tight control over any unnecessary spending. I think this is simply legislation that is needed to prevent in the future what has happened over the past 4 years because of the failure of this agency to make an itemized request,

which actually did not come to the attention of the Senate Intelligence Committee fully until the independent audit unit which we established some 3 years ago began its own inquiry into the matter.

Madam President, I think this is a matter that has been cleared in terms of general agreement by both sides. I urge its adoption.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 2528, AS FURTHER MODIFIED

Mr. STEVENS. Madam President, I suggested an addition to the Senator's amendment if he would consider it. I do believe there is another area that should be mentioned in this amendment and there are buildings that are specifically authorized and for which money has been appropriated that could be commenced. Would the Senator consider my suggested modification to his amendment?

Mr. BOREN. I will be happy to consider that modification. Could the Senator tell me what the language would be? I see, "unless specifically identified as a separate item in the President's annual fiscal year appropriation budget request or otherwise specifically authorized and appropriated."

Mr. STEVENS. Right.

Mr. BOREN. I ask unanimous consent to modify the amendment further by adding after the word "request," the words, "or otherwise specifically authorized and appropriated."

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

Will the Senator please send a copy of that to the desk.

The PRESIDING OFFICER. Will the Senator please send a copy of that to the desk?

Mr. BOREN. I send a copy to the desk.

The amendment, with its modification, is as follows:

On page 142, between lines 7 and 8, insert the following new section:

SEC. . (a) No project for the construction of any facility, or improvement to any facility, having an estimated Federal cost in excess of \$300,000, may be undertaken in any fiscal year unless specifically identified as a separate item in the President's annual fiscal year budget request or otherwise specifically authorized and appropriated, if such facility or improvement would be used primarily by personnel of the intelligence community.

(b) As used in this section, the term "intelligence community" has the same meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

Mr. BOREN. Madam President, I now urge the adoption of the amendment, as further modified.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I have no intention of mounting a ferocious opposition to this. But I will say

to my friend who was the chairman and to the existing chairman and to the committee that this is as much the committee's fault as it is the fault of the National Reconnaissance Organization.

To begin with, it was the committee that told the National Reconnaissance Organization to consolidate its budget. But most important, Madam President, there was a time on those committees when subcommittees were responsible for the oversight of specific elements. That now no longer exists. The chairman and vice chairman have held unto themselves the whole budget process, and now we go in and listen to budget presentations and none of us have the information—none of us have the information—upon which to make a judgment.

So the change in the committee from the time when all of us had a little area of responsibility and, in fact, could have been asked why we allowed this to take place—this no longer exists.

I have tried this year on the Intelligence Committee to get them to understand—our leadership on both sides; it is not a partisan issue—that it is really important that we reestablish some element of accountability amongst the members of that committee. As it has evolved, it is a catastrophe, one of which has resulted in the way we now do it.

In the old days, in the original time of the Intelligence Committee, we sat and we had areas of specific responsibility through subcommittees, and we had staff that could oversee and overlook these things.

What has happened now is a harvest that was planted and sown when out of whatever reason, the past committee chairman—and I do not even know when it started, subsequent to the time I left there. And I am not blaming anybody. I am just telling the Senate that until we go back to the time when the rest of the committee is involved in the decisions of the Intelligence Oversight Committee, we are going to have more of these, not fewer.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I cannot comment on what the practice was of the past or the practice is now on the Intelligence Committee. I do not believe the Senator from Wyoming was serving on the Intelligence Committee during that period of time that I was chairman.

But I say to my good friend from Wyoming, during the time that I was chairman, I felt there had been very insufficient budgetary oversight and, therefore, the full committee met en banc hour after hour. Let me say, we had extraordinary attendance in which we started looking at the budgets of all the various elements of the intel-

ligence community. That was the number one item on our agenda for the full committee. We went over every one of them. We did not just look at the baseline from prior years. We made them start with their justifications from the beginning. And we divided up our staffs into separate sections that would look at the budgets for particular agencies.

We then went further on construction projects, and I suppose the Senator from Wyoming might call this a subcommittee, but we set up a special task force of members at that time—I do not know if that practice is continuing—to particularly oversee construction projects and facilities decisions.

Every single facilities decision, except this one, and the progress on those construction projects, except this one, as far as I know, was brought before that task force which was composed of some of the members of the Intelligence Committee. They looked at cost by square footage; they looked at the prevailing commercial costs of similar facilities. And in all of these cases—and I can remember CIA facilities; I can remember DIA facilities, NSA facilities—the agencies in question, Madam President, submitted specific requests for these facilities, accompanied by specific budgets, and year by year, asked by item for an amount of money to be appropriated for that project.

We then, in addition, established during the time that I was chairman an independent audit unit for the first time so that we were simply not at the mercy of the Central Intelligence Agency or of the intelligence community to know if the money was being spent for the purpose for which we appropriated it.

That special audit unit that was approved in legislation and signed into law by then President Bush was given the authority to move anywhere in the world to examine intelligence accounts and to oversee the spending of those funds.

I might say, it was that independent audit unit that finally uncovered the full scope of what appeared to me to be significant cost overruns in this particular construction project. That was discovered only this year.

But I say to my friend from Wyoming, I feel that the National Reconnaissance office, in this case, bears a very heavy responsibility for what has happened because, unlike all of the others—and I must say that I as chairman assumed that if they were expending significant sums, they would request line items of appropriations for these sums. They did not do so.

I believe and, in fact, the very first briefing of any scale to the committee staff, interestingly, occurred in the period of time after the November 1992 elections when I was leaving the chairmanship, our staff members were leaving, our staff director, in fact, was

working on a transition team, and the new staff of the new chairman was just not yet in place.

So we have a very significant project in which year by year the agency in question did not identify any line item in its budget and the amount of money it was requesting for this construction project.

So I think there was a significant lapse. That is the reason I am saying this, and I am not entering into what should now be the structure of the Intelligence Committee. I think that is appropriate for the current members.

Mr. WALLOP. If the Senator will yield, I am not, either. But I am here to say that this is not entirely and exclusively the fault of the National Reconnaissance Organization. There is at least some level of blame to be placed within the committee and its lack of oversight.

I say to the Senator, and I am not going to go on and debate the structure of it, but those budget hearings in which I participated this year were designed more to titillate than to inform, to show us the most amazing of the most amazing, and they were too short and they simply did not inform us.

I am just saying that the Senate should, as it goes into its next year's oversight responsibility, take a look at what it was that was its part of the fault that allowed this to happen. There is no exclusive blame, and I am certainly not trying to assign any to any one person, the chairman or anyone else. But the structure now does not lend itself to finding out items of this kind.

Mr. BOREN. Madam President, I will simply say to my good friend, at least during the period of time I was chairman, I would say the most significant part of my time, which averaged 4 to 5 hours a day, was spent trying to oversee the budget of the intelligence community and to make sure all the members of the committee had that information.

I also have to tell the Senator that I feel, in this case, I was misled, and I think artfully misled, by the National Reconnaissance agency, and I think the members of the committee at that time were misled, because we were given only a very generalized idea, in spite of specific report language by our committee stating that that agency should come to the relevant committees and seek prior specific approval for their construction programs. They never came, and I think we had the right to assume they would come.

Mr. WALLOP. I am not arguing the amendment, and I am certainly not trying to assign or lay blame. But this is not an exclusive problem.

Mr. BOREN. I say to my good friend, I believe it is an exclusive problem in this particular individual case because I think when an agency does not come

forward and specify where it is spending its money in construction programs, that that is a responsibility that they have. Now, it is certainly the responsibility of the committee then—and as I say, we had a task force that looked at construction of capital projects. I think it is appropriate. I think there should be a task force to look at it, composed of members, as well as having staff look at it.

But I do think the National Reconnaissance office, just as the CIA, just as the NSA, just as the DIA, just as every other single intelligence organization itemizes construction requests down to the level of \$300,000 or greater, the same standard followed in military construction projects. They should not be exempted from that requirement.

Mr. WALLOP. Madam President, if the Senator will yield one more time, I am not quarreling with the conclusion or the solution that he presents. I just do believe that we in the Senate, if we seek only to assign blame and never to accept, will probably not get to the point where all things are fixed.

Mr. WARNER. Madam President, will the Senator yield to the Senator from Virginia?

Mr. BOREN. I would be happy to yield.

Mr. WARNER. The committee today held a hearing, somewhat in excess of 3 hours, on this precise issue. As the Senator from Wyoming stated—and I think quite correctly—I acknowledged in my opening statement and in the course of my questioning that there were options that our committee, possibly under the Senator's jurisdiction as chairman, possibly under the period that I have shared the responsibility with Senator DECONCINI, could have taken to force the National Reconnaissance Office to be more forthcoming. An example was the specific language contained in the intelligence authorization bill in 1992. When the answers were not forthcoming, we could have simply said, "Not one dollar more until you do this." But for certain reasons, we did not do that.

So I think the Senator from Wyoming is correct in his observation. However, in the course of the hearing, I think in a spirit of fairness, both the Department of Defense through the Deputy Secretary, Mr. Deutch, and to some degree the Director of the Central Intelligence Agency, and later the Assistant Secretary of the Air Force, Mr. Harris, and others, acknowledged that perhaps there was not that degree of communication that is essential to enable the legislative branch, which has a small staff, to evaluate this project. Madam President, in this instance we had one staff person, Art Grant, a very fine individual, versus, as elicited from the NRO, 25 persons they have dealing with the budget.

So there is some limitation imposed by virtue of the size of the staff of the

Senate Committee on Intelligence as to its ability to get into the details if the information is not forthcoming on a voluntary basis from the NRO.

So somewhere between these two poles lies the true story, and as yet, we are still trying to ascertain the full range of facts. And I would hope that all interested would reserve final judgment until such time as all those facts are before this body.

Madam President, if I might just say, I will have further comment—

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

Mr. BOREN. I will yield further to the Senator.

Mr. WARNER. Madam President, I was simply going to add I will ask unanimous consent to include a statement, and that I should like to have my statement appear with that given by the Senator from Nevada as it relates to his amendment, which I support as a cosponsor.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, again I do not want to quarrel or prolong this discussion, but let me say the Senator from Virginia has just made the point, that the staff, even though we established a new independent audit unit during the time the Senator from Virginia was a member of the committee, a very important addition, because it left us some device of our own to be able to check to see how the agencies were spending the funds that were appropriated, an ability we never had before, we had a limited staff.

That independent audit unit has two people to try to go out and spot-check the entire intelligence budget to see if there was compliance on an independent basis on the part of the committee. In this case, one person on the staff was trying to oversee a functional area that included the National Reconnaissance Office. Let me say that we had 2 years in a row—and I quote this language—2 years in a row at least during the time I was there, and I do not know if this language was repeated later after I left the chairmanship, but the last 2 years I was chairman and this matter began to move, we had the language:

Facility acquisition will remain subject to the prior approval of the appropriate Congressional committees.

Now, there was never a line item or a specific request made by this organization for facility acquisition or improvement and therefore none was ever submitted to us to give prior approval.

Now, we worked very hard during the time that I was chairman, and other members worked very diligently with me, to establish a bipartisan atmosphere in that committee, and an atmosphere of mutual trust between the intelligence community and the com-

mittee which was charged with oversight so that we would never be in a position again in which we had to ask exactly the right question and we had to know a lot of information in advance, some information we could not possibly have known, to have asked exactly the right question to have found out the information.

I think in this case this is clearly an example in which the community put us in the position of having to know a lot of information to ask exactly the right question in order to elicit the required information, and when we had report language directing them to come back to us and make specific requests for facilities improvements and acquisitions, I think that clearly the NRO was derelict in not meeting those requests of the committee.

And as one who has tried year in and year out to support the legitimate requests of the intelligence community, let me say that I think this was a total lapse on their part, and I do not think it was a course of action aimed at allowing the Congress to play its appropriate role in the oversight or in the appropriation of funds.

So, Madam President, I would urge the adoption of the amendment. We can argue about the past. We can argue about affixing blame in the past. I think the important thing is that we assure that the NRO, like every other intelligence agency, will have to submit requests on construction projects in the future whenever they are undertaking projects in excess of \$300,000, a standard now being followed by all of the other intelligence agencies which worked very well. We were able to give complete oversight over the others because they made such requests.

I think it needs to be put in place as a matter to prevent this kind of thing from happening in the future.

The PRESIDING OFFICER. Is there further discussion?

The question is on agreeing to the amendment.

The amendment (No. 2528), as further modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2545

(Purpose: To provide additional funds for certain Ballistic Missile Defense activities)

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Madam President, I call up my amendment numbered 2545.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 2545.

Mr. WALLOP. 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 39, line 2, strike out the period at the end and insert in lieu thereof: *Provided further*, That not less than \$120,000,000 shall be available for Sea-Based Wide Area Defense System (Navy Upper Tier); *Provided further*, That not more than \$522,725,000 shall be available for Defense Reinvestment Programs."

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. INOUE. Madam President, will the Senator from Wyoming yield?

Mr. WALLOP. I would be happy to yield to the chairman.

Mr. INOUE. Madam President, I ask unanimous consent that there be 40 minutes on the amendment, 20 minutes to each side, 20 minutes to be under the control of the Senator from Wyoming, and 20 minutes under the control of the Senator from Hawaii or his designee.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. WALLOP. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WALLOP. Madam President, I yield myself 12 minutes of the time allotted.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 12 minutes.

Mr. WALLOP. Madam President, I offer an amendment to increase funding for a critical theater missile defense program: the Sea-Based Wide Area Defense Program, also known as Navy upper tier. The budget request for this program is \$17.7 million. At that level of funding this highly promising program is essentially standing still. This was not a serious budget request, and if we fund the program at this level we will send the message that we too are not serious about this program.

My amendment would increase funding for Navy upper tier by \$102 million, for a total of \$120 million in fiscal year 1995. This is the exact level provided by the House Appropriations Committee—and it is the amount needed if this program is to become a coherent and high-priority part of our theater missile defense efforts.

To offset this funding increase, my amendment would reduce by the same amount funds available for defense reinvestment programs—the so-called Defense Conversion Program. Even after this cut, this appropriations bill would still provide over \$520 million for defense conversion. By any honest measure, this is plenty, even excessive, given the likely benefits of the conversion program and the many other defense requirements that remain underfunded.

Let me briefly describe why the Navy Upper Tier Program needs more money and why it makes sense to take these funds from the Defense Conversion Program.

First of all, let us be clear that the administration's budget request for Navy Upper Tier in no way represents a serious effort to proceed with the program. At this level of funding, the most we can accomplish is a series of modest tests and studies. Recognizing this, and wanting Navy Upper Tier to become a genuine Theater Missile Defense Development and Acquisition Program, three of the four committees with oversight responsibility made additional funds available for this program.

The Senate Appropriations Committee did not provide additional funds for this program largely due to a concern that such a plus-up was premature. I have examined one program closely and consulted with the Navy, and I am here to tell the Senate that additional funds are not premature; in fact they are badly needed if we want to get moving any time soon.

The Navy, the Ballistic Missile Defense Organization and several major aerospace contractors have already produced detailed studies of what it would take to modify the existing Aegis Air Defense System into a wide-area theater missile defense system. It is important to emphasize that we are not talking about reinventing the wheel. One of the great advantages of a sea-based theater missile defense is that it relies on an existing system and infrastructure. The Navy's Aegis Air Defense System is already developed, deployed and proven. With minor modification—mostly in software—this system can become a highly effective wide-area theater missile defense system.

The Navy Upper Tier Program also builds on progress already made in the Navy's lower tier effort and BMDO's Lightweight Exoatmospheric Projectile [LEAP] Program. Later this year, the Navy will conduct two LEAP tests using a terrier missile booster. None of these efforts are fundamentally new—all are well underway and well understood.

If we keep Navy upper tier funding at \$17.7 million, as requested, the Navy will be able to do little more than concept exploration. With \$120 million, on the other hand, the Navy could take the following important steps during fiscal year 1995:

Conduct one additional Terrier/LEAP test—which would reduce the technical risk of developing a tactically capable LEAP kill vehicle and would improve lethality and guidance accuracy.

Initiate aegis combat system engineering development for theaterwide capability.

Initiate integration of the standard missile-2—(SM-2)—block IV and LEAP to allow earlier fielding of capability.

Provide an option for a deployable prototype system—known as UOES—by 1998.

Provide an option to deploy an operational system by the year 2000.

Provide an integrated, two-tier sea-based theater missile defense system by the turn of the century.

As you can see, Madam President, we can get a tremendous theater missile defense capability with a relatively modest investment, and we can have it relatively soon if only we start now. This is not to say that the Navy Upper Tier Program faces no challenges or that we will be able to have a deployed system overnight. It is to say, however, that we are in no way prevented by technology from moving forward now, only by money and level of commitment.

Why do we need such a capability? The answer should be obvious to anyone who takes a serious look at the expanding threat posed by theater ballistic missiles. The trend is toward longer range missiles with more and more countries in possession of such a capability. We now know that North Korea is developing three new ballistic missiles—the No Dong, which can reach much of Japan, and two longer range systems that may cover much of the Pacific—potentially even threatening United States territory there. Many other potentially hostile countries are also developing or otherwise acquiring such ballistic missiles.

Madam President, the Navy Upper Tier Program promises to be both a highly affordable and capable theater missile defense system that could be developed before the turn of the century. Operating in conjunction with the Army's THAAD and advanced Patriot systems, the Navy upper tier system would give the United States a genuinely effective capability to defend against ballistic missiles.

A Navy missile defense system could be forward deployed and would not depend on any special basing rights. Moreover, it would not occupy scarce air- and sea-lift resources that would be much in demand at the beginning of any future conflict. For these and many other operational reasons—to say nothing of the modest cost—we would be irresponsible for not aggressively pursuing this option.

But of course funds are limited, as the distinguished chairman of the subcommittee has reminded us. My amendment, however, offers a means for paying for this important program. I propose to reduce funds for the Defense Conversion Program from \$625 to \$522 million in order to offset the increase in Navy upper tier.

My personal belief is that the Defense Conversion Program is an unaffordable luxury that could be cut back even further. Although there may be some useful research conducted under this program, it is pretty clear

that it benefits defense capability only marginally. I have been told by numerous people in industry—including some who have directly benefited by defense conversion contracts—that this money would be better spent on real defense development and acquisition programs.

The Defense Conversion Program is intended in large part to be a means of preserving the defense industrial base. Instead, it has become a drain on limited resources. The Senator from Hawaii has correctly pointed out the inadequacy of the funds now available for defense procurement. I join him in expressing alarm over the erosion of the defense industrial base. Quite simply, we are eating our seed corn and hoping that we will not face another major threat in the future.

At the same time, however, this bill proposes to spend \$625 million on a whole range of interesting, but not particularly useful, hobby horses in the name of defense conversion. We simply cannot afford to spend this kind of money on projects that have little or no direct benefit to the national security of the United States. Projects that are truly meritorious should rise to the top and be selected for funding based on the normal DOD process. By making available a huge pot of money and simply saying come and get it, we are sure to waste much of it.

Virtually every expert that I have consulted with regarding the defense industrial base has confirmed that the best way to preserve that base is to keep it busy working on real defense research, development, and acquisition efforts. To the extent that the Defense Conversion Program takes away money from these activities, it actually is detrimental to the defense industrial base and national security.

My amendment proposes to take just over \$100 million away from this fund and use it for something that will not only contribute to the defense industrial base but also will beef-up our inadequate efforts in the area of theater missile defense. To illustrate this point, let me just list the contractors that are already working on the Navy Upper Tier Program:

Hughes Missile Systems Co.—Canoga Park, CA.

Boeing Aircraft Co.—Seattle, WA.

Rockwell International—Canoga Park, CA.

Thiokol Corp.—Elkton, MD.

Raytheon Corp.—Bedford, MA.

Aerojet Corp.—Sacramento, CA.

If the Navy upper tier program gets off the ground, this list is sure to grow, as contractors, subcontractors and vendors realize that this is a dedicated effort.

I would be willing to bet that any one of these companies would rather be working on a contract to build real defenses against ballistic missiles than taking defense conversion contracts that don't create any defense capabil-

ity at all. And I would also be willing to bet that each of these companies would confirm that money spent on a program such as Navy upper tier is more likely to preserve key elements of their productive base than anything that they could get from a defense conversion contract.

In sum, Madam President, this amendment would transfer \$102 million from a wasteful and overfunded program to one that is highly meritorious and woefully underfunded. The choice is clear: Dedicate these funds to a program that will defend Americans against a dangerous and growing threat—and at the same time help preserve the defense industrial base—or spend it on an ill-defined and bloated barrel of pork.

(Mr. ROBB assumed the chair.)

Mr. WALLOP. Mr. President, interesting to note and very probably hard to see. But here is a map of what would take place if we had such a program. Here is what we can potentially do now. This is the Sea of Japan and the aegis cruiser, and we can barely touch a piece of the Japanese mainland against the North Korean threat. Were we to do this upper tier program, we would take all of the Japanese islands. Mr. President, the only way we can defend Hawaii, the only way we can defend Alaska, the only way we can defend either of our coasts, and many of our allies, is through this program.

I reserve the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I would like to ask for a minute or 2 in support of the Senator's amendment.

Mr. WALLOP. I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished Senator from Wyoming. Perhaps no one in recent history of the Senate Armed Services Committee, to my knowledge, has had a better grasp of the whole concept of strategic defenses, and particularly those involving theater nuclear defenses, than the distinguished Senator from Wyoming. As he departs the Senate this year, he will be sorely missed. Many of us are doing our very best to fill the void that he will leave.

This is an amendment that the two of us have discussed. I strongly support it. I asked that I be made a cosponsor because it would be unconscionable for our Nation, given the experience we had in the gulf with those short-range Scud missiles, to ever again forward deploy men and women in the Armed Forces without adequate protection from theater ballistic systems. And this is precisely what this amendment does. It begins to bring back up that measure of funding that is essential to keep this program alive and at a level that will properly provide this Nation with that deterrent at sea that is needed.

Mr. WALLOP. The Senator will agree with me that when three of the four committees of jurisdiction have said, A, that the request is underfunded and that, B, this is the only means by which we hope to achieve the goal and the deterrent that we have; this is the only way we are ever going to get it done.

Mr. WARNER. Mr. President, I concur in that observation.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Hawaii.

UNANIMOUS-CONSENT AGREEMENT

Mr. INOUE. Mr. President, I ask unanimous consent that the vote on or in relation to the Wallop amendment No. 2535 occur without any intervening action or debate immediately following the disposition of the McCain amendment No. 2501.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that the Wallop amendment be temporarily set aside for no more than 2 minutes to take up consideration of the Breaux amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment by the Senator from Wyoming is temporarily laid aside.

The Chair recognizes the Senator from Louisiana, Senator BREAUX.

Mr. BREAUX. Mr. President, I first of all thank the distinguished chairman of the appropriations subcommittee for his consideration and also the Senator from Wyoming.

AMENDMENT NO. 2547

Mr. BREAUX. Mr. President, I send an amendment to the desk numbered 2547 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 2547.

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

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . . Notwithstanding any other provision of law, the Secretary of the Navy shall obligate, within thirty days of this Act becoming law, not less than \$29,750,000 from the funds appropriated in this Act or previous Acts under the heading "Aircraft Procurement, Navy", solely to procure, on an urgent basis, AN/USH-42 mission recorders modified for use in S-3B aircraft.

Mr. BREAUX. Mr. President, I say to my colleagues briefly in fiscal year 1992 and fiscal year 1993 the Congress in the

defense appropriations bill appropriated funds for the AN/USH-42 mission recorder program to be used within the A-6 aircraft program.

In the 1994 appropriations bill, the Congress ordered the Navy to verify that that mission recorder is required in the future for Navy aircraft for peacetime training involving damage assessment in combat.

The assessment by the Navy is completed, and the Navy said there is no particular requirement for the mission recorder based primarily on the decision to retire the A-6 aircraft. However, Mr. President, the Navy has conducted in their own words an independent review to examine other platforms for possible use of the AN/USH-42 and have determined that a modified AN/USH-42 could beat the S-3 attack aviation mission recorder requirements. In other words, the Navy is saying it cannot use it on the A-6 that is being phased out, but they can use it for their S-3 attack aviation operations.

Mr. President, my amendment simply directs the Navy to, in fact, use these mission recorders on S-3B aircraft, as I have explained, and I will ask for approval of my amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUE. We have no objection.

The PRESIDING OFFICER. Is there further debate? If not the question occurs on the amendment offered by the Senator from Louisiana.

The amendment (No. 2547) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, the time situation being the Senator from Wyoming has used up something in the neighborhood of 12 or 13 minutes of his time, I would ask he be allowed to reserve his time if you want to go to another amendment.

The PRESIDING OFFICER. The Chair will remind the Senator he has 8 minutes and 35 seconds under his control remaining.

Mr. WALLOP. Mr. President, in view of the fact there no opposition time has been utilized, I would not like to share it equally. I do not think that is quite appropriate.

I ask unanimous consent that until such time as someone is prepared to oppose it, unless the two leaders would like to drop the time agreement and vitiating the yeas and nays and they would accept it.

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

quest propounded by the Senator from Wyoming to allocate time equally?

Mr. INOUE. Mr. President, the Senator from New Mexico should be coming shortly to discuss this matter in opposition. But in the meantime, I ask unanimous consent that the Wallop amendment be temporarily set aside to accommodate the Senator from Nevada for no more than 5 minutes.

Mr. BRYAN. Six minutes at the outset.

Mr. WALLOP. Mr. President, reserving the right to object, and I shall not object, I want the Chair to make clear my request was not to divide the time equally.

Mr. INOUE. Without the time running on either side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Hawaii?

If not, it is so ordered, and the Senator from Nevada, Senator BRYAN, is recognized.

Mr. BRYAN. I thank the Chair and I thank the floor manager.

I might inquire of the Presiding Officer the amendment number of the Bryan amendment which was offered earlier this evening.

The PRESIDING OFFICER. The Chair will inform the Senator that the number is 2502.

Mr. BRYAN. Mr. President, I ask unanimous consent that Senator DECONCINI and Senator WARNER be added as original cosponsors to the amendment.

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

The Senator from Arizona and Virginia are added as original cosponsors.

NATIONAL RECONNAISSANCE OFFICE

Mr. BRYAN. Mr. President, I earlier commented before the time pursuant to the unanimous consent had expired on another matter to begin explaining the nature of this amendment. It deals with the National Reconnaissance Office, which most of us were startled to learn yesterday morning, is now estimated to cost between \$310 million and \$350 million.

The genesis of this building dates back to the early 1990's and late 1980's in which the intelligence committees of the respective bodies were encouraging the colocation of some facilities that were scattered all over the country into a single facility.

I was not a member of the committee at that time, having just joined last year.

But earlier this afternoon, as part of a Senate Intelligence Committee hearing, I had occasion to review the record as I did yesterday with staff. Suffice it to say that the distinguished senior Senator from Virginia, the ranking member of the Intelligence Committee, who was a member of the committee during all of the times that are relevant to the construction of this Na-

tional Reconnaissance Office made the assertion that at no time did the National Reconnaissance Office indicate to the Senate Intelligence Committee that it was preparing to build a building of a magnitude of a million square feet, the cost of which is about \$175 per square foot, and that what really occurred is it was incrementally included in the baseline but never specifically authorized prior to its commencement.

Mr. President, I say that my reading of the RECORD reaches the same conclusion as the distinguished Senator from Virginia.

Now, in the hearing this afternoon we learned that the head of the CIA and the Under Secretary for the Department of Defense are conducting a review.

The purpose of the amendment which I have offered is to seek to withhold any unobligated funds to be committed to the further expenditures in this building until such time as that review is completed and a report made back to the Intelligence Committees of the Senate and of the other body.

Let me emphasize it is not my purpose to in any way interfere with any contractual relationship that currently exists, but we know that at least \$50 million is unobligated for such items prospectively, furnishings and fixtures of these elaborate facilities.

It is absolutely shocking, Mr. President, because four towers are under construction. The fourth tower, the most elaborate, the fanciest, which has huge office space and has very, very extravagant provisions in it, was authorized in 1992 by the National Reconnaissance Office. That is after the implosion of the former Soviet Union, after the Berlin Wall came down, after the Warsaw Pact had disintegrated.

This is highly irresponsible conduct and, in my judgment, is an absolute outrage to the taxpayers.

One of my colleagues during the course of this afternoon's hearing referred to it as a goldplated palace, and it is that.

So the purpose of this amendment is simply to say that before you spend any more unallocated moneys for any aspect of this project, since it has never been before the Senate Intelligence Committee, for a preauthorization from start to finish, that the committee have an opportunity to look into it. We have an opportunity, Mr. President, to save tens of millions of taxpayers' dollars if we act promptly, and I am hoping that the distinguished floor managers can support this amendment.

I emphasize we do not in any way impinge upon existing contractual rights, and this money would be subject to review after this executive agency review which I have described.

I yield the floor and thank the floor managers for accommodating me and thank my colleagues who joined as sponsors.

AMENDMENT NO. 2502, AS MODIFIED

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, will the Senator from Nevada yield?

Mr. BRYAN. The Senator from Nevada would be happy to do so.

Mr. INOUE. May I suggest that the amendment be modified so that on page 2, on the last line, line 6, we add a comma after "Representatives" and add the following: "and the House and Senate Committees on Appropriations."

Mr. BRYAN. I am agreeable with such an amendment.

Mr. INOUE. With that modification, the managers will accept the amendment.

The PRESIDING OFFICER. Is there objection to the modification.

If not, the amendment is modified accordingly.

The amendment (No. 2502), as modified, is as follows:

On page 142, between lines 7 and 8, insert the following new section:

SEC. . . Of the funds made available by this Act for the National Reconnaissance Office under the classified Schedule of Appropriations accompanying this Act, funds allocated for construction of the headquarters buildings of the National Reconnaissance Office which were unobligated as of the date of enactment of this Act may not be obligated or expended until the Director of Central Intelligence and the Secretary of Defense have completed a review of that construction project and the results of such review have been disclosed to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. BRYAN. Mr. President, I simply want to express my appreciation to the distinguished Senators from Hawaii and Alaska for accepting the amendment. I do think we have an opportunity to correct what is clearly an excessive expenditure.

I thank them both for their responsible action.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 2502, as modified, offered by the Senator from Nevada.

The amendment (No. 2502), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii, Senator INOUE.

AMENDMENT NO. 2545

Mr. INOUE. Mr. President, I believe I should respond to the Senator from

Wyoming to explain to the Senate the reasons for the action taken by the committee.

The committee, in studying the request by the Ballistic Missile Defense Organization, provided the full budget request amount that the BMDO had suggested, \$18 million, and we could not go beyond that.

It is true that the House has added funds for this program and we felt that it could be considered in conference. It may interest my colleagues to know that in a memo dated July 11 of this year, the Chief of Naval Operations, Admiral Boorda, stated that the lower tier system was the Navy's first priority. The Department is just now beginning a cost and operational effectiveness analysis of this upper tier program.

Therefore, adding funds or accelerating this program before this cost and operational effectiveness analysis is complete would be premature and prejudices the outcome of the DOD analysis, which itself will cost about \$5 million to complete.

So, all in all, because of the technical concerns and the ongoing analysis, the committee felt that any acceleration in the Navy upper tier missile program would be premature.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. WALLOP. Mr. President, I feel as though I am being done in; that the opposition to this amendment is reserving all of its time and sort of calling on me to waste mine.

But let me just say, I realize the Navy requested only the \$17.6 million. But the problem is that the Navy was instructed to request—and this would not be the first time in the experience of the Senator from Wyoming—that the Appropriations Committee, specifically the subcommittee headed by the distinguished chairman, ignore what the Navy requested or the Army and Air Force requested, and ignore, in fact, what the Senate Armed Services Committee did.

We once had a rather gruesome little fight on the floor, which I will admit that I lost. One of the reasons I lost was because they appropriated things for which we had no authorizations. They appropriated things for which there were higher authorizations.

The purpose of the amendment of the Senator from Wyoming is to do one thing: To take the money, the \$100 million, out of defense conversion, which is nothing but a corporate entitlement program, and put it into something that buys some defense for Americans. And three of the four committees of oversight have recommended this.

Mr. President, it is a question, when the administration and everybody says

the only thing really threatening Americans and their allies now is missile proliferation, that we say we are going to spend a piddly little \$17.6 million, which even the Navy now says is a waste of money and will get us nowhere nearer our goal. We will have some reports made and some lovely bound books printed, and other kinds of things, but we will not be able to defend ourselves from anything.

What the Senator from Wyoming is trying to do is to take the money that has been said to be useful and to provide a defense. And, keep in mind, Mr. President, that the Army THAAD and other kinds of things have to be moved overseas or through the air; the Air Force's programs are not yet available to us; the Navy's can be deployed with all the kinds of confrontation that took us how many months to make a piddly decision to move an inadequate system to Korea called the Patriot.

The Navy—again, let me show the map of what it can do. Here is what Aegis can now do. This is Korea and all of this under here is Japan. Look at what would happen if we had the Navy upper tier, the kidney-shaped thing. You can take care of all of Japan, and most of the western Alaskan islands down through Korea and Taiwan. We will either be able to do something useful about defending Americans and American allies from missiles or we will waste money spending \$17.6 million and \$100 million buying no defense.

Mr. President, almost two-thirds of \$1 billion has gone into this corporate thing called defense conversion, which buys Americans nothing. And it is supposed to sustain the defense industrial base. How can you defend the defense industrial base by wasting money on things that do not result in weapons or security?

This is a small little thing. In case the Senator from Wyoming is wrong, \$100 million out of two-thirds of \$1 billion going into something that all of us know is of use, can produce, and has the technology. We merely need to know how to integrate it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I ask unanimous-consent that I be permitted to yield a minute to the Senator from Maine.

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

The Senator from Maine is recognized for up to 1 minute.

AMENDMENT NO. 2548

Mr. COHEN. Mr. President, yesterday I advised Senator INOUE that I intended to offer an amendment to this appropriations bill dealing with the Conventional Forces in Europe Treaty.

My understanding is that my staff submitted the language itself about a few minutes after 7 o'clock, and so it

would not qualify under the unanimous consent agreement. So I now ask unanimous consent that this amendment be allowed to be considered during the debate before the conclusion of the bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Maine to consider the amendment?

If not, the amendment is in order.

Mr. COHEN. I thank my friend from Hawaii.

AMENDMENT NO. 2545

The PRESIDING OFFICER. Who yields time.

Mr. STEVENS. Does the Senator have any time left?

Mr. WALLOP. Would the Chair state the time circumstance?

The PRESIDING OFFICER. The time remaining chargeable to the Senator from Wyoming is 4 minutes and 20 seconds. The time remaining to the Senator from Hawaii is 17 minutes and 4 seconds.

Who yields time?

Mr. INOUE. I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska, Senator STEVENS, is recognized for up to 5 minutes.

Mr. STEVENS. Mr. President, the chairman of the subcommittee is generous, because I rise to support the amendment of the Senator from Wyoming, which I know that the Senator from Hawaii does not support.

I believe that Senator WALLOP has correctly noted the emergency situation in the ballistic missile threats that face us in the northern Asia area. I do believe that we have reviewed these intensively in the Intelligence and Appropriations Committees. The flexibility that would be afforded by a sea base system is essential. In my judgment, we should proceed now.

While I have joined the chairman in supporting the defense reinvestment budget, I do believe that Senator WALLOP's amendment addresses a much greater need. He addresses the acute shortfall in our missile defense effort. Development of Patriot, ERINT, and THAD meet the land-based requirements. The Senator correctly noted there is this emergency in the Asian area, and I believe his amendment should be adopted.

I yield the remainder of the time that was yielded me.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I ask unanimous consent Senator MCCAIN be listed as a cosponsor and reserve the remainder of my time.

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

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Will the Senator withhold that? Would it be in order to set aside this amendment and turn to the amendment of the Senator from

Idaho? Could we set aside the Wallop amendment? We are still waiting for one person to speak on that. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The time allotted under the previous order is set aside, and the Senator from Idaho, Senator KEMPTHORNE, is recognized for up to 5 minutes.

AMENDMENT NO. 2538

(Purpose: To restrict funding for United States military personnel in Somalia)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for himself, Mr. WARNER and Mr. CRAIG, proposes an amendment numbered 2538.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

RESTRICTION ON FUNDING UNITED STATES MILITARY PERSONNEL IN SOMALIA

SEC. . . None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel after September 30, 1994.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that Senator WARNER and Senator CRAIG be added as original cosponsors.

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

Mr. KEMPTHORNE. Mr. President, in January of this year I visited Mogadishu. I was astounded at what I saw there in Somalia. An effort that had begun for relief purposes, for humanitarian purposes, to feed starving people at that point in time had become a situation where you were stepping into a war zone. It was absolutely apparent that it was a dangerous place to be.

Of course, it is there we lost 18 very brave Rangers.

Last year the Senator from West Virginia offered an amendment that was adopted by Congress. It said we prohibit the deployment of United States combat troops in Somalia after March 31, 1994. That was accomplished. But it did allow for a small contingent of United States military to remain there in order to provide protection for United States diplomats who would also remain there. We have 58 marines who are members of the fleet antiterrorist security team who are in place, and 20 diplomats. I have to say with regard to these Americans—the marines, the diplomats—it takes guts to be there. They have it. I also should note offshore we have an amphibious ready group, a Ma-

rine expeditionary unit. So we have about 4,000 United States military personnel off the coast of Somalia who are there in the event we need to go in for rapid extraction of United States personnel.

We were assured that after June 30 of this year, all of the military personnel would be out of Somalia. It was by happenstance I learned that June 30 came and went and our military personnel were not out of Somalia. I discussed this with the Armed Services chairman, Senator NUNN, and with the ranking member, Senator THURMOND. We held a hearing on July 21, 1994. As a result of that hearing, where we were briefed by the Department of Defense and by the State Department, 16 of the 22 members of the Armed Services Committee sent a letter immediately to the President of the United States urging him to withdraw all United States military personnel from Somalia by August 14.

We can see that date is not going to be met. But let me just read the names of those Senators who signed this letter urging that withdrawal: Senators NUNN, THURMOND, BYRD, WARNER, SHELBY, COATS, LEVIN, SMITH, GRAHAM, COHEN, MCCAIN, LOTT, LIEBERMAN, FAIRCLOTH, HUTCHISON and myself.

So why do I raise this issue? When you have an embassy in a country, are you not normally going to have a Marine detachment that is there to protect your diplomats? The problem is there is no embassy. There is no embassy and there is no one to protect that because there is no government in Somalia.

Normally, a host government provides protection in the streets surrounding the area where your personnel are located. This is what is in the streets of Somalia. This is a picture of one of the technicals. These are the vehicles that are roaming throughout Somalia with a concentration in Mogadishu. You can see here a .50 caliber machinegun. You can see this individual is holding a rocket-propelled grenade launcher. This is the same sort of equipment that was used to down the aircraft when the firefight erupted that caused the death of the Rangers. That is what is roaming the streets of Mogadishu.

Is it just one faction? Absolutely not. You have Aideed and you have Ali Mhadi—two factions. And it is very clear that they are back at war. It is very clear, according to the State Department, that their attitude is winner take all, no reconciliation in sight.

Where are our marines staying? Where are the diplomats? Here is a photograph of Mogadishu. The compound where they are located. This fence is what separates them. Repeatedly—repeatedly the U.S. Government has complained to the United Nations of the lack of security of the perimeter of this facility. It is not being addressed. So what is the assessment?

The Honorable Chas Freeman, who is the Assistant Secretary of Defense, has stated with regard to Somalia: "The situation has continued to deteriorate. Prospects for national reconciliation are bleak. And U.S., UNISOM, and relief organization personnel are increasingly in danger."

Let me remind this body of what President Clinton stated with regard to our goals in Somalia. He said, "It is not our job to rebuild Somalia's society or even to create a political process that can allow Somalia's clans to live and work in peace. The Somalis must do that for themselves."

So what is the assessment, then, of the Joint Chiefs of Staff of the Armed Services of the United States? They say that there is: A high threat of attacks, banditry, looting for all unsecured movements and facilities; No political settlement in sight; Large scale interclan fighting expected; High threat of spillover violence against U.S./U.N. personnel; The United Nations are selectively targeted. The United States is also now being selectively targeted. Chance will attack when they perceive U.S. and U.N. interference.

Mr. President, 58 marines are in that situation. They are the best fighting individuals of any armed service in the world. But 58 marines in that situation are a token force. And one of the lessons that we have learned is, you go in with an overwhelming force or you simply get yourself in a real dilemma; 58 marines in that environment is just enough to get in trouble.

The amendment I offer would cut off funds for the continuous deployment of United States military personnel in Somalia after September 30, 1994. The amendment would result in the withdrawal of United States military personnel from Somalia by October 1, 1994. But after consultation with various experts, it would not tie the President's hands regarding any future military deployments to Somalia.

As a member of the Armed Services Committee, I remember the hearing we held where we listened to the fathers of the Rangers who were killed in Somalia. I remember every one of us was deeply moved by that. And I remember they raised the question as to whether or not their sons had died in vain. But they said they hoped we have learned something from that and, if we had learned something from that that might protect other personnel in Somalia, it would not be in vain.

Mr. President, every assessment that you will look to from the Joint Chiefs of Staff, from the Department of Defense, from the State Department say that there is no reconciliation in sight in Somalia. Why then are we continually leaving at risk U.S. personnel?

It is absolutely time for them to be withdrawn from Somalia and for us to move that 4,000 amphibious-ready

group from the coast of Somalia. That is what this amendment will accomplish, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. INOUE. Mr. President, I yield whatever time is necessary to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for up to 15 minutes and 42 seconds.

AMENDMENT NO. 2545

Mr. BINGAMAN. Mr. President, I very much appreciate the time. I will not use the full 15 minutes, but I would like to make a few statements, at least, in opposition to the amendment that the Senator from Wyoming has offered.

As I understand his amendment, he is proposing to take, I believe it is, \$102 million out of the technology reinvestment project and transfer that money to an activity designated the Navy Upper-Tier Ballistic Missile Defense Program.

Let me start by giving some background about the technology reinvestment project. This is a subject that many of us in the Senate worked very hard on in the last few years. I think it has been a successful program.

The TRP, or technology reinvestment project, is a program that was established to accomplish some of the defense conversion activity which we felt was important at this time after the end of the cold war. A specific amount of research and development funding has been set aside in the Department of Defense budget for initiatives that industry comes forward with that are defense related but that have a dual-use purpose.

The idea was that industry would know better than the Government where the opportunities were to use defense-related technology in a dual-use capacity. So the technology reinvestment project was designed with that in mind, and it is important to note that the project is one that requires a cost share, a 50-percent cost share, by industry, and it also requires the industry initiative in order for a program to be funded under this TRP.

It is administered by the Advance Research Projects Agency, ARPA, in the Department of Defense but in cooperation with the Department of Energy, with NASA, with the Department of Commerce, the Advance Technology Program people at NIST in the Department of Commerce. They all work together to administer this program, and it is a very successful program, Mr. President.

This last year, the amount available was somewhere in the range of \$500 million. There were 2,800 proposals last year from industry for that funding. When the analysis had been done of the various proposals, right at 5 percent of

the proposals were actually able to be funded.

So this is a program which is substantially oversubscribed by industry. There is a tremendous pent-up demand by industry that has been involved in the defense effort to pursue activities that can be funded through the technology reinvestment project—half funded through the technology reinvestment project, half funded by those industrial partners themselves.

This technology reinvestment effort has the strong support of Secretary Perry and Deputy Secretary Deutch. It has the strong support of the President and the Vice President. It has continued to have overwhelming demand in various of the focus competition areas. There is clearly a need here, and that need is one that this committee is trying to meet in the bill that it has presented to the Senate for consideration.

I commend the Senator from Hawaii and the Senator from Alaska for the funding that they have proposed for the technology reinvestment project. I think it is very consistent with what we have tried to do in the authorization bill. It is certainly consistent with the desires of the Department of Defense, and it is something we should not be reducing in order to fund the program which is specified by the Senator from Wyoming.

Just to say a few words about the alternative use of this money that the Senator from Wyoming has come up with, my information on this is that the committee has provided the exact amount of funds that the Navy and the Department of Defense requested for this activity, this Navy upper-tier program. The House added funds for it, and clearly the matter will be open for consideration in conference. But our own committee in the Senate, the Defense Appropriations Subcommittee, has funded it at the level that the administration asks.

Clearly, the first priority, as I understand it, of the Navy in this area is the lower-tier system, not the upper-tier system. They have made that clear. Admiral Boorda, the Chief of Naval Operations, signed a memo on July 11 stating that the lower-tier system was the Navy's first priority.

The Department of Defense is just now beginning a cost and operations effectiveness analysis on this Navy upper-tier program. And, accordingly, they did not think this kind of high-level funding that is being requested by the Senator from Wyoming was appropriate at this time.

Adding funds or accelerating this program before this analysis is complete is premature and prejudices the outcome of the Department of Defense analysis which itself will cost about \$5 million to complete. It is not a cursory analysis.

The Department of Defense study may well recommend a naval version of

the theater high-altitude area defense, or THAAD Interceptor. Thus, no well-defined program exists which would support the addition of these funds at the expense of other valid Department of Defense programs.

I also point out that we watched the administration negotiate for months with Russia on changes in the Anti-Ballistic Missile Treaty, and we know that the Russians oppose the Navy upper-tier system as it is presently proposed.

The recent United States offer to the Russians under the Anti-Ballistic Missile Treaty negotiations could preclude deployment of this Navy upper-tier system for which the Senator from Wyoming wants to increase funding. These funds could be wasted if the United States negotiates ABM Treaty restrictions which prohibit this Navy upper-tier system from being deployed.

The Navy upper-tier program is a very risky program relying on technologies which have not been proven or demonstrated. Significant questions exist about the lethality of the lightweight exo-atmospheric projectile and its ability to precisely impact a re-entry vehicle.

Nora Slatkin, who is the Assistant Secretary of the Navy for research, development and acquisition, testified that the Navy upper-tier technology is not mature enough to be demonstrated for at least another 5 years. Technical concerns and the ongoing analysis I earlier referred to and the U.S. stance in the ABM Treaty negotiations—all of those factors argue strongly against any acceleration of this Navy upper-tier missile defense program.

Mr. President, to summarize, the technology reinvestment project is an extremely important initiative that was started under the Bush administration. It is being carried on by the Clinton administration. It needs to be continued. It needs to be supported. We have a long way to go to make the conversion for our defense sector from the cold war era to the post-cold-war era. They are working hard at it. These funds, through the technology reinvestment project, are an extremely important part of them making that transition. We need to support that program. We should not be taking funds away from it and earmarking it for other activities. Particularly, we should not be earmarking these funds for this particular program that the Senator from Wyoming is championing here tonight.

For the reasons I have stated, that program is not mature enough to justify the kind of funding he is requesting. I urge my colleagues in the Senate to resist his amendment.

I appreciate the time that has been granted to me by the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I am pleased to yield time to the Republican leader.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I did not have any comment on the amendment. Is the amendment going to be accepted? Why not go ahead and do that and then maybe I can be recognized.

Mr. INOUE. Mr. President, I ask unanimous consent that Senator WOFFORD be named as a cosponsor of amendment No. 2505.

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

Mr. INOUE. Mr. President, I also ask unanimous consent that Senator DOLE be permitted to submit an amendment at this time.

The PRESIDING OFFICER. Without objection—

Mr. WALLOP. Mr. President, reserving the right to object, and I shall not object—

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. I would like to have 2 minutes before the hour of 9 o'clock comes along to answer some of the points that were raised by the Senator from New Mexico.

Mr. STEVENS. Mr. President, pursuant to the time agreements previously entered into, I send an amendment to the desk for the minority leader, Mr. DOLE.

Mr. WALLOP. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment submitted by the Senator from Wyoming. There is 4 minutes and 20 seconds remaining. The Chair also observes that there are about 3 minutes remaining until 9 o'clock, and under the previous order, all the time on that amendment would expire at that time.

Mr. WALLOP. Mr. President, I ask that I might regain the floor in behalf of my amendment.

Mr. STEVENS. Mr. President, would it not be better order for us to let the Senator from Wyoming complete his time before we start the time at 9 o'clock?

I ask unanimous consent we just extend this so he can finish his 4 minutes, and then we have the votes.

Mr. WALLOP. I am perfectly willing to complete at 9 o'clock, if I can just get on with it.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for up to 3 minutes.

Mr. WALLOP. Mr. President, the Senator from New Mexico was describing a pet project of his, TRP, or defense conversion. Let me just explain to Senators that it buys no defense. It really buys no technology. And it buys no hardware. It does buy some stockholder good will, and it does buy some corporate souls. It is, in effect, nothing

more than a defense industry entitlement.

Mr. President, the amendment that I have submitted takes \$100 million out of a program that has two-thirds of \$1 billion in it. It has more money than the entire money for the Marine Corps. It has as much money in it as all of the combat aircraft procurement. It has \$200 million plus more than the entire national missile defense budget, and \$150 million more than THAAD.

The argument is that we ought to go on something on which we are spending money that buys us nothing because the Russians oppose it.

Now, Mr. President, the administration has said if we are serious about defense—and they say they are—the one thing that is threatening to America and her allies is missiles and missile proliferation.

The Navy has said that we can have a prototype by the year 1998 and an operational system by 2000 if we fund it at this level. At least, for heaven's sake, Senators, if we are going to spend any money on defense and out of the defense budget, let us spend it on something that achieves a level of defense that Americans can have.

The Senator from New Mexico said there are significant questions about the capability. Of course, there are. That is the purpose of my amendment, to resolve those questions and buy American defense.

Mr. President, time is up. I yield back the remainder of whatever it may.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the question is on agreeing to amendment No. 2501, offered by the Senator from Arizona.

Mr. STEVENS. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. 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.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the managers have suggested that the Senate now complete debate on the Kempthorne amendment, and then have three votes in succession. I believe their suggestion is appropriate. It has been cleared on both sides.

So I now ask unanimous consent that there be 10 minutes of debate on the Kempthorne amendment No. 2538, 5 minutes under the control of Senator SIMON, 5 minutes under the control of Senator KEMPTHORNE, and that the vote on the Kempthorne amendment occur following the two votes previously scheduled; and that for the three votes that would then be scheduled the first be for the regular time, 15

minutes, and the second and third votes be for 10 minutes.

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

Mr. MITCHELL. Mr. President, the vote on the Kempthorne amendment will be the last vote today. So there will be three votes beginning in approximately 10 minutes, the first 15 minutes, the second and third 10 minutes, and those will be the only votes remaining this evening.

I thank my colleagues. I thank the managers for their suggestion.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in opposition to the Kempthorne amendment. It is well-intentioned. But I think it is unwise.

We have roughly—I am not sure of the amount exactly—but roughly 300 American personnel in Somalia. This amendment would say we have to pull all of these people out. The people who are there are protecting our liaison office, and some are providing some technical assistance on such things as pure water and that sort of thing. We have asked other nations to have troops there. And we have pulled out almost all of our troops.

I was asked by a representative of the administration to talk to one of the leaders of Africa who has troops there urging that he keep his troops there pointing out that we would keep a residue of troops there.

I do not think we ought to be sending a signal to terrorists that, if you cause some problems, American troops will pull out. There are problems in Somalia. But let us leave it up to the administration, up to the Defense Department, when to pull those troops out.

I would add we have to be willing to take some risks. I wish we lived in a risk-free society. But when people enlist in the Armed Forces, there are risks that have to be taken just as people who enlist in the Chicago police department know that there are certain risks that have to be taken.

Somalia was not a disaster from the viewpoint of the United States. We saved who knows how many lives. Well over a million lives I believe were saved by our action there. It has not turned out the end product politically as well as we had hoped. But frankly, it was one of George Bush's finest hours when we used the U.S. military to see

that desperate people in a land that was ungoverned got the food that was needed. Senator METZENBAUM and I were in Somalia. Before we entered we saw the devastation like devastation I have never seen before.

Finally, I would add. Yes. There were casualties in Somalia. But there were fewer people, American service personnel, killed in Somalia than cab drivers killed in New York City last year. I do not want one additional person to be killed unnecessarily. But I think we have to recognize that when you enlist in the Armed Forces there are risks, and we should be a force for stability in that area of the world.

I do not think we should micromanage this from the U.S. Senate. We ought to leave it up to the administration, up to the Defense Department, to make this decision.

I hope the Kempthorne amendment will be defeated.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum. I withhold my request. The Senator from Idaho I understand is now here and prepared to debate. I withhold my request.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, thank you very much.

I would like to acknowledge the comments made by the senior Senator from Illinois. Much of what I was able to hear I have to say I fully respect, and acknowledge that when you deploy military personnel you know that there may be in fact casualties. When you do that, though, Mr. President, you need to know what the mission is. The mission in Somalia changed on us. It went from humanitarian relief to trying to apprehend Aideed. Then there is the statement that I read by the President of the United States who said that our goal is not to establish a new society in Somalia. We must leave that to the Somalis. Our job is done in Somalia.

It has been stated, Mr. President, by the Department of Defense, by the State Department—if I had my papers here I would read to you—that the prospect of a peaceful settlement is zero, and that they are moving at a glacial pace to achieve this.

Mr. SIMON. Will my colleague yield for a question?

Mr. KEMPTHORNE. I am happy to.

Mr. SIMON. My understanding is that we only have about 300 personnel there. They are there primarily to protect our diplomatic mission and to serve as technicians. Is that correct, first?

Then my second question is: Does the Senator not think that we would be wise to leave this decision up to the administration and the Defense Depart-

ment rather than making this decision on the floor of the U.S. Senate?

Mr. KEMPTHORNE. Mr. President, in response to that, there are currently 58 members of what is called the fleet antiterrorist security team, FAST marines. Normally, we have Marine detachments with embassies. There is no government to have an embassy for. I showed, moments ago, what is parading around through the streets of Mogadishu, the technicals with .50 caliber machine guns. They are beginning to target our U.S. military personnel. They are targets. For what? What are we trying to accomplish?

There is no mission. There is no stated mission today of anything further that the United States can accomplish.

Therefore, why do we not pull them out?

I also acknowledge that these diplomats—I think they are just as brave as the marines, but I am not dictating that those people must be pulled out. They have said they would go to a contract security system if that was necessary. But this is a very different situation. Mission accomplished.

If there is a lesson learned that we were supposed to learn from Vietnam, it was how do you exit. We do not know how to exit from Somalia. I also say to the distinguished Senator from Illinois that just offshore are 4,000 other U.S. military in an amphibious ready group, ready to go in and extract U.S. personnel if they get into a real problem. We are tying up a lot of assets, and there is no mission in Somalia.

Mr. SIMON. If my colleague will yield again, I believe in every diplomatic situation I know of there are a few marines. They have used military personnel to protect diplomatic personnel. I do not know why Somalia should be an exception to that general rule.

Mr. KEMPTHORNE. I say there is no government to provide further protection for the installation and for the diplomats. I would like to see all Americans out of Somalia.

I yield back the remainder of my time.

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

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

AMENDMENT NO. 2501

Mr. STEVENS. We are now proceeding with the McCain amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. This is an amendment to refund the costs in connection with Olympic games to DOD, which I oppose.

Atlanta is not the only one who could potentially make a profit from the games. But does this amendment ask anyone else to pay back the DOD for services which we should be glad to contribute?

Should NBC, the network which won the bid to cover the 1996 Olympics,

have to pay 25 percent of its profits back to DOD to pay for the benefits it receives from DOD? Should United Parcel Service have to pay back DOD for the profit it makes from being the "official" express-delivery company of the games? Should the many other sponsors have to pay 25 percent of their profits back to DOD for the services DOD provides?

It is an honor to win the privilege of hosting the games, and takes a lot of hard work by a city. The Federal Government should continue to fully support our cities when they are able to get these games. Atlanta already has committed much of the profits it receives—if there are any—in accordance with its host city contract.

According to the host city contract, Atlanta already has to pay the International Olympic Committee [IOC] and United States Olympic Committee [USOC] 10 percent each of any surplus after the games. According to the Atlanta Journal and Constitution, the Atlanta Committee for the Olympic Games will have to split any remaining money with the IOC as well. So Atlanta already will only keep a small portion of the profits if there are any.

The 1984 Los Angeles Games were a huge success story in terms of making profit; Los Angeles took that profit and created the \$100 million Amateur Athletic Foundation [AAF], a non-profit organization which has already provided more than \$50 million to create, sustain, and encourage sports programs in California. This program has already taught more than 100,000 children how to swim, and introduced thousands more inner-city kids to sports like cycling, volleyball, and other sports.

Atlanta should have the same opportunity to create a legacy from any profits it makes for its children to remember the 1996 games by, and to be introduced to sports.

VOTE ON AMENDMENT NO. 2501

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

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 21, nays 77, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—21

Chafee	Helms	Metzenbaum
Coats	Hutchison	Nickles
D'Amato	Jeffords	Pressler
Faircloth	Kohl	Reid
Feingold	Lugar	Smith
Glenn	Mack	Specter
Gorton	McCain	Wallop

NAYS—77

Akaka	Domenici	Lott
Baucus	Dorgan	Mathews
Bennett	Durenberger	McConnell
Biden	Exon	Mitchell
Bingaman	Feinstein	Moseley-Braun
Bond	Ford	Moynihan
Boren	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grassley	Nunn
Breaux	Gregg	Packwood
Brown	Harkin	Pell
Bryan	Hatch	Riegle
Bumpers	Hatfield	Robb
Burns	Heflin	Rockefeller
Byrd	Hollings	Roth
Campbell	Inouye	Sarbanes
Cochran	Johnston	Sasser
Cohen	Kassebaum	Shelby
Conrad	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerrey	Stevens
Danforth	Kerry	Thurmond
Daschle	Lautenberg	Warner
DeConcini	Leahy	Wellstone
Dodd	Levin	Wofford
Dole	Lieberman	

NOT VOTING—2

Mikulski Pryor

So the amendment (No. 2501) was rejected.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2545

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2545 of the Senator from Wyoming [Mr. WALLOP].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—38

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Helms	Roth
Cohen	Hutchison	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Stevens
D'Amato	Lott	Thurmond
Danforth	Lugar	Wallop
Dole	Mack	Warner
Faircloth	McCain	

NAYS—60

Akaka	Chafee	Glenn
Baucus	Conrad	Graham
Biden	Daschle	Harkin
Bingaman	DeConcini	Hatfield
Boren	Dodd	Heflin
Boxer	Domenici	Hollings
Bradley	Dorgan	Inouye
Breaux	Durenberger	Jeffords
Bryan	Exon	Johnston
Bumpers	Feingold	Kennedy
Bumpers	Feinstein	Kerrey
Campbell	Ford	Kerry

Kohl	Moseley-Braun	Rockefeller
Lautenberg	Moynihan	Sarbanes
Leahy	Murray	Sasser
Levin	Nunn	Shelby
Lieberman	Pell	Simon
Mathews	Reid	Specter
Metzenbaum	Riegle	Wellstone
Mitchell	Robb	Wofford

NOT VOTING—2

Mikulski Pryor

So the amendment (No. 2545) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was rejected, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2538

The PRESIDING OFFICER. Mr. President, the question now occurs on agreeing to the Kempthorne amendment No. 2538.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from Arizona [Mr. PRYOR] are necessary absent.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—54

Baucus	Ford	Mack
Bennett	Gorton	Mathews
Biden	Gramm	McConnell
Bond	Grassley	Murkowski
Brown	Gregg	Nickles
Bumpers	Hatch	Nunn
Burns	Hatfield	Packwood
Byrd	Heflin	Pressler
Coats	Helms	Roth
Cochran	Hollings	Sasser
Cohen	Hutchison	Shelby
Coverdell	Kempthorne	Simpson
Craig	Kohl	Smith
D'Amato	Lautenberg	Specter
Dole	Levin	Stevens
Domenici	Lieberman	Thurmond
Faircloth	Lott	Wallop
Feingold	Lugar	Warner

NAYS—44

Akaka	Durenberger	Metzenbaum
Bingaman	Exon	Mitchell
Boren	Feinstein	Moseley-Braun
Boxer	Glenn	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Pell
Bryan	Hatch	Reid
Campbell	Inouye	Riegle
Chafee	Jeffords	Robb
Conrad	Johnston	Rockefeller
Conrad	Kassebaum	Sarbanes
Danforth	Kennedy	Simon
Daschle	Kerrey	Wellstone
DeConcini	Kerry	Wofford
Dodd	Leahy	
Dorgan	McCain	

NOT VOTING—2

Mikulski Pryor

So the amendment (No. 2538) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that amendment No. 2500 previously adopted today be modified, and I send to the desk a modification.

I ask unanimous consent that Senator CHAFEE be added as an original co-sponsor of this amendment.

The effect of this amendment that I am sending to the desk will make that amendment which was previously adopted subject to modification.

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

The modification is as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . (a) The prohibition on concurrent award of compensation and retirement pay (including naval pension) set forth in section 5304(a)(1) of title 38, United States Code, does not apply to a person who has a service-connected disability if—

(1) the person has completed at least 20 years of service in the uniformed services that is creditable for purposes of computing the amount of retirement pay to which the member is entitled;

(2) the disability was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

(3) the disability is a disability rated as total—

(A) by the Secretary concerned as of the date on which the person is retired from the uniformed services; or

(B) by the Secretary of Veterans Affairs within four years following the date on which the person is retired from the uniformed services.

(b) Notwithstanding section 1463(a) of title 10, United States Code, the amount of retirement pay paid in accordance with subsection (a) concurrently with the payment of disability compensation to the recipients of such retirement pay shall be paid out of funds appropriated by this Act.

(c) Subsection (a) is not applicable to a person for any period for which the disability of such person is not a disability rated as total as described in paragraph (3) of such subsection.

(d) In this section:

(1) The terms "compensation", "service-connected", and "Secretary concerned" have the meanings given such terms in section 101 of title 38, United States Code.

(2) The term "disability rated as total"—
(A) means a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; and

(B) does not include a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities or by reason of any other factor.

(3) The term "uniformed services" has the meaning given such term in section 101(a)(5) of title 10, United States Code.

(e) This section shall take effect on October 1, 1994, and shall apply to months that begin on or after that date and before October 1, 1995, upon authorization in an Act other than this Act.

Mr. MCCAIN. Mr. President, with reference to amendment No. 2500, which

was adopted a short time ago in the Senate, I want to bring to the attention of the Senate a correction to that amendment.

The amendment I offered, and which was accepted, sought to appropriate funds for a program which is not authorized. As soon as I realized that the program was not authorized, I sought the assistance of the managers of the bill in correcting the amendment. I thank the managers for promptly offering a technical amendment to amendment No. 2500 to make this program subject to authorization.

As my colleagues know, I do not support the appropriation of funds for any unauthorized program, project, or activity. I apologize to my colleagues for my inadvertent violation of this important principle.

I intend to ask the conferees on this bill to retain the language in amendment No. 2500, as corrected by the managers. In no case will I support expenditure of funds for this program in the absence of a specific authorization.

I also intend to work in the Armed Services Committee and appropriate authorizing committees to seek authorization for this program, as is required under the Senate's procedures.

Mr. INOUE. Mr. President, I ask unanimous consent that Joe Sanchez be allowed access to the Senate floor during the remainder of the debate on this appropriations bill.

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

Mr. INOUE. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I reserve the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, may I take the opportunity to check that?

Mr. INOUE. 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. INOUE. 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. INOUE. Mr. President, I withdraw my request.

I ask unanimous consent to consider and adopt en bloc amendments numbered 2535, 2536, and 2542.

Mr. STEVENS. Mr. President, I ask unanimous consent that we add to that No. 2513 by Senator MCCONNELL.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. And that upon the adoption of these amendments, amendment 2517 be withdrawn.

Mr. STEVENS. I ask unanimous consent that the Mitchell amendment 2542 be cosponsored by Senator COHEN.

The PRESIDING OFFICER. Does the Senator from Hawaii accept the modification as proposed by the Senator from Alaska?

Mr. INOUE. I do.

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

So the amendments (No. 2513, 2535, 2536, and 2542) were agreed to, as follows:

AMENDMENT NO. 2513

At the appropriate place in the bill insert the following

SEC. . (a.) Within 60 days of enactment of this Act, the President, in consultation with NATO, shall submit a report to the Committee on Appropriations defining specific military, economic, and political standards required to gain admission to NATO: Provided further, that such report shall not be limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military cooperation and interoperability with NATO and fulfilling other member responsibilities.

AMENDMENT NO. 2513

Mr. MCCONNELL. Mr. President, In 1949 a remarkable treaty was signed by 12 nations. The North Atlantic Treaty was a document of vision and flexibility—a collective covenant to safeguard freedom, democracy, individual liberty, and the rule of law—a pact to "promote stability and well being in the North Atlantic area."

NATO joined in common cause nations of disparate economic resources and strength, differing governing institutions, diverse ideologies and dissimilar military capabilities. Yet, differences have not divided the organization nor compromised the unambiguous and united determination to defend against any attack.

NATO has worked. It has been remarkably successful for more than four decades in preserving peace, security and stability.

Given the track record, it is completely understandable that nations so recently liberated from Soviet aggression now seek the security of participating in NATO. I can think of no more clear or compelling U.S. interest than the expansion of NATO's stabilizing influence.

Unfortunately, no nation seems to be able to crack the NATO admission code. They have been told that participation in the Partnership for Peace pact may lead to NATO admission, but there are no guarantees. They have been offered the cold comfort that if attacked, they have an "opportunity to consult with NATO" with no follow on commitments.

Why? because according to the administration these nations do not meet

NATO's admission standards. When I pursued the question of just what the standards of eligibility were with Secretary Christopher in a hearing before the Foreign Operations Subcommittee, he told me they had to meet the standards in the NATO charter. Well, the only standard spelled out in the charter is a commitment to the alliance and collective defense.

Mr. President, during consideration of the Foreign Operations bill I offered an amendment to clarify NATO eligibility standards. The amendment lost narrowly. During the debate there appeared to be two principal concerns which I believe I have addressed in this revised revision.

This amendment will require a report from the President in 60 days defining specific military, political or economic standards required to gain admission to NATO. During the last debate Senator LEVIN pointed out since NATO was a collective body, decisions regarding admission standards should be collective—the President does not have the unilateral authority to grant admission. I agree and presumed such consultation would occur, but to satisfy Senator LEVIN and others I added language to the amendment clarifying the President should prepare the report "in consultation with NATO leaders."

The amendment also requires an assessment of the capabilities of the Visegrad and Baltic nations to meet those admission standards and provides the President permissive authority to offer excess defense articles to assist these nations in achieving military cooperation and interoperability with NATO.

My earlier amendment required the transfer of excess defense articles to these seven nations. I decided to delete this provision in response to some of my colleagues who argued the President could not unilaterally mandate NATO EDA recipients and, more importantly, such a directive many undermine the security requirements of other current beneficiaries.

Mr. President, I believe the amendment before the Senate responds to the concerns raised by the chairman of the Armed Services Committee and others with a strong interest in NATO and European security policy. No doubt, Deputy Secretary Talbott will continue to object to the provision because it singles out several nations, thus "drawing lines" in Europe. Frankly, by default the administration has already drawn lines—NATO is on one side, Russia the other, and Central and Eastern Europe have been relegated to the gray ambiguous, no-man's land of Partnership of Peace.

Unfortunately, the victims of the administration's ambiguity consider their circumstances as an open invitation to Russia. In 1823, the U.S. established the imperatives of the Monroe Doctrine. Now, the perception from

Warsaw to Kiev, is the U.S. supports a new, variation on their historical theme—the Moscow mandate. Leaders throughout Central Europe have publicly and privately criticized the administrations's willingness to cede their economic sovereignty and political independence to the sphere of Russian influence.

A July 24 column in the Washington Post by Lally Weymouth drew our attention to the profound concerns shared across Europe. Ms. Weymouth writes, "Recently, the Russian Ambassador to the United Nations Yuli Vorontsov, asked the world to bless the Russian deployment of peacekeepers to Georgia. Vorontsov said without some sort of U.N. endorsement of Russian peacekeepers in Georgia, Moscow would veto a resolution authorizing the dispatch of troops to Haiti * * * as a consequence, the Clinton Administration entered into a cynical deal with Russia which at least one U.N. diplomat compares with the controversial 1945 "spheres of influence Yalta pact * * *. What this means is that the United States has given Russia the right to reoccupy the Caucasus and other former Soviet Republics in return for Russian acquiescence in the U.N. Security Council Resolutions on Haiti."

Senior State Department officials have expressed concern about drawing lines dividing Europe—I think this is an artful dodge. In fact, avoiding drawing lines is avoiding making important decisions, avoiding the responsibilities of leadership, and avoiding the definition of American policy and interests in Europe. In effect, we concede to the Moscow mandate.

During his recent visit to Poland, President Clinton addressed the Parliament. In discussing NATO membership, he said there is "no longer a question of whether, but when and how."

This was a very encouraging statement which I hope to build on with the amendment I am offering today. The amendment before the Senate begins the process of defining "when and how" nations can join. It is a small first step in the direction of expanding stability and security in Europe, a goal so clearly and unambiguously in American interests.

AMENDMENT NO. 2535

On page 9, on line 13 of the Committee-reported bill, insert before the period the following: "Provided further, That of the funds appropriated under this heading, not less than \$39,674,000 shall be made available only for the Pacific Missile Range Facility, Hawaii".

AMENDMENT NO. 2536

On page 29, on line 15 of the Committee-reported bill, insert before the period the following: "Provided, That of the funds appropriated under this heading, not less than \$30,100,000 shall be made available only for the Pacific Missile Range Facility, Hawaii".

AMENDMENT NO. 2542

On page 53, line 13, after the period insert: "Funds appropriated in Title III of this Act may be used for multiyear procurement contracts as follows: MK19-3 grenade machine guns; M16A2 rifles; M249 squad automatic weapons; and M4 carbine rifles for the Army."

So the amendment (No. 2517) was withdrawn.

Mr. INOUE. Mr. President, the managers of the bill are ready to go to bed.

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

AMENDMENT NO. 2505

Mr. WOFFORD. Mr. President, I am pleased to cosponsor this important amendment that will provided \$5 million in fiscal year 1995 for the completion of phase I of the vectored thrust combat agility demonstrator [VTCAD].

The VTCAD program is designed to assess the benefits of the ring tail vectored thrust ducted propeller [VTDP] for existing and future combat helicopters. This research has the potential of increasing the speed, range, and endurance of conventional helicopters for more effective combat productivity.

I appreciate the efforts of Senator INOUE and the members of the Defense Appropriations Subcommittee for their acceptance of this amendment. As a strong supporter of the VTCAD research, I am very glad that my colleagues have agreed with my request to provide \$5 million in funding for the completion of phase I of this important effort in fiscal year 1995.

HARKIN AMENDMENT NO. 2525 ON THE COMPREHENSIVE TEST BAN

Mr. BRYAN. Mr. President, I rise today in opposition to the amendment by the Senator from Iowa. This amendment, while only a sense of the Senate amendment, takes an irresponsible position in relation to our nuclear weapons stockpile, and our future need to maintain nuclear weapons that are safe and reliable.

We cannot turn a blind eye to the reality that we have a nuclear stockpile of thousands of weapons. As the cold war has come to a close, we have made substantial progress in reducing the number of nuclear weapons. I support these efforts.

What concerns me about the approach of this amendment and the ongoing Comprehensive Test Ban negotiations, is the lack of focus on the long-term needs of our nuclear weapons scientists to monitor our stockpile. It is hard to imagine why we would want to maintain thousands of the most dangerous weapons known to mankind, but eliminate the ability to test them. In the past, we have been able to replace old nuclear warheads with newer and safer designs. We now have no new nuclear warheads under development, and so the task of our nuclear scientists is to ensure the stockpile remains safe

and reliable as the various components age and deteriorate.

Nuclear weapons are complex devices. The interaction that occurs in a warhead between the highly energetic explosive and the nuclear material will never be completely mimicked by testing simulation. As these devices age, we must have a complete understanding of their deterioration, and how this affects their safety and reliability.

In fact, as our stockpile of nuclear weapons is reduced, the reliability of each nuclear weapon becomes even more critical to an effective deterrence. Only through testing at the Nevada test site can we have adequate assurance that our nuclear weapons will function as expected in a time of crisis. Stockpile surveillance, above ground experiments, and modeling often uncover flaws that cannot be resolved without the use of a nuclear test.

The Washington Post ran a story in May 1990, which explained a disturbing incident occurring in 1988, only 6 years ago. The Department of Defense unexpectedly discovered a defect in a type of nuclear weapon after it had been deployed throughout Europe. Urgent orders were issued not to move the warheads, and repair teams had to hurry to the nuclear ammunition depots to disable the weapons so they could not accidentally be detonated. Computer calculations and underground tests before the start of production had indicated no safety problems. Yet, a new safety analysis in 1988 raised concerns that were confirmed by actual underground nuclear tests.

Again, it is plain reckless for our Nation to hold thousands of the most powerful and dangerous weapons known to mankind, and destroy the ability to monitor and test them.

Mr. President, no one in this body can state with certainty that the nuclear weapons created by the United States have, suddenly, become completely safe and reliable for the foreseeable future. No one in this body can say with certainty that we will never again discover a dangerous flaw in a nuclear weapon, like that found less than 6 years ago.

Without a doubt, the goal of non-proliferation is vitally important, particularly maintaining controls on nuclear materials. However, I have yet to see a compelling argument that the United States nuclear testing moratorium has furthered that goal. China continues to test and modernize its nuclear weapons at will. Renegade nations, such as Libya and N. Korea, could continue to develop nuclear weapons even if they signed and abided by the provisions of a comprehensive test ban.

I also want to address the issue of the Comprehensive Test Ban and how it would affect the Nevada Test Site. The Nevada testing facility is a unique resource, and the Nation's investment in it must be protected.

Some of America's greatest technological resources have been devoted to design, production, and testing of our nuclear weapons. Personnel at the Nevada test site are a small community of highly specialized workers, with expertise found nowhere else in the world.

Mr. President, 2 years ago, a one kiloton conventional explosion occurred in the tunnels at the Nevada test site. The nonproliferation experiment was conducted in the general vicinity of previous low-yield nuclear tests, and provided vital data on the different seismic signals between a conventional explosion and a nuclear explosion. By furthering our ability to distinguish between conventional explosions and low-yield nuclear explosions, we greatly expanded our ability to monitor the proliferation of nuclear weapons. This test has had far reaching consequences in the ability of the United States to prevent renegade nations from disguising low-yield nuclear tests.

No other facility in the world has recorded data from low-yield nuclear explosions that made this test possible. No other facility in the world has the unique tunneling capability that enabled this conventional test to occur efficiently and without undue expense.

Most Members recognize the unique assets and expertise of the personnel at the Nevada test site. What my colleagues may not realize is that a wide variety of activities, such as the non-proliferation experiment, are now occurring at the test site, and many more activities are being planned for the future.

One of the most promising future uses for the Nevada test site is in the production of solar energy. Because of its size and location, the test site is ideally suited for research in solar energy development, which I believe should have a very high priority in supplying our future energy needs. Even a small portion of the test site, devoted to solar electric generation, could supply substantial energy resource.

Mr. President, as long as dictatorships are striving to acquire weapons of mass destruction, we must be vigilant. Our nuclear deterrence, tested time and again in the Nevada desert, helped prevent the tensions between the Soviet Union and the West from ever resulting in a nuclear conflict. Testing was part of that success, and we must not lightly discard such a proven capability.

Again, I urge my colleagues to vote against this amendment, and I yield the floor.

NUCLEAR TEST BAN RESOLUTION

Mr. HARKIN. Mr. President, the amendment at the desk is on behalf of myself, Senator JEFFORDS, Senator DECONCINI and Senator DASCHLE. This is a sense of the Congress resolution, basically praising the President for extending the nuclear testing morato-

rium until September, 1995, and calling on the President and the other nuclear powers to complete negotiations for a comprehensive nuclear testing ban treaty before the extension conference for the Non-Proliferation Treaty [NPT] begins in April 1995.

Some may say "Why the rush?"

Why not wait until 1996, which China and France seem to prefer?

I would list two primary reasons for President Clinton to take a strong leadership position now to assure completion of the CTBT by 1995: to complete the CTBT before the NPT extension conference begins in April, 1995 and to complete a CTBT before new presidents are elected in Russia, France and the United States.

First, the Non-Proliferation Treaty is up for renewal in 1995. The conference to strengthen, expand and extend the NPT begins in April 1995.

Mr. President, the NPT is becoming ever more important in the post cold war era. In the past, our focus has been on the former Soviet Union, with their enormous nuclear arsenal of over 20,000 nuclear weapons, and their plans and missiles to deliver many of those weapons of mass destruction to the United States homeland with less than half an hour warning.

But now we may have more to fear from one or two crude nuclear weapons in the hands of Saddam Hussein or Kim II Sung's son in North Korea than 20,000 much larger nuclear weapons in the Soviet arsenal.

Paranoid leaders from rogue nations may be much more inclined to use nuclear weapons in a crisis. And paranoid leaders are not deterred by the massive U.S. nuclear arsenal.

Hence the Non-Proliferation Treaty takes on much greater significance. Our national security interests are severely undermined by the proliferation of nuclear weapons. So much so that at least one active-duty military officer, General Horner, has even suggested that we seriously consider the eventual elimination of all nuclear weapons.

He reasoned that nuclear weapons are the ideal "equalizers" for weak third world nations. Only nuclear weapons could severely damage U.S. interests, given our current and projected overwhelming conventional military superiority.

Under these circumstances, the extension and strengthening of the NAT should be a primary priority of U.S. defense policy.

For better or worse, the comprehensive test ban has become almost a prerequisite for extension of the NPT in the eyes of most of the nuclear weapons have-not nations.

They reason that stopping all nuclear testing is the least the nuclear weapons states can do to demonstrate our resolve not to continue the qualitative nuclear arms race. They reason that only if we agree to stop all testing will

they, the nuclear have-nots, agree to forego development or acquisition of nuclear weapons.

Hence, to maximize our chances of strengthening and extending the NPT, we should make every possible effort to complete the CTBT by 1995. It will take a major, concerted effort by the United States to achieve this objective. This amendment encourages the President to undertake such a dedicated effort to complete the CTBT before April, 1995.

Second, the political landscape in several key nations may change significantly after 1995. Francois Mitterrand will be stepping down in May, 1995, and new presidential elections will be held in Russia and the United States in 1996.

While President Mitterrand's successor may eventually support a CTBT, I fear that France may want to conduct a flurry of nuclear tests before agreeing to sign the CTBT. The two current French candidates are vying with each other to see who can be the most supportive of the French nuclear arsenal. So we cannot be assured that the next French Government will support the CTBT at all.

In other words, we have three of the five nuclear powers supporting the completion of the CTBT now, but no assurance that any of the three will be as enthusiastic by 1996 or later. The CTBT now, but no assurance that any of the three will be as enthusiastic by 1996 or later. The CTBT and the NPT are too important to the national security of the United States to let this current opportunity pass by.

While we would certainly like France and China to join the CTBT initially, this is not necessary. After all, both France and China were not party to the NPT initially, but are now supportive.

At this moment, negotiations are continuing in Geneva on the CTBT. The current session began on July 25, and is scheduled to end on September 7. This is the last scheduled negotiating session. But a draft treaty has not even been tabled in Geneva.

I therefore urge the President to encourage the session chairman to at least lay down a draft treaty, so that the negotiators can begin narrowing down differences. I urge the President to avoid last minute complications, such as submitting endless verification or other technical suggestions which slow down the process without yielding significant increased security assurances.

I was pleased to learn that John Holum, the director of ACDA, stated on August 4 in Geneva at the U.N. Conference on Disarmament that the U.S. delegation will be willing to work after September 7, "continuously" if necessary.

This is a hopeful sign that the Clinton administration is willing to work with all diligence to complete the negotiations by April 1995.

This resolution merely signifies to the administration that we in Congress consider rapid progress essential to our national security.

I encourage my colleagues to support this resolution, urging the President and other nuclear powers to complete negotiations on the nuclear testing moratorium before the Non-Proliferation Treaty extension conference begins in April 1995.

AMENDMENT NO. 2625

Mr. REID. Mr. President, I rise to oppose the amendment offered by my colleague from Iowa, Senator HARKIN.

Once again, I see an effort to continue to undermine our nuclear deterrent and our nuclear stockpile while ignoring the real danger that faces our world today. That danger is the danger of the proliferation of weapons of mass destruction and, in particular, the spread of nuclear weapons and nuclear weapons technology.

Our national security will be served by negotiating an extension of the Nuclear Non-Proliferation Treaty, but the amendment offered by my friend from Iowa focuses on the negotiation of a Comprehensive Test Ban Treaty, which may or may not play a roll in gaining the extension of the Non-Proliferation Treaty.

A Comprehensive Test Ban Treaty carries with it several clear risks to national security and worldwide security that have been recognized by the Senate, President Clinton, and past Presidents.

The Senate in passing the Hatfield-Exon-Mitchell amendment recognized that the safety and security of our nuclear weapons and, presumably those of other countries, could be improved by a limited continuation of nuclear testing. The Hatfield-Exon-Mitchell amendment permitted continued testing for safety and reliability until 1996 and longer if other nations continued to conduct nuclear tests.

President Bush's national security advisors recommended a veto of the legislation containing the testing restrictions because of its serious consequences to national security. If the amendment had not been tied to a larger bill, it most likely would have been vetoed.

President Clinton, in extending the moratorium, expressed his concerns about the risk that a moratorium posed to our stockpile, but accepted the risk as the apparent cost of establishing the right atmosphere to promote the extension of the Nuclear Non-Proliferation Treaty.

The Chinese and the French have both stated the importance of a limited number of additional nuclear tests before a Comprehensive Test Ban Treaty would be in their national interests. A premature effort to push a Comprehensive Test Ban Treaty before next April may cause the Chinese and the French to withhold their support.

Do we want a Comprehensive Test Ban Treaty that the Chinese will not sign?

I do not support a Comprehensive Test Ban Treaty because I do not believe that it really contributes to making the world safer.

If there is to be an amendment, it should encourage the President to continue his efforts to get an indefinite extension of the Nuclear Non-Proliferation Treaty. A Non-Proliferation Treaty without a Comprehensive Test Ban Treaty is a significant step to a safer world. A comprehensive Test Ban Treaty without an extension of the Nuclear Non-Proliferation Treaty is a failure.

The Chinese will likely continue testing beyond April 1995, the time when the Non-Proliferation Treaty Extension Conference will be held. I suspect that the United States will, and should, push for an extension of the Non-Proliferation Treaty whether or not China or anyone else is testing.

Testing is not the issue. Limiting, or stopping proliferation of nuclear weapons is the issue.

The extension of the Nuclear Non-Proliferation treaty is in the interests of every nation, be they a nuclear power or a nonnuclear state. Most nations know this. No nation will gain from the termination of the Nuclear Non-Proliferation Treaty, although many may threaten not to sign to advance some separate agenda.

I believe that the sense of the Senate resolution offered by my friend from Iowa is in fact an attempt to advance a separate agenda.

That agenda is the delegitimization of nuclear weapons and, in particular, the U.S. nuclear arsenal as fast as possible.

As the chairman of the Defense Appropriation Committee said so eloquently on the floor earlier in this debate, this is not time to let the euphoria of the end of the cold war lead us into thinking that we can abandon our Armed Forces, and in this case our nuclear forces.

The world is still a dangerous place. The nuclear threat has changed, but it has not disappeared. We must maintain our nuclear stockpile, our nuclear deterrent capability, and our nuclear expertise. The capacity to resume testing is a critical element of that capability.

I am very concerned about efforts like this amendment that undermine the support for our own national security without securing assurances that the external nuclear threats are being reduced.

Look at Korea. The Non-Proliferation Treaty did not guarantee that they could not develop nuclear weapons. Our moratorium did not stop them from continuing their program. Our continuing efforts to promote a Comprehensive Test Ban Treaty and a the extension of the Nuclear Non-Proliferation Treaty have not convinced them to reject a nuclear program.

For another example of the continuing external threat, look at the recent discovery of weapons-grade plutonium being diverted from the former Soviet Union and offered for sale in Germany. The news media reports that the buyer for this material was to be Iraq. Does anyone here think that the extension of any treaty will end the threat from Iraq?

An extension of the Nuclear Non-Proliferation Treaty will help address these threats. A Comprehensive Test Ban Treaty will not.

Let us not forget the arguments that have been used to advance the Comprehensive Test Ban Treaty argument. Originally, we needed to stop testing to stop the arms race. In fact, the arms race ended while we were testing. The end came because the Soviet Union collapsed.

Another argument was that we need to stop testing to promote disarmament. The United States and Russia are both in the process of drastically reducing our nuclear arsenals. A testing program for reliability and safety does not preclude a weapons reduction.

Now they are saying that we need to end testing to get an extension of the Non-Proliferation Treaty. This is highly unlikely. The vast majority of responsible nations realize the great progress that has been made by the United States and the former Soviet Union to reduce the nuclear tension and the nuclear stockpiles.

These same nations realize that giving up the Non-Proliferation Treaty solely because there is no Comprehensive Test Ban Treaty is not in their national security interests.

The Comprehensive Test Ban Treaty is, at best, a debatable element of the Non-Proliferation Treaty extension.

If we want to send our President a sense of the Senate, let's tell him that we support his efforts to stop the proliferation of weapons of mass destruction. Let's not divert his attention to secondary issues that may or may not contribute to the ultimate goal.

I ask my colleagues to oppose the Harkin amendment.

AMENDMENT NO. 2526

Mr. LIEBERMAN. Mr. President, at a time of heightened concerns about terrorist attacks such as the World Trade Center bombing and recent incidents in Argentina and London, the Senate has an important opportunity to increase efforts of the United States Government and our allies to help counter these threats.

Several years ago, in response to the bombing of Pan Am 103, the Department of State and the Department of Defense established the Technical Support Working Group [TSWG], an interagency body that coordinates counterterrorism research and development efforts. Since its creation, the TSWG has made valuable contributions to enhancing the security of persons

and property both inside the United States as well as beyond our borders by orchestrating and funding the development of innovative technology. For example, the TSWG has already improved the security of people flying on the world's airways by developing advanced methods for postblast detection and postblast containment of chemical explosives.

In the aftermath of the attacks in Argentina and London, it is clear that the world continues to be a dangerous place where terrorism will be used to strike at the heart of civilized peoples everywhere. We should do more to bolster the promising start of the technologies and techniques already developed by the TSWG. As President Clinton recently stated, "I think everyone in the United States would want us to do more against terrorism."

President Clinton requested \$6.321 million as the Defense Department's contribution to the TSWG. This amount has been authorized by the Senate and House, appropriated by the House, and is in the Senate Defense appropriations bill we are currently discussing. Virtually all of this is required to continue projects identified in fiscal year 1993 and fiscal year 1994 and already underway. Thus, only about \$2 million—the amount provided by the State Department in its funding share—is available for new projects, of which there are many which appear quite promising. Moreover, the \$6.321 will limit the TSWG's ability to follow up the excellent start permitted by the fiscal year 1993 congressional initiative for an international program.

In the Defense authorization bill passed by the Senate, an additional \$3 million was authorized for TSWG to enable it to continue and expand its promising international cooperative efforts. The additional funding which we seek today in this Defense appropriations will go along with the additional amount authorized and will go a considerable distance in funding important new counterterrorist technologies. Three areas are particularly promising and important: nonlethal technologies; border security; and strategies against advanced shoulder-launched surface-to-air missiles, radio-controlled explosive devices, and weapons of mass destruction. We will not solve the problems posed by these terrorist strategies with the funds we are adding today, but it is vital to keep up the momentum which has developed.

All of us recognize the constrained resources era in which we are currently operating. The distinguished chairman and his staff have worked with us on this amendment and have agreed to accept an additional \$2 million for this program. I appreciate the chairman's cooperation and believe that this \$2 million investment is both worthwhile and timely. We cannot wait until the next terrorist strike takes innocent

lives here or abroad. We should move forward now with efforts which will enable us to prevent these kinds of attacks in the future. We have a responsibility to do all we can. This \$2 million is an excellent beginning.

AMENDMENT NO. 2526

Mr. HATCH. Mr. President, I rise as a cosponsor of this amendment because of the importance in providing funds to fight terrorism. This earmark would further enable the Pentagon to contribute funds for the valuable work of the Technical Support Working Groups [TSWG], an interagency group that helps cover collaborative research projects designed to counter terrorist activity.

Mr. President, we have signed a series of Memorandums of Understanding [MOU] with three countries for 15 different counter terrorism programs. These programs cover a range of projects, including improved explosive detection and better perimeter security at a variety of facilities. Unfortunately, the MOU's were signed after budget was submitted, and subsequently the costs of these international R&D programs are not covered in the current budget. While the DOD bill authorized \$3 million for the international programs, there is the need for a specific appropriation to cover these international projects.

There is not a single Member of this Chamber prepared to suggest that terrorism is not a serious challenge or threat to American interests or security. The recent bombing attacks in Buenos Aires, Panama, and two incidents in London only underscore the importance of developing the tools and resources to counter terrorism, and I am pleased to see that the TSWG is taking an important role in this process.

If we believe that we need to confront the threat posed by terrorism, then we need to will the means to fight it. I urge my colleagues to support the adoption of the amendment.

AMENDMENT NO. 2527

Mr. SHELBY. Mr. President, I am joined today by Senators HEFLIN and GLENN in offering an amendment to H.R. 4650, the Department of Defense Appropriations Act for fiscal year 1995, that would provide \$3 million in much needed additional funding to modernize Air Force management/maintenance information systems. As our forces decline in numbers, it is incumbent on the Department of Defense to ensure that our Armed Forces are in a high state of readiness. In today's military, this often falls to the automated programs which keep maintenance information at technicians' fingertips.

The CAMS/REMIS system is the major Air Force system which provides technicians with up-to-date information about the maintenance and supply status of missiles, aircraft, and other equipment. It is in use at virtually

every Air Force base throughout the United States and abroad.

The CAMS/REMIS system was created under a contract awarded in 1986. While funding has been available to create and operate CAMS/REMIS, and to consolidate other systems into this comprehensive system, funding constraints unfortunately have precluded upgrading the system to keep up with developments in this fast-growing field. I believe it is critically important to our readiness, and to the safety of our air men and women, that the Air Force provide a modern, fully capable maintenance management information system. A total of \$8 million for these programs would permit the Air Force to upgrade the system adequately.

Mr. President, I urge the adoption of this amendment.

AMENDMENT NO. 2530

Mr. BINGAMAN. Mr. President, on behalf of myself and Senator DOMENICI I rise to offer an amendment which will ensure adequate funding for a critical safety modification of the F-111 aircraft. The amendment adds \$1.296 million, for a total of \$2.8 million, to the F-111 squadrons program element in the Air Force RDT&E budget.

As the Senator from Hawaii and the Senator from Alaska know, these aircraft are stationed at Cannon Air Force Base in New Mexico and provide a critical capability to deliver precision munitions deep within an adversary's territory, a capability that was demonstrated repeatedly and was vitally needed during the Persian Gulf war. The amendment I am proposing is consistent with action taken in the conference committee on the defense authorization bill.

During the authorization conference the Air Force told us that additional funds were needed in this program element to correct deficiencies found in operational testing of a modification to the digital flight control system of the F-111 and EF-111 aircraft. These problems include nuisance warnings, warning light anomalies, autopilot release level faults, and a terrain following radar/central air data computer interface fault. The program office at McClellan Air Force Base proposes to fix these problems through an engineering change proposal, the total cost of which is estimated to be \$4.3 million. The Air Force informed us they had a requirement for \$2.8 million in fiscal year 1995 for the overall program element, \$2.5 million of which they intend to use for the digital flight control system upgrade. The remaining \$1.8 million for the digital flight control system upgrade will be incorporated in the fiscal year 1996 request.

In light of this information, I hope our amendment is acceptable to the managers and I urge its adoption. I would note before closing that the House version of the fiscal year 1995 Defense Appropriations' Act provides

\$11.019 million for the F-111 squadrons program element, \$9.5 million of which is to be used for safety modifications of the F-111 and EF-111 aircraft if the Secretary of the Air Force submits a report that such modifications are needed. I am not aware of other modifications needed at this time, but if further requirements for modifications in the F-111 fleet are identified by the Air Force, I would urge my colleague from Hawaii and my colleague from Alaska to move toward the higher level in the conference.

Mr. INOUE. Mr. President, I appreciate the information provided by the Senator from New Mexico. I support the amendment he is offering to insure the digital flight control system is fully funded in this bill. I know the Senator from New Mexico is a very vigorous proponent of the F-111 aircraft and the capabilities it brings to our forces and I know that he takes a personal interest in insuring that upgrades needed by the aircraft, such as the digital flight control system modification, stay on track and get deployed on the aircraft.

With regard to the conference, I will be happy to consult with the Air Force to ascertain the actual funding needs with respect to maintaining the important capabilities of the F-111 fleet. As the Senator points out, there will be ample opportunity for us to bring this matter to the attention of the House conferees with the objective of satisfying the highest priority operational needs of the F-111. It is difficult at this time to predict what will be the amount acceptable to the House conferees for F-111 modifications, but we will do our utmost.

Mr. BINGAMAN. Mr. President, I thank the Senator from Hawaii for his support of my amendment and his promise to look into this matter further in the upcoming conference. I thank him also for his strong support for New Mexico's military installations and laboratories, and the people who serve in them, support which is reflected in numerous provisions in this bill.

Mrs. FEINSTEIN. Madam President, I rise today to offer an amendment that would require the Secretary of Defense to report to Congress on a very important issue that involves not only congressional oversight of a defense program, but also proliferation concerns and stability in the Middle East: A Department of Defense proposal to codevelop the Advanced Threat Radar Jammer [ATRJ] with the United Arab Emirates [UAE].

I understand that the U.S. Army and Defense Security Assistance Agency [DSAA] are prepared to offer the UAE a proposal to codevelop the ATRJ—the Army's net generation radar receiver and jamming system. Under this proposal, the UAE would provide funding for research and development of the

ATRJ and then be allowed to purchase the sophisticated systems for installation on recently acquired AH-64 Apache helicopters.

I and many of my colleagues are concerned about this proposal for several reasons. First, this agreement would establish an arrangement wherein a foreign nation would fund a U.S. defense program in an apparent circumvention of the normal authorization and appropriations process, and beyond the effective oversight of Congress. The Congress has repeatedly voiced its objections to executive branch efforts to solicit funds in support of U.S. foreign policy or defense initiatives that were not first made subject to the scrutiny of the legislative branch.

Second, I believe this agreement would undermine the President's own efforts to constrain weapons proliferation. It provides the UAE with a quantum improvement in its war fighting capability which could provoke other hostile nations to seek advanced systems to counter the new perceived UAE threat.

Third, this arrangement would violate a departmental policy, recently reaffirmed by the Deputy Secretary of Defense on March 15, 1994, which states that "the Department of Defense remains committed to the policy of no foreign military sales or commitments for foreign sales of defense systems prior to the successful completion of OT&E [operational test and evaluation], and the specific approval of the Under Secretary of Defense. This policy remains in effect today."

Finally, I am deeply concerned that if this new weapons system were introduced into a volatile region and ever fell into the hands of a U.S. adversary, its state-of-the-art jamming capability could pose a serious threat to U.S. forces. When fully operational, this system will be capable of friend or foe identification, pulsed radar jamming, extreme radio frequency sensitivity and processing capability, as well as multi-band situational awareness.

I see little justification for proceeding with an arrangement that is fraught with so many questionable funding practices and policy implications. While I and many of my colleagues believe that the United States shares an interest in the security of the UAE, the ATRJ would provide a level of jamming capability significantly greater than that possessed by many of our close NATO and major non-NATO allies. The possible threats to the UAE are no greater than those faced by other nations in the region, none of which have been asked to participate in the ATRJ program.

I have already contacted the Defense Department on this issue, expressing my concern over the codevelopment of the ATRJ with the UAE. Unfortunately, I found the response to my concerns to be inadequate.

Therefore, I have offered this amendment that directs the Department of Defense not to proceed with the co-development of the ATRJ with any foreign entity until the Department has fully consulted with Congress, and evaluated both legal and policy implications. The amendment exempts our NATO and major non-NATO allies.

Specifically, the report to be submitted by the Secretary of Defense should include the following:

(1) The legal basis for seeking for the program funds that are neither authorized to be appropriated nor appropriated.

(2) The consistency of the program with the Department of Defense policy that no foreign military sale of a defense system, and no commitment to foreign military sale of a defense system, be made before operational test and evaluation of the system is successfully completed and the Under Secretary of Defense for Acquisition of Technology has specifically approved the system for sale to a foreign government.

(3) The mission requirement for an advanced threat radar jammer for combat helicopters.

(4) An assessment of each threat for which an advanced threat radar jammer would be developed, particularly with regard to each threat to a foreign country with which the United States would jointly develop an advanced threat radar jammer.

(5) The potential for sensitive electronic warfare technology to be made available to potential adversaries of the United States as a result of United States participation in the program.

(6) The availability of other nondevelopmental items and less sophisticated technologies for countering the emerging radar detection threats to United States combat helicopters and combat helicopters of United States allies.

(7) A capability assessment of similar technologies available from other foreign countries and the consequences of proliferation of such technology.

I urge my colleagues to support this common sense amendment and I urge its adoption. I now ask unanimous consent that my previous correspondences with DOD be printed in the RECORD at this time.

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

U.S. SENATE,
Washington, DC, April 13, 1994.

Lt. Gen. THOMAS RHAME,
Director, Security Assistance Agency,
Washington, DC.

DEAR GENERAL RHAME: I am concerned that the Department of Defense is considering a co-development program with the United Arab Emirates (UAE) for the Army's Advanced Threat Radar Jammer (ATRJ). This action follows the sale of AH-64 Apache helicopters to the UAE.

Apparently, the UAE would provide funding for research and development of the ATRJ and then be allowed to purchase the sophisticated systems for installation on the recently required Apache helicopters. Specifically, I am concerned that the proposed program could have serious implications for U.S. national security by providing the UAE with an ultra-sophisticated capability to detect enemy radar and equip UAE helicopters with an advanced, high-powered radar jamming system.

This precedent may represent a major departure from U.S. Middle East policy and our commitment to Israel's qualitative edge in its national defense. To my knowledge, ATRJ technology has not been offered to other U.S. allies and would likely surpass similar technologies currently employed by other countries. By allowing the UAE to assist with research and development costs, the Defense Department may be granting a foreign country access to the most advanced version of a weapon system used by U.S. forces. In addition, the ATRJ co-development program may cause a new round of high technology proliferation in a very volatile region of the world.

I urge you to fully investigate the ATRJ co-development program, and carefully consider the implications to U.S. national security and U.S. Middle East policy. Thank you for your attention to this matter and I look forward to your reply.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

DEFENSE SECURITY
ASSISTANCE AGENCY,
Washington, DC, May 10, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: This responds to your April 13, 1994, letter concerning the electronic warfare (EW) suite for the United Arab Emirates' (UAE) AH-64 Apache helicopter program.

The UAE has for some time been considering several United States and foreign EW systems for its AH-64 Apache helicopters. The Department of Defense and the UAE are exploring a two-phased approach under which the UAE would purchase a standard U.S. Army EW suite for its short-term needs, with a possible cooperative development program providing hardware for its long-term requirements. These discussions are still at an early stage, and no final decisions have been reached.

It is premature to speculate about the configuration and capabilities of any hardware that may result from a cooperative program several years hence, though it assuredly would not exceed the capabilities of equipment in use with our own forces. Should the United States and the UAE agree on such a program, you can be assured that all sensitive technologies would be protected and precautions taken against unauthorized disclosures.

The central objectives of our security assistance programs throughout the region are to enhance the self-defense capabilities of our friends and allies and to build the interoperability that will enable us to fight together should it ever become necessary. If successfully implemented, this program will fulfill both these objectives by providing UAE aircrafts with a defensive system that will be interoperable with U.S. systems and supportable through the U.S. logistics system.

I can assure you that our commitment to Israel's security remains unshakable. We would not even be considering such a program with the UAE if we believed that it would affect Israel's qualitative edge, which we are committed to maintaining. Please contact me if I can provide any additional information.

Sincerely,

THOMAS G. RHAME.

CENTER FOR MANUFACTURING SCIENCES

Mr. RIEGLE. Mr. President, I am concerned that the Defense appropri-

ations bill deletes funding for the National Center for Manufacturing Science [NCMS]. I would also note that the committee report contains language questioning the appropriateness of continued DoD funding for NCMS. I recognize and support the need for close scrutiny of programs funded by the Department of Defense, especially in this time of constrained budgetary resources. However, this Senator believes that the best way to ensure effective use of DoD research and development funding is through the dual-use technology and manufacturing policy currently being followed by the Department. As Anita Jones, Director of DDR&E, stated in her testimony before the Senate Armed Service Committee, "our vision for the 21st century manufacturing is for an integrated civil/military industrial base that can provide a flexible response to our needs for a variety of product demands at varying rates, and can reduce the cost of defense products by getting components and subsystems from dual-use production lines." Mr. President, the NCMS is designed specifically to accomplish just such a dual-use objective, and therefore is highly appropriate for DoD funding.

As to the concerns that have been raised as to the defense benefits of NCMS, it is my understanding that the Department and NCMS signed an agreement that provided that all funded projects must have a defense application and that DoD would receive royalty-free licenses to all technologies developed. It is also my understanding that more than 20 weapon systems currently utilize NCMS developed technologies, including the V-22 Osprey and the C-17.

Given the benefits accruing to DoD through NCMS' research projects, I hope that the Chairman of the Defense Subcommittee will reconsider this issue during Conference with the House.

INTENT OF SEC. 8096

Mrs. FEINSTEIN. I would like to engage the distinguished Chairman of the Defense Appropriations Subcommittee in a colloquy to clarify Section 8096 of this bill regarding defense reinvestment programs. Is it the Chairman's intent that this section should in no way impact the small business defense conversion guaranteed loan program?

Mr. INOUE. The senior Senator from California is correct. Service 8096 does not impact the small business defense conversion guaranteed loan program.

BRAIN AND SPINAL CORD INJURY RESEARCH

Mr. GRAHAM. Mr. President, I would like to express my deep concern for those suffering from injuries to the brain and spinal cord. I have spoken with my distinguished colleague from Hawaii, Senator INOUE, who appreciates the seriousness of this medical

problem. And I would like an opportunity to further express my thoughts on this issue.

There are approximately 180,000 individuals in the United States who suffer from chronic spinal cord injury, with between 10 and 12 thousand new cases added each year. A substantial number of these individuals, approximately 45,600, are veterans—men and women who have served our Nation with honor and distinction. Sixty percent of these veterans receive treatment for these injuries exclusively from VA facilities, while another 23 percent use a secondary medical provider in addition to the VA.

We know that combat service can be very hazardous, and that injuries to the brain and spinal cord can occur both during combat-related operations and noncombat-related activities. They can and do occur from shell blasts, armed combat, bullet wounds, and sometimes, common accidents. Very often such injuries are fatal. For those who survive, the injuries are usually seriously debilitating.

Currently, our Nation spends approximately \$1.4 billion per year for initial spinal cord injury medical treatment. And an additional \$4 billion is spent each year for subsequent spinal cord injury treatment.

Our moral obligation to help our veterans, the need to help prevent deaths and aggravated injuries among active duty military personnel, as well as the costs associated with such injuries and treatment, are compelling reasons for us to invest in research efforts to develop effective treatment for those afflicted with such injuries.

That is why I believe that it is important that the Departments of Defense and Veterans' Affairs work together on this medical problem to assist both members in uniform and our veterans in this regard.

I am pleased that the Senate Armed Services Committee, on which I serve, recommended \$20 million for a collaborative Department of Defense and Department of Veterans' Affairs research initiative for brain and spinal cord injury, with cost sharing as a prerequisite. I am confident that the authorization conference committee will support the Senate-passed provision.

Knowing that we share a similar concern in this area, I would like to ask the chairman questions to clarify the intent of his subcommittee with respect to the Defense appropriations bill for fiscal year 1995.

Mr. INOUE. I would be happy to respond to the Senator from Florida.

Mr. GRAHAM. I thank the Senator. It is my understanding that the chairman shares a similar concern regarding brain and spinal cord injury, and believes that such research should be considered a high priority for the two departments. Is that understanding correct?

Mr. INOUE. Yes, it is. I am well aware of the problems the Senator spoke of, and would support the use of funds appropriated in the bill for this research.

Mr. GRAHAM. I thank the Senator. Is the distinguished chairman aware of the cost-shared brain and spinal cord injury research program authorized in S. 2182, the Defense authorization bill; and if so, is this a program that the chairman would support?

Mr. INOUE. Yes, I am aware of the action taken by the Senate Armed Services Committee, on which the Senator from Florida serves, and I fully support their recommendations with regard to this brain and spinal cord injury initiative.

Mr. GRAHAM. Again, I thank my colleague for those words of support. Given the clear intent of the authorizing committee in the Senate to provide full funding for this collaborative initiative between the Departments of Defense and Veterans' Affairs, is it the intent of the distinguished floor manager that full funding would be available in the Defense appropriations bill to carry out this meritorious program?

Mr. INOUE. Yes, it is our intent and desire to provide the full amount authorized for the brain and spinal cord injury research initiative.

Mr. GRAHAM. Finally, is it also the desire of the appropriators for the Departments of Defense and Veterans' Affairs to act promptly to ensure that authorized and appropriated monies are directed to brain and spinal cord injury research?

Mr. INOUE. Yes, it is.

Mr. GRAHAM. I thank the distinguished Senator from Hawaii and look forward to working with him during further consideration of the Defense appropriations bill for fiscal year 1995.

Mr. BOND. I would like to address the provision in the bill regarding the Air Force's 60K aircraft loader program.

There has been a lot of talk in recent months about the concept of buying commercial-derivative aircraft either to replace or supplement military aircraft such as the C-17 and C-5B. Despite one's views on that subject—and I am one who has strong views—it is clear that the Air Force needs a new aircraft loader to replace its current inventory of Vietnam-era loaders. This new loader—the 60K loader—will be used to load and unload all types of cargo aircraft, however, it will be absolutely essential for operating any commercial-derivative aircraft we buy, as well as the Civil Reserve Airfleet aircraft. The new system will allow the Air Force to load supplies rapidly on its aircraft for vital military missions and humanitarian relief missions. Given the daily commitments we face in airlift needs, the 60K loader is a vital part of the airlift master plan.

In its report, the committee has exercised its oversight responsibility and

raised several valid concerns regarding the Air Force's progress on the 60K loader program. My office has been in contact with the Air Force on this matter, and they have said that any decrement in fiscal year 1995 funding could result in higher costs and possible delay for the program. In the Air Force appeal of our mark, they say our bill "actually increases risk as well as cost" of this program which the Air Mobility Command ranks second only to the C-17 in terms of requirements. I believe it is essential that we work with the Air Force to find a solution that meets the committee's concerns without causing harm or delay to the program. I hope the chairman will work with me and the Air Force to craft an equitable solution.

Mr. INOUE. I thank my colleague for his statement. I understand his concerns about this program. I, too, believe the 60K loader is a vital part of this Nation's future airlift capability. The committee has, indeed, voiced concerns about the structuring of the program. However, I would be glad to work with my colleague from Missouri in the conference committee to ensure that this program stays on an appropriate track. I will also direct the committee staff to work with the Air Force to resolve committee concerns. I believe we can work together to help the Air Force make this vital program a success.

Mr. BOND. Mr. President, I would like to commend the chairman and ranking member for including in the committee report accompanying this bill an important provision directing a study of the Air Force's strike airpower requirements. I have been concerned for some time about the Air Force's plans regarding the future of our interdiction aircraft force. These aircraft—the F-117, F-111, and F-15E—played a key role in the Gulf war, and would certainly play a similar role in any future conflict.

The aircraft that make up the long-range interdiction force are the primary ones that can deliver precision guided munitions. In the Gulf war, we used them for striking hardened targets, for Scud hunting, and other priority strikes. Unfortunately, the future of the interdiction force appears to be bleak.

The Air Force reportedly has considered plans to retire the entire F-111 strike force. Although there are currently two full wings of F-15E's, normal attrition will take us below that amount in the near future. And there are only 56 F-117's remaining in the inventory at this time.

The F-117 line has been shut down for years. The Air Force has no current plans to buy additional F-15E's. And, in a development that only increases my concern, the Air Force has said that they plan to fill the eventual gap left by the F-111 with the F-16—an aircraft

that does not have the range required to perform the mission, the ability to carry a similar weapons load, nor the same ability to deliver precision-guided munitions as the F-111. Moreover, the ability of long range bombers to deliver precision-guided munitions will be limited until about the turn of the century when these weapons begin to become available in adequate numbers.

It seems clear to me, that we face a major shortfall in interdiction aircraft as we enter the next century. The study ordered by the committee report on this bill will help us to focus on what that shortfall is, and how best to address it.

In my view, I believe the study ought to focus in on several specific points including:

First, the impact of the eventual retirement of F-111 aircraft on the Air Force's ability to conduct interdiction missions; second, the outlook for the interdiction force, assuming an eventual F-111 retirement and the expected attrition of F-15E and F-117 aircraft, and the ability of that force to meet planned requirements; third, the ability of existing aircraft (F-117, F-15E, F-16) to perform the mission currently being performed by the F-111—that is, the delivery of precision-guided munitions in the long-range interdiction role; fourth, the costs and operational effectiveness of continuing to operate the F-111 aircraft for the long-range interdiction role through the end of their expected service life; and fifth, the possible need for additional aircraft to fulfill the interdiction role.

I believe that a review of these issues will help both the Air Force and Congress to understand the challenge we face and begin to address it.

Mr. INOUE. I thank the Senator from Missouri for his comments. I believe he has focused on an important issue—one that we will have to face in future budgets. I agree that the specific questions he has outlined are ones that, among other important considerations, should be covered in the independent strike airpower study to be performed by the Institute for Defense Analysis. I will do my best in conference to see that these issues are to be addressed comprehensively in the required study. I also intend to seek approval by the conference committee of this study shall be submitted, in both classified and unclassified versions, to the congressional defense committees no later than June 1, 1995.

JOINT TRAINING, ANALYSIS AND SIMULATION CENTER FOR U.S. ATLANTIC COMMAND

Mr. GLENN. Mr. President, this amendment would provide up to \$10.5 million in fiscal year 1995 for the Navy to begin procurement of equipment to outfit the new Joint Training, Analysis and Simulation Center for U.S. Atlantic Command. The amendment does not add funds to the bill—it simply pro-

vides the authority for the Navy to use funds within the Other Procurement, Navy account to initiate this exciting new simulation Center.

Earlier this year, the Subcommittee on Military Readiness and Defense Infrastructure which I chair visited the Norfolk Naval complex to discuss readiness concerns with front-line operating units. During our visit, we met with Adm. Paul David Miller, the Commander in Chief of U.S. Atlantic Command to discuss readiness within USACOM.

During that discussion, Admiral Miller briefed the Subcommittee on the Command's plans for a Joint Training, Analysis and Simulation Center. The purpose of this Center will be to provide cost-effective joint training to support U.S. Atlantic Command's program for training joint task forces through simulation.

Mr. President, in June the Defense Science Board Task Force on Readiness, chaired by former Army Chief of Staff General Shy Meyer, issued its final report on readiness in the Department of Defense. This Task Force found that the Defense Department did not have good systems for measuring joint readiness, and urged DOD to provide "increased emphasis on Joint and Combined readiness and requirements, including development of joint mission essential task lists."

The Readiness Task Force also called for enhanced use of modeling and simulation. Their final report recommends that "Modeling and simulation technology should be exploited to enhance joint and combined training and doctrine. It offers tremendous opportunity to leverage our existing training at all levels through enhancement or even replacement where appropriate after thorough review."

In my view, Mr. President, this new Joint Training, Analysis and Simulation Center is exactly the kind of effort that is called for by the Defense Science Board Task Force on Readiness. This Center will serve to improve and measure joint readiness, and provide a laboratory for the improvement of joint tactics, throughout U.S. Atlantic Command.

This new facility will be located in the building which was constructed for the Naval Undersea Warfare Center in Suffolk, VA. This building is under long-term lease to the Navy. Since the Naval Undersea Warfare Center is leaving this building as a result of the Base Realignment and Closure process, the use of the facility as the site for the Joint Training, Analysis and Simulation Center will make cost-effective use of this facility.

Mr. President, I ask unanimous consent that a letter from Mr. Louis Finch, the Deputy Under Secretary of Defense (Readiness), to Senator NUNN describing the Joint Training, Analysis and Simulation Center be included in

the RECORD at the conclusion of my remarks.

I urge my colleagues to support this amendment.

Without objection, the letter was ordered to be printed in the RECORD, as follows:

PENTAGON,
Washington, DC, June 23, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your recent inquiries regarding the Joint Training, Analysis and Simulation Center (JTASC). The purpose of this Center is to provide cost-effective joint training to support the United States Atlantic Command's (USACOM) program for training joint task forces via simulation. This program will serve to improve and measure joint readiness, provide a laboratory for the improvement of joint tactics, and establish a secure CONUS joint environment for the demonstration of new technologies. It will occupy and use as a hub for these efforts the facility in Suffolk, Virginia, that is being vacated by the Naval Undersea Warfare organization.

To ensure there is no duplication of efforts, the JTASC fully intends to coordinate its efforts with those of the Services and other joint training efforts including those of the Joint Warfighting Center and the Armed Forces Staff College in Tidewater, Virginia, and those of the United States Special Operations Command for Special Operations Forces. It is my understanding that \$10.548 million is required to finance the initial phase of this effort which is to procure command, control, communications and computer equipment for the Center.

Thank you for inquiry on this cost-effective program to improve joint readiness and other defense matters.

Sincerely,
LOUIS C. FINCH,
Deputy Under Secretary
of Defense, (Readiness).

Mr. INOUE. Mr. President, since we have finished our work for this evening, and we will be returning at or about 1:30 tomorrow afternoon, may I suggest the absence of a quorum.

Mr. FORD. Will the Senator withhold.

Mr. INOUE. Certainly.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak therein up to 5 minutes.

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

THE SENIOR SENATOR FROM VERMONT

Ms. MIKULSKI. Mr. President, I rise today to honor one of the true leaders of the U.S. Senate, the senior Senator from Vermont.

I have had the privilege of serving with the distinguished senior Senator from Vermont on the Foreign Operations Subcommittee. As chairman, he

is a champion of reason and compassion in the debate over foreign aid reform. He is presiding very effectively over the transition from a cold war foreign aid program to a new policy that addresses the challenges of the post-cold-war world.

I am happy to say that the senior Senator from Vermont has also been a champion of women's rights and reproductive health care. In a time of shrinking budgets, he has managed to increase the funding for these areas in recent foreign aid bills. This is a remarkable tribute to his effectiveness as subcommittee chairman, and to his sense of fairness.

I could go on at length praising the senior Senator from Vermont's accomplishments, but instead I will submit an article for the record from the Daily Herald of Rutland, VT. This article clearly explains why the senior Senator from Vermont commands such respect in this body and throughout the Government. He is a leader in every sense of the word, and I am proud to serve with him. Mr. President, I ask unanimous consent that this article be included in the RECORD.

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

[From the Rutland Daily Herald, July 6, 1994]

LEAHY'S NEW WORLD

(By Melrose E. Huff)

Vermont may be a haven from the world for some, but the senior Senator from Vermont is helping to redefine America's role in the New World Order.

Sen. Patrick Leahy, now in his fourth term, has emerged as one of Washington's most influential voices on foreign policy and the reform of foreign aid.

"Leahy has been both a key leader and a key adviser on foreign policy" to the Clinton administration, according to Wendy Sherman, Assistant Secretary of State for legislative affairs. "The Secretary (of State), the President, and the Vice President see him as a keen observer and * * * someone they look to for counsel."

Sherman, the liaison between Secretary of State Warren Christopher and the congressional leadership, observed, "What is unique about Senator Leahy is that he has a policy perspective, intellectual know-how and understanding, and the appropriator's tools."

Leahy's influence derives from his chairmanship of an appropriations subcommittee that provide the funds for foreign aid. The appropriations are considered cardinals in the Senate," Sherman said. "They are seen as extraordinarily powerful because they have the power of the purse."

Leahy has chaired the foreign operations subcommittee of the Senate Appropriations Committee since 1989, and both Republican and Democratic administrations have had to rely on him to win passage of their foreign assistance requests.

Leahy's foreign aids subcommittee has come to play a role that is vastly disproportionate to the usual process, another official observed. That's because since the mid-1980s the Senate Foreign Relations Committee has been unable to produce an authorization bill, which in the bill that draws the general outlines of programs and sets spending levels.

The leadership of the Foreign Relations Committee has been deadlocked for years. Its chairman, Claiborne Pell, a liberal Democrat from Rhode Island, won a zero percent approval rating from the American Conservative Union last year. Its vice chairman, North Carolina Republican Jesse Helms received a 100 percent rating. The result has been to delegate that committee's power to reshape policy.

"Your budget is your policy," said Marianne O'Sullivan, who is chief of appropriations and budget for the legislative bureau of the Agency for International Development. And Leahy "has played the lead role in the Senate in reprioritizing where foreign aid funds are spent," she said.

Leahy has cut military and security assistance while increasing funds for such programs as population planning, international environmental assistance, child survival assistance and AIDS prevention. O'Sullivan said.

In 1989, the first year Leahy was chairman of the foreign operations subcommittee, he cut the administration's \$5 billion foreign military financing request by \$300 million; last year he cut a \$4 billion request by \$110 million. During those same years he increased development and economic assistance to sub-Saharan Africa from \$565 million to \$784 million, she noted.

Funding for disaster aid and development assistance—the kinds of programs usually thought of as "foreign aid"—makes up 46 percent of the current year's nearly \$19 billion budget. Foreign military financing has dropped to 23 percent. Contributions to multilateral lending institutions, such as the International Monetary Fund and the World Bank, account for another 14 percent. Appropriations for the Peace Corps, narcotics control, refugee aid, anti-terrorism assistance and promotion of U.S. exports make up the remaining 17 percent.

Although year-to-year comparisons are difficult because of changes in accounting methods, this year's allocation for foreign military financing is roughly 25 percent smaller than 1989's, while development assistance is nearly 25 percent greater. Leahy likens the slow process of making these changes to reversing the course of a super-tanker.

"My concern is that foreign aid, as such, continues by inertia and policy neglect. Nobody wants to stop and say why we're doing this," Leahy said.

By the end of Leahy's first year as chairman of the foreign operations subcommittee, it had become clear to him that foreign aid was in need of fundamental reform. Leahy called upon President Bush in a 1990 Senate speech to "confront the enormous global problems that have replaced communism as the greatest threat to our security" and submit a foreign aid budget that would address "the momentous changes * * * sweeping the world since the fall of the Berlin Wall." The Bush administration did not respond.

During the last presidential campaign, O'Sullivan said, Leahy wrote to candidate Clinton and to Bush calling for the reform of foreign aid. Then, during the first hundred days of the Clinton presidency, he delivered a series of speeches on the Senate floor proposing major reforms in the foreign assistance act—the permanent law that authorizes funding for foreign aid—and calling for a total overhaul of AID.

"Frankly," Leahy said in the fourth and final speech, "it is the last chance. I do not intend to bring foreign aid bills to the floor of the Senate and ask senators to vote on

them" unless reforms are undertaken. That widely cited warning was heard throughout the Clinton administration.

The problem in the past, Leahy told the Senate, was that we expected foreign aid to work in the developing world as the Marshall Plan had in Europe, where democratic institutions already existed. "By placing such a high priority on political stability and anti-communist credentials, we failed to insist on the establishment of democratic forms and institutions * * * nor did we penalize recipient governments that did not produce better lives for their own people."

Leahy singled out aid to Somali and Zaire as examples of U.S. support for repressive and corrupt governments that not only did "not prevent anarchy, it actually promoted it by allowing dictators to avoid the need to build workable institutions."

Patchwork attempts to reform the Foreign Assistance Act of 1961, a piece of Cold War legislation that sanctioned aid as a weapon in the fight against communism, failed because of "inadequate political, bureaucratic, or intellectual preparation," Leahy charged.

The result has been increasing congressional disenchantment with foreign aid. Leahy noted that it was impossible to pass an appropriation for the 1992 fiscal year: The entire foreign assistance program was funded through a year-long continuing resolution. The 1993 appropriation passed only because it included a highly popular Israeli loan guarantee program.

Leahy told the Senate that a foreign aid program advancing our national interests in the post-Cold War era would be one that "protects the environment, curbs runaway international population growth, promotes democracy and human rights, and stimulates sustainable economic growth with equity." He pointed out that foreign aid "aimed at promoting sustainable growth in the Third World offers a way to stimulate rapid growth in U.S. exports sales," which in turn creates U.S. jobs.

Leahy outlined a plan for restructuring aid that abandoned allocations for specific countries and focussed instead on broad policy objectives promoting sustainable development, building democratic institutions, encouraging respect for human rights, protecting the global environment, stabilizing world population growth, providing humanitarian aid and disaster assistance and advancing private enterprise and market economies.

Leahy also recommended a number of structural changes in AID, the agency that implements the foreign assistance program. He called for reducing the number of its overseas missions and implementing programs through private voluntary organizations, international organizations and the private sector when possible. He also urged increased local participation in planning and implementing AID programs.

In response to calls by Leahy's subcommittee and other Senate and House oversight committees, Christopher created a task force in the spring of 1993 to rethink the role of foreign assistance. In addition, President Clinton ordered the National Security Council to conduct a review.

The result was the first blueprint in more than a quarter of a century for U.S. engagement with the developing world. The Peace, Prosperity, and Democracy Act of 1994 was submitted to Congress in February and, if passed, will replace the Cold War Foreign Assistance Act of 1961.

The bill's new policy objectives are set forth in its six major divisions, or titles: promoting sustainable development; building

democracy; promoting peace; providing humanitarian assistance; promoting growth through trade and investment; and advancing diplomacy.

According to AID's Kelly Kammerer, who helped draft the new legislation, if you compare Leahy's Senate speeches on foreign aid reform to the NSC and State Department reports and to the new bill, you'll see "that almost point by point Senator Leahy's recommendations have been incorporated." He observed, "It is a remarkable tribute to Senator Leahy."

It's also why, as O'Sullivan said, Leahy's "name is practically synonymous with foreign aid reform in this town."

SOCIAL SECURITY REFORM ACT OF 1994

Mr. SARBANES. Mr. President, last week the Senate approved important legislation which would make the Social Security Administration an independent agency. While this measure has been overshadowed by other issues, it is my view that it will positively affect the lives of every working American. Establishing the Social Security Administration as an independent agency appropriately frees social security from the economic and budgetary decisions affecting the rest of the Government, thereby increasing the agency's integrity.

Polls indicate that a majority of younger Americans believe that they will be unable to collect social security benefits by the time they reach retirement age. This bill reinforces the principle of the trust fund, ensures adequate administrative funds to operate the system for future generations, and returns to the system some of the public confidence that has eroded since the program's inception in 1935.

Today, the Social Security Administration has an annual budget of \$300 billion, making it the third largest agency after the Department of Health and Human Services and the Treasury Department. More than 42 million individuals receive Social Security benefits and the Social Security Administration is responsible for maintaining earnings records for 132 million workers. Given the magnitude of its workload and operation, it makes sense to establish the Social Security Administration as an independent agency.

Separating the Social Security Administration from the Department of Health and Human Services was first recommended in the 1983 National Commission on Social Security reform. Following the committee's recommendation, Congress commissioned a study of how to make the Social Security Administration independent. The study was conducted by Elmer Staats, former Comptroller General of the General Accounting Office, and recommended that an independent Social Security Administration should be headed by a single administrator with a bipartisan panel to permit independent review. In 1989, the GAO assessed

the most appropriate management structure for an independent Social Security Administration and came to the same conclusion.

The legislation passed by the Senate follows these recommendations. This measure will establish a bipartisan advisory board which will work with the Commissioner in determining policies which affect social security programs. It will increase the Social Security Administration's visibility and credibility. It will improve administrative efficiency, and it will provide the agency with more autonomy to direct and protect the Social Security trust fund.

As a direct result of reports that some disabled individuals have been using their benefit check to support their drug and alcohol habits, this bill also includes measures aimed at preventing fraud and abuse. Through the SSA's Social Security Disability Insurance [SSDI] and Supplemental Security Income [SSI] programs, 250,000 drug addicts and alcoholics receive \$1.4 billion in cash benefits annually. However, the Social Security Administration can only verify that three percent of these beneficiaries receive treatment. This bill would require disabled substance abusers to be in treatment as a condition of receiving benefits, and will end all benefits after three years. A responsible third party, such as a community service agency, will manage their benefits. This is a common-sense way to make certain that drug addicts and alcoholics get the treatment they need without abusing the system.

In his 1944 address to Congress, President Roosevelt observed that this country had "accepted a second bill of rights under which a new basis of security and prosperity can be established for all, regardless of station, race or creed." Among these, he said, is the right of every American to have "adequate protection from the economic fears of old age, sickness, accident and unemployment."

President Roosevelt's words are still true today. We have a vested interest in preserving the stability of the trust funds for Social Security and Medicare and a responsibility to ensure access to quality services for all Americans today and in the years to come. I am pleased that Congress has taken steps to this end and I look forward to President Clinton signing this measure into law.

GODFATHERS OF RHODE ISLAND RENAISSANCE

Mr. PELL. Mr. President, I would like to share with my colleagues a thoughtful article expressing appreciation of two Rhode Island philanthropists and the far-reaching effect of their generosity.

The two philanthropists are Alan Shawn Feinstein and John Hazen

White. Both men have focused their considerable resources on providing improved educational opportunities.

Each, in their own way, have helped to fuel what may yet become a Rhode Island renaissance. Our experience in Rhode Island may well serve as an inspiration to other philanthropists in other regions of our nation.

This article, by the way, is by someone who knows of the impact of Mr. White's philanthropy—Thomas J. Farrell, dean of the John Hazen White School of Arts and Sciences at Johnson & Wales University.

Mr. President, I ask unanimous consent that this article, entitled "Two godfathers of a Rhode Island renaissance," which appeared in the Providence Journal of August 5, 1994, appear in the RECORD.

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

TWO GODFATHERS OF A RHODE ISLAND RENAISSANCE

Henry David Thoreau said, "Philanthropy is almost the only virtue that is sufficiently appreciated by mankind." Thoreau's comment is a useful reminder to Rhode Islanders that we need to recognize and value the philanthropists in our midst who have recently taken the lead in what has the promise of being a political, economic and social renaissance in our state.

Two of those philanthropists are Alan Shawn Feinstein and John Hazen White.

Although the philanthropic spirit is as old as recorded history, the term was first used in the 18th Century, when the state and private individuals began to take over charitable works previously done by religious organizations. Philanthropy is generally understood as being characterized by a spirit of goodwill toward humanity, usually expressed by activities that promote human welfare. While particular acts of generosity will vary in the amount of good they do for society, we can be certain that Mr. Feinstein and Mr. White surely represent philanthropy at its very best.

In late March, the Rhode Island Chapter of the American Red Cross honored Mr. Feinstein with a Longfellow Humanitarian Award. Among Mr. Feinstein's many accomplishments singled out that evening, the Red Cross applauded his committing millions of dollars to starting programs in community and public service in Rhode Island high schools. Providence College has established a degree program in public service with a Feinstein grant and "through his vision and financial support," the first high school in the country to have public and community service as its central theme will open in Rhode Island this year. Mr. Feinstein also founded the World Hunger Program at Brown University, the first university center for research and education addressing the root causes of world hunger.

A month later, 250 persons gathered at a reception to recognize John Hazen White's \$1 million gift to the School of Arts and Sciences at Johnson & Wales University. The president and chief executive officer of TACO Inc. had previously provided Brown University with the funding to set up the Public Opinion Laboratory that bears his name. But it is "Red Alert!" Mr. White's grass-roots movement to bring about political reform and enhance the quality of life in Rhode Island, that is his most widely recognized activity.

His frequent full-page newspaper ads call citizens to periodic town meetings at which healthy debates take place on issues ranging from integrity in state government to the problems of adolescents. On a quieter scale, all of Mr. White's employees at his Cranston-based manufacturing firm are able to attend free classes in the TACO Learning Center built just for their use. Employees can take classes—on company time—in anything from English as a Second Language to accounting for nonprofessionals, from parenting to customer service, from Weight Watchers to GED training.

Both Alan Shawn Feinstein and John Hazen White have philanthropic interests other than those mentioned here. It is worth noting, however, that a common thread runs through much of their gift-giving. That common thread is the conviction that education is the key to a better society. They accept Plutarch's notion that "the very spring and root of honesty and virtue lie in good education."

Astute businessmen that they are, these two Rhode Islanders instinctively realize that certain investments are apt to reap greater dividends. Both seem to share with Vaclav Havel, the playwright/president of the Czech Republic, the knowledge that "consciousness precedes action." In other words, people need to understand what something is about before they can do anything to change it.

Fortunately, there is considerable evidence that a new consciousness is spreading throughout the state, that there is a feeling of renewal caused by something other than balmy spring weather, that indeed we may be in the early stages of a Rhode Island renaissance.

Cynics may scorn such optimism and point to recent actions of the judiciary, the state Lottery Commission, or individual members of the state legislature to argue that business goes on as usual. That is what cynics do. In some cases, they may have a point, but ultimately, cynicism does not solve problems; nor is it psychologically satisfying.

What Rhode Islanders need most of all is to regain their self-esteem and confidence. Thus it is necessary to recognize and appreciate all the good things that are taking place. Consider the work of members of the various reform groups: Right Now, Common Cause, GAP, USPAC, Clean Sweep, Council of Churches, etc. Put partisan politics aside and acknowledge that Gov. Bruce Sundlun and the new state officers have restored a sense of trust and integrity to government.

Walk through downtown Providence and visualize the city that may yet come to be as a result of the efforts of the mayor and a number of planning groups. Witness the communication and cooperation between the city's colleges and hospitals and Mayor Vincent Cianci resulting in a pact that will benefit the children of Providence for years to come. All of these are signs of renaissance, a time for change, a time for new beginnings.

Is it premature to use the term "renaissance" to describe these recent events? Perhaps, but the rebirth of optimism, and thinking positively, can often help actualize aspirations. We owe at least this much to Feinstein, White, and all of the many citizens who strive to make Rhode Island a better place.

TRIBUTE TO JOYCE RIDE

Mr. LIEBERMAN. Mr. President, I rise to recognize the exceptional ef-

forts of Joyce Ride whose years of public service have enriched both the communities of Los Angeles and Capitol Hill.

Ms. Ride's work through the Ride Internship Program at Santa Monica College provides deserving students with the opportunity to intern on Capitol Hill for the summer. This program enhances the education of our leaders of tomorrow. Ms. Ride sponsored Ramin Youssefzadeh, an Iranian Jew who contributed a unique international perspective and was a tremendous asset to our office this summer.

In addition, as chair of the Subcommittee on Women in the Justice System which is included in the State Senate Women's Advisory Commission, Joyce Ride continues championing the rights of incarcerated women. Her efforts include an attempt to eliminate gender bias in prison healthcare and shield children from the tolls incarceration often takes on families.

I commend her outstanding work as Chair of Friends Outside, an organization that advocates the rights of incarcerated women. Also, I applaud the dedication to these women and their children apparent from Ms. Ride's many years of work on their behalf.

Joyce Ride is an exemplary citizen who makes a difference in the lives of many. I wish to honor her accomplishments.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the Constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,641,220,157,276.19 as of the close of business Tuesday, August 9. Averaged out, every man, woman and child in America owes a share of this massive debt, and that per capita share is \$17,802.16.

SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994

Mr. BURNS. Mr. President, I rise today to speak on behalf of the Sheep Promotion, Research, and Information Act of 1994, and the ability of wool producers to market their product in the United States and around the world.

One year ago, a majority of this body voted to abolish the Wool support system over the next two years, a system that was established almost 50 years ago. However, I did not vote in favor of that provision. Congress left our wool producers high and dry in funding to promote the many products that are derived from sheep.

What the producers are asking of us is the ability to develop a legislative measure that will allow them a way to collect funds, from their own pockets, to promote the sheep and wool industry. The men and women that raise and market sheep are not asking for a hand out, they are asking for Congress's support in establishing a board that will allow them the chance to compete on a field that is sometimes slanted against them.

In Montana, where we have 2,900 farms and ranches that are in the sheep and wool producing industry, there is a concern about the ability to remain a viable and active industry. I ask you to support these families and give them the chance to compete with the world market by providing them the opportunity to establish this board for the future of the Wool industry.

Thank you, Mr. President.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, the phones are ringing off the hook in my office today—and I suspect that is true of all Senate offices, as the American people call in to register their opinions on health care.

And their opinion is pretty clear. They do not like Senator MITCHELL's bill. They do not like Government-run health care. And they want Congress to be very very careful before trading in the best health care delivery system in the world for something else.

When I last checked, my office had received about 160 calls on health care today. One hundred and thirty-five of them said that they either opposed the Mitchell bill and that we should take our time; 25 expressed support for the Mitchell bill—that is about a 6-1 ratio.

And according to a CNN/USA Today/Gallup Poll released this evening, those numbers are part of a nationwide consensus. Let me just mention a few interesting results from the poll.

Sixty-eight percent of Americans believe that Congress should reform health care gradually over a number of years. Only 28 percent believe we should pass a comprehensive bill this year.

By a 2 to 1 ration—53 to 26 percent, Americans trust Congress rather than President Clinton to do a better job at reforming health care.

Fifty-nine percent believe that the bills currently before Congress are the same thing as President Clinton's failed proposal. Only 20 percent believe they are different.

The survey also asked Americans whether they were more concerned that Congress would pass a bill with too much Government, or more concerned that Congress would pass a bill that did not contain universal coverage. The results were 53 percent too much Government, 40 percent no universal care.

Finally, the survey asked Americans whether they believe they would be worse off if Congress passed a bill, or worse off if Congress didn't pass a bill.

Fifty-four percent said they would be worse off if Congress passed a bill. Only 30 percent said they would be worse off if Congress didn't pass a bill.

Mr. President. The American people are speaking. I only hope that Congress is listening.

TRIBUTE TO BILL SCALLY

Mr. DOLE. Mr. President, let me take a moment to honor Bill Scally, Reuters' senior Capitol Hill correspondent, who yesterday became an American citizen.

From what I understand, this native Englishman's desire to become a U.S. citizen is due in no small part to his adventurous spirit and uncommon determination. More than 30 years ago this spirit and determination brought him in a small leaky boat from the shores of England to the Canary Islands, and finally to his new home in America.

The same spirit and determination carried him throughout the world of journalism in Britain, the Middle East, and the United States. Since 1963, this talented journalist has reported for Reuters from the steps of the State Department to both ends of Pennsylvania Avenue.

Perhaps the most remarkable part of Bill's story is the fact that, after covering Congress night and day for several years, he still wanted to become a U.S. citizen.

We certainly congratulate and send best wishes to Bill, his wife Lori, and daughter Gwynnyth.

SALUTE TO VICTORIA HRUSKA

Mr. DOLE. Mr. President, all of us who are privileged to stand in the political arena know that we do not stand there alone. Our families also stand there with us. They put up with the late hours and the missed dinners. Our victories are their victories, and our defeats are their defeats.

One lady who handled the ups and downs of this life with great grace was Victoria Hruska, who passed away last week at the age of 88.

Victoria was the wife of our former colleague, Senator Roman Hruska of Nebraska, and was at his side throughout his 2 years in the House of Representatives, and his 22 years in the U.S. Senate.

Senator Hruska described Victoria as "indispensable," and her daughter, Jane, said she was "The foundation rock of the family."

During her years in Washington, Victoria would serve as the official hostess for events held for Nebraskans in Washington. She was also a member of the Senate Wives Club and the Red Cross unit.

I know all Members of the Senate join with me in extending our condolences to Senator Hruska, and to the entire Hruska family.

THE FISCAL YEAR 1995 ENERGY AND WATER APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4506, the energy and water appropriations bill, and has found that the bill is under its 602(b) budget authority allocation by \$20 million and under its 602(b) outlay allocation by \$59 million.

I compliment the distinguished manager of the bill, Senator JOHNSTON, and the distinguished ranking member of the Energy and Water Subcommittee, Senator HATFIELD, on their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the energy and water appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4506—
Fiscal year 1995 Energy and Water Appropriations—Conference Bill.
(In millions of dollar)

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	\$20,493	\$12,083
Outlays from prior years appropriations		8,916
Permanent/advance appropriations	0	0
Supplementals	0	-115
Subtotal, discretionary spending	20,493	20,884
Mandatory totals:		
Bill total	20,493	20,884
Senate 602(b) allocation	20,513	20,943
Difference	-20	-59
Discretionary totals above (+) or below (-):		
President's request	-20	-56
House-passed bill	137	31
Senate-reported bill	-20	0
Senate-passed bill	-20	-1
Discretionary totals:		
Defense	10,319	10,449
International affairs	0	0
Domestic discretionary	10,174	20,884

SERVICE OF REAR ADM. MICHAEL W. CRAMER, DIRECTOR FOR INTELLIGENCE, J2

Mr. WARNER. Mr. President, I rise today to commend Adm. Michael W. Cramer for his service as the Joint Staff Director for Intelligence, J2. He served with distinction in this position from June 15, 1992, until August 5, 1994. His achievements to operational intelligence support resulted in significant

improvements in this area. Admiral Cramer developed numerous initiatives which have advanced intelligence support and enhanced intelligence communications.

Admiral Cramer has been approved for the Intelligence Community Distinguished Service Medal and the National Intelligence Distinguished Service Medal. These illustrious medals were awarded not only for his outstanding service as the Joint Staff Director for Intelligence, J2, but for extraordinary service to our Nation during his entire military career. Admiral Cramer will continue to serve the U.S. Navy as Director of Naval Intelligence. He will assume these responsibilities later this month.

Mr. President, I would ask that a narrative of Admiral Cramer's military service along with citations for the above awards be included in the RECORD.

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

NARRATIVE

Rear Admiral Michael W. Cramer, United States Navy, demonstrated exceptionally distinguished service from 15 June 1992 to 5 August 1994 while assigned as The Joint Staff Director for Intelligence, J2. Carrying out the responsibilities of the office, Admiral Cramer set new standards for the quality of current and crisis intelligence support to the Chairman, Joint Chiefs of Staff, the Secretary of Defense, and the Joint Staff. He also initiated numerous highly successful programs that have already resulted in tangible improvements to operational intelligence support for the warfighter in the field. His achievements as the Director for Intelligence, J2 are broad in scope and long-lasting in their impact.

In his primary function as Intelligence Officer to The Joint Staff, Admiral Cramer's legacy is his genius for concise, graphically powerful presentations of complex situations. His briefings on current and crisis intelligence topics have become the national standard; they were requested by and delivered to the President and the National Security Advisor, the Secretary of Defense, several Committees of the Congress, and numerous other policymakers. His impact was equally as profound on the occasions when he represented the Intelligence Community directly to the American people, conducting televised, live press conferences during crisis situations to explain the background of U.S. involvement by military forces.

Admiral Cramer's masterful crisis management was evident throughout his assignment as J2. He took unprecedented initiative in leading the Intelligence Community toward improved, standardized, modern intelligence support to tactical, national, and international consumers. Admiral Cramer was the principal driver behind Intelligence Community and operational acceptance of the Joint Deployable Intelligence Support System (JDISS). JDISS is the common intelligence workstation software recognized throughout the Community, the Defense Department, and by Congress as the standard intelligence dissemination system. The JDISS initiative was a personal project of Admiral Cramer, aimed at resolving the interoperability shortfalls recognized in the aftermath of Operation DESERT STORM. Under his close supervision, JDISS has become not only the

U.S. national intelligence standard, but has been embraced by NATO and the United Nations for specialized intelligence support requirements. In two short years, Admiral Cramer literally changed the way the business of intelligence is done worldwide, at all levels.

Concurrent with the JDISS initiative, Admiral Cramer carried the intelligence dissemination challenge to the next level by directing that a broad-bandwidth, all-media intelligence support system be developed and implemented to provide comprehensive, worldwide command support. The Joint Worldwide Intelligence Communications System (JWICS) was swiftly fielded and became the "core architecture" for joint worldwide intelligence communications. Centered in the National Military Joint Intelligence Center, JWICS permits video-teleconferencing and numerous other applications with Unified Commands and subelements, down to the Joint Task Forces deployed in the field or aboard ship. It is now in continuous use by U.S. operational commanders worldwide and is employed in very successful bilateral links with key allies.

Making significant headway in the arena of documenting joint military operations, Joint Intelligence Doctrine was written and approved under Admiral Cramer's leadership. Before Admiral Cramer assumed direction of this task, "joint" military intelligence doctrine was a disparate collection of non-validated local practices and personal opinion. In the past two years, Admiral Cramer has created a structure for the joint intelligence process, has supervised the drafting of a whole series of approved, community-wide products and has, for the first time, breathed operational and intelligence life into joint doctrine.

Under the policy direction of the Director of Central Intelligence and the Director of the Defense Intelligence Agency, Admiral Cramer oversaw the implementation of an unprecedented, history-making process for providing military intelligence support to the United Nations and to its peacekeeping and peacekeeping forces deployed around the world. He directly supervised the vast interagency coordination involved in this herculean effort, personally guided the dissemination architecture, and achieved on-line intelligence support within months of the concept approval. Drawing assets from within his own organization, he assumed personal responsibility for ensuring that this historic initiative succeeds.

Admiral Cramer worked aggressively to resolve theater and tactical intelligence collection capability shortfalls. He brainstormed an unmanned aerial vehicle (UAV) concept and, by force of will and professional determination, saw vehicles flying operational missions in less than one year. Using commercial off-the-shelf technology, high-quality sensors, common ground stations and interoperable dissemination system and then mustering community consensus, the UAV has achieved all its goals due to its grounding in common sense and Admiral Cramer's intense personal commitment.

In sum, Admiral Cramer is the consummate intelligence officer, and his service to the Joint Chiefs of Staff and to the Nation, in peace and conflict, stands as the benchmark against which all other military intelligence professionals will measure their success. Admiral Cramer has achieved more of lasting significance to military intelligence and the Intelligence Community over a two year period than any officer of his generation. Assuming the broad, national intel-

ligence community leadership responsibilities that come with his position, he aggressively exercised his mandate with creativity, determination, and skill and has made significant and lasting contributions to the Department of Defense and to the United States of America. Admiral Cramer's exemplary professional competence, initiative, leadership, dedication to duty, and sustained distinguished performance reflect great credit upon himself, the Joint Staff and the Department of Defense.

CITATION TO ACCOMPANY THE AWARD OF THE DEFENSE DISTINGUISHED SERVICE MEDAL TO MICHAEL W. CRAMER

Rear Admiral Michael W. Cramer, United States Navy, distinguished by exceptional service during the period 15 June 1992 to 5 August 1994 as Joint Staff Director for Intelligence, J2. During this period he set new standards for the quality of current and crisis intelligence support to the Chairman, Joint Chiefs of Staff, and the national leadership. Through his performance in peace and conflict, Admiral Cramer has recast the mold and defines a new standard of excellence in the Intelligence Community. As Director for Intelligence, J2, Admiral Cramer initiated numerous highly successful programs that have resulted in tangible improvements to operational intelligence support for the warfighters in the field. His unique vision and intense commitment led to the unparalleled success of the Joint Deployable Intelligence Support System and the Joint Worldwide Intelligence Communications System. Drawing upon his creativity, determination, and skill, Admiral Cramer personally directed the development of the history-making process for providing intelligence support to the United Nations. The distinctive accomplishments of Admiral Cramer reflect the highest credit on himself, the United States Navy, the Joint Staff, and the Department of Defense.

Award nominated for: Distinguished Service Medal.

Name: Rear Admiral Michael W. Cramer, USN.

Organization: Joint Staff Director for Intelligence, J2.

SUMMARY OF ACCOMPLISHMENTS

Rear Admiral Michael W. Cramer, USN, is nominated for the award of the Intelligence Community Distinguished Service Medal for extraordinary service to the nation throughout his career, culminating in his assignment as Joint Staff Director for Intelligence, J2. Carrying out the responsibilities of the office he set new standards for the quality of current intelligence support to the Secretary of Defense, the Chairman, Joint Chiefs of Staff, and the Joint Staff. He initiated numerous highly successful programs that already have broad Intelligence Community impact, including tangible improvements to operational intelligence support in the field. His achievements in the Intelligence Community have been broad in scope and long-lasting in their impact.

Admiral Cramer has served at the center of operations throughout his career, providing intelligence support to military operators and at the highest staff levels. His career began with two combat cruises off Vietnam, and quickly transitioned to management of targeting operations and later of Operation HOMECOMING. He also served in the Soviet Union as Assistant Naval Attache during the height of the Cold War, setting new standards of performance in that key billet. Returning to the Office of Naval Intelligence, he put his fresh insights on the Soviet Union

to use as Deputy Director of the Directorate for Soviet Strategy, Policy, and Tactics, participating in the comprehensive review of U.S. Navy strategy that culminated in the "Maritime Strategy." As his seniority increased he has assumed the most responsible positions available, including the top intelligence officer positions for Commander Sixth Fleet (during combat operations), Commander in Chief, U.S. Atlantic Fleet, Commander in Chief, U.S. Atlantic Command, and the Joint Staff.

Admiral Cramer's legacy in his primary function as Intelligence Officer to the Joint Staff will lie in his genius for concise, graphically powerful presentations of complex situations. His briefings on current intelligence topics have become the national standard; they were requested by and delivered to the President and the national Security Advisor, the Secretary of Defense, several Committees of the Congress, and numerous other policymakers. As importantly, he represented the Intelligence Community directly to the American people, conducting televised live press conferences during crisis situations to explain the background of involvement by U.S. military forces.

Beyond his primary function as intelligence officer to the Joint Staff, he took unprecedented initiative in leading the Intelligence Community toward improved, standardized, modern intelligence support to tactical, national, and international intelligence consumers. The following are specific examples of initiatives for which Admiral Cramer has been the creator and prime mover within the Intelligence Community:

THE JOINT DEPLOYABLE INTELLIGENCE SUPPORT SYSTEM (JDISS)

JDISS is the common intelligence workstation and software recognized throughout the Community, and by the Congress, as the standard intelligence dissemination system. The JDISS initiative was a personal project of Admiral Cramer, aimed at resolving the interoperability shortfalls recognized in the aftermath of operation DESERT STORM. Under his close supervision, JDISS has become not only the national intelligence standard, but has been embraced by NATO and by the United Nations for specialized intelligence support requirements. In two short years Admiral Cramer literally changed the way the business of intelligence is done, worldwide, at all levels.

THE JOINT WORLDWIDE INTELLIGENCE COMMUNICATIONS SYSTEM (JWICS)

Carrying the intelligence dissemination challenge to the next level, Admiral Cramer concurrently with the JDISS initiative directed that a broad-bandwidth, all-media intelligence support system be developed and implemented to provide comprehensive, worldwide command support. JWICS, swiftly fielded, because the "core architecture" for joint worldwide intelligence communications. Centered in the National Military Joint Intelligence Center, JWICS permits videoteleconferencing with Unified Commands and subelements, down to the JTF deployed in the field or aboard ship. It is in continuous use now worldwide, and in very successful bilateral links with key allies.

MILITARY INTELLIGENCE SUPPORT TO THE UNITED NATIONS

Under the policy direction of the Director of Central Intelligence and the Director, Defense Intelligence Agency, Admiral Cramer oversaw the implementation of an unprecedented, history-making process for providing military intelligence support to the United

Nations. He directly supervised the vast interagency coordination involved in the effort, personally directed the dissemination architecture, and achieved on-line intelligence support within months of the concept approval. Drawing assets from within his own organization, he has assumed personal responsibility for ensuring that this historic initiative succeeds.

UNMANNED AERIAL VEHICLES (UAV)

Responding to theater intelligence collection capability shortfalls, Admiral Cramer personally brainstormed a UAV concept, and by force of will and professional determination saw vehicles flying operational missions in less than one year. Using commercial off-the-shelf technology, high quality sensors, common ground stations and an interoperable dissemination system, the UAV has achieved all its goals due to its grounding in common sense and Admiral Cramer's personal commitment.

Rear Admiral Cramer has achieved more of lasting significance to the Intelligence Community over a two-year period than any officer of his generation. Assuming the broad, national intelligence community leadership responsibilities that come with his position, he has aggressively exercised his mandate with creativity, determination and skill.

CITATION

Rear Adm. Michael W. Cramer, United States Navy is hereby awarded the National Intelligence Distinguished Service Medal in recognition of his extraordinary contribution to the Intelligence Community's continuing efforts to improve support to joint and combined military forces. Assuming a primary role in devising and implementing critical intelligence support initiatives, Admiral Cramer is personally responsible for the success of programs and systems that have become Community standards. He changed the nature of intelligence dissemination for all time by implementing the Joint Deployable Intelligence Support System and the Joint Worldwide Intelligence Communications System. These systems revolutionized intelligence dissemination throughout the Community, and have been effective tools in the unprecedented level of intelligence support Admiral Cramer has pioneered with the United Nations and its peacekeeping forces around the world. His creative and aggressive approach to problem solving is exemplified by the successful fielding, within months, of a successful aerial collection vehicle to meet a recognized Intelligence Community requirement. Admiral Cramer's brilliance as a current intelligence officer, and his vision as an architect of the future of intelligence support to operations, bring credit upon himself, the United States Navy, the Defense Intelligence Agency, the Department of Defense, and the Intelligence Community.

PASSAGE OF THE NATIONAL FLOOD INSURANCE REFORM ACT OF 1994

Mr. KERRY. Mr. President. Yesterday with the Senate's agreement to the conference report on H.R. 3474, the Riegle Community Development and Regulatory Improvement Act of 1994, which includes, as Title V, The National Flood Insurance Reform Act, Congress passed the most sweeping reforms to the flood insurance program since its inception a quarter-century

ago. I can say confidently and with a sense of personal satisfaction that Congress has acted appropriately, wisely and with vision to correct the chronic flaws in the NFIP, and as a result has taken a significant step toward protecting the nation's taxpayers and floodplains.

A new, sensible course for the flood insurance program has been charted, and with it a new era of more sound, cost-effective and environmentally benign floodplain management. Due to the late hour when the conference report was agreed to by voice vote, I was unable to comment on the passage of this important legislation at that time, but I now would like to discuss the significance of this legislation.

In 1942, Dr. Gilbert White, one of the founding fathers of floodplain management in this country observed that floods may be an act of God, but flood damages are an act of man. Dr. White also might have observed that flood damages are just as much an act of Congress.

Four years ago I began my efforts to reform the National Flood Insurance Program [NFIP], an important but beleaguered part of our Federal floodplain management and disaster assistance matrix, in order to save taxpayers millions of dollars in disaster assistance and to increase coastal and river floodplain environmental protection. I considered this a necessary task because we simply can no longer afford to abide by our costly past policies and practices which actually encourage, not discourage, risky development in areas we know through experience to be hazardous, dangerous and altogether unfit to occupy.

Reform has not come easy. But then it is never easy to challenge the status quo and propose changes to a program which has evolved over years of mismanagement to the point that many perceive it to be an entitlement—another Federal giveaway shouldered by the taxpayer—that minimizes personal responsibility and public accountability.

I have been concerned about the flood insurance program for years and have spoken out to my colleagues about the need for program reform on numerous occasions: after Hurricane Andrew and Iniki in 1992, after the 1993 East Coast Winter Blizzard; and last summer after the Great Midwest Flood. And with each disaster, my concerns have grown.

We have known for years that the flood insurance program was a huge financial liability and that Federal costs for flood disaster assistance have continued to skyrocket despite the NFIP. We have documented that participation by individuals in the NFIP has lagged far behind reasonable expectations and left the program chronically under-capitalized, and that the program has suffered from adverse selection and costly repetitive losses. Mr.

President, under these circumstances a private sector insurer surely would fail.

It also has become clear to me and to many of my colleagues on the Banking Committee that the floodplain management requirements and incentives of the NFIP simply were not doing enough to encourage sound community floodplain management—consisting of sensible, prudent and environmentally conscious land-use and development practices envisioned by Congress when it created the NFIP in 1968.

Most importantly, we have been reminded painfully that low participation in the NFIP has meant that thousands of individuals in hazardous floodplains go uninsured and exposed to risk—a reality made so tragically clear during the Great Midwest Flood of 1993, and once again this summer during the destructive flooding in the Southeast.

Fortunately, Congress in the form of this legislation has chosen to move in a direction which should reduce over time the magnitude of human misery following flood disasters. Title V of the conference agreement on H.R. 3474 closely resembles the compromise flood insurance reform legislation that passed the Senate on March 17, 1993. It provides a sensible, fair and balanced schedule of reforms that establishes a workable framework for program improvement without jeopardizing those communities or individuals with an interest in the flood insurance program.

Increasing the number of people participating in the flood insurance program has long been regarded as a key element of any effort to improve the financial soundness of the flood insurance fund, control disaster assistance costs, and get the federal taxpayer off the hook. Greater participation should better spread the risk, generate greater premium income and bring the program closer to an actuarially sound condition.

Subtitle B of this legislation cracks down reasonably on compliance violations and will ensure that those required to purchase flood insurance actually buy it and maintain coverage. The compliance subtitle also should ensure that those individuals and institutions who try to free-ride off the system and not pay for their assumed risk are identified and required to comply with the law.

Improved hazard notification procedures and standard flood hazard determination forms will provide convenient methods to track compliance with flood insurance purchase requirements. Other compliance measures such as the establishment of escrow accounts for flood insurance premiums, and the allowance for lenders to force place the purchase of flood insurance for uninsured mortgages when coverage is required, provide common sense tools that work within existing lending practice and will boost participation.

I would not be surprised to see a sharp increase in the number of insurance policies once these and other provisions in the legislation take hold.

Yet, greater participation will not by itself ensure financial soundness of the NFIP. Greater emphasis on loss reduction activities to reduce the amount of risk insured under the NFIP also vital and included in this legislation.

James Lee Witt, the Director of the Federal Emergency Management Agency [FEMA], has testified that mitigation is essential to improving our national floodplain management strategy. This bill gives Mr. Witt and his agency new incentives and strategies to encourage communities and individuals at risk to adopt more responsible and environmentally sound floodplain management measures to avoid or lessen future damages.

Subtitle C of this legislation creates a Community Rating System [CRS] as a new incentive to encourage communities to adopt floodplain management measures beyond NFIP minimum requirements in exchange for premium rate reductions. Significantly, communities that adopt measures that protect against flood and erosion hazards, and measures that preserve and protect natural and beneficial floodplain functions, are to be rewarded with credits that result in lower premiums for their residents who participate in the NFIP. Communities that have participated in CRS on a trial basis such as Tulsa, Oklahoma have seen premium rates go down nearly 40 percent and I hope that FEMA now will promote CRS aggressively nationwide.

This legislation also creates in Subtitle D—for the first time—a flexible and comprehensive mitigation strategy as an additional incentive for communities to reduce risk. Under this program \$20 million will be available to states and communities to develop flood and erosion hazard mitigation plans and for mitigation grants to implement cost-saving mitigation activities for flood-prone structures such as relocation, elevation, floodproofing, and acquisition, if cost-effective. Importantly, NFIP loss leaders such as repetitively loss communities and substantially damaged structures are given priority consideration for mitigation grants.

Another key element of the mitigation strategy is the creation of a new insurance coverage, "mitigation insurance," in Subtitle F. Using the more convenient and timely insurance mechanism, this new coverage will pay up to \$25,000 for the additional costs necessary to rebuild flood-damaged buildings to existing NFIP code requirements. Although FEMA will be allowed to add up to a \$75 surcharge to policies to fund this additional coverage, FEMA advises that it estimates that the average surcharge for over 85 percent of NFIP policyholders will be \$6. By any

measure that I am aware, \$6 for \$25,000 of coverage is a great deal.

This legislation stimulates loss reduction with three new incentives: CRS, mitigation grants and mitigation insurance. Cumulatively, these incentives will encourage better and more thoughtful community floodplain management, reduce risks and make structures more floodworthy before the next flood, and make sure that structures, once damaged by a flood, are rebuilt as lesser risks to the NFIP and the taxpayer.

This legislation also provides numerous other provisions that will improve the flood insurance program, especially measures to increase the amounts of insurance coverage that people may purchase, improve flood insurance rate maps and enhance hazard identification. In addition, the act will stimulate FEMA to investigate and study some of the lingering questions that went unanswered for lack of data or appropriate analysis—the most important study being an evaluation of the extent and effect of erosion on the flood insurance program.

The identification of erosion hazard areas has been an especially prickly issue. Evidence and experience in several states conclusively demonstrate that erosion is a hazard which no longer can remain an unidentified, subsidized benefit in the NFIP. Just as clearly, the identification of erosion hazards has stimulated legitimate concerns by coastal communities, property owners and development interests which could not be answered completely.

The compromise contained in this legislation is to evaluate the effect of erosion, and not to direct FEMA to map erosion hazard areas as many coastal States already have done. We certainly can benefit from better data regarding the effects of erosion on the flood insurance fund and affected communities. Over the next two years, FEMA will begin the process of mapping erosion in a representative sample of communities where erosion risks are high, will assess the effects on the flood insurance fund, respective communities and the coastal environment, and will come back to Congress to make the case that erosion hazard mapping should, or should not, be implemented nationwide.

I am confident that if FEMA properly conducts this study, Congress finally will have the information to make a fully informed judgment on how best to address this costly hazard.

Is this legislation perfect? I am confident it is not, but then what legislation is? Certainly, during the give and take of the legislative process I agree to drop provisions that I considered quite important components of reform, and still contend that these provisions would have made beneficial contributions. But in the end, it is important

for Congress to realize that with the passage of this legislation we set in motion a process to guarantee responsible reform today and purposeful refinement in the near future.

Mr. President, several Members of Congress contributed significantly to this effort and before ending I would like to take a moment to thank my colleagues who worked long and hard to bring us to this successful conclusion. I want to thank the Chairman of the Banking Committee, Senator RIEGLE, for his dedication, support and steady hand throughout this process and particularly during the conference.

I also want to acknowledge my Republican colleagues, the ranking member of the Banking Committee, Senator D'AMATO, the Senator from Florida, Senator MACK, and the Senator from Missouri, Senator BOND, and their staffs for the tremendous amount of time and energy they have committed to this bipartisan effort. In particular, I want to thank Senator MACK for his personal, good-faith efforts to forge a workable compromise.

I also want to commend our colleagues in the House, notably the distinguished Banking Committee Chairman, Mr. GONZALEZ, for concluding a successful conference and his support for flood insurance reform. I want to commend especially my good friend and colleague from Massachusetts, Mr. KENNEDY, for taking up the fight for NFIP reform, and his colleague on the Banking Committee, Mr. BEREUTER, who has brought so much expertise to this debate over the years.

Congress now has acted to address the ills affecting the NFIP, an accomplishment that is something in which we can and should take great pride. Obviously, any change in a program such as the NFIP is contentious, perhaps even more so than in the past due to heightened sensitivities on the part of some interests towards private property rights. It will be vital for Congress to work closely with FEMA to ensure that these reforms are properly implemented. My sincere aspiration is that once implemented this legislation will restore common sense and responsibility when people decide where to build, and when government decides what to insure.

In closing, Mr. President, I believe this legislation is fair, reasonable and balanced and will implement essential reforms. It should improve the financial soundness of the nation's flood insurance program by increasing participation and by lowering the potential for excessive flood damages through an incentive-based approach. I applaud my colleagues for recognizing the need to protect the Federal Treasury, protect the property at risk along the Nation's floodplains through encouragement of more environmentally aware floodplain management. I am delighted to send this measure to the President for his

signature and hope he will sign it expeditiously.

MILCON ADD-ONS

Mr. MCCAIN. Mr. President, After I spoke on the fiscal year 1995 military construction appropriations bill on August 9, 1994, I received a letter from another of America's well-known watchdog groups, the National Taxpayers Union. I feel their views are of great importance, and that my colleagues should be aware of them. Therefore, I request unanimous consent that this letter be entered into the RECORD.

The National Taxpayers Union is another group which feels that unnecessary add-ons and earmarks squander funds that the National Taxpayers Union says should be directed to more pressing problems.

As the National Taxpayers Union says,

The pork-barrel spending contained in the Conference Report is outrageous. At a time when our nation must streamline not only its military, but also its budget, such a wasteful spending shows a gross neglect for the American taxpayer.

In addition, I ask unanimous consent that the two letters I cited in my speech yesterday—from Citizens Against Government Waste and Citizens for a Sound Economy—also be included in the RECORD.

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

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, August 4, 1994.

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

DEAR SENATOR MCCAIN: Citizens for a Sound Economy (CSE), a 250,000-member grassroots organization that promotes free market economic policies, supports you in your opposition to the pork-barrel spending contained in the FY 1995 Military Construction Appropriations Conference Report (H.R. 4453 and H. Rpt. 103-624).

The conference report eliminated language in the Senate bill that established criteria for making military spending more fiscally responsible. Moreover, it added a slew of unrequested and expensive new projects to the bill, most of which would simply funnel money to specific states and congressional districts. Although it purports to cut \$137 million from the original bill, the report prohibits the Department of Defense from eliminating any project—including the new pork-barrel items—to make this cut.

The unnecessary new spending items included in the conference report constitute yet another burden on American taxpayers. As an advocate of fiscal responsibility in all areas of government, CSE urges the members of Congress not to pass the conference report on the military appropriations bill until all unnecessary spending programs have been removed.

Sincerely,

PAUL BECKNER,
President.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, August 8, 1994.

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

DEAR SENATOR MCCAIN: Coincidentally, at the moment we were asked by your staff to review your amendment to delete nearly \$1 billion in pork-barrel spending from the FY95 Military Construction Appropriations conference report, we were finishing a letter to Senators concerning the pork-laden crime bill conference report.

The Council for Citizens Against Government Waste fully endorses your effort to send the conference report back for some serious liposuction, and our more than 600,000 members across the nation appreciate and applaud your leadership.

In only one respect would we disagree with you. In the talking points prepared for the bill, you say that the add-ons and earmarks are "an embarrassment for the Congress as a whole." Senator, in the ten years since Peter Grace gave to the American people his report on government waste, and founded this organization, the one thing that is clear is that Congress sadly seems to be beyond embarrassment when it comes to pork-barrel spending.

Your efforts will receive not only our gratitude but also a salutary report in the next issue of Government Waste Watch, due to arrive in our members' homes in October.

Sincerely,

JOE WINKELMANN,
Government Affairs Director.

NATIONAL TAXPAYERS UNION,
Washington, DC, August 4, 1994.

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

DEAR SENATOR MCCAIN: The 250,000-member National Taxpayers Union fully supports your efforts to defeat the FY 1995 Military Construction Appropriations Conference Report with the intent of eliminating approximately \$1 billion of add-ons and earmarks from the Appropriations Committee.

The pork-barrel spending contained in the Conference Report is outrageous. At a time when our nation must streamline not only its military, but also its budget, such wasteful spending shows a gross neglect for the American taxpayer.

The National Taxpayers Union commends you on your efforts on behalf of taxpayers and applauds your dedication to changing business as usual in Washington.

Sincerely,

PETE SEPP,
Director of Media Relations.

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 message 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 4:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4217. An act to reform the Federal crop insurance program, and for other purposes.

H.R. 4590. An act to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 250. Concurrent resolution expressing the sense of the Congress in support of efforts by the Government of Mexico, and the major political parties and concerned members of civil society in Mexico, to reform Mexico's political and electoral processes and ensure free and fair elections.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1927. An act 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.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MOLLOHAN, Mr. SMITH of Iowa, Mr. CARR, Mr. MORAN, Mr. SKAGGS, Mr. PRICE of North Carolina, Mr. OBEY, Mr. ROGERS, Mr. KOLBE, Mr. TAYLOR of North Carolina, and Mr. MCDADE as the managers of the conference on the part of the House.

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 amendments of the Senate to the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 6, 9, 15, 16, 21, 33, 35, and 39 and concurs therein; and that the House recedes from its disagreement to the amendments of the Senate numbered 2, 4, 8, 28, 48, 49, and concurs therein, each with an amendment in which it requests the concurrence of the Senate.

At 5:46 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, in which it requests the concurrence of the Senate:

H.J. Res. 188. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 8:07 p.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2739. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes;

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries; and

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 4590. An act to provide conditions of renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China; to the Committee on Foreign Relations.

H.J. Res. 188. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 250 Concurrent resolution 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; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4217. An act to reform the Federal crop insurance program, and for other purposes.

The following bills were read the first and second times by unanimous consent and ordered to be placed on the calendar:

H.R. 4455. An act 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.

H.R. 4653. An act to settle Indian land claims within the State of Connecticut, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3172. A communication from the Administrator of the United States Agency For International Development, transmitting, pursuant to law, a report of a violation of the Antideficiency Act which occurred on September 30, 1991; to the Committee on Appropriations.

EC-3173. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93-10; to the Committee on Appropriations.

EC-3174. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-6; to the Committee on Appropriations.

EC-3175. A communication from the Assistant to the Secretary of Defense (Atomic Energy), transmitting, pursuant to law, notice relative to a report on management of chemical and biological defense programs; to the Committee on Armed Services.

EC-3176. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report covering certain properties with the Panama Canal Treaty and its related agreements; to the Committee on Armed Services.

EC-3177. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on the operations of the Exchange Stabilization Fund for fiscal year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-3178. A communication from the Acting Director, Office of Thrift Supervision, transmitting, pursuant to law, the report on enforcement actions and initiatives for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-3179. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3180. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3181. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3182. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to approve the location of a World War II Memorial; to the Committee on Energy and Natural Resources.

EC-3183. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of boundary descriptions and maps; to the Committee on Energy and Natural Resources.

EC-3184. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant

to law, the report of the Superfund financial activities for toxic substances and disease registry for fiscal year 1992; to the Committee on Environment and Public Works.

EC-3185. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, the report of the Superfund financial activities at the National Institute of Environmental Health Services; to the Committee on Environment and Public Works.

EC-3186. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on participation, assignment, and extra billing in the Medicare program; to the Committee on Finance.

EC-3187. A communication from the Director, Defense Security Assistance Agency, transmitting, pursuant to law, notice relative to the Foreign Military Financing program; to the Committee on Foreign Relations.

EC-3188. A communication from the Director, Defense Security Assistance Agency, transmitting, pursuant to law, notice relative to Foreign Military Financing Grant funds; to the Committee on Foreign Relations.

EC-3189. A communication from the Director, Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to the Congressional Presentation Document for fiscal year 1994; to the Committee on Foreign Relations.

EC-3190. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of United States contributions to international organizations for fiscal year 1993; to the Committee on Foreign Relations.

EC-3191. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Rwanda and Burundi; to the Committee on Foreign Relations.

EC-3192. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-314 adopted by the Council on July 19, 1994; to the Committee on Governmental Affairs.

EC-3193. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-315 adopted by the Council on July 19, 1994; to the Committee on Governmental Affairs.

EC-3194. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-316 adopted by the Council on July 19, 1994; to the Committee on Governmental Affairs.

EC-3195. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-317 adopted by the Council on July 19, 1994; to the Committee on Governmental Affairs.

EC-3196. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-318 adopted by the Council on July 19, 1994; to the Committee on Governmental Affairs.

EC-3197. A communication from the Manager (Employee Benefits), Agribank, the report relative to the Retirement Plan for the Employees of the Seventh Farm Credit District for calendar year 1993; to the Committee on Governmental Affairs.

EC-3198. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC-3199. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the Foreign Service Retirement and Disability Fund for fiscal year 1992; to the Committee on Governmental Affairs.

EC-3200. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations on the Chapter 1 Program in Local Educational Agencies; to the Committee on Labor and Human Resources.

EC-3201. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitative Services), transmitting, pursuant to law, the report of final regulations—State Vocational Rehabilitation Unit In-Service Training; to the Committee on Labor and Human Resources.

EC-3202. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the Capitol Preservation Fund for the period March 31, 1993 through September 30, 1993; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1526. A bill to improve the management of Indian fish and wildlife and gathering resources, and for other purposes (Rept. No. 103-329).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

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 (Rept. No. 103-330).

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. KOHL:

S. 2376. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. COATS, Mr. SIMPSON, and Mr. BURNS):

S. 2377. A bill to establish a national advisory referendum on limiting the terms of members of Congress at the general election of 1994; to the Committee on Rules and Administration.

By Mr. DOLE (for himself, Mr. SIMON, Mr. D'AMATO, Mr. GRAMM, and Mr. KENNEDY):

S. 2378. A bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United

States humanitarian assistance; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2376. A bill to provide for the appointment of one additional Federal district judge for the Eastern District of Wisconsin, and for other purposes; to the Committee on the Judiciary.

WISCONSIN EASTERN DISTRICT JUDGESHIP ACT OF 1994

Mr. KOHL. Mr. President, I rise today to introduce legislation that would create an additional Federal judgeship for the Eastern District of Wisconsin to be located in Green Bay. Let me tell you why an extra judge is crucially needed.

Suppose that you are a litigant from Oconto and you need to use the Federal courts to seek compensation for an injury. Or suppose that you are a retailer in Appleton and you want to charge an out-of-State manufacturer with price fixing. Or suppose that you are the key witness in a Federal drug prosecution that is centered around activities in the northeastern part of the State. In each instance, you will have to go to Milwaukee, where all four full-time Federal district judges hold court. And in each instance, the additional travel time—up to 6 hours in each direction—and cost may make justice less available, less affordable and, ultimately, less likely to the people who need it most.

Indeed, prosecuting cases on the Menominee Indian Reservation causes specific problems that alone may justify a Federal judge in Green Bay. Under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. However, the reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys and investigators—and sometimes witnesses—for travel expenses, the existing system also costs the taxpayers money as well.

Mr. President, law enforcement officials tell me that some criminal cases are never brought in Federal court because of the expense and inconvenience. Sadly, this should not be too surprising: as one group of Wisconsin law enforcement officers analogized:

Imagine the district attorney of Milwaukee being located in Keshena, or Green Bay, or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

Placing a Federal judge in Green Bay will not resolve all of these problems overnight, of course. But it will begin to reduce some of these needless obstacles to the fair and efficient administration of Justice.

And don't take my word for it, ask the sheriffs and district attorneys in northeastern Wisconsin: each and every one of them has urged me to create a Federal district court in Green Bay. Mr. President, I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. attorney for the Eastern District of Wisconsin, Tom Schneider, also be included. This letter expresses the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA and the BATF—for the legislation I am introducing today.

Mr. President, the creation of an additional judgeship in the Eastern District of Wisconsin is clearly justified on the basis of caseload. In 1993, the Judicial Conference, the administrative and statistical arm of the Federal judiciary, recommended the creation of additional Federal judgeships in 14 different judicial districts. In determining where to place these judges, the Conference looked primarily at "weighted filings;" that is, the total number of cases filed modified by the average level of case complexity. New positions were justified where the court's workload exceeded 400 weighted filings per judge. In 5 of the 14 districts where additional judgeships were recommended, however, the number of weighted filings per judge was actually fewer than in the Eastern District of Wisconsin. Indeed, from 1991 through 1993 the eastern district consistently averaged 440 weighted filing per judge, which is substantially in excess of the 400 weighted filings "cutoff."

Mr. President, this legislation is simple, effective and straightforward. It would create an additional judgeship for the eastern district, require that one judge hold court in Green Bay, and give the chief judge the flexibility to designate which judge holds court there. And it would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that time, while more than 140 new Federal district judgeships have been added nationwide, not a single one has been created for Wisconsin.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce inconvenience and increase judicial efficiency. But most importantly, it will help ensure that justice is more available and more affordable to the people of Wisconsin. For these sensible reasons, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(b) TABLES.—In order that the table contained section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

"Wisconsin:	
"Eastern	5
"Western	2

(c) HOLDING OF COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

AUGUST 8, 1994.

Senator HERB KOHL,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee. It often takes a whole day of travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney.

Jay Conley, Oconto County District Attorney.

John DesJardins, Outagamie County District Attorney.

Douglas Drexler, Florence County District Attorney.

Guy Dutcher, Waushara County District Attorney.

E. James FitzGerald, Manitowoc County District Attorney.

Kenneth Kratz, Calumet County District Attorney.

Jackson Main, Jr., Kewaunee County District Attorney.

David Miron, Marinette County District Attorney.

Joseph Paulus, Winnebago County District Attorney.

Gary Schuster, Door County District Attorney.

John Snider, Waupaca County District Attorney.

Ralph Uttke, Langlade County District Attorney.

Demetrio Verich, Forest County District Attorney.

John Zakowski, Brown County District Attorney.

William Aschenbrenner, Shawano County Sheriff.

Charles Brann, Door County Sheriff.

Todd Chaney, Kewaunee County Sheriff.

Michael Donart, Brown County Sheriff.

Patrick Fox, Waushara County Sheriff.

Bradley Gehring, Outagamie County Sheriff.

Daniel Gillis, Calumet County Sheriff.

James Kanikula, Marinette County Sheriff.

Norman Knoll, Forest County Sheriff.

Thomas Kocourek, Manitowoc County Sheriff.

Robert Kraus, Winnebago County Sheriff.

William Mork, Waupaca County Sheriff.

Jeffrey Rickaby, Florence County Sheriff.

David Stegar, Langlade County Sheriff.

Kenneth Woodworth, Oconto County Sheriff.

Richard Awonhopay, Chief, Menominee Tribal Police.

Richard Brey, Chief of Police, Manitowoc.

Patrick Campbell, Chief of Police, Kaukauna.

James Danforth, Chief of Police, Oneida Public Safety.

Donald Forcey, Chief of Police, Neenah.

David Gorski, Chief of Police, Appleton.

Robert Langan, Chief of Police, Green Bay.

Michael Lien, Chief of Police, Two Rivers.

Nike Nordin, Chief of Police, Sturgeon Bay.

Patrick Ravet, Chief of Police, Marinette.

Robert Stanke, Chief of Police, Menasha.

Don Thaves, Chief of Police, Shawano.

James Thome, Chief of Police, Oshkosh.

DEPARTMENT OF JUSTICE, U.S. ATTORNEY, EASTERN DISTRICT OF WISCONSIN.

Milwaukee, WI, August 9, 1994.

To: The District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay.

From: Thomas P. Schneider, U.S. Attorney, Eastern District of Wisconsin.

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although 1/3 of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern

Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including Federal Bureau of Investigations, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshall, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and give additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29% of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important if the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the creation of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
U.S. Attorney, Eastern District of Wisconsin.

By Mrs. HUTCHISON (for herself,
Mr. FAIRCLOTH, Mr. COATS, Mr.
SIMPSON, and Mr. BURNS):

S. 2377. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1994; to the Committee on Rules and Administration.

CONGRESSIONAL TERM LIMITS LEGISLATION

Mrs. HUTCHISON, Madam President, I rise today to introduce a bill to conduct a national referendum on the question of term limits for Members of Congress. It is a companion bill to H.R. 3835, sponsored in the House by Mr. HOEKSTRA of Michigan.

I have nothing against the senior Members of this Senate. Indeed, I respect them as some of the wisest legislators our Nation has. But the seniority system makes government a game of waiting—waiting for the right committee, waiting for the right chair, waiting sometimes for decades. And we expect our constituents to wait with us. I recently read an article which complained that a certain State might lose more than a century of seniority in the other Chamber next year. Seniority is displacing ideas as a commodity for citizens to value and to preserve.

We have created a system where it is better for our constituents to keep electing us, no matter how we vote, so that we can rack up seniority for our States. With all due respect, that is not what this Chamber, or the other one, is about. We pride ourselves, rightly, as the world's greatest deliberative body. And I think my fellow freshmen agree with me that our voices are heard and respected on this floor. But the seniority system tends to create career politicians, whereas our Founding Fathers wanted citizen-legislators. It was envisioned that people who had trades, professions, or businesses would serve for a period of time, bringing their business experience to shape the laws that would govern commerce and quality of life.

How can the citizens of one State or one district change their representation without losing out on this game? They can do it only if they can impose a limit on the tenure of all other Members of the Congress.

Madam President, I think the solution is to limit our terms. But do not take my word for it. We should ask the people what they think. This bill would add a nonbinding referendum to the election ballots in November, asking voters whether we should amend the Constitution to limit the time we can serve, just as it limits the term of the President of the United States. Amending the Constitution is a serious process, one that we debated last winter on the question of a balanced budget. Before we take that step on term limits, we should invoke the communicative power of democracy and ask the people what they think.

By Mr. DOLE (for himself, Mr. SIMON, Mr. D'AMATO, Mr. GRAMM, and Mr. KENNEDY):

S. 2378. A bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance; to the Committee on Foreign Relations.

HUMANITARIAN AID CORRIDOR ACT

Mr. DOLE. Mr. President, I rise to introduce legislation with the distinguished senior Senator from Illinois, Senator SIMON, and Senator D'AMATO, Senator GRAMM, and Senator KENNEDY. Our legislation will further an impor-

tant American principle: Humanitarian aid should not be restricted for political reasons. The legislation we are introducing today provides that no U.S. foreign aid shall be provided to countries which prohibit or restrict U.S. foreign aid to other countries.

It seems this is a principle that could be accepted by everyone—how could we give money to a country which prevents our aid from reaching other needy people? The legislation names no names, it simply affirms a basic principle: A government does not deserve our aid if it obstructs efforts to aid others.

While our legislation is drafted as a generic principle, there is one country that would clearly be affected. Turkey receives large amounts of United States assistance while it continues to enforce the embargo on Armenia. For the past, present, and next fiscal year, 1993-95, Turkey will receive roughly \$1.75 billion in grants and concessional loans financed by the United States taxpayer. At the same time, Turkey prevents even care packages from the American Red Cross from entering Armenia.

Mr. President, the suffering of the democratic nation of Armenia under the immoral and illegal embargo are well-known: Food and energy supplies range from scarce to nonexistent. Outside relief supplies must travel circuitous and dangerous routes due to Turkey's blockage. Many never make it at all. Due to Turkey's official government policy of blockading Armenia, Armenians freeze, Armenians suffer, and Armenians go hungry. United States aid to Armenia is far more expensive and far less effective because of Turkey's blockade. In such circumstances, it is wrong to provide Turkey with one and three-quarters billion of American tax dollars.

Earlier today, I met with President Ter-Petrosian—Armenia's first democratically-elected head of State. President Ter-Petrosian knows the price of freedom, having been imprisoned under the Soviet Union for advocating Armenian nationalism. The President spoke about the terrible consequences of the Armenian embargo. He spoke about how there has been no positive sign from Turkey, no movement toward opening routes into land-locked Armenia. President Ter-Petrosian thanked us for our efforts to help the long-suffering Armenian people.

The legislation Senator SIMON and I are introducing today would help change the Turkish policy of strangling Armenia. It would provide the administration with an effective tool to use with the Turkish Government. And it would provide a powerful incentive for Turkey to end its contribution to the suffering of the Armenian people.

I have nothing against the Turkish people. I met Prime Minister Ciller when she was in Washington last fall,

and had a useful discussion. And I recognize that Turkey has been a valuable ally of the United States in NATO, and in Operation Desert Storm. The legislation we are introducing recognizes that there may be a compelling national interest which could override the principle of non-interference with humanitarian aid. For this reason, we have included Presidential waiver authority in section 3(b) of the bill.

The legislation could apply to many other relief situations. There are occasional reports of aid obstruction by Kenya, Russia, and other countries. This legislation would make one principle very clear: If a government plays political games with aid destined to help people in need, they will no longer get U.S. foreign assistance. This legislation will help deter interference with humanitarian relief, and it will provide for appropriate response in the case of interference.

Mr. President, this legislation will be referred to the Committee on Foreign Relations. I hope it will get rapid consideration. Similar legislation has been introduced in the House. I hope the Congress will enact this legislation and send it to the White House before the end of this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2378

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 "Humanitarian Aid Corridor Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The United States' Federal budget deficit and spending constraints require the maximum efficiency in the usage of United States foreign assistance.

(2) The delivery of humanitarian assistance to people in need is consistent with the fundamental values of our Nation and is an important component of United States foreign policy.

(3) As a matter of principle and in furtherance of fiscal prudence, the United States should seek to promote the delivery of humanitarian assistance to people in need in a manner that is both timely and cost effective.

(4) Recipients of United States assistance should not hinder or delay the transport or delivery of United States humanitarian assistance to other countries.

SEC. 3. LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE.

(a) PROHIBITION ON ASSISTANCE.—Notwithstanding any other provision of law, funds appropriated or otherwise made available for United States assistance may not be made available for any country whose government prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) WAIVER.—The prohibition on United States assistance contained in subsection (a) shall not apply if the President determines and notifies Congress in writing that providing such assistance to a country is in the national security interest of the United States.

(c) RESUMPTION OF ASSISTANCE.—A suspension or termination of United States assistance for any country under subsection (a) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such country is no longer prohibiting or otherwise restricting, either directly or indirectly, the transport or delivery of United States humanitarian assistance.

SEC. 4. REPORT.

(a) IN GENERAL.—At the time of the annual budget submission to Congress, the President shall submit a report to Congress describing any information available to the President concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance by the government of any country receiving or eligible to receive United States foreign assistance during the current or preceding fiscal year.

(b) APPLICABILITY OF LAW.—The President shall include in the report required by subsection (a) a statement as to whether the prohibition in section 3(a) applies to each country for which the President has information available to him concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance.

SEC. 5. DEFINITION.

As used in this Act, the term "United States assistance" has the same meaning given that term in section 481(e)(4) of the Foreign Assistance Act of 1961.

ADDITIONAL COSPONSORS

S. 823

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 823, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1822

At the request of Mr. HOLLINGS, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1822, a bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes.

S. 2053

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2053, a bill to prevent

handgun violence and illegal commerce in firearms.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE RESOLUTION 243

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 243, a resolution recognizing the REALTORS Land Institute on the occasion of its 50th Anniversary.

AMENDMENT NO. 2481

At the request of Mr. BUMPERS the names of the Senator from Tennessee [Mr. MATHEWS] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of amendment No. 2481 proposed to H.R. 4650, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1995

BROWN (AND OTHERS) AMENDMENT NO. 2491

Mr. BROWN (for himself, Mr. SIMON, Mr. MURKOWSKI, and Mr. LIEBERMAN) 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 end of the pending amendment, add the following new section:

"SEC. . VISAS FOR OFFICIALS OF TAIWAN.

Section 4(b)(6) of the Taiwan Relations Act (22 U.S.C. 3302(b)(6)) is amended—

(1) by inserting "(A)" immediately after "(6)"; and

(2) by adding at the end the following:

"(B) Whenever the president of Taiwan or any other high-level official of Taiwan shall apply for a temporary visa to visit the United States for the purposes of:

(i) Discussions with United States federal or state government officials concerning trade or business with Taiwan or the reduction of the U.S.-Taiwan trade deficit;

(ii) Discussions with United States federal or state government officials concerning nuclear federal government officials concerning U.S. national security or the national security of Taiwan; or

(iv) Discussions with United States federal or state government officials concerning the provision of humanitarian relief and assistance for regional disasters;

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States."

BROWN (AND OTHERS) AMENDMENT NO. 2492

Mr. BROWN (for himself, Mr. SIMON, Ms. MIKULSKI, Mr. ROTH, Mr. DOLE, and Mr. DOMENICI) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the end of the pending amendment insert the following new section:

SEC. . ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION.

(a) SHORT TITLE.—This section may be cited as the "NATO" Participation Act".

(b) TRANSFER OF EXCESS DEFENSE ARTICLES.—The President may transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 or under the Arms Export Control Act to Poland, Hungary, the Czech Republic, and Slovakia.

(c) LEASES AND LOANS OF MAJOR DEFENSE EQUIPMENT AND OTHER DEFENSE ARTICLES.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796b) is amended by striking "or New Zealand" and inserting "New Zealand, Poland, Hungary, the Czech Republic, or Slovakia".

(d) LOAN MATERIALS SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—Section 65(d) of the Arms Export Control Act (22 U.S.C. 2796d(d)) is amended—

(1) by striking "or" after "United States" and inserting a comma; and

(2) by inserting before the period at the end of the following "Poland, Hungary, the Czech Republic, or Slovakia".

(e) COOPERATIVE MILITARY AIRLIFT AGREEMENTS.—Section 2350c(e)(1)(B) of title 10, United States Code, is amended by striking "and the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, the Czech Republic, and Slovakia".

(f) PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES.—Section 2350f(d)(1)(B) is amended by striking "or the Republic of Korea" and inserting "the Republic of Korea, Poland, Hungary, the Czech Republic, or Slovakia".

(g) STANDARDIZATION OF EQUIPMENT WITH NORTH ATLANTIC TREATY ORGANIZATION MEMBERS.—Section 2457 of title 10 United States Code, is amended by adding at the end the following new subsection:

"(g) It is the sense of the Congress that, in the interest of maintaining stability and promoting democracy in Eastern Europe, Poland, Hungary, the Czech Republic, and Slovakia, those countries should, on and after the date of enactment of this subsection, be included in all activities under this section related to the increase standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries."

(h) INCLUSION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President should recommend legislation to the Congress making eligible under the provisions of law amended by this section such other European countries emerging from communist domination as the President may determine if such countries—

(1) have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(2) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

(i) CERTIFICATION REQUIRED.—Before exercising the authority in subsection (a), or in section 63(a)(2) of the Arms Export Control Act, with respect to Poland, Hungary, the Czech Republic, or Slovakia, the President shall determine and certify to the appropriate congressional committees that no such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

BROWN AMENDMENT NO. 2493

Mr. BROWN proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place in the Committee amendment, add the following new section:

"SEC. . SENSE OF THE CONGRESS CONCERNING THE REPUBLIC OF BULGARIA.

(a) FINDINGS.—The Congress finds that:
 (1) In the spring of 1990, Bulgaria held its first round-table discussions and held its first free, democratic elections in June, 1990;
 (2) In August 1990, the Bulgarian Grand National Assembly elected Dr. Zhelyu Zhelev as President of the Republic;

(3) On July 12, 1991 the Parliament of Bulgaria adopted the new Constitution of the Republic of Bulgaria, which proclaims that Bulgaria is governed by the rule of law;

(4) In addition, the Bulgarian Constitution establishes the principles of a market economy in Bulgaria, including Article 17 which guarantees and protects the right to property and inheritance and proclaims the inviolability of private property, and Article 19 which states that the economy of Bulgaria is based on free economic enterprise;

(5) In October 1991, Bulgaria held its second parliamentary elections;

(6) Since 1990, the Bulgarian parliament has passed more than 220 laws establishing legal protections for a free market economy including the Law on Land Ownership, the Law on the Protection of Competition, the Law on Commerce, the Law on Privatization, the Law on Accounting and the Law on Banking;

(7) The Bulgarian private sector has grown from 5 percent of GNP in 1990 to 22 percent of GNP in 1993, and by the end of 1993, 47 percent of Bulgarian farm land had been returned to its owners prior to 1948;

(8) In June 1990, Bulgaria established diplomatic relations with NATO and on February 14, 1994, joined the Partnership for Peace;

(9) Since October 1991, the Bulgarian minister of defense has been a civilian and this practice is scheduled to be institutionalized when the Bulgarian Law on Armed Forces is adopted in September 1994.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of the Congress that:

(1) The Republic of Bulgaria is making swift and important progress to join the West and should be strongly commended for its efforts;

(2) The Republic of Bulgaria is making significant progress toward establishing democratic institutions, a free market economy, civilian control of the armed forces and the rule of law;

(3) As the President evaluates increased defense cooperation with central and eastern Europe, Bulgaria's extensive reform efforts should be given every possible consideration.

BROWN (AND CAMPBELL) AMENDMENTS NOS. 2494-2495

Mr. BROWN (for himself and Mr. CAMPBELL) proposed two amendments to the bill H.R. 4650, supra; as follows:

AMENDMENT NO. 2494

At the appropriate place in the bill, add the following new section:

"SEC. . STUDY OF C-130S.

(a) REPORT.—Within six months of enactment of this Act, the Chairman of the Joint Chiefs of Staff (JCS) shall recommend to the Secretary of Defense a master stationing plan for C-130 aircraft for the active and reserve components based on the National Military Strategy and current contingency plans of the Joint Chiefs of Staff. The report shall include:

(i) a review of existing Air Reserve Components C-130s;

(ii) a master plan for basing future Air Reserve Component C-130s over the next twenty years.

(b) INTERIM REDUCTIONS.—No reductions of primary authorized C-130 aircraft (PAA) shall be permitted until after completion of the report.

(c) APPROVAL.—Within 2 months of receipt of the report from the Chairman of the JCS, the Secretary of Defense shall approve the final master stationing plan for C-130 aircraft and shall provide it to the congressional defense committees. The Secretary shall also provide the final report to the Air Force and to the National Guard Bureau for implementation.

AMENDMENT NO. 2495

At the appropriate place in the bill, add the following new section—

"SEC. . SENSE OF THE SENATE CONCERNING LOWRY AFB.

It is the sense of the Senate that—

(a) in issuing any lease, permit or deed of conveyance for use to assist the homeless under the Stewart B. McKinney Assistance Act concerning Lowry Air Force Base, Colorado, the Secretary of Health and Human Services, representatives of the City of Denver, Colorado, representatives of the City of Aurora, Colorado and representatives of homeless providers whose applications have been approved by the Secretary of Health and Human Services should jointly determine that such use is reasonable under the redevelopment plan for Lowry Air Force Base, Colorado; and

(b) the Department of Defense and the Department of Health and Human Services, in coordination with the appropriate committees of Congress and appropriate state and local authorities, should develop a reform proposal to address the many difficulties created for local communities by existing laws relating to the loan, lease or conveyance for use of government property during the base closure process.

GORTON (AND OTHERS) AMENDMENT NO. 2496

Mr. INOUE (for Mr. GORTON, for himself, Mrs. MURRAY, and Mr. INOUE) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 19, line 19, after the period, insert the following: "The Secretary may not pay the Muckleshoot Indian Tribe the reimbursement otherwise required by the preceding sentence unless the Tribe waives in writing all claims that the Tribe may have against the United States or any agency or official of the United States (in the official capacity of that official), against the State of Washington or any agency or official of the State of Washington (in the official capacity of that official), and against the City of Seattle, Washington, or any agency or official of the

City of Seattle, Washington (in the official capacity of that official), regarding the disposal of the Puget Sound Naval Air Station."

DANFORTH (AND BOND) AMENDMENT NO. 2497

Mr. INOUE (for Mr. DANFORTH, for himself and Mr. BOND) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

Sec. . Funds appropriated for the Army by this Act may not be expended to deactivate or to take any action necessary to deactivate any Army Reserve Officers' Training Corps unit, or to reduce any such unit for the purpose of eventually deactivating that unit, unless the Secretary of the Army has determined that the unit has been placed in, and has been evaluated for a full evaluation period under, the Effective Management Program of the Army Cadet Command.

AKAKA AMENDMENT NO. 2498

Mr. INOUE (for Mr. AKAKA) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. 8121. PREFERENCE FOR LOCAL AND SMALL BUSINESSES TO CARRY OUT ENVIRONMENTAL RESTORATION AND REMEDIATION OF KAHŌ'OLAWĒ ISLAND, HAWAII.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities to carry out environmental restoration and remediation of Kaho'olawe Island, Hawaii, and the waters surrounding that island, the Secretary of the Navy shall, to the maximum extent practicable, give a preference to small business concerns and small disadvantaged business concerns located in the State of Hawaii. In giving the preference, the Secretary shall give especial preference to businesses owned by Native Hawaiians.

(b) DEFINITIONS.—In this section:

(1) The Term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The Term "small disadvantaged business concern" means the business concerns referred to in section 7(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The Term "Native Hawaiian" means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

NICKLES AMENDMENT NO. 2499

Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 11, line 19, before the period, insert the following: "Provided further, That the Undersecretary of Defense for Policy, shall, not later than October 15, 1994, transmit, in unclassified and classified forms, the Rand Corporation Study, published on or about December 1993, on The U.S. Role in Possible Middle East Peace Settlements to the congressional defense, intelligence and foreign affairs committees."

MCCAIN (AND OTHERS) AMENDMENT NO. 2500

Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. DOLE, Mr. GRAMM, Mr. FORD,

Mr. PRESSLER, Mr. BINGAMAN, Mr. MACK, Mr. AKAKA, Mr. DASCHLE, Mr. SARBANES, Mr. LAUTENBERG, Mr. CHAFFEE, and Mr. DOMENICI) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . (a) The prohibition on concurrent award of compensation and retirement pay (including naval pension) set forth in section 5304(a)(1) of title 38, United States Code, does not apply to a person who has a service-connected disability if—

(1) the person has completed at least 20 years of service in the uniformed services that is creditable for purposes of computing the amount of retirement pay to which the member is entitled;

(2) the disability was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

(3) the disability is a disability rated as total—

(A) by the Secretary concerned as of the date on which the person is retired from the uniformed services; or

(B) by the Secretary of Veterans Affairs within four years following the date on which the person is retired from the uniformed services.

(b) Notwithstanding section 1463(a) of title 10, United States Code, the amount of retirement pay paid in accordance with subsection (a) concurrently with the payment of disability compensation to the recipients of such retirement pay shall be paid out of funds appropriated by this Act.

(c) Subsection (a) is not applicable to a person for any period for which the disability of such person is not a disability rated as total as described in paragraph (3) of such subsection.

(d) In this section:

(1) The terms "compensation", "service-connected", and "Secretary concerned" have the meanings given such terms in section 101 of title 38, United States Code.

(2) The term "disability rated as total"—

(A) means a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; and

(B) does not include a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities or by reason of any other factor.

(3) The term "uniformed services" has the meaning given such term in section 101(a)(5) of title 10, United States Code.

(e) This section shall take effect on October 1, 1994, and shall apply to months that begin on or after that date and before October 1, 1995.

MCCAIN AMENDMENT NO. 2501

Mr. MCCAIN proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. 8121. REIMBURSEMENT FOR FUNDS PROVIDED IN SUPPORT OF CIVILIAN SPORTING EVENTS.

(a) AGREEMENT FOR REIMBURSEMENT.—Notwithstanding any other provision of law, funds made available to the Department of Defense under title II of this Act may not be expended either directly or indirectly to sup-

port the World Cup Soccer Games, the Goodwill Games, an Olympiad, or any other civilian sporting event until the Secretary of Defense—

(1) enters into an agreement with the entity or entities that are to receive the funds to provide for such funds to be reimbursed to the Department under terms and conditions established by the Secretary; and

(2) certifies to Congress that the agreement ensures that such reimbursement will be made.

(b) TERMS OF AGREEMENT.—An agreement entered into under subsection (a)—

(1) may not require any reimbursement until after the sporting event is complete and all event-related contractual obligations have been met by the entity or entities with which the agreement was made;

(2) shall provide that the amount reimbursed may not exceed 25 percent of surplus funds; and

(3) shall provide that no reimbursement is required if the entity or entities with which the agreement was made has no surplus funds after all other contractual obligations have been met.

(c) DEFINITION.—In this section, the term "surplus funds" means the amount equal to the excess of the total amount of revenues (other than tax revenues) and * * *.

BRYAN (AND OTHERS) AMENDMENT NO. 2502

Mr. BRYAN (for himself, Mr. BOREN, Mr. GRAHAM, Mr. DECONCINI, Mr. WARNER, Mrs. FEINSTEIN, and Mr. DORGAN) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following new section:

SEC. . Of the funds made available by this Act for the National Reconnaissance Office under the classified Schedule of Appropriations accompanying this Act, funds allocated for construction of the headquarters buildings of the National Reconnaissance Office which were unobligated as of the date of enactment of this Act may not be obligated or expended until the Director of Central Intelligence and the Secretary of Defense have completed a review of that construction project and the results of such review have been disclosed to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SPECTER (AND WOFFORD) AMENDMENTS NOS. 2503-2505

Mr. STEVENS (for Mr. SPECTER and Mr. WOFFORD) proposed three amendments to the bill H.R. 4650, supra; as follows:

AMENDMENT NO. 2503

On page 142, between lines 7 and 8, insert the following:

SEC. . IMPLEMENTATION OF AGREEMENT ON THE RESTRUCTURING OF THE ARMY NATIONAL GUARD AND THE ARMY RESERVE.

(A) FINDING.—Congress finds that the implementation of the off-site agreement may result in the loss to the Armed Forces of military personnel who have significant military experience and expertise.

(b) REASSIGNMENT OF MEMBERS.—(1) To the maximum extent practicable, the Secretary of the Army shall ensure that members of the Armed Forces who would otherwise be separated from service as a result of the de-

activation of military units of the Army National Guard and the Army Reserve under the off-site agreement be reassigned instead to units that are not being deactivated.

(2) The reassignment of a member under paragraph (1) shall not affect the grade or rank in grade of the member.

(c) REPORTS.—Not later than 15 days after the end of each calendar quarter while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding calendar quarter.

(d) DEFINITIONS.—In this section:

(1) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(2) The term "Off-site agreement" means the agreement on the restructuring of the Army National Guard and the Army Reserve.

AMENDMENT NO. 2504

At the appropriate place, insert the following:

"No funds appropriated under this Act may be obligated or expended for the purpose of establishing the Antler Military Operations Area, Pennsylvania, for the purpose of conducting aerial combat training operations until:

(1) Region III of the Environmental Protection Agency has completed its currently ongoing Environmental Impact Review.

AMENDMENT NO. 2505

In title IV of the bill, under the heading "Research, Development, Test and Evaluation, Navy", strike out the period at the end and insert in lieu thereof: "Provided further, That of the amount of funds appropriated under this paragraph to be allocated to the aircraft technology program element, \$5,000,000 of this amount may only be obligated for the completion of Phase I of the Vectored Thrust Combat Agility Demonstrator."

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2506

Mr. STEVENS (for Mr. DOMENICI for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place in the bill, insert: SEC. . No funds appropriated by this Act may be obligated or expended during fiscal year 1995 for retiring, or preparing to retire, any B-52H, B-1B, or F-111 bomber aircraft.

DOMENICI AMENDMENT NO. 2507

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, H.R. 4650, supra; as follows:

On page 19, line 10, delete the period, and add the following new proviso: "Provided further, That to the extent that Congress fails to approve the transfer of any part of \$400,000,000 originally provided in section 9110(a) of the Department of Defense Appropriations Act, 1993, authority is provided for the Secretary of Defense to transfer funds made available in this Act, or for the President to transfer funds available for assistance to the Russian Federation in any other Appropriations Act, to this account for the Cooperative Threat Reduction "Nunn-Lugar" program: Provided further, That any

transfer made by the Secretary of Defense under the foregoing proviso shall be subject to the limitations and the reporting requirements stipulated in section 8005 of this Act: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President and the Secretary of Defense."

HELMS AMENDMENT NO. 2508

Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill, H.R. 4650, *supra*; as follows:

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

SEC. . None of the funds appropriated to the Department of Defense may be used to enter into any agreement or to pay any logistical or support costs, including air transportation, for foreign military participation in any multilateral military activity or in any United Nations sanctioned multilateral force unless the President provides notification 5 days in advance to the appropriate Committees of Congress.

CHAFEE AMENDMENT NO. 2509

Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill, H.R. 4650, *supra*; as follows:

From the Defense Environmental Restoration Account, \$1 million for environmental restoration of the Derektor Shipyard, Newport, Rhode Island, owned by the U.S. Department of the Navy.

GRASSLEY AMENDMENT NO. 2510

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, H.R. 4650, *supra*; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . (a)(1) The Secretary of Defense shall develop a plan for establishing and implementing a requirement for disbursing officials of the Department of Defense to match disbursements to particular obligations before making the disbursements. The Secretary shall transmit the plan to Congress not later than March 1, 1995.

(2) The Inspector General of the Department of Defense shall review the plan and submit the Inspector General's independent assessment of the plan to the congressional defense committees.

(b)(1) Not later than July 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$5,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$1,000,000 be matched to a particular obligation before the disbursement is made.

(c) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (b) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(d) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war de-

clared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(e) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (b) be matched to a particular obligation before the disbursement is made.

MURKOWSKI (AND DOLE) AMENDMENT NO. 2511

Mr. STEVENS (for Mr. MURKOWSKI for himself and Mr. DOLE) proposed an amendment to the bill H.R. 4650, *supra*; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

(a) PROHIBITION.—No funds appropriated under this Act or any other Act may be made available to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea—

- (1) does not possess nuclear weapons;
- (2) has halted its nuclear weapons program; and
- (3) is not exporting weapons-grade plutonium.

(b) NATIONAL SECURITY WAIVER.—The President may waive the prohibition in this section if he determines and certifies in writing to the Congress that to do so is vital to the national security interest of the United States, and notifies the appropriate Committees of Congress 15 days in advance in accordance with the regular notification procedures of such Committees. Such notification shall include the nature, purpose and amount of the proposed assistance.

HATCH AMENDMENT NO. 2512

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill (H.R. 4650) *supra*; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . Notwithstanding any other provision of law, the Department of Defense shall pay the appropriate amount of Aviation Continuation Pay authorized by 37 U.S.C. Sec. 301(b) to the survivors of persons who have signed reenlistment contracts but whose service connected death predates the effective date of such reenlistment contract by less than 14 days."

MCCONNELL AMENDMENT NO. 2513

Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill, H.R. 4650, *supra*; as follows:

At the appropriate place in the bill insert the following Sec. .

(a) Within 60 days of enactment of this Act, the President, in consultation with NATO, shall submit a report to the Committee on Appropriations defining specific military, economic, and political standards required to gain admission to NATO; Provided further, that such report shall not be limited to the principles enunciated in the Partnership for Peace; Provided further, such report

shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military cooperation and interoperability with NATO and fulfilling other member responsibilities.

DOLE AMENDMENT NO. 2514

Mr. STEVENS (for Mr. DOLE) proposed an amendment to the bill, H.R. 4650, *supra*; as follows:

At the appropriate place insert the following new section:

SEC. . REQUIREMENT TO INCLUDE IN THE ADMINISTRATION'S DEFENSE BUDGET REQUEST FOR THE COMING FISCAL YEAR THE COST OF INVOLVEMENT BY ARMED FORCES OF THE UNITED STATES IN HUMANITARIAN, PEACEKEEPING, PEACEMAKING OPERATIONS, AND OPERATIONS OTHER THAN WAR.

(a) REQUIREMENT.—The President shall, when submitting to the Congress the budget for the United States Government for the coming fiscal year, include in the budget the cost of involvement and participation by the Armed Forces of the United States in ongoing or anticipated operations outside the United States as specified below—

- (1) operations to provide humanitarian aid;
- (2) peacekeeping operations;
- (3) peacemaking operations;
- (4) operations other than war;
- (5) and any operation, other than normal troop movements, rotations, or exercises, in which U.S. military involvement during the fiscal year is anticipated.

(b) CLASSIFIED ANNEX.—If the President or the Secretary of Defense determine that disclosure of the information required in paragraph (a) of this section could reasonably be expected to damage the national security of the United States, the President shall provide the information in a classified annex.

DOLE (AND MCCAIN) AMENDMENT NO. 2515

Mr. STEVENS (for Mr. DOLE for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 4650, *supra*, as follows:

At the appropriate place insert the following new section:

SEC. . REVIEW OF THE BOTTOM UP REVIEW AND THE FUTURE YEAR DEFENSE PROGRAM AND ESTABLISHMENT OF NEW FUNDING REQUIREMENTS AND PRIORITIES.

(A) FINDINGS.—Congress finds as follows:

(1) Whereas the Administration commissioned the Bottom Up Review to properly structure the Armed Forces of the United States for the Post-Cold War Era;

(2) Whereas the Joint Staff officer responsible for force planning testified on March 1, 1994, that the Bottom Up Review force structure exposes U.S. troops to a "high element of risk;"

(3) Whereas the Secretary of Defense has testified that the Department of Defense's Future Years Defense Program includes \$20 billion more in program funding requests during fiscal years 1996 through 1999 than the defense funding levels in the Administration's budget can support;

(4) Whereas the General Accounting Office reported in July 1994 that the Administration's Future Years Defense Program may be underfunded by as much as \$150 billion;

(5) Whereas, the Secretary of the Navy has testified that the Department of the Navy

will only operate 330 ships rather than the 346 ships required by the Bottom Up Review;

(6) Whereas, in January 1994, in his Annual Report to the President and the Congress, the Secretary of Defense reported that the Air Force will field approximately 100 heavy bombers rather than the 184 required by the Bottom Up Review;

(7) Whereas the Department of Defense's plans for a major regional contingency in the Far East call for 5 Army divisions and the plans for a major regional contingency in Southwest Asia call for 7 Army divisions, while the Bottom Up Review plans for an Army of only 10 active divisions;

(8) Whereas the Administration's budget assumes the Department of Defense will save at least \$6 billion from procurement reform;

(9) Whereas the first and second rounds of the Base Realignment and Closure Commission have not yet achieved the level of savings initially estimated, and the 1995 base closure round may cost significantly more than is assumed in the Administration's budget;

(b) REQUIREMENT.—

(1) The Secretary of Defense shall, within 30 days after enactment of this legislation, initiate a review of the assumptions and conclusions of the President's Budget, the Bottom Up Review, and the Future Years Defense Program;

(2) not more than 60 days after the review described in (b)(1) is initiated, the Secretary of Defense shall submit to the President and to the Congress a report detailing the funding level required for the defense and national security of the United States;

(3) The President shall, when submitting to the Congress the budget of the United States Government for Fiscal Year 1996, submit a defense budget for fiscal year 1996 and a Future Years Defense Plan which represents the funding level described in (b)(2).

COHEN AMENDMENTS NOS. 2516—
2517

Mr. STEVENS (for Mr. COHEN) proposed two amendments to the bill H.R. 4650, supra; as follows:

AMENDMENT NO. 2516

At an appropriate place in the bill, insert the following section:

SEC. . SENATE ADVICE AND CONSENT TO CHANGES IN OBLIGATIONS UNDER THE CFE TREATY.

(a) FINDINGS.—

(1) On November 25, 1991, the Senate gave its advice and consent to ratification of the CFE Treaty.

(2) The President would need to seek the Senate's advice and consent to any change in obligation of the states parties under the CFE Treaty, unless such change were a minor matter of an administrative or technical nature.

(3) A change in the allowed holdings of treaty limited equipment in the area of application or any geographic sub-zone of the area of application would constitute a change in obligation for which the Senate's advice and consent would be required.

(b) REAFFIRMATION OF SENATE'S TREATY-MAKING POWERS.—The President shall submit for the Senate's advice and consent any change in the obligations of any state party under the CFE Treaty, unless such change is a minor matter of an administrative or technical nature.

(c) CFE TREATY DEFINED.—For the purpose of this section, the CFE Treaty means the Treaty on Conventional Armed Forces in Europe, signed in Paris on November 19, 1990, and associated protocols.

AMENDMENT NO. 2517

At the appropriate place, insert:

SEC. 114. (S114). SMALL ARMS INDUSTRIAL BASE.

(a) FUNDING FOR PROCUREMENT.—Of the funds authorized to be appropriated pursuant to section 101(3), \$93,683,000 is available for procurement of small arms weapons as follows:

(1) \$38,902,000 for the MK19-3 grenade machine gun.

(2) \$13,000,000 for the M16A2 rifle.

(3) \$28,616,000 for the M249 squad automatic weapon.

(4) \$13,165,000 for the M4 carbine.

(b) MULTIYEAR CONTRACTS AUTHORIZED.—(1) During fiscal year 1995, the Secretary of the Army may, in accordance with section 2306(h) of title 10, United States Code, enter into multiyear contracts to meet the following objectives for quantities of small arms weapons to be procured for the Army:

Weapon	Quantity
MK19-3 grenade machine gun	21,217
M16A2 rifle	1,002,277
M249 squad automatic weapon	71,769
M4 carbine	132,510

(2) If the Army does not enter into contracts during fiscal year 1995 that will meet all the objectives set forth in paragraph (1), the Secretary shall, to the extent provided for in appropriations Acts, enter into multiyear contracts during subsequent fiscal years to meet those objectives.

(c) FOLLOW-ON WEAPONS.—The Secretary of the Army shall provide for procurement of product improvements for existing small arms weapons and may do so within multiyear contracts entered into pursuant to subsection (b).

(d) JOINT SMALL ARMS MASTER PLAN.—(1) The Secretaries of the military departments shall jointly develop a master plan for meeting the immediate and future needs of the Armed Forces for small arms. The Secretary of the Army shall coordinate the development of the joint small arms master plan. The joint small arms master plan shall include—

(A) an examination of the relative advantages and disadvantages of improving existing small arms weapons as compared to investing in new, advanced technology weapons; and

(B) an analysis of the effects of each such approach on the small arms industrial base.

(2) Not later than April 1, 1995, the Under Secretary of Defense for Acquisition and Technology shall—

(A) review the joint small arms master plan and the results of the examination of relative advantages and disadvantages of the two courses of action described in paragraph (1); and

(B) transmit the plan, together with any comments that the Under Secretary considers appropriate, to Congress.

(e) FUNDING FOR RDT&E.—Of the funds authorized to be appropriated under section 201(1)—

(1) \$5,000,000 shall be available for the Objective Crew-Served Weapons System; and

(2) \$3,000,000 shall be available for product improvements to existing small arms weapons.

DOLE (AND OTHERS) AMENDMENT
NO. 2518

Mr. STEVENS (for 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)

proposed an amendment to the bill, H.R. 4650, supra; 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.

COHEN AMENDMENT NO. 2519

Mr. STEVENS (for Mr. COHEN) proposed an amendment to the bill, H.R. 4650, supra; as follows:

At an appropriate place in the bill, insert the following section:

SEC. . SENATE ADVICE AND CONSENT TO CHANGES IN OBLIGATIONS UNDER THE CFE TREATY.

(a) FINDINGS.—

(1) On November 25, 1991, the Senate gave its advice and consent to ratification of the CFE Treaty.

(2) The President would need to seek the Senate's advice and consent to any change in obligation of the states parties under the CFE Treaty, unless such change were a minor matter of an administrative or technical nature.

(3) A change in the allowed holdings of treaty limited equipment in the area of application or any geographic sub-zone of the area of application would constitute a change in obligation for which the Senate's advice and consent would be required.

(b) REAFFIRMATION OF SENATE'S TREATY-MAKING POWERS.—The President shall submit for the Senate's advice and consent any change in the obligations of any state party under the CFE Treaty, unless such change is a minor matter of an administrative or technical nature.

(c) CFE TREATY DEFINED.—For the purpose of this section, the CFE Treaty means the Treaty on Conventional Armed Forces in Europe, signed in Paris on November 19, 1990, and associated protocols.

THURMOND (AND DECONCINI)
AMENDMENT NO. 2520

Mr. STEVENS (for Mr. THURMOND for himself and Mr. DECONCINI) proposed an amendment to the bill, H.R. 4650, supra; as follows:

At the end of Title VIII, General Provisions, add the following new section:

SEC. . Of the funds appropriated by title VIII of Public Law 102-396 (106 Stat. 1899) for defense reinvestment for economic growth, the unobligated balance of the funds made available by such title for military service members occupational conversion and training shall remain available until September 30, 1995.

ROTH AMENDMENT NO. 2521

Mr. Stevens (for Mr. ROTH) proposed an amendment to the bill, H.R. 4650, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Sense of the Senate concerning Japan fulfilling its commitments under the Host Nation Support Agreement it signed with the United States on January 14, 1991:

That, the U.S.-Japan Security Treaty continues to be a strong bond between our two countries, serving as a main pillar of the bilateral relationship;

That, the bilateral relationship is of vital importance to both countries and to the stability of the Asia Pacific region and the entire world;

That, Japan's willingness to share the costs of maintaining forces in Japan is an important contribution to strengthening our security partnership;

That, it has often been asserted that Japan's host nation support for American forces provides a model defense burden-sharing arrangement for our allies;

That, Japan and the United States signed a new Host Nation Support Agreement on January 14, 1991, providing for Japan to assume—over five years beginning in Japanese Fiscal Year 1991 and ending in FY 1995—virtually all yen-based costs of maintaining U.S. forces in Japan;

That, Japan voluntarily entered into that agreement more than a year before the expiration of the previous Host Nation Support Agreement which was not as generous;

That, the Government of Japan hailed the new agreement as "a step of great significance for the overall relationship between the two countries;"

That, Japan's Defense Agency appears to have decided to decrease expenses for bearing the cost of stationing U.S. forces in Japan in its FY 1995 budget request, thereby failing to fulfill its obligations under the 1991 Host Nation Support Agreement;

That, should Japan fail to fulfill those obligations, the bilateral relationship may suffer negative consequences, particularly as current problems on the Korean peninsula may pose a critical challenge to U.S.-Japan security ties; Now, therefore, be it resolved, That:

(1) It is in the interest of both Japan and the United States to fully comply with all the provisions of the Host Nation Support Agreement of 1991; and

(2) Should Japan take actions that prevent it from fulfilling any of its obligations under that Agreement, the bilateral relationship, may suffer harmful consequences.

STEVENS AMENDMENT NO. 2522

Mr. STEVENS proposed an amendment to the bill, H.R. 4650, supra; as follows:

At the appropriate place, add the following: "None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, if the total cost over the life

of the project for the replacement or renovation of the Pentagon Reservation shall exceed \$1,009,000,000."

MCCONNELL AMENDMENT NO. 2523

Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill, H.R. 4650, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Within 60 days of enactment of this Act, the President, in consultation with NATO, shall submit a report to the Committee on Appropriations defining specific military, economic, and political standards required to gain admission to NATO; *Provided further*, That such report shall not be limited to the principles enunciated in the Partnership for Peace; *Provided further*, Such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military cooperation and interoperability with NATO and fulfilling other member responsibilities.

NUNN (AND MITCHELL) AMENDMENT NO. 2524

Mr. INOUE (for Mr. NUNN for himself and Mr. MITCHELL) proposed an amendment to the bill H.R. 4650, supra; as follows:

SEC. . BOSNIA AND HERCEGOVINA.

(A) PURPOSE.—To express the sense of Congress concerning the international efforts to end the conflict in Bosnia and Hercegovina, and to establish a process to end the arms embargo on the Government of Bosnia and Hercegovina.

(B) STATEMENT OF SUPPORT.—The Congress supports the efforts of the so-called "contact group" composed of representatives of the United States, Russia, France, Britain, and Germany to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina based upon the contact's group proposal of July 6, 1994 that has been agreed to by the Government of Bosnia and Hercegovina and rejected by the Bosnian Serb faction.

(C) SENSE OF THE CONGRESS.—It is the sense of the congress that:

(1) The United States should work with the NATO Member nations and other permanent Member of the United Nations Security Council to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina which maintains the territorial integrity of Bosnia and Hercegovina.

(2) A peaceful settlement of the conflict must preserve an economically, politically and militarily viable Bosnian state capable of exercising its rights under the United Nations Charter as part of a peaceful settlement, including the lifting of the arms embargo on the Government of Bosnia and Hercegovina so that it can exercise the inherent right of a sovereign state to self-defense.

(3) The acceptance of the contact group's peace proposal by the Government of Bosnia and Hercegovina should lead to the lifting of the international arms embargo on that Government.

(4) In providing weapons to the Bosnian Government or taking other actions, care should be taken to provide for the safety of the United Nations Protection Force (UNPROFOR) and the civilian personnel working for the United Nations or non-governmental volunteer organizations.

(5) The United States should immediately seek to organize an international effort to provide assistance to the nations bordering Serbia and Montenegro to bring about more effective enforcement by those nations of the international economic sanctions on the Government of Serbia and Montenegro.

(D) POLICY.—The United States should exercise leadership within the international community to cause the Bosnian Serb faction to accept the contact's group's proposal. Such action should be taken on separate but complimentary international and unilateral tracks. Accordingly:

(1) International: If the Bosnian Serbs have not accepted the contact group's proposal of July 6, 1994 within 10 days after the enactment of this Act or by October 15, 1994, whichever is later, the President or his representative should formally introduce and support a resolution in the United Nations Security Council, within fourteen (14) days thereafter, to terminate the international arms embargo on the Government of Bosnia and Hercegovina. The termination of the arms embargo on the Government of Bosnia and Hercegovina may be accomplished in stages but should result in a lifting of the arms embargo no later than December 1, 1994.

(2) Unilateral: If the United Nations Security Council has not voted to lift the international arms embargo on the Government of Bosnia and Hercegovina in accordance with paragraph 1 within 15 days after the President or his representative has formally introduced such a resolution or by November 15, 1994, whichever is earlier, and the Bosnian Serbs have not accepted the contact group's proposal of July 6, 1994 by that date:

(a) None of the funds available to the Department of Defense for any fiscal year shall thereafter be used for the purpose of participation in, support for, or assistance to the enforcement of the arms embargo on the Government of Bosnia and Hercegovina but the President may waive this provision in the case of U.S. military personnel serving in NATO headquarters staff positions. Nothing in this provision is intended to impede sanctions enforcement against Serbia;

(b) The President shall submit a plan to and consult with the Congress on the manner in which the armed forces of the United States and other friendly nations would provide training to the armed forces of the Government of Bosnia and Hercegovina outside of the territory of Bosnia and Hercegovina; and

(c) The President shall submit a plan to and consult with the Congress regarding unilateral lifting by the United States of the arms embargo on the Government of Bosnia and Hercegovina.

(3) Interim: If the Bosnian Serb faction attacks the United Nations declared safe areas, the President or his representative should promptly introduce and support a resolution in the United Nations Security Council that authorizes a selective lifting of the arms embargo on the Government of Bosnia and Hercegovina to provide defensive weapons, such as anti-tank weapons, counter-battery radars, and mortars, to enable the forces of the Government of Bosnia and Hercegovina to defend the safe areas.

HARKIN AMENDMENT NO. 2525

Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. 8121. SENSE OF CONGRESS ON NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.

(a) FINDINGS.—Congress finds the following:

(1) On January 25, 1994, the United States joined with 37 other nations to begin negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President decided to extend the current United States nuclear testing moratorium at least through September 1995.

(3) Germany and the Group of 21 Non-Aligned States have publicly stated their support for the completion of a comprehensive nuclear test ban treaty by 1995.

(4) On June 6, 1994, the People's Republic of China conducted its second nuclear weapons test explosion since the United States, Russia, and France initiated their current nuclear test moratoria.

(5) On September 7, 1994, the third and final test ban negotiating session of the year will end.

(6) While some progress toward a comprehensive nuclear test ban treaty has been achieved, there is little chance that an agreement will be reached before April 1995 at the current rate of negotiation.

(7) The United States is seeking to extend indefinitely the Non-Proliferation Treaty at the April 1995 Extension Conference.

(8) Conclusion of a comprehensive nuclear test ban treaty could contribute toward successful negotiations to extend the Non-Proliferation Treaty.

(9) Agreements to eliminate nuclear testing and control the spread of nuclear weapons could contribute to national security of the United States, its allies, and other nations around the world.

(b) SENSE OF CONGRESS.—The Congress—

(1) applauds the President for maintaining the United States nuclear testing moratorium and for supporting the negotiation of a comprehensive nuclear test ban treaty;

(2) encourages the People's Republic of China and all other nuclear powers to refrain from conducting nuclear explosions prior to conclusion of a comprehensive nuclear test ban treaty; and

(3) urges the President and the other nuclear powers to take measures necessary to achieve a multilateral comprehensive nuclear test ban treaty before the Non-Proliferation Treaty Extension Conference.

(c) DEFINITION.—As used in this section, the term "Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 U.S.T. 483).

**LIEBERMAN (AND HATCH)
AMENDMENT NO. 2526**

Mr. INOUE (for Mr. LIEBERMAN for himself and Mr. HATCH) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 39, after the words "such section" on line 2, insert: "Provided further, That of the funds appropriated in this paragraph, not less than \$2,000,000 shall be made available for International Cooperative projects to be funded under the Counterterrorism Technical Support program element".

**SHELBY (AND OTHERS)
AMENDMENT NO. 2527**

Mr. INOUE (for Mr. SHELBY for himself, Mr. HEFLIN, Mr. GLENN, Mr. COCHRAN, and Mr. LOTT) proposed an amend-

ment to the bill H.R. 4650, supra; as follows:

On page 10, line 17, before the period insert the following: "Provided, That, of the amount appropriated under this paragraph, not less than \$8,000,000 shall be available only for the upgrading of the Air Force's Core Automated Maintenance System/Reliability and Maintainability Information System (CAMS/REMIS)".

**BOREN (AND DECONCINI)
AMENDMENT NO. 2528**

Mr. INOUE (for Mr. BOREN for himself and Mr. DECONCINI) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following new section:

SEC. . (a) No project for the construction of any facility, or improvement to any facility, having an estimated Federal cost in excess of \$300,000, may be undertaken in any fiscal year except to the extent and in the amounts specifically provided for it as a separate item provided in an appropriation Act, if such facility or improvement would be used primarily by personnel of the intelligence community.

(b) As used in this section, the term "intelligence community" has the same meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**SIMON (AND OTHERS)
AMENDMENT NO. 2529**

Mr. INOUE (for Mr. SIMON for himself, Mr. JEFFORDS and Mr. HELMS) proposed an amendment to the bill, H.R. 4650, supra; as follows:

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

**TITLE —AFRICAN CONFLICT
RESOLUTION**

SEC. 01. SHORT TITLE.

This Act may be cited as the "African Conflict Resolution Act".

SEC. 02. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national interest of the United States to help build African capability in conflict resolution. A relatively small investment of assistance in promoting African conflict resolution—

(A) would reduce the enormous human suffering which is caused by wars in Africa;

(B) would help the United States avoid huge future expenditures necessitated by Somalia-like humanitarian disasters; and

(C) would reduce the need for United Nations intervention as African institutions develop the ability to resolve African conflicts.

(2) Africa, to a greater extent than any other continent, is afflicted by war. Africa has been marred by more than 20 major civil wars since 1960. Rwanda, Somalia, Angola, Sudan, Liberia, and Burundi are among those countries that have recently suffered serious armed conflict.

(3) In the last decade alone, between 2,000,000 and 4,000,000 Africans have died because of war. There were 5,200,000 refugees and 13,100,000 displaced people in Africa in 1993. In Angola, relief organizations estimated that 1,000 people were dying each day at the end of 1993. In Rwanda, more than 200,000 people died in less than 5 weeks of fighting during 1994, while 300,000 people fled to other countries to escape war.

(4) Millions more Africans are currently at risk of war-related death. Looming or ongoing conflicts in Zaire, Angola, Sudan, Rwanda, and other countries threaten Africa's future.

(5) War has caused untold economic and social damage to the countries of Africa. Food production is impossible in conflict areas, and famine often results. Widespread conflict has condemned many of Africa's children to lives of misery and, in certain cases, has threatened the existence of traditional African cultures.

(6) Conflict and instability in Africa, particularly in large, potentially rich countries such as Angola, Sudan, and Zaire, deprive the global economy of resources and opportunities for trade and investment. Peace in these countries could make a significant contribution to global economic growth, while creating new opportunities for United States businesses.

(7) Many African armies are far too large, threatening political and economic stability while diverting scarce resources from development needs. Military expenditures in Africa average over twice the level in Latin America. Demobilization and other measures to reduce military expenditures are thus a critical need for many African countries.

(8) Conflict prevention, mediation, and demobilization are prerequisites to the success of development assistance programs. Nutrition and education programs, for example, cannot succeed in a nation at war. Billions of dollars of development assistance have been virtually wasted in war-ravaged countries such as Liberia, Somalia, and Sudan.

(9) Africans have a long tradition of informal mediation. This tradition should be built upon to create effective institutions through which Africans can resolve African conflicts.

(10) The Organization of African Unity, under the leadership of Secretary General Salim Salim, has established a conflict resolution mechanism and has been active in mediation and conflict resolution in several African countries. Various subregional organizations have also become active in conflict resolution efforts. These are encouraging developments.

(b) UNITED STATES POLICY.—The Congress declares, therefore, that a key goal for United States foreign policy should be to help institutionalize conflict resolution capability in Africa.

SEC. 03. IMPROVING THE CONFLICT RESOLUTION CAPABILITIES OF THE ORGANIZATION OF AFRICAN UNITY.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capability of the Organization of African Unity, as follows:

(1) Funds may be provided to the Organization of African Unity for use in supporting its conflict resolution capability.

(2) Funds may be used for expenses of sending individuals with expertise in conflict resolution to work with the Organization of African Unity.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, significant sums for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

SEC. 04. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS IN AFRICA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance

to strengthen the conflict resolution capabilities of subregional organizations established by countries in sub-Saharan Africa, as follows:

(1) Funds may be provided to such an organization for use in supporting its conflict resolution capability.

(2) Funds may be used for the expenses of sending individuals with expertise in conflict resolution to work with such an organization.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, up to \$1,500,000 for each of the fiscal years 1995 through 1998 may be used to carry out subsection (a).

SEC. 05. AFRICAN DEMOBILIZATION AND RE-TRAINING PROGRAM.

(a) AUTHORIZATION OF ASSISTANCE.—In order to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa, the President is authorized to provide assistance for—

(1) encampment and related activities associated with demobilization of such forces, and

(2) the retraining for civilian occupations of military personnel who have been demobilized.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, up to \$25,000,000 for each of the fiscal years 1995 and 1996 should be used for the assistance described in subsection (a), if conditions permit.

SEC. 06. TRAINING FOR AFRICANS IN CONFLICT RESOLUTION AND PEACEKEEPING.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to establish a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa.

(b) FUNDING.—Funds made available for military education and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961 may be used to carry out the program provided for in subsection (a).

SEC. 07. BUILDING MEDIATION CAPABILITY IN AFRICA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to nongovernmental organizations that are engaged in mediation and reconciliation efforts in Africa.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, funds for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

SEC. 08. DEFINITION.

As used in this title, the term "foreign assistance funds" means funds made available—

(1) under chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 (relating to development assistance and the Development Fund for Africa),

(2) under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), and

(3) under section 23 of the Arms Export Control Act (relating to foreign military financing),

and includes unobligated funds in such accounts which remain available from previous fiscal years.

BINGAMAN (AND PRYOR) AMENDMENT NO. 2530

Mr. INOUE (for Mr. BINGAMAN for himself and Mr. PRYOR) proposed an

amendment to the bill H.R. 4650, supra; as follows:

Strike section 8096 and insert in lieu thereof:

Amendment No. : None of the funds appropriated or otherwise made available by this Act may be used for a defense technology re-investment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code: *Provided*, That notwithstanding any other provision of law, funds appropriated for defense re-investment programs under the heading "Research, Development, Test and Evaluation, Defense-Wide" shall not be obligated until the Secretary of Defense has ensured that the Assistant Secretaries for Research, Development, and Acquisition of the separate Military Departments are full members of the Defense Technology Conversion Council: *Provided further*, That notwithstanding any other provision of law, of the funds appropriated for defense re-investment programs under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$150,000,000 may only be obligated for projects selected as a result of a focused competition held in subject areas selected by the Assistant Secretaries for Research, Development, and Acquisition of the separate Military Departments in coordination with the Director of the Advanced Research Projects Agency: *Provided further*, That in addition to the restriction contained in the preceding provisos, the focused competitions shall be conducted in accordance with other unaffected statutory provisions of the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993.

LEVIN AMENDMENT NO. 2531

Mr. INOUE (for Mr. LEVIN) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 11, line 10, before the period insert the following: "*Provided further*, That, of the total amount appropriated under this title, \$1,224,309,000 shall be available for the Defense Contract Management Command".

WELLSTONE AMENDMENT NO. 2532

Mr. INOUE (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place in the bill, insert the following:

"Sec. . The Senate finds:
a. In 1953, the U.S. Army conducted chemical and biological warfare tests in Minneapolis, MN, involving the spraying of zinc cadmium sulfide particles.

b. Members of the Senate have requested the Department of Defense to provide full disclosure of all documents pertaining to this and similar tests conducted nationwide.

c. The Department of Defense has thus far failed to provide even a time certain at which such documents will be made available.

SEC. . It is the sense of the Senate that the Department of Defense shall immediately provide, in writing, a schedule of production for the requested documents.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 2533

Mr. INOUE (for Mr. BINGAMAN for himself, and Mr. DOMENICI) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 37, line 21, of the Committee reported bill before the period insert the following: "*Provided further*, That of the funds appropriated in this paragraph, \$2,800,000 shall be made available only for the F-111 Squadrons program element".

FEINSTEIN (AND OTHERS) AMENDMENT NO. 2534

Mr. INOUE (for Mrs. FEINSTEIN for herself, Mr. SASSER, Mr. BINGAMAN, and Mr. ROTH) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . (a) None of the funds available to the Department of Defense during fiscal year 1995 may be used for negotiating or entering into any agreement with, nor for accepting funds from, a foreign government or an entity controlled by a foreign government for a joint program for the development of an advanced threat radar jammer for combat helicopters until 30 days after the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Army, and the Director of the Defense Security Assistance Agency, conducts a comprehensive review of the program and submits a report on the results of that review to the congressional defense committees.

(b) This section does not apply with respect to a major ally of the United States.

(c) In this section:

(1) The term "entity controlled by a foreign government" includes—

(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government, and

(B) any individual acting on behalf of a foreign government,

as determined by the Secretary of Defense. Such term does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992.

(2) The term "major ally of the United States" has the meaning given such term in section 2350a(i)(2) of title 10, United States Code.

INOUE AMENDMENTS NOS. 2535– 2536

Mr. INOUE proposed two amendments to the bill H.R. 4650, supra; as follows:

AMENDMENT No. 2535

On page 9, on line 13, of the Committee-reported bill, insert before the period the following: "*Provided further*, That of the funds appropriated under this heading, not less than \$39,674,000 shall be made available only for the Pacific Missile Range Facility, Hawaii".

AMENDMENT No. 2536

On page 29, on line 15 of the Committee-reported bill, insert before the period the following: "*Provided*, That of the funds appropriated under this heading, not less than \$30,100,000 shall be made available only for the Pacific Missile Range Facility, Hawaii".

DODD AMENDMENT NO. 2537

Mr. INOUE (for Mr. DODD) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . The Secretary of Commerce, acting through the Commissioner of Patents, shall, upon expiration of United States patent numbers 4,428,744 and 4,683,889 (relating to a photopheresis method involving collection and exposure of extracorporeally circulating leukocyte-enriched blood to long-wave ultraviolet energy in the presence of a photoactive drug 8-methoxypsoralen), or as soon thereafter as practicable, extend such patents for four and one-half years, with all the rights pertaining thereto.

**KEMPTHORNE (AND OTHERS)
AMENDMENT NO. 2538**

Mr. STEVENS (for Mr. KEMPTHORNE for himself, Mr. WARNER, and Mr. CRAIG) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place in the bill, insert the following new section:

**RESTRICTION ON FUNDING UNITED STATES
MILITARY PERSONNEL IN SOMALIA**

SEC. . None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel after September 30, 1994.

**HELMS AMENDMENTS NOS. 2539—
2540**

Mr. STEVENS (for Mr. HELMS) proposed two amendments to the bill H.R. 4650, supra; as follows:

AMENDMENT No. 2539

At the appropriate place in the Committee amendment, insert the following:

**SEC. . LIMITATION ON THE USE OF FUNDS FOR
THE SANDINISTA POPULAR ARMY
AND SECURITY FORCES OF NICA-
RAGUA.**

(a) IN GENERAL.—None of the funds appropriated under this Act may be obligated or expended for the armed forces or security forces of Nicaragua, and none of the funds appropriated by this Act may be obligated or expended to pay the salaries of United States military personnel to provide assistance for the armed forces or security forces of Nicaragua, until the President determines and certifies to the Congress that—

(1) Nicaraguan military officers implicated for committing human rights violations, including those involved in the murders of Enrique Bermudez, Arges Sequeira, and Jean Paul Genie, have been removed or suspended from the military and judicial proceedings have commenced;

(2) officers of the Nicaraguan armed forces or security forces are not involved in the illicit trafficking of military equipment, including those seized by Colombian authorities on the San Andres Islands on July 24, 1994;

(3) civilian control over the military and security forces, including control over the budget and expenditures of such forces, has been clearly established; and

(4) there has been a full and independent investigation conducted relating to issues raised by the May 23, 1993 discovery of the Santa Rosa arms cache of the existence of a terrorist/kidnapping ring and any individuals identified by the investigation as being part of such ring are being prosecuted.

AMENDMENT No. 2540

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

**SEC. . PROHIBITION ON U.S. MILITARY PARTICI-
PATION IN ANY MULTILATERAL
MILITARY FORCE WHICH INCLUDES
NICARAGUA ARMED FORCES.**

None of the funds appropriated or otherwise made available by this Act may be provided for any U.S. military participation in any multilateral operation which also involves elements of the military or security forces of Nicaragua unless the President certifies and reports in writing to the Congress that—

(1) Nicaraguan military officers implicated in human rights abuses by the Tripartite Commission, the Inter-American Commission on Human Rights, the Nicaraguan Association for Human Rights, the Permanent Commission for Human Rights, or the judiciary in Nicaragua, have been removed or suspended from military service, as the case may be, and judicial/legal proceedings have commenced;

(2) officers of the Nicaraguan armed forces or security forces are not involved in the illicit sale, transport, or trafficking of weapons and military equipment, including those seized by Colombian authorities on the San Andres Islands on July 24, 1994;

(3) civilian control over the military and security forces by the democratically-elected President and Congress of Nicaragua, including control over the budget and expenditures of the military and security forces, has been clearly established and evidence that such control is respected by such forces; and

(4) fair and impartial civilian judicial proceedings have been completed against those involved in the murders of Enrique Bermudez, Arges Sequeira, and Jean Paul Genie.

DOLE AMENDMENT NO. 2541

Mr. STEVENS (for Mr. DOLE) proposed an amendment to the bill H.R. 4650, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Megan Kanka Sexually Violent Predators Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there exists a small but extremely dangerous group of sexually violent persons who do not have a mental disease or defect;

(2) persons who are sexually violent predators generally have antisocial personality features that—

(A) are not amenable to mental illness treatment modalities in existence on the date of enactment of this Act; and

(B) render the persons likely to engage in sexually violent behavior;

(3) the likelihood that sexually violent predators will repeat acts of predatory sexual violence is high; and

(4) the prognosis for curing sexually violent predators is poor and the treatment needs of the population of the predators are very long-term.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) **MENTAL ABNORMALITY.**—The term "mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes the person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(2) **PREDATORY.**—The term "predatory", with respect to an act, means an act directed

towards a stranger, or a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

(3) **SEXUALLY VIOLENT OFFENSE.**—The term "sexually violent offense" means an act that is a violation of title 18, United States Code or State criminal code that—

(A) involves the use or attempted or threatened use of physical force against the person or property of another person; and

(B) is determined beyond a reasonable doubt to be sexually motivated.

(4) **SEXUALLY VIOLENT PREDATOR.**—The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) **STATE GUIDELINES.**—In accordance with this section, the Attorney General shall establish guidelines for State programs to require a sexually violent predator to register a current address with a designated State law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. The Attorney General shall approve each State program that complies with the guidelines.

(2) **STATE COMPLIANCE.**—

(A) **IMPLEMENTATION DATE.**—A State that does not implement a program described in paragraph (1) by the date that is 3 years after the date of enactment of this Act, and maintain the implementation thereafter, shall be ineligible for funds in accordance with subparagraph (B).

(B) **INELIGIBILITY FOR FUNDS.**—

(i) IN GENERAL.—A State that does not implement the program as described in subparagraph (A) shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756).

(ii) **REALLOCATION OF FUNDS.**—Funds made available under clause (i) shall be reallocated, in accordance with such section, to such States as implement the program as described in subparagraph (A).

(b) **REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.**—

(1) IN GENERAL.—An approved State program established in accordance with this section shall contain the requirements described in this section.

(2) **DETERMINATION.**—The determination that a person is a "sexually violent predator" and the determination that a person is no longer a "sexually violent predator" shall be made by the sentencing court after receiving a report by a board of experts on sexual offenses. Each State shall establish a board composed of experts in the field of the behavior and treatment of sexual offenders.

(3) **NOTIFICATION.**—If a person who is required to register under this section is anticipated to be released from prison, paroled, or placed on supervised release, a State prison officer shall, not later than 90 days before the anticipated date of the release or commencement of the parole—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing not later than 10 days after the change of address;

(C) obtain the name of the person, identifying factors, anticipated future residence, of-fense history, and documentation of any

treatment received for the mental abnormality or personality disorder of the person; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(4) **TRANSFER OF INFORMATION TO STATE AND THE FBI.**—Not later than 3 days after the receipt of the information described in paragraph (3)(C), the officer shall forward the information to a designated State law enforcement agency. As soon as practicable after the receipt of the information by the State law enforcement agency, the agency shall—

(A) enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency that has jurisdiction over the area in which the person expects to reside; and

(B) transmit the information to the Identification Division of the Federal Bureau of Investigation.

(5) **QUARTERLY VERIFICATION.**—

(A) **MAILING TO PERSON.**—Not less than every 90 days after the date of the release or commencement of parole of a person required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person.

(B) **RETURN OF VERIFICATION FORM.**—

(i) **IN GENERAL.**—The person shall return, by mail, the verification form to the agency not later than 10 days after the receipt of the form. The verification form shall be signed by the person, and shall state that the person continues to reside at the address last reported to the designated State law enforcement agency.

(ii) **FAILURE TO RETURN.**—If the person fails to mail the verification form to the designated State law enforcement agency by the date that is 10 days after the receipt of the form by the person, the person shall be in violation of this section unless the person proves that the person has not changed the residence address of the person.

(6) **NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESSES.**—Any change of address by a person required to register under this section that is reported to the designated State law enforcement agency shall as soon as practicable be reported to the appropriate law enforcement agency that has jurisdiction over the area in which the person is residing.

(7) **PENALTY.**—A person required to register under a State program established pursuant to this section who knowingly fails to register and keep the registration current shall be subject to criminal penalties in the State. It is the sense of Congress that the penalties should include imprisonment for not less than 180 days.

(8) **TERMINATION OF OBLIGATION TO REGISTER.**—The obligation of a person to register under this section shall terminate on a determination made in accordance with the provision of paragraph (2) of this section that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense.

(c) **COMMUNITY NOTIFICATION.**—The designated State law enforcement agency shall release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section.

(d) **IMMUNITY FOR GOOD FAITH CONDUCT.**—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from liability for any good faith conduct under this section.

**MITCHELL (AND COHEN)
AMENDMENT NO. 2542**

Mr. INOUE (for Mr. MITCHELL for himself and Mr. COHEN) proposed an amendment to the bill H.R. 4650, supra; as follows:

On Page 53, Line 13, after the period insert: "Funds appropriated in Title III of this Act may be used for multiyear procurement contracts as follows: MK19-3 grenade machine guns; M16A2 rifles; M249 squad automatic weapons; and M4 carbine rifles for the Army."

JOHNSTON AMENDMENT NO. 2543

Mr. INOUE (for Mr. JOHNSTON) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between 7 and 8, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of a military department may enter into a contract for use of commercial or proprietary credit card services for augmenting or replacing any in-house account receivable system in use by a nonappropriated fund instrumentality under the jurisdiction of that Secretary if the Secretary determines that such contract is in the best interest of that department.

(b) No official of the Department of Defense outside a military department may, by regulation or otherwise, limit or control the exercise of authority under this section by the Secretary of that military department.

BUMPERS AMENDMENT NO. 2544

Mr. INOUE (for Mr. BUMPERS) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place in the bill, add the following:

"SEC. . None of the funds made available under this Act may be obligated or expended for the relocation or reduction of the functions specified in the 1991 Report to the President of the Defense Base Closure and Realignment Commission to be maintained at Fort Chaffee, Arkansas, including all civilian management, support personnel and operations associated with these functions that are in existence as of September 30, 1994."

**WALLOP (AND MCCAIN)
AMENDMENT NO. 2545**

Mr. STEVENS (for Mr. WALLOP for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 39, line 2, strike out the period at the end and insert in lieu thereof: "Provided further, That not less than \$120,000,000 shall be available for Sea-Based Wide Area Defense System (Navy Upper Tier): *Provided further, That not more than \$522,725,000 shall be available for Defense Reinvestment Programs.*"

DECONCINI AMENDMENT NO. 2546

Mr. INOUE (for Mr. DECONCINI) proposed an amendment to the bill H.R. 4650, supra; as follows:

On page 142, between lines 7 and 8, insert the following:

SEC. . (a) No funds may be obligated for a second low rate initial production of the

HUNTER Unmanned Aerial Vehicle (UAV) system until the Secretary of Defense submits to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the Secretary's certification of the following:

(1) That the Logistics Support Analysis Report required by contract to be submitted to the Department of Defense has been received by the Department and is sufficient to fully support a determination to field the system.

(2) That 200 hours of flight time have been successfully logged on a Phase II UAV airframe for the system as part of "OPTEMPO" testing.

(b) The Secretary shall submit to the committees referred to in subsection (a), with the certification submitted pursuant to that subsection, a copy of the Logistics Support Analysis Report and the OPTEMPO testing reports relating to the HUNTER UAV system.

BREAUX AMENDMENT NO. 2547

Mr. INOUE (for Mr. BREAUX) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of the Navy shall obligate, within thirty days of this Act becoming law, not less than \$29,750,000 from the funds appropriated in this Act or previous Acts under the heading "Aircraft Procurement, Navy", solely to procure, on an urgent basis, AN/USH-42 mission recorders modified for use in S-3B aircraft.

COHEN AMENDMENT NO. 2548

Mr. COHEN proposed an amendment to the bill H.R. 4650, supra; as follows:

At an appropriate place in the bill, insert the following section:

SEC. . SENATE ADVICE AND CONSENT TO CHANGES IN OBLIGATIONS UNDER THE CFE TREATY.

(a) **FINDINGS.**—

(1) On November 25, 1991, the Senate gave its advice and consent to ratification of the CFE Treaty.

(2) The President would need to seek the Senate's advice and consent to any change in obligation of the states parties under the CFE Treaty, unless such change were a minor matter of an administrative or technical nature.

(3) A change in the allowed holdings of treaty limited equipment in the area of application or any geographic sub-zone of the area of application would constitute a change in obligation for which the Senate's advice and consent would be required.

(b) **REAFFIRMATION OF SENATE'S TREATY-MAKING POWERS.**—The President shall submit for the Senate's advice and consent any change in the obligations of any state party under the CFE Treaty, unless such change is a minor matter of an administrative or technical nature.

(c) **CFE TREATY DEFINED.**—For the purpose of this section, the CFE Treaty means the Treaty on Conventional Armed Forces in Europe, signed in Paris on November 19, 1990, and associated protocols.

DOLE AMENDMENT NO. 2549

Mr. STEVENS (for Mr. DOLE) proposed an amendment to the bill H.R. 4650, supra; as follows:

At the appropriate place insert the following new section:

SEC. . PROHIBITION ON THE USE OF FUNDS.

(a) REQUIREMENT.—None of the funds appropriated for Fiscal Year 1994 or Fiscal Year 1995 for the Joint Primary Aircraft Training System shall be obligated or expended for any other purpose.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

**DOLE (AND GRASSLEY)
AMENDMENT NO. 2550**

Mr. BENNETT (for Mr. DOLE for himself and Mr. GRASSLEY) proposed an amendment to the bill (H.R. 2921) to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; as follows:

On page 1, after line 2, insert the following: "TITLE I—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION."

On page 1, line 3, strike "SECTION 1." and insert in lieu thereof "SECTION 101." and redesignate the following sections accordingly.

On page 1, line 4, strike "Act" and insert in lieu thereof "title".

On page 5, line 23, strike "Act" and insert in lieu thereof "title".

On page 5, line 25, strike "Act" and insert in lieu thereof "title".

On page 6, after line 8, insert the following new title:

"TITLE II—COOPER HALL AND SCIENCE HALL PRESERVATION AND RESTORATION."

***SEC 201. AUTHORITY TO MAKE GRANTS.**

The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to make grants in accordance with this title to preserve and restore Cooper Hall at Sterling College located in Sterling, Kansas and Science Hall at Simpson College located in Indianola, Iowa. Such grants shall be made, subject to the availability of appropriations therefore, from the amounts authorized to be appropriated to carry out the National Historic Preservation Act.

***SEC. 202. MATCHING EQUIPMENT.**

The Secretary may obligate funds made available under this title only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

SEC. 203. FUNDING PROVISIONS.

Not more than \$3,600,000 may be made available for grants for Cooper Hall and not more than \$1,500,000 may be made available for grants for Science Hall under this title."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, August 10, 1994, in open session, to consider the

following pending nominations: Mr. Walter B. Slocombe, to be Under Secretary of Defense for Policy; Mr. Jan M. Lodal, to be Deputy Under Secretary of Defense for Policy; Dr. Joseph S. Nye, Jr., To be Assistant Secretary of Defense for International Security Affairs; Ms. Sandra K. Stuart, to be Assistant Secretary of Defense for Legislative Affairs; Ms. Judith A. Miller, to be General Counsel, Department of Defense; and Mr. Philip Edward Coyle III, to be Director of Operational Test and Evaluation, Department of Defense.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, August 10, at 2 p.m. to hold nomination hearings on Richard Holbrooke to be Assistant Secretary for European and Canadian Affairs; Eileen Malloy, to be Ambassador to the Kyrgyz Republic; and James W. Swihart, Jr., to be Ambassador to the Republic of Lithuania.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, August 10, 1994, beginning at 2 p.m. in 216 Hart Senate Office Building to consider for report to the Senate S. 2036, the Indian Self-Determination Contract Reform Act of 1994; S. 2150, the Native Hawaiian Housing Assistance Act of 1994; S. 2259, the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act; S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994; S. 2329, the Mohegan Nation of Connecticut Land Claims Settlement Act; H.R. 4228, the Auburn Indian Restoration Act; and, for other purpose to be followed immediately by confirmation hearings for Harold Monteau to serve as the Chairman of the National Indian Gaming Commission and Gary Kimble to serve as the Commissioner for the Administration for Native Americans.

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

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, August 10, 1994, at 1:30 p.m. The committee will hold a full committee mark-up of S. 2060, the Small Business Administration Reauthorization and Amendment Act of 1994.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Commit-

tee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 10, 1994, at 10:30 a.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

TRIBUTE TO GRETCHEN WAGGY, NATIONAL NAVAL SCIENCE AWARD WINNER

• Mr. ROCKEFELLER. Mr. President, at this time, I would like to recognize an outstanding West Virginian for becoming a National Naval Science Award winner. Miss Gretchen Waggy of Franklin, WV, was 1 of 25 science students selected by the Navy to receive an all-expense paid, 12-day science-oriented trip to San Diego, CA.

The Naval Science Awards Program, which is administered by the Chief of Naval Research, has been in existence for 36 years. For the past 18 years, the top winners across the Nation have been invited to submit scientific and engineering project abstracts to the Naval National Science Award Competition.

In the spring of 1994, approximately 400 regional and State science fairs were held and several first place winners were chosen to advance in the awards competition. These winners received an invitation to submit their project abstracts before a panel of judges. Miss Waggy's project was selected from among nearly 600 finalists.

Her project examined the territory of eastern box turtles. By using radio transmitters, Gretchen mapped the range of the individual turtles. Through her project we are able to understand the natural habitat of this species.

Miss Waggy exemplifies the true West Virginia spirit of hard work, dedication, and participation. These attributes enable her to be a winner and will ensure her future success. She has distinguished herself as a member of a special group of America's youth, who will be the leaders of tomorrow.

It is with great pride and pleasure that I share her accomplishments with each of you today. Outstanding students deserve our recognition and encouragement to continue their high level of achievement.●

ANCIENT WATER WOES LOOM IN THE MIDEAST

• Mr. SIMON. Mr. President, recently, our former colleague, Tim Wirth, now Under Secretary of State for Global Affairs, sent me a copy of an article by Holger Jensen from the Washington Times titled, "Ancient water woes loom in the Mideast."

Since Mr. Jensen is international editor of the Rocky Mountain News in

Denver, I assume the article may have originally appeared in that newspaper.

It outlines, in brief, some of the water problems in the Middle East.

It is of more than casual interest that Ben-Gurion University in Beer-Sheva, Israel was asked by the United Nations to take a look at the water situation in the Middle East, and they came back with a study that says that short-term various answers can be found, but, long-term, the Middle East will have to rely on desalinated water from the ocean.

That is why the bill that passed the Senate recently, that I had the honor to be the chief sponsor of, calling for increased research on converting salt water to fresh water at less expense, is so important.

I ask to insert Mr. Jensen's observations into the RECORD at this point.

The article follows:

[From the Washington Times, July 29, 1994]
ANCIENT WATER WOES LOOM IN THE MIDEAST
(By Holger Jensen)

The handshake in Washington between Jordan's King Hussein and Israeli Prime Minister Yitzhak Rabin is another milestone on the road to Middle East peace, though the two countries have had secret contacts for years.

It puts added pressure on Syria to stop stalling and end its state of belligerence with Israel. And it further isolates Iraq—Saddam Hussein cannot be happy that his most important Gulf war ally, and sanctions busting neighbor, is back in the American camp.

Much of the groundwork for the Hussein-Rabin summit was laid at negotiations last week in an air-conditioned tent straddling the border between Israel and Jordan. And one incident there illustrated that not all their problems will be easily solved.

Munther Haddadin, a senior Jordanian delegate, refused to eat lunch provided by the Israelis because it contained vegetables he claimed were irrigated with Jordanian water. He flatly said "no" to the Israeli food and admonished others who ate it.

Water, or rather the lack of it, has caused more conflict in the arid Middle East than religion, oil or the quest for a Palestinian homeland. Water-stressed countries have traditionally taken up arms to capture neighboring oases, and every peace agreement in the region requires provisions for water-sharing.

The Code of Hammurabi, written in 1790 BC, contains among other things the world's first known water-sharing agreement in ancient Sumeria. The Arab-Israeli peace talks that began in Madrid two years ago created a working group on water resources. And the peace pact Israel signed with the PLO also addresses water rights.

Unfortunately, few disputes have been resolved so far. Peter Gleick, a water expert with the Pacific Institute for Studies in Development, Environment and Security in Oakland, Calif., warned Congress recently that there had been "a depressing lack of progress" in this arena, "which contains the seeds of another war."

At present, Israel gets two-thirds of its water from the occupied territories. So much of the Jordan River has been diverted, it is a trickle by the time it reaches the Red Sea. Now the Israelis are drilling deep into the underground aquifers beneath the West Bank, piping away the lifeblood of what will one day become a Palestinian state.

The same is happening on the Mediterranean coast. Overpumping has so depleted aquifers beneath the Gaza Strip, all the well water there is brackish and nearly unfit for human consumption.

In June, the U.N. Economic and Social Commission for Western Asia issued a report harshly criticizing Israel for stealing water from the Arabs. It named Lebanon, the West Bank, Gaza and the Golan Heights as being the chief victims of a "continued and abnormal increase in Israeli consumption."

The outlook is not all bleak, however. Normalization of ties between Israel and Jordan may revive an ambitious scheme—mothballed by Arab opposition a decade ago—to build opposition a decade ago—to build three canals from the Red Sea and the Mediterranean to the Dead Sea.

The Dead Sea, shared by Jordan and Israel, is actually a great lake lying 1,320 feet beneath sea level. The drop in elevation could generate enough electricity to run massive desalination plants that would produce more than half the fresh water consumed by both Israelis and Palestinians.

Italy has offered to fund a feasibility study for one or the canals and the World Bank is willing to underwrite part of the \$5.5 billion cost. Anything that removes water from the list of things to fight over will be worth the price.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

● Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Elizabeth Lambird, a member of the staff of Senator HELMS, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Lambird in this program.

The select committee received notification under rule 35 for Mary Irace, a member of the staff of Mr. KWEISI MFUME, to participate in a program in Vienna, sponsored by the Austrian Federal Economic Chamber from August 27 to September 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Irace in this program.

The select committee received notification under rule 35 for Phil Thoden, a member of the staff of Senator COATS, to participate in a program in Taiwan, sponsored by the Chung Yuan Christian University from August 22-29, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Thoden in this program.

The select committee received notification under rule 35 for Michael G. Harper, a member of the staff of Senator KASSEBAUM, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs from August 20 to September 6, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Harper in this program.

The select committee received notification under rule 35 for Katherine Brunett, a member of the staff of Senator SIMPSON, to participate in a program in Singapore, sponsored by the Singapore International Foundation from August 28 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Brunett in this program.

The select committee received notification under rule 35 for Brad Figel, a member of the staff of Senator PACKWOOD, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Figel in this program.●

MESSAGES FROM THE HOUSE

Mr. FORD. Mr. President, I ask unanimous consent it be in order for the Chair to lay before the Senate en bloc messages from the House on the following concurrent resolutions: S. Con. Res. 38, 39, 40, and 41; that the Senate proceed en bloc to their immediate consideration; that the Senate concur en bloc in the House amendments to the concurrent resolutions; that the motions to reconsider be laid upon the table en bloc; and that the consideration of these items appear individually in the RECORD.

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

"THE U.S. CAPITOL: A BRIEF ARCHITECTURAL HISTORY"—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 38) entitled "Concurrent resolution to authorize the reprinting of the book entitled 'The United States Capitol: A Brief Architectural History'", do pass with the following amendments:

Page 1, strike out line 10, and all that follows through page 2, line 2, and insert:

SEC. 3. In addition to the usual number, there shall be printed, for the use of the Commission on the Bicentennial of the United States Capitol, the lesser of—

(1) 56,500 copies of the document; or
(2) such number of copies of the document as does not exceed a total production and printing cost of \$69,206.

Amend the title so as to read: "Concurrent resolution authorizing the printing of the book entitled 'The United States Capitol: A Brief Architectural History'."

So the Senate concurred in the amendments of the House.

"HISTORY OF THE U.S. CAPITOL"—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 39) entitled "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 1990 and 1993, prepared under the auspices of the Architect of the Capitol", do pass with the following amendments:

Page 1, line 3, strike out "entitled" and all that follows through "as" on line 4, and insert: entitled "History of the United States Capitol", by Glenn Brown, as

Page 1, strike out line 12 and all that follows through page 2, line 2, and insert:

SEC. 3. In addition to the usual number, there shall be printed, for the use of the Senate and the House of Representatives, the lesser of—

(1) 6,500 copies of the document, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$112,265, with distribution to be allocated as described in paragraph (1).

Amend the title so as to read: "Concurrent resolution authorizing the printing of the book entitled 'History of the United States Capitol'."

So the Senate concurred in the amendments of the House.

PRINTING OF "CONSTANTINO BRUMIDI: ARTIST OF THE CAPITOL"—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 40) entitled "Concurrent resolution to authorize the printing of the book entitled 'Constantino Brumidi: Artist of the Capitol', prepared by the Office of the Architect of the Capitol", do pass with the following amendments:

Page 1, strike out lines 10 through 15, and all that follows through page 2, line 2, and insert:

SEC. 3. In addition to the usual number, there shall be printed, for the use of the Senate and the House of Representatives, the lesser of—

(1) 15,000 copies of the document, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$55,489, with distribution to be allocated as described in paragraph (1).

Amend the title so as to read: "Concurrent resolution authorizing the printing of the

book entitled 'Constantino Brumidi: Artist of the Capitol'."

So the Senate concurred in the amendments of the House.

"THE CORNERSTONES OF THE U.S. CAPITOL"—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 41) entitled "Concurrent resolution to authorize the printing of the book entitled 'The Cornerstones of the United States Capitol'", do pass with the following amendments:

Page 1, strike out line 10, and all that follows through page 2, line 2, and insert:

SEC. 3. In addition to the usual number, there shall be printed, for the use of the Commission on the Bicentennial of the United States Capitol, the lesser of—

(1) 50,000 copies of the document; or
(2) such number of copies of the document as does not exceed a total production and printing cost of \$59,697.

Amend the title so as to read: "Concurrent resolution authorizing the printing of the book entitled 'The Cornerstones of the United States Capitol'."

So the Senate concurred in the amendments of the House.

PRINTING OF RICHARD M. NIXON EULOGIES AND ENCOMIUMS

Mr. FORD. Mr. President, I ask unanimous consent that Rules Committee be discharged from further consideration of H. Con. Res. 248, a concurrent resolution providing for the printing of the eulogies of the late President of the United States, Richard M. Nixon; that the concurrent resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating thereto appear in the RECORD at the appropriate place.

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

The concurrent resolution (H. Con. Res. 248) was agreed to.

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, as if in executive session, I ask unanimous consent that on Thursday, August 11, following disposition of the DOD appropriations bill, the Senate proceed to executive session to consider the nomination of Janet L. Yellen to be a Member of the Board of Governors of the Federal Reserve System (Ex. Cal. 1117); that there be 45 minutes for debate on the nomination to be divided as follows: 15 minutes under the control of the chairman of the Committee on Banking, Housing and Urban Affairs, or his designee; 15 minutes under the control of the ranking member or his designee; and 15 minutes under the control of the Senator from North Dakota [Mr. DORGAN]; that when time is used or

yielded back, the Senate, without any intervening action, vote on the nomination; that if confirmed, the motion to reconsider be tabled and the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

MEASURE PLACED ON CALENDAR—H.R. 4653

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 4653, relating to the Mohegan Nation of the Connecticut land claims, just received from the House, be placed on the calendar.

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

MEASURE PLACED ON CALENDAR—H.R. 4455

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 4455, a bill relating to the Export-Import Bank, just received from the House, be placed on the calendar.

FEDERAL EMERGENCY FOOD AND SHELTER PROGRAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 544, S. 2218, a bill to authorize appropriations for the Federal Emergency Food and Shelter Program, that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table, that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

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

So the bill (S. 2218) was deemed read the third time, and passed, as follows:

S. 2218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS. "There are authorized to be appropriated to carry out this title \$187,560,000 for each of fiscal years 1995 and 1996."

HOUSE JOINT RESOLUTION 175—"ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH"

HOUSE JOINT RESOLUTION 131—"NATIONAL PEARL HARBOR REMEMBRANCE DAY"

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed,

en bloc, to the immediate consideration of House Joint Resolution 175, House Joint Resolution 131, just received from the House; that the joint resolutions be deemed read the third time, passed, and the motion to reconsider be laid upon the table, en bloc, and that the consideration of these items appear separately in the RECORD.

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

So the joint resolutions (H.J. Res. 175 and H.J. Res. 131) were deemed read the third time, and passed.

PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION EXTENSION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 538, H.R. 4569, a bill to extend the John F. Kennedy Assassination Records Collection Act of 1992; that the committee amendments be agreed to, and the bill, as amended, be deemed read the third time, passed, the motion to reconsider be laid on the table, that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

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

The committee amendments were agreed to.

So the bill (H.R. 4569), as amended, was deemed read the third time, and passed.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 450, H.R. 2921, a bill relating to the preservation of the historically black colleges and universities and that the committee amendments be agreed to.

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

The Senate proceeded to consider the bill (H.R. 2921) to authorize appropriations for the preservation and restoration of historic buildings at historically Black colleges and universities, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

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

H.R. 2921

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 "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation's historically black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-American, low-income, and educationally disadvantaged Americans;

(2) over our Nation's history, States and the Federal Government have discriminated in the allocation of land and financial resources to support these institutions, thus forcing them to rely on the generous support of private individuals and other charitable organizations;

(3) the development of this source of private and charitable financial support for historically black colleges and universities has resulted in structures and buildings of historic importance and architecturally unique design on the campuses of these institutions; and

(4) many of these structures and buildings are national treasures worthy of preservation and restoration for future generations of all Americans as well as for the students and faculty of these institutions.

SEC. 3. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

[(a) **AUTHORITY TO MAKE GRANTS.**—From the amounts made available to carry out the National Historic Preservation Act for the fiscal years 1995 through 1998, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.]

(a) **AUTHORITY TO MAKE GRANTS.**—*The Secretary of the Interior shall administer a program of grants-in-aid in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campuses of these institutions. Such grants shall be made, subject to the availability of appropriations therefore, from the amounts authorized to be appropriated to carry out the National Historic Preservation Act for the fiscal years 1995 through 1998.*

(b) **GRANT CONDITIONS.**—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) **MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.**—(1) Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) **FUNDING PROVISIONS.**—(1) Not more than \$20,000,000 for fiscal year 1995 and not more than \$15,000,000 for each of the fiscal years 1996, 1997, and 1998 may be made available under this section.

(2) Of the amounts made available under this section for fiscal year 1995, \$5,000,000 shall be available only for grants under subsection (a) to Fisk University.

(3) Of the amounts made available under this section for fiscal year 1995, \$10,000,000 shall be available only for grants under subsection (a) to those historically black colleges and universities identified for inclusion in the Department of the Interior Historically Black College and University Historic Preservation Initiative.

(4) *If less than \$20 million is made available in fiscal year 1995 for the purpose of paragraph (1), such amount shall be allocated as follows:*

(A) *25 percent of such amount shall be made available for grants to Fisk University as provided in paragraph (2).*

(B) *50 percent of such amount shall be made available as provided in paragraphs (3).*

(C) *25 percent of such amount shall be made available for grants under subsection (a) to other eligible historically black colleges and universities.*

(e) **REGULATIONS.**—The Secretary shall promulgate such regulations as may be necessary to carry out this Act.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) The term "historically black colleges and universities" has the same meaning given the term "part B institution" by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) The term "historic building and structures" means a building or structure listed on the National Register of Historic Places or designated a National Historic Landmark.

The committee amendments were agreed to.

AMENDMENT NO. 2550

(Purpose: To authorize grants to assist in the restoration and preservation of Cooper Hall at Sterling College in Sterling, Kansas and Science Hall at Simpson College in Indianola, Iowa)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. DOLE, for himself and Mr. GRASSLEY, proposes an amendment numbered 2550.

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

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

The amendment is as follows:

On page 1, after line 2, insert the following: "TITLE I—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION."

On page 1, line 3, strike "SECTION 1." and insert in lieu thereof "SECTION 101." and redesignate the following sections accordingly.

On page 1, line 4, strike "Act" and insert in lieu thereof "title".

On page 5, line 23, strike "Act" and insert in lieu thereof "title".

On page 5, line 25, strike "Act" and insert in lieu thereof "title".

On page 6, after line 8, insert the following new title:

"TITLE II—COOPER HALL AND SCIENCE HALL PRESERVATION AND RESTORATION.

"SEC. 201. AUTHORITY TO MAKE GRANTS.

The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to make grants in accordance with this title to preserve and restore Cooper Hall at Sterling College located in Sterling, Kansas and Science Hall at Simpson College located in Indianola, Iowa. Such grants shall be made, subject to the availability of appropriations therefore, from the amounts authorized to be appropriated to carry out the National Historic Preservation Act.

"SEC. 202. MATCHING REQUIREMENT.

The Secretary may obligate funds made available under this title only if the grantees agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

"SEC. 203. FUNDING PROVISIONS.

Not more than \$3,600,000 may be made available for grants for Cooper Hall and not more than \$1,500,000 may be made available for grants for Science Hall under this title."

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

The amendment (No. 2550) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

If not, the bill is considered read the third time and passed.

So the bill (H.R. 2921), as amended, was agreed to, and passed.

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

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. DASCHLE. Mr. President, I know the hour is late, but I have not yet had the opportunity to make opening comments on the health reform debate.

It is with great anticipation that we begin this debate. It has been stated already that this is a historic occasion, in part, because it is the first time that a bill of this magnitude has reached the floor of the U.S. Senate. Never before has health reform legislation been this close to enactment.

I think it is safe to say that for many of us the vote on health reform will be the most important vote that we may cast on any domestic issue.

I must say I admire the President and the First Lady, for their dedica-

tion, their deep commitment, and their leadership on this issue. The White House staff and all of those who assisted the President and the First Lady in bringing the bill to the floor also share their dedication.

And as others have done, I commend the senior Senator from Massachusetts for his remarkable dedication to health reform over the past 25 years, and the majority leader for his tenacity, and his willingness to compromise as he crafted this health reform bill.

Finally, of course, I commend the chairman of the Finance Committee for the work that he has done to bring us to this point in the process. This legislation has been 2 years in the making, Mr. President, it represents 2 years of effort, 2 years of consultation, 2 years of hearings, meetings, committee deliberation, debate, and discussion.

But it is not just for the last 24 months that we have been consumed with this issue. The debate goes back 40 times in 24 months, back to the turn of the century, back to Teddy Roosevelt's time. Teddy Roosevelt may have been the first President to propose a national solution for American health care. He reminded us then—and I think it is as appropriate today as it was at the turn of the century—that the measure of the quality of a society is how it treats those in the dawn of life, the young; in the twilight of life, the old; and in the shadow of life, the sick. For 80 years that test has stood. For 80 years I think we could have measured our progress as a society by how well we met his test.

In the 1930's we began to recognize that we needed to treat those in the twilight of life, and we passed the most extraordinary piece of social legislation in history, the Social Security Program. In the 1960's, we saw another historic moment with the passage of Medicare. And over the decades we have recognized the need to help the youngest Americans with passage of the Women, Infants and Children Program, school lunches, immunization programs, and enhanced access to prenatal care. We enacted these programs with the recognition that this society will be judged by how we treat the youngest.

But it is those in the shadow of life, those who are sick, who today are the subject of countless stories of misfortune, neglect, and despair. It is those in the shadow of life who have not been given the opportunities that we have afforded others. We hear their voices in this debate. We see them in the halls as they petition us for help. We remember them long after our debates because of their tragic accounts of life in America without health insurance.

For six decades this country has grappled with solutions to this problem. Franklin Roosevelt recognized the problem in the 1930's and proposed

what he called the "Second Bill of Rights" for America. He called for "The right to adequate medical care and opportunity to achieve and enjoy fundamental good health." He called health care a right, not a privilege.

And Harry Truman, his successor, was the first to recommend comprehensive health care reform. Harry Truman in a proposal to Congress said:

The health of the American people must ever be safeguarded: it must be improved. As long as people are stricken by a disease which we have the ability to prevent, as long as people are chained by a disability which can be reversed, as long as needless death takes a toll, then American health will be unfinished business.

Little did he know how long the business would be unfinished, because in virtually every decade of this century, especially those following President Truman's reign, Presidents have tried but failed to reform our health care system. They failed not because of a lack of effort and not because of opposition from the American people. These efforts failed, Mr. President, one by one, because of the orchestrated opposition of powerful special interests who simply fear change. The major exception, of course, was the fight for Medicare and Medicaid 30 years ago.

The fight for Medicare, frankly, is instructive. President Kennedy, referring to the criticism that he had to confront, said very simply: These are the same arguments that they used against Social Security at the time of Franklin Roosevelt. We overcame them then. We ought to overcome them now.

That was President Kennedy's advice to Congress in the 1960's. That has, frankly, been President Clinton's advice to this Congress. We overcame the opposition then. We understood the ramifications of failure then. And we recognized that we had an opportunity to improve the quality of life, not only for those in the shadow of life, not only for those in the twilight of life, not only for those who so desperately cried out for help today, but for all Americans.

Because back then we heard some of the same criticisms leveled today in the health reform debate. Back in 1963, a Congressman from California said of Medicare, "Let me tell you here and now this is socialized medicine." A Senator from the Midwest said, "The cold, hard facts are simply that we cannot afford costly and unnecessary health care now or ever."

Decade after decade on the Senate floor we have heard the same naysaying, the same speeches, the same criticisms, the same excuses for why we must stay paralyzed. Opponents of reform use the same recycled arguments. They call health reform socialized medicine though real socialized systems spend half of what we spend on health care. "Too costly," we are told, while our health costs have doubled in the last 10 years. "It will

cost jobs," we are told, while businesses now must choose between salaries and premiums.

I had a hope this year, Mr. President, that somehow it would be different. Now, because the problems which were bad before are even worse now and the overwhelming consensus across America is that we need comprehensive change. 80 percent of the American people support universal coverage, 65 percent of the American people support shared responsibility, 70 percent of all the people in this country today want real insurance reform. Yet some, particularly the special interests who now feel threatened, want this to be business as usual.

I was disappointed, frankly, with some of the Republican strategists. One of those who was most visible, most aggressive in his criticism, most determined to obfuscate the Democratic approaches is Bill Kristol.

In a recent report to his colleagues on the Republican side, Mr. Kristol said: "Sight unseen, the Republicans should oppose it. The appropriate Republican response is to take the noble road of opposing any alternative that Democrats offer and insist on starting over in 1995. We should do so with pride and not a speck of guilt. We should send them to the voters emptyhanded."

On October 28, 1993, Mr. Kristol's recommendation to the Republicans on the Clinton plan was: "Kill it. We don't want to wound the plan; we want to kill it. We don't want to confuse matters or weaken the cause by debating whether aspects of the Clinton plan will work or not."

In December of 1993, he added: "Any Republican urged to negotiate a less bad compromise with the Democrats and thereby gain momentary public credit for helping the President do something about health care should be resisted. Republicans must recognize the policy and tactical risk involved in near-term advocacy of sweeping change, however right it may be in principle."

And finally, on March 22 of this year, he urged Republicans that they should "not now or ever seek to work together with this President."

Mr. President, I have great admiration for those who have confronted Mr. Kristol, for those on both sides of the aisle who have said this is not the way to solve problems; this is not the bipartisan approach we all say we want.

And of all of those for whom I have admiration, perhaps the majority leader ranks at the top of the list, because of his determined effort to reach out. In spite of the attitude expressed by Mr. Kristol and others, the majority leader has made a remarkable effort in recent weeks and, frankly, to this very day, continues to do so.

But I have noted with great frustration that every time we move an inch their way, they move 2 inches away,

finding fault, encouraging delay, and pressing partisanship.

When I first arrived in 1979, I was deeply affected by a man for whom I have had incredible admiration and respect, a man that I considered a mentor for many years, Congressman Claude Pepper of Florida.

I remember a wonderful conversation I had with Senator Pepper in the early 1980's, when he said: "Tom, we really ought not look at people once they get here as Democrats or Republicans. As hardcore a Democrat as I am, I think we really ought to look at people as constructive or destructive—C's or D's, not R's or D's."

He said, "All to often, I see people who do things for short-term political gain, and they have an incredible destructive power to change the course of good in Washington. But then I see the constructives, who continue to reach out and build bridges, who recognize the short time we are here and the opportunities we have to make things better. I hope you will be a constructive."

I have thought about that a lot during this health care debate. If ever there was a time for constructive leadership, if ever there was a time to reach out and build bridges, this is it.

I remember a conversation I had just in the past couple of months with a South Dakotan. We talked for about a half hour. As I was walking away, he said, "Tom, prove to me you can govern. Prove to me that Democrats and Republicans can put it all aside, recognize the problems we are facing in health care, and govern."

It is not just a question of whether we are going to achieve meaningful health care reform this year. In my view, Mr. President, it is a test of our ability to govern, a test of whether we are going to learn from history.

In the next 2 weeks, I am absolutely determined that we pass a health reform bill that achieves universal coverage, that achieves meaningful cost containment, that achieves real access in rural and urban America. And I am absolutely convinced that this will be the last time this century that we have the opportunity to pass comprehensive health care reform—the last time.

These may be the 2 most important weeks many of us will ever serve. Let us use them wisely to pass real reform—not as Democrats, not as Republicans, but as Americans who recognize, as Teddy Roosevelt said, that we will be judged by how we treat those in the dawn of life, the twilight of life, the shadow of life.

Improving the quality of our society and the opportunities that all Americans have is what this debate is all about.

I yield the floor.

ORDERS FOR TOMORROW

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand adjourned until 9:30 a.m., Thursday, August 11; that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for two leaders be reserved for their use later in the day; and that immediately thereafter, the previous order regarding consideration of S. 2351 be executed; provided further, that the remaining provisions of that previous order remain in effect.

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

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned, as previously ordered.

The motion was agreed to; and the Senate, at 10:37 p.m., adjourned until Thursday, August 11, 1994, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 10, 1994:

AMTRAK

THOMAS R. CARPER, OF DELAWARE, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF 4 YEARS, VICE TOMMY G. THOMPSON, TERM EXPIRED.

DEPARTMENT OF STATE

ROBERT L. GALLUCCI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR AT LARGE.

DEPARTMENT OF JUSTICE

EDDIE J. JORDAN, JR., OF LOUISIANA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS VICE HARRY A. ROSENBERG, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be major

- *CURTIS G. ABATE xxx-xx-x
- *WILLIAM P. BAKER xxx-xx-x
- *FRANKLIN S. BONASSO xxx-xx-x
- *RICHARD L. BROWN xxx-xx-x
- *STEVEN S. BYRD xxx-xx-x
- *DUANE D. CALLAHAN xxx-xx-x
- *JEFFREY D. COHEN xxx-xx-x
- *GRIFFIN L. DEEN xxx-xx-x
- *PATRICIA A. DUNGAN xxx-xx-x
- *KIMBERLY C. ENGLISH xxx-xx-x
- *JANA FRANCIS xxx-xx-x
- *MATTHEW P. GAWORSKI xxx-xx-x
- *GEORGE M. GIBSON xxx-xx-x
- *MICHAEL E. GRADY xxx-xx-x
- *WILLIAM T. GRASK xxx-xx-x
- *ROBERT T. HALL xxx-xx-x
- *MICHAEL P. HARRIS xxx-xx-xxx
- *MICHAEL L. HEMKER xxx-xx-x
- *CURTIS R. HENLEY xxx-xx-x
- *SCOTT D. HERRMANN xxx-xx-x
- *JAMES R. HONEY xxx-xx-x
- *TERRY L. JOHNSON xxx-xx-x
- *CHRISTOPHER JONES xxx-xx-xx
- *JOHN A. JUNGHANS xxx-xx-x
- *DENNIS F. KELLY xxx-xx-xx
- *ERIN F. KIYUNA xxx-xx-x
- *CHRISTOP LAURITZEN xxx-xx-xx
- *JOHNNY S. LEE xxx-xx-x
- *CORNELIUS C. LEHAN xxx-xx-x

*HENRY W. MARCANTONI xxx-xx-x
 *CHARLES MIDDLETON xxx-xx-x
 *ERICH S. MOCK xxx-xx-x
 *GREGORY M. MORGAN xxx-xx-x
 *JOSEPH A. NARDE xxx-xx-x
 *RALPH W. OGILVIE xxx-xx-x
 *GINO A. ORLANDI xxx-xx-x
 *DARIUS P. OSHIDAN xxx-xx-x
 *PATRICIA H. PECK xxx-xx-x
 *KAREN M. PHILLIPS xxx-xx-x
 *SANDFORD W. PRINCE xxx-xx-x
 *CUMMINGS SANTIAGO xxx-xx-x
 *DONALD K. SCALES xxx-xx-x
 *BRADLEY G. SHERN xxx-xx-x
 *STEPHANIE J. SIDOW xxx-xx-x
 *GREGORY W. SILVER xxx-xx-x
 *MICHAEL D. SIMS xxx-xx-x
 *STEVEN R. WALLS xxx-xx-x

MEDICAL CORPS
 To be major

BRUCE D. ADAMS xxx-xx-x
 *DOUGLAS W. ADAMS xxx-xx-x
 *STEPHEN D. ADAMS xxx-xx-x
 *NADINE H. ALEX xxx-xx-x
 *LARRY K. ANDREO xxx-xx-x
 *RICHARD J. ANTAYA xxx-xx-x
 *CLINT W. ANTHONY xxx-xx-x
 *MARC H. APFLEBAUM xxx-xx-x
 *RICHARD L. ARMFIELD xxx-xx-x
 *WILLIAM F. ARNDT xxx-xx-x
 *CHERYL AYLESWORTH xxx-xx-x
 *MICHAEL D. BAGE xxx-xx-x
 *RICHARD L. BAILEY xxx-xx-x
 *EDWARD L. BALDWIN xxx-xx-x
 *CINDY M. BARTER xxx-xx-x
 *DONALD S. BATTY xxx-xx-x
 *MARJORIE M. BEBE xxx-xx-x
 *PAUL F. BELLIVEAU xxx-xx-x
 *CHRISTOPHER BENSON xxx-xx-x
 *VICTOR J. BERNET xxx-xx-x
 *STEPHEN BERNSTEIN xxx-xx-x
 *REGINALD J. BLABER xxx-xx-x
 *SEAN M. BLAYDON xxx-xx-x
 *PATRICIA K. BONNE xxx-xx-x
 *CRAIG R. BOTTONI xxx-xx-x
 *MICHAEL R. BOWEN xxx-xx-x
 *JOAN E. BOWES xxx-xx-x
 *DONALD J. BOWLING xxx-xx-x
 *JOHN C. BRADLEY xxx-xx-x
 *RICHARD D. BRANTNER xxx-xx-x
 *DEBRA S. BRESCAN xxx-xx-x
 *KEVIN E. BRIGHT xxx-xx-x
 *STEVEN E. BRILLIANT xxx-xx-x
 *BRUCE A. BRITTON xxx-xx-x
 *JIMMY J. BROWN xxx-xx-x
 *MICHAEL L. BROWN xxx-xx-x
 *ROBERT S. BROWN xxx-xx-x
 *WALLACE B. BRUCKER xxx-xx-x
 *ALAN D. BRUNS xxx-xx-x
 *CHESTE BUCKENMAIER xxx-xx-x
 *WILLIAM J. BULLIS xxx-xx-x
 *THOMAS F. BURKE xxx-xx-x
 *J. CAMPAGNA xxx-xx-x
 *DAVID A. CANCELADA xxx-xx-x
 *JEFFERS. CARTWRIGHT xxx-xx-x
 *MATTHEW G. CARY xxx-xx-x
 *LAWRENCE M. CASHA xxx-xx-x
 *PAUL H. CASTELLO xxx-xx-x
 *MARY C. CHANG xxx-xx-x
 *BARRETT L. CHAPIN xxx-xx-x
 *JACK J. CHAVEZ xxx-xx-x
 *TARA L. CHRONISTER xxx-xx-x
 *DOUGLAS L. CLARK xxx-xx-x
 *MARGARET L. CLARK xxx-xx-x
 *MARK E. CLYDE xxx-xx-x
 *KYLE L. COLVIN xxx-xx-x
 *LESLIE M. CONE xxx-xx-x
 *MARCO COPPOLA xxx-xx-x
 *WILLIAM P. CORR xxx-xx-x
 *DONNA M. CORVET xxx-xx-x
 *TRINKA S. COSTER xxx-xx-x
 *KEVIN M. CREAMER xxx-xx-x
 *ANDREW R. CUKIER xxx-xx-x
 *CHRISTINE A. CULLEN xxx-xx-x
 *DEIRDRE C. CURRAN xxx-xx-x
 *ROBERT C. DEAN xxx-xx-x
 *THOMAS DEBERARDINO xxx-xx-x
 *SUSAN J. DEGUIDE xxx-xx-x
 *RONALD D. DEGUZMAN xxx-xx-x
 *EVERETT S. DEJONG xxx-xx-x
 *MARK H. DEPPER xxx-xx-x
 *WILLIAM H. DEVRIES xxx-xx-x
 *JOSEPH W. DOOLEY xxx-xx-x
 *BRUCE M. DOPLER xxx-xx-x
 *THOMAS H. DOUGLAS xxx-xx-x
 *JAMES J. DOYLE xxx-xx-x
 *PAUL DUCH xxx-xx-x
 *WALTER J. DUFFY xxx-xx-x
 *CARY L. DUNN xxx-xx-x
 *JAN R. DUNN xxx-xx-x
 *ANDREW S. EISEMAN xxx-xx-x
 *STEPHEN M. ELKSNIS xxx-xx-x
 *AMY R. ELLINGSON xxx-xx-x
 *VERNON S. ESPLIN xxx-xx-x
 *CARLOS R. ESQUIVEL xxx-xx-x
 *DAVID L. FACTOR xxx-xx-x
 *JAMAL D. FARHAN xxx-xx-x
 *WALTER P. FARRELL xxx-xx-x
 *JAMES M. FEELEY xxx-xx-x
 *PATRICK FERNICOLA xxx-xx-x

*DAVID R. FINGER xxx-xx-x
 *DANIEL R. FISK xxx-xx-x
 *GRANT A. FOSTER xxx-xx-x
 *KRISTIN FREESTON xxx-xx-x
 *DAVID M. FREY xxx-xx-x
 *RENEE Y. FRIDA xxx-xx-x
 *STEVEN P. FRIEDEL xxx-xx-x
 *SUSAN R. GAIRE xxx-xx-x
 *ROGER G. GANO xxx-xx-x
 *KAREN L. GARRISON xxx-xx-x
 *BRIAN A. GERACI xxx-xx-x
 *BRIAN J. GERONDALE xxx-xx-x
 *SEAN D. GHIDELLA xxx-xx-x
 *LYNDA S. GILLIAM xxx-xx-x
 *KATHRYN A. GIZA xxx-xx-x
 *KEVIN L. GLASS xxx-xx-x
 *JAMES M. GOFF xxx-xx-x
 *THOMAS W. GOLDEN xxx-xx-x
 *MICHAEL GOLDFINGER xxx-xx-x
 *BRIAN J. GOLDSMITH xxx-xx-x
 *CARL GOOLSBY, JR. xxx-xx-x
 *ROBERT L. GORE xxx-xx-x
 *MICHAEL P. GRANT xxx-xx-x
 *VINCENT X. GRBACH xxx-xx-x
 *SPENCER D. GREGG xxx-xx-x
 *WILLIAM G. GUTHEIM xxx-xx-x
 *JOHN W. HABERLEIN xxx-xx-x
 *BRENT HAGEMEISTER xxx-xx-x
 *JOHN B. HALLIGAN xxx-xx-x
 *ROBERT W. HANDY xxx-xx-x
 *CURTIS K. HANST xxx-xx-x
 *ROBIN C. HARDIMAN xxx-xx-x
 *EUGENE L. HARDIN xxx-xx-x
 *MICHAEL B. HARKINS xxx-xx-x
 *DAVID J. HARRINGTON xxx-xx-x
 *DAVID T. HARRINGTON xxx-xx-x
 *MARK J. HARRISON xxx-xx-x
 *PHILIP S. HARRY xxx-xx-x
 *ELEANOR R. HASTINGS xxx-xx-x
 *JEFFREY S. HEIER xxx-xx-x
 *ANNA I. HEISSER xxx-xx-x
 *KEVIN S. HENNING xxx-xx-x
 *JAMES M. HERROLD xxx-xx-x
 *KEITH L. HIATT xxx-xx-x
 *RICHARD B. HILBURN xxx-xx-x
 *JON A. HINMAN xxx-xx-x
 *NATHAN J. HOELDTKE xxx-xx-x
 *BRADLEY W. HOOVER xxx-xx-x
 *MILFORD HUFFNAGLE xxx-xx-x
 *CURTIS J. HUNTER xxx-xx-x
 *LESLIE M. HUNTER xxx-xx-x
 *MICHAEL A. HUOTT xxx-xx-x
 *LONNIE L. IMLAY xxx-xx-x
 *RICHARD B. JACKSON xxx-xx-x
 *SCOTT E. JACOBS xxx-xx-x
 *TERESA W. JACQUES xxx-xx-x
 *MARK J. JAREN xxx-xx-x
 *JOHN A. JIULIANO xxx-xx-x
 *CLYDE L. JOHNSON xxx-xx-x
 *BLAINE R. JONES xxx-xx-x
 *BRYAN T. JONES xxx-xx-x
 *LAWRENCE H. JONES xxx-xx-x
 *PAUL L. JONES xxx-xx-x
 *PAUL R. JONES xxx-xx-x
 *PERRY E. JONES xxx-xx-x
 *SCOTT A. JOSLIN xxx-xx-x
 *ARON M. JUDKIEWICZ xxx-xx-x
 *OLAN B. KEMP xxx-xx-x
 *JULIE R. KENNER xxx-xx-x
 *FRANCIS X. KILKELLY xxx-xx-x
 *DAVID H. KIM xxx-xx-x
 *LEROY K. KIM xxx-xx-x
 *SUN KIM xxx-xx-x
 *JEFFREY D. KING xxx-xx-x
 *NICHOLAS A. KING xxx-xx-x
 *JEFFREY KINGSBURY xxx-xx-x
 *DAVID G. KLOCK xxx-xx-x
 *SARA W. KNUTSON xxx-xx-x
 *ERIK J. KOBYLAK xxx-xx-x
 *DEBRA A. KONNY xxx-xx-x
 *ARNOLDAS S. KUNCYIS xxx-xx-x
 *JOHN P. LACEY xxx-xx-x
 *BEVERLY C. LAN xxx-xx-x
 *JON D. LARSON xxx-xx-x
 *KATHLEEN M. LAVIGNE xxx-xx-x
 *NANCY P. LAWLESS xxx-xx-x
 *EDWARD J. LEGARI xxx-xx-x
 *PETER M. LEHMANN xxx-xx-x
 *ROBERT A. LEIBOLD xxx-xx-x
 *KEVIN L. LEWIS xxx-xx-x
 *JULIANNE C. LIN xxx-xx-x
 *RICHARD K. LING xxx-xx-x
 *J. D. LITTLETON xxx-xx-x
 *VINCENT A. LOMBARDI xxx-xx-x
 *DAVID LONGENECKER xxx-xx-x
 *DOUGLAS J. LOUGHEAD xxx-xx-x
 *THOMAS M. LOUGHNEY xxx-xx-x
 *GLYNDA W. LUCAS xxx-xx-x
 *DAVID P. LUX xxx-xx-x
 *ANNE N. LYON xxx-xx-x
 *ROBERT D. LYON xxx-xx-x
 *WILLIAM P. MAGDYCZ xxx-xx-x
 *DAVID J. MALIS xxx-xx-x
 *DANIEL MANSFIELD xxx-xx-x
 *CHRISTINA MANTHOS xxx-xx-x
 *LINDA A. MARDEN xxx-xx-x
 *JENNIFER S. MARSDEN xxx-xx-x
 *ROBERT A. MASSA xxx-xx-x
 *KAREN L. MATHREWS xxx-xx-x
 *PAUL R. MAYNARD xxx-xx-x
 *ROBERT A. MAZUR xxx-xx-x
 *CHARLES E. MCBRIDE xxx-xx-x

*MICHAEL J. MCCLURE xxx-xx-x
 *BRIAN C. MCCORMICK xxx-xx-x
 *JOHN M. MCGRATH xxx-xx-x
 *TRUDI K. MCGRATH xxx-xx-x
 *SCOTT T. MCGRAW xxx-xx-x
 *NEAL P. MCNERNEY xxx-xx-x
 *JEFFREY J. METEY xxx-xx-x
 *DAVID C. MEYER xxx-xx-x
 *ANNA MILLER xxx-xx-x
 *JOSEPH P. MILLER xxx-xx-x
 *ROBERT S. MILLER xxx-xx-x
 *FRANCIS J. MILLIGAN xxx-xx-x
 *ROSEMARY MINER xxx-xx-x
 *DANIEL Y. MOCHIZUKI xxx-xx-x
 *ROBERT W. MILINARI xxx-xx-x
 *FRANCIS K. MOLL xxx-xx-x
 *JANE A. MOORE xxx-xx-x
 *LISA K. MOORES xxx-xx-x
 *SUSAN K. MORGAN xxx-xx-x
 *THOMAS G. MURNANE xxx-xx-x
 *JOHN M. MURPHY xxx-xx-x
 *JEAN E. MURRAY xxx-xx-x
 *KARLA G. MYHRABLOOM xxx-xx-x
 *PETER G. NAPOLITANO xxx-xx-x
 *DAWN G. NOLAN xxx-xx-x
 *JAMES W. NORYS xxx-xx-x
 *JOHN J. OBRIEN xxx-xx-x
 *LARRY K. OBYRANT xxx-xx-x
 *STEPHEN F. OEHM xxx-xx-x
 *STANLEY A. ORDMAN xxx-xx-x
 *RUSSELL J. OTTO xxx-xx-x
 *JEFFREY A. PAFFRATH xxx-xx-x
 *TODD V. PANARESE xxx-xx-x
 *JAMES E. PARKER xxx-xx-x
 *DWAYNE E. PATTERSON xxx-xx-x
 *CHARLES E. PAYNE xxx-xx-x
 *LEANDRO G. PENA xxx-xx-x
 *FRAYMOND F. PETERS xxx-xx-x
 *CLARK E. PETERSEN xxx-xx-x
 *MYRON J. PETRUSKA xxx-xx-x
 *KAREN S. PHELPS xxx-xx-x
 *ROBERT M. PLEMMONS xxx-xx-x
 *SANDY S. POPHAM xxx-xx-x
 *MARY E. PORISCH xxx-xx-x
 *ROBERT O. POSCH xxx-xx-x
 *DAVID R. POWELL xxx-xx-x
 *RONALD D. PRAUNER xxx-xx-x
 *ROBERT W. PRICE xxx-xx-x
 *BERTRAM PROVIDENCE xxx-xx-x
 *ROBERT A. PUNTEL xxx-xx-x
 *MICHAEL L. PYLMAN xxx-xx-x
 *GUILLERMO QUETELL xxx-xx-x
 *ANDREW C. QUINT xxx-xx-x
 *MICHAEL A. RAVE xxx-xx-x
 *JOHN L. REICHEL xxx-xx-x
 *JAMES D. REID xxx-xx-x
 *JOHN A. REISTEN xxx-xx-x
 *VICKY L. RHOLL xxx-xx-x
 *WILLIAM A. RICE xxx-xx-x
 *CHRISTO RICHARDSON xxx-xx-x
 *TROY K. RICHEY xxx-xx-x
 *WILLIAM B. RICHMOND xxx-xx-x
 *CLIFF A. ROBERTSON xxx-xx-x
 *THOMAS M. ROE xxx-xx-x
 *PATRICIO ROSA, JR. xxx-xx-x
 *ELIZABETH A. ROSS xxx-xx-x
 *SCOTT L. ROSSOW xxx-xx-x
 *EUGENE H. RYAN xxx-xx-x
 *SHEILA E. RYAN xxx-xx-x
 *GREGORY D. SAFFELL xxx-xx-x
 *KEITH L. SALZMAN xxx-xx-x
 *SCOTT A. SAMPLE xxx-xx-x
 *JEFFREY SAMUELSON xxx-xx-x
 *JAMES R. SANTANGELO xxx-xx-x
 *JOHN M. SAYLES xxx-xx-x
 *SAMUEL C. SAYSON xxx-xx-x
 *DANIEL A. SCHAFER xxx-xx-x
 *JOHN D. SCHICK xxx-xx-x
 *ERIK SCHNECKLOTH xxx-xx-x
 *PHILIP SCHOENFELD xxx-xx-x
 *JOHN P. SCHRIEVER xxx-xx-x
 *JOSEPH P. SCHUETH xxx-xx-x
 *PHILIP S. SCHWARTZ xxx-xx-x
 *SHARON M. SEGUN xxx-xx-x
 *GREGORY J. SEMANON xxx-xx-x
 *SUSAN M. SETTINARI xxx-xx-x
 *CATHERINE SHAFFREY xxx-xx-x
 *STUHLDRER SHAH xxx-xx-x
 *ELLEN G. SHAVER xxx-xx-x
 *MARK E. SHAVES xxx-xx-x
 *RICHARD J. SHEA xxx-xx-x
 *ENID Q. SHEELEY xxx-xx-x
 *STUART D. SHELTON xxx-xx-x
 *CYNTHIA H. SHIELDS xxx-xx-x
 *MICHAEL E. SHIVERS xxx-xx-x
 *TIMOTHY S. SIEGEL xxx-xx-x
 *JOHN J. SIMMER xxx-xx-x
 *STEPHEN J. SLADICKA xxx-xx-x
 *DAVID P. SMACK xxx-xx-x
 *CRAIG D. SMITH xxx-xx-x
 *RONALD E. SMITH xxx-xx-x
 *STEPHEN E. SMITH xxx-xx-x
 *WILLIAM J. SMITH xxx-xx-x
 *JOSEPH P. SPIRALN xxx-xx-x
 *LILA M. STAGEBERG xxx-xx-x
 *SETH J. STANKUS xxx-xx-x
 *SUSAN S. STCLAIR xxx-xx-x
 *DAVID A. STEIN xxx-xx-x
 *DREW J. STEINER xxx-xx-x
 *PAUL R. STEINWACHS xxx-xx-x
 *DANNY O. STENE xxx-xx-x
 *DONNA L. STEWARD xxx-xx-x

