SENATE—*Tuesday, September 13, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

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

Dr. Halverson.

PRAYER

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

Let us pray:

Commit thy way unto the Lord; trust also in him; and he shall bring it to pass.—Psalm 37:5.

Father in Heaven, we invoke Thy presence in this sanctuary this morning. Nothing here is hidden from Thee. Thou knowest us, individually and corporately, past, present, and future, in microscopic detail. The thoughts of our hearts, the words yet unspoken on our tongues, the desires which we dare not share with anyone—personal needs which we do not wish to admit, even to ourselves—are all known to Thee.

Thou knowest, Lord, the motives which rule our actions. Save us from unworthy motivation which would be dilatory or destructive. Thou knowest the human chemistry which influences this body, causing it to be explosive or peaceful, frustrating or freeing to legislation. May Thy love fill us with compassion for each other and the will to finish the tasks that must be done in these ensuing weeks.

To the glory of God and for the sake of the Nation. Amen.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report accompanying S. 2182, which the clerk will report.

The legislative clerk read as follows:

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

The Senate resumed consideration of the conference report.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND] is recognized.

HAITI

Mr. THURMOND. Mr. President, I am very concerned with the current policy on Haiti and the events precipitated by that policy. While the situation in Haiti is of interest to the United States, there is no strategic necessity, no national emergency, no military or economic threat to the United States or to the world. Our interests focus on humanitarian treatment of the Haitian people and the promotion of democracy in this hemisphere. So why would the most powerful nation on Earth invade this small island nation?

Our foreign policy goal with reference to Haiti seems to be to restore Mr. Aristide to power. While a noble goal, it is misguided. I do not share the administration's view that restoring a person like President Aristide to power will lead to improvement in the humanitarian, economic, or political climate there.

Mr. President, there is much wrong in Haiti besides the overthrow of the freely elected Government. Every sovereign state must have a viable economy to survive and to provide for the welfare of its people. Haiti's economy is in ruin and, except for the elite, the Haitian people have an abysmal quality of life. Our embargo has only made the situation worse. The sanctions against Haiti have not brought General Cedras to a bargaining table. Instead, General Cedras and his friends have become richer while the Haitian people are suffering more than ever.

I do not understand the seemingly irresistible attraction to use military intervention in Haiti. I also do not understand the emphasis this unfortunate situation is being afforded. The foreign policy interests of the United States are complex and far reaching. Haiti should never have emerged as an imperative situation commanding a major portion of the attention and resources of our Nation.

What are our goals? How will we know when we have accomplished these goals? Can anyone in the administration describe what success will look like so that the American people, and the world, will know when we have achieved success? What is our plan for withdrawal?

Mr. President, we learned from our errors in the past that before we use military force we must have specific goals which can be explained to the American people. If we can define our goals, we will be better able to plan for them and we will know when we have achieved them. These tenets are being overlooked or minimized in respect to Haiti. I fear that American men and women will be killed and maimed for some foreign policy goals which are still undefined.

There is a better way. In my Senate floor speech on June 8, 1994, I called on President Clinton to modify our policy toward Haiti. I urged him to work with the Organization of American States to develop a plan for the humanitarian, economic, and political recovery in Haiti. The United States can exercise leadership and further the humanitarian, economic, and political recovery of Haiti. If the administration will tone down the rhetoric, lift the embargo, and enter into firm, meaningful negotiations with the ruling junta, I am confident the current situation can be brought to a bloodless, satisfactory end. The United States can invade a sovereign state and replace the government; or we can demonstrate our strength and humanitarian concern through leadership and diplomacy.

Democracy can be restored in Haiti without putting Mr. Aristide back in the Presidential suite in Port-au-Prince. I would support the administration in any efforts in this arena. I cannot, however, support an attempt to use military force to accomplish these ends.

Mr. President, I supported the Dole-Gregg amendment. I have written to the President urging him not to send our troops to Haiti without congressional approval. I am not suggesting prior approval is necessary under the Constitution. That is a different debate. The fact of the matter is that there is no emergency in Haiti and nation building is not what we should expect of our Armed Forces. We have the most powerful Armed Forces in the world. They are unmatched in their ability to project force and, if necessary, to fight and win. However, we can soon dissipate this fine force if it becomes a police force or is primarily used for, in the current vernacular of the Pentagon, "operation other than war." In order to keep a military force

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

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prepared—ready to project force or to fight and win—is a full-time mission. In an already dangerously constrained defense budget, there may not be sufficient resources to maintain readiness now. Deploying forces to occupy Haiti as peacekeepers or police force will consume critical funds and rob units of training opportunities.

It will be a tragedy of the highest proportion if even one soldier, sailor, airman, or marine is killed during the invasion and subsequent occupation of Haiti. Even if the military leaders were to decide not to oppose an invasion by the United States, I expect there will be loyal, patriotic Haitians who will defend their country from a foreign invader. Certainly, we would protect our hearth and homes, why would we expect less of a proud Haitian people? It is unrealistic to assume we will not suffer casualties. Remember Somalia? The marine landing was unopposed militarily. The guerrilla actions came later. It took the events of October 3, 1993, when 18 young men gave their lives to shock us into realizing that we did not have clear objectives and no plan for completing our mission and withdrawing. I certainly remember Somalia. I do not want to remember a similar day in Haiti.

Mr. President, the sense of the Senate is clear—no military action in Haiti without congressional approval. I believe this represents the sense of the people as well. Since there is no emergency, the American people deserve the opportunity to listen to the full debate and, through their elected representatives, express their approval or disapproval of this policy. Once again, I urge President Clinton to lift the embargo, open sincere negotiations with the junta and, within the auspices of the United Nations and the Organization of American States, seek a peaceful solution which preserves the dignity of the Haitian people.

I am pleased to yield to the distinguished Senator from South Dakota.

The PRESIDENT pro tempore. Time is not to be yielded at this point. There is no controlled time.

Mr. THURMOND. Mr. President, I yield the floor.

The PRESIDENT pro tempore. Does the Senator seek recognition?

Mr. PRESSLER. Yes.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized for what purpose?

Mr. PRESSLER. To proceed as if in morning business.

The PRESIDENT pro tempore. Is there objection to the Senator from South Dakota proceeding out of order for how much time?

Mr. PRESSLER. For 3 minutes.

The PRESIDENT pro tempore. For not to exceed 3 minutes and to conduct morning business therein for 3 minutes.

The Senator from South Dakota is recognized.

HAITI

Mr. PRESSLER. Mr. President, I join in the remarks of the Senator from South Carolina very strongly, and I commend him for his speech. I shall be very brief because he has spoken so eloquently.

Invading Haiti at this point would be a misuse of our military for political purposes. Invasion of Haiti at this point would be an attempt to control this body, the Senate of the United States, through political use of our military. I object to that as a former second lieutenant who served in the United States Army in Vietnam. That does not give me any more qualifications than any other citizen, but I feel very strongly that when you take all the arguments and the logic for invading Haiti, you could use those same arguments to station troops on every street in Washington, DC.

We have here more than a killing a day. The public interest is safety. Yet our citizens cannot come here and freely move about. There is poverty on our streets. We have such problems right here within a mile of the Capitol among our own people. We could use troops to control the crime here.

So if the President does want to show he can command the military and move them into combat, the same logic could call for stationing troops on every street in Washington, DC.

Taxpayers will pay for an invasion for years. It is not just the cost of an invasion. There will be lawsuits against the United States when trucks destroy bridges and roads. There will be other costs. Once we invade a country, too often we become obligated to support it.

We have plenty of places in our own country in every city, ranging from Indian reservations to inner cities, where there is poverty, crime, and other problems we need to deal with.

So, Mr. President, I hope we do not invade Haiti.

AVIATION TRAFFIC SAFETY

Mr. PRESSLER. Mr. President, in light of the recent plane crash yesterday, I contacted the appropriate committee to call for comprehensive hearings on aviation safety.

It is too early to conclude the specific cause of that tragic accident and I certainly point no finger of blame.

I think the Federal Aviation Administration [FAA] is working hard, but I would like for the Senate to hold, either now or in February or March, comprehensive hearings on Federal aviation safety policy, particularly as to how the National Transportation Safety Board [NTSB] works with the FAA.

There was a serious crash last year claiming the lives of several citizens from my home State of South Dakota, including our Governor. Then there was a deadly crash earlier this year, and now we have this crash of the USAir flight 427 in Pennsylvania. These are terrible tragedies.

Let me be clear. I point no finger of blame at anyone for this most recent crash. I do not know all the facts. Indeed, the NTSB and FAA are working hard to determine its cause. However, we should focus on this serious matter and work with our safety agencies to prevent future tragedies. In my view, we need congressional oversight to be sure that our congressional committees are doing what we are supposed to be doing to promote air safety in this country and protect the safety of the air-traveling public.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I rise in opposition to the pending conference report on the Defense Department authorization.

I intend to speak at length about shortfalls that exist in this conference report, despite the fact that some very hard work and excellent craftsmanship has been a part of this legislation.

But there is no better example of what we have done to emasculate our military capability than was carried this morning on the front page of the Washington Post entitled "Clinton May Request Reservists for Haiti."

> President Clinton may have to ask "several hundred" military reservists to go on active duty to take part in any invasion of Haiti * * *.

Mr. President, when our defense establishment has reached such a stage that in order to invade a country like Haiti, which by last estimates has a force of some 7,000 men, which has no air force, which has no tanks, and which has no artillery, no air force, and we are now required in order to successfully carry out an invasion of Haiti to call up American reservists, men and women in the Reserves, there is a compelling argument that we have cut and cut and cut our defense budget to the degree where we are going hollow, where we are not ready. And in the memorandum of the Under Secretary of Defense, recently published, concerning the cuts that are being contemplated in next year's defense budget, virtually every new weapon system will be on the table for either severe curtailment or for being abolished. Mr. President, we are in serious, serious trouble.

Mr. President, if we have to call up several hundred reservists in order to

successfully carry out an invasion of what any military expert will tell you is a few hours' operation, what in the world would we do in the event of a conflict with Korea? What would we do in the event that the Balkan situation explodes and begins to spread into other countries in the area?

Mr. President, I think it is clear from all news reports, from all unofficial sources, that we are going to invade the nation of Haiti. The prediction that I hear is that it could take place as early as next week.

I am sure that that invasion initially will be a success. I have no doubt as to the efficacy and the capability of the men and women in our military to carry out this relatively easy military operation in a short period of time.

The question, however, is what happens after that invasion takes place? Who is going to occupy Haiti? Will Mr. Aristide, who will return as part and parcel of this invasion, receive the support of the people of Haiti? Will those who will seek vengeance on the brutal and oppressive military dictators and their friends be protected by American troops, or will wholesale slaughter take place as we stand by and watch those tragic events take place?

Will there be a repetition of the events of 1915 to 1934, when once before, the United States of America went to occupy Haiti for "a few months" and we stayed 19 years?

No one can argue that Haiti was better off for the experience, nor was the United States of America better off for the experience.

Mr. President, that argument is becoming almost academic, because it is clear again in the newspaper this morning, because the President's National Security Adviser, Mr. Lake, made the case for use of United States power in Haiti by saying that the Nation's "essential reliability" was at stake.

Mr. President, I almost do not argue with that. There is a question of the United States' reliability and credibility because there have been so many threats of invading Haiti.

But why is our credibility at stake? It is because we have threatened, because we continue to say that we are going to invade, that we are almost compelled to do so. And I say "almost" because I agree with the administration that there will be damage to the credibility of the United States if we do not invade after all the threats have been made and all the preparations have been made, and all the statements like "Their days are numbered," "They are going to go," et cetera, et cetera.

But what happens to our credibility if we find ourselves in a quagmire, if we find ourselves in a situation where there is civil unrest, as there was the last time we were there, when we find ourselves in a situation where a mob of people confronts a group of U.S. Marine or Army personnel and we are called upon to fire?

Mr. President, I would suggest to you that if you launch an invasion without the support of the American people, without the endorsement of the Congress of the United States, their elected representatives, and something bad happens, your credibility could not be worse if we have to leave in embarrassment and failure, as the United States ship a year or so ago had to leave the port of Port-au-Prince in disarray when threatened by an unruly mob.

Mr. President, there are many lessons that are learned from the Vietnam war; some of them valid, some of them invalid. Everybody has their different view of the lessons of the Vietnam war and what they were. And there are few lessons of the Vietnam war that the American people are generally in total agreement about.

There is one lesson that the American people are in agreement about, Mr. President, and that is you do not embark on a military exercise without the support of the American people.

Mr. President, an ABC poll last night said, and I quote, "Six out of 10 Americans see no vital national interest at stake in Haiti; 73 percent of the American people do not believe we should invade."

Mr. President, a lot of us give advice to the President of the United States. From those on this side of the aisle, it is usually, and understandably, disregarded.

But I think that the President pro tempore of this body, the senior Members on the Democratic side and one of the most experienced Members of this body, clearly not only now but in its history, the distinguished Senator from West Virginia, would agree with me that you must have the agreement of the American people.

What is the best way to do that? The best way for the President of the United States to do that is to go to the American people and tell them why he is going to send their young men and women into harm's way, and then come to the Congress of the United States and ask for approval.

Now, Mr. President, you and I may disagree as to the constitutionality of the President sending members of the Armed Forces into military involvement overseas. There is a valid constitutional argument about that issue. And I believe that it is a compelling reason why we should revisit the War Powers Act and have a clear and unequivocal provision on whether the President of the United States is required to receive the approval of Congress before he engages in military operations.

There are valid arguments on both sides. I have read extensively and talked extensively to scholars on both sides of this issue. I happen to come down on the side that the President of the United States is not constitutionally required to do so.

I respect and value the arguments of many of my colleagues on this side of the aisle who believe that the President is constitutionally required to do so. But that is not the argument here. The argument here is whether we expect any President of the United States to embark on a military enterprise without the approval of the American people. And I would strongly state that it is clearly in the President's interest, if this enterprise fails, to have done so with the endorsement of the Congress of the United States and the approval of the American people. Without that, his risks politically are dramatically increased, because his critics will correctly say that he embarked on this adventure—and it is an adventure—without the support of the American people and without the endorsement of Congress.

So, Mr. President, I hope that this week—I hope this week, because all reports are that the invasion starts next week—the Congress would act, at least the U.S. Senate, in some fashion. And I would suggest it would be a sense-of-the-Senate resolution.

I would point out that Congress has voted twice—voted twice—once by a vote of 98 to 2 in October of last year and once this past June by 93 to 4, that encourages and urges the President of the United States to come to Congress for approval. I believe the overwhelming majority of the American people, although not well versed on the constitutional aspects of this issue, also strongly believe that Congress should approve or disapprove.

Mr. President, I just want to talk for a second about Grenada and Panama. In both of those endeavors, the President of the United States did not come to the Congress of the United States for approval. I believe that the President of the United States should have, but he did not. But I would also point out that those military enterprises were somewhat different.

In Grenada, there was clearly a dramatically worsening situation. Three hundred American medical school students' lives were at stake. There was a compelling situation that called for U.S. military involvement.

In Panama, even there, the situation was worsening. There were American service personnel who were being harassed and mistreated by Noriega's people. We do have a special interest in Panama because the Panama Canal Treaty, passed through this body after a long and acrimonious debate, states that the United States must defend the security of the Panama Canal.

So, although I do not defend President Bush's failure to consult with Congress and receive the approval of Congress, I would say that those situations were significantly different, where basically this administration

can choose the time and place of this invasion. They could wait a week. They could wait a month.

The only problem with delay, from their point of view, obviously, is this harsh embargo is literally starving innocent Haitians to death. Mr. President, I have opposed that embargo strenuously because I do not think it hurts the rich people that live in the hills near Port-au-Prince. I think it hurts poor Haitians, people who really are innocent in this whole debacle.

I would also like to say another word about Mr. Aristide. Mr. Aristide was a freely elected leader of his country. It is clear that Mr. Aristide did not, while in office, exemplify the principles of democracy that we would expect in a freely elected leader.

Now, is Mr. Aristide a terrible person who should not be returned to office under any circumstances? No. But, Mr. President, I would strongly make the argument that Mr. Aristide should be willing to stand for new, free, and fair elections, and in that way I think we would remove one of the major impediments to the departure or at least the stepping down from power of the army militia.

Mr. President, I want to point this out one more time here. We are basing this invasion of Haiti on the premise that the United States reliability is at stake. That is not my version of events. That is the words of the President's National Security Adviser.

I agree that the United States credibility and reliability has been dramatically damaged not just by Haiti but by our actions not matching our rhetoric in places throughout the world.

At least 10 times the President of the United States said we are going to bomb Bosnia. I do not know how many times he has said that we will remove the dictators from Haiti. I do not know how many different statements were made concerning Korea. And I am very concerned about the way that we seem to be making concession after concession to the North Koreans as we speak on an issue that is of vital national security interests, and that is the North Korean nuclear capability.

We have said many things, and the President of the United States and this administration has said many things, and they have not carried through. They have viewed foreign policy statements the same way they view domestic policy statements, where we are basically free to make changes as we view the domestic political opinions shifting.

On foreign policy, this administration has failed to appreciate the fact that the world's superpower is listened to, the world's superpower must be believed, and that the world's superpower cannot be believed if the actions do not match the rhetoric.

So, Mr. President, I am not in the business of predicting. But I have read and studied enough history to predict the following: The invasion of Haiti will be a very efficient military operation. The men and women of our military and equipment that they have today—not in the future but today—is clearly so overwhelming and so superior that anything that ragtag mob of people the Haitians call an army do would be extremely brief. I believe the President will receive some increase in his popularity.

But I want to state clearly and unequivocally I do not believe the President of the United States is doing this for political reasons. I do not believe that. I do not believe any President of the United States would send our young men and women in harm's way for political reasons, and I refuse to accept that premise unless there is some evidence to the contrary.

At the same time, over time we will find ourselves involved in a country that basically has never known democratic traditions, has never had the foundations of a free and democratic society. We will try to put a layer of democracy on that country and start institutions which basically is an enterprise which will take many, many, many years. In the meantime, there will be unrest. How that unrest manifests itself in a worst-case scenario is confrontations between United States military people and Haitian civilians, semiarmed, semiguerrilla, semi-insurgent types of operations which will put us into a tar baby which would be most tragic in the result that American lives are lost.

I wish the President's national security adviser, who is concerned about American reliability, would also ask the following question: How many American lives should we put at risk to restore Mr. Aristide to the Presidency of Haiti?

The other question that needs to be asked by any Member of this body, and is being asked by the American citizens is: What vital national security interests are at stake besides American credibility?

Perhaps the other significant question that must be asked is what is the exit strategy? How do we get out? We restore Mr. Aristide to the presidency of his country and then what? Do we believe the rosy scenario that some paint, that some kind of multinational force of people from all different countries will come in and be able to maintain order in Haiti? I doubt it. On Sunday I was on a program with the Secretary of State and he admitted that American troops would have to be a significant part of any multinational peacekeeping force.

So far, except for the rather rosy scenario that there would be a multinational peacekeeping force, I do not see an exit strategy. I talked to many military people, both active duty and retired, and I have never detected such a level of nervousness about an enterprise as I do about this one. Again, not about our capability to invade but the way out.

Mr. President, I and 33 other Senators wrote a letter to the President on July 12, 1994, concerning the invasion of Haiti, with some serious questions.

The administration's response was, in my view, somewhat disingenuous. But one of the responses—and also a statement by Secretary Christopher on Sunday—has to be responded to. The President's letter says:

> My support for his [Aristide's] return is based on a review of his overall record while in office and is consistent with the policy developed by the Bush administration.

The Bush administration had foreign policy failures. I can make an argument as to whether the Bush administration should have intervened in Bosnia earlier, and to have prevented the situation that evolved there. But let us kid no one. The Bush administration never contemplated an invasion of Haiti. Yes, the overthrow of Aristide was totally unacceptable. Yes, the situation in Haiti was deplorable. Yes, it was condemned by the Bush administration. But no one in the Bush administration contemplated an invasion in order to rectify that situation any more than we contemplate an invasion in many other parts of the world where tragically we have dictatorial and oppressive governments. So let us not kid the American people. Do not take my word for it, ask former President Bush, former Secretary of State Jim Baker, or former national security adviser Brent Scowcroft.

It is with some sadness that I discuss this issue because I am afraid that the American people's wishes are going to be overridden next week. I am afraid there is going to be some family somewhere—perhaps in my State—somewhere in this country who is going to receive a knock on the door and the chaplain is going to be there to tell that family that their son or daughter or their husband or wife has sacrificed his or her life in the invasion of Haiti or perhaps in the effort to democratize that country that has known no democracy. And I suggest the situation in Haiti, as deplorable as it is, as distasteful and odious as those people who are running that country are, is not worth the sacrifice of any American lives.

Mr. President, I would also like to mention in the case of being required to call up reservists for this enterprise, there is also a significant expenditure that again will come out of the defense budget. Estimates are—and the estimates are always low, as the President knows—of some $500 million. We are again seeing the defense budget cut. We are seeing our commitments expanded. We are seeing them stretched thin. I believe we are cutting the defense budget too fast and too deeply. Since

1985 the defense budget has declined by nearly 35 percent with another 10 percent reduction planned by 1999. But that is only the surface aspects of it.

When you look at where the defense dollars are being spent, not only are the cuts in defense spending alarming but then where you look at where all the dollars are going that really have very little to do with the defense of this Nation, it is indeed alarming. I intend to talk about, in my statement, things like environmental cleanups, peacekeeping missions, maintenance of defense-industrial base. We are even going to spend money to keep an industrial base for combat boots. We are going to keep an industrial base for MRE's. We are going to keep an industrial base for submarines that so far has cost us at least $12 billion and it will probably cost us several billion dollars more.

I am seriously concerned that the decline in the defense budget reflected in this document that we are debating today will result in a hollow military force that will be unready to fight and win in future conflicts. The significant and continuing budget cuts have already resulted in the first signs of declining readiness. I am concerned about the deleterious impact of the rapidly declining defense budget on the readiness of our military forces as well as the daily lives of the men and women who serve in the Armed Forces and their families.

A report of the Defense Science Board Task Force on Readiness, which was appointed by former Secretary of Defense Aspin, which was dated June 1, 1994, makes some very cautious statements concerning how to avoid a future hollow Armed Forces. The report refers to pockets of unreadiness that exist today and states, "We observed enough concerns that we are convinced that unless the Department of Defense and the Congress focus on readiness, the Armed Forces could slip back into a hollow status."

Mr. President, I believe the Under Secretary of Defense and Secretary of Defense have taken those warnings to heart. And in response to that, Secretary Deutch wrote to the members of the Defense Resources Board directing that the services explore the idea of terminating the major procurement programs in their budgets. The memorandum directs the services to propose terminating the Comanche helicopter program and the advanced field artillery system for the Army, deferring JPATS, F-22, the TSSAM programs for the Air Force, canceling the V-22 and advanced amphibious assault vehicle programs and significantly slowing the DDG-51 and new attack submarine programs in the Navy.

Mr. President, for the benefit of my colleagues, translated from Pentagonese, that means basically terminating or contemplating terminating every new modernization program in our military—basically terminating them.

The same memorandum directs the Office of the Secretary of Defense to identify potential reductions in overhead and infrastructure, including personnel reductions and related support offices, of more than 4 percent a year. The reason given for these Draconian cuts is, and I quote, "The desire for the pay raise and for improvements in other areas, such as readiness, sustainability and quality of life may require us to shift resources from other POM priorities"—that is future priorities.

Mr. President, what we have done here is present the planners in the Pentagon with a Hobson's choice, the Hobson's choice of either maintaining the high-quality men and women in the military and their readiness by giving them pay raises, by providing them with decent housing, by providing them with quality of life, which is absolutely vital to maintaining an All-Volunteer Force, or cutting virtually every new program that is necessary for the future modernization of our military establishment.

Frankly, as one who has been a strong advocate of maintaining the pay raise and decent housing, et cetera, I find that an unacceptable choice because we can have the highest quality men and women in the world and as ready as they can be, but unless they have the equipment which gives them the overwhelming superiority, such as we saw in Operation Desert Storm, then those men and women are going to die needlessly.

So, I do not think we should be faced with an either/or situation. I think we should maintain readiness. I think we should maintain the quality of men and women, but we should also very carefully understand that, first, we cut out the unnecessary spending. With all due respect, we do not need to increase Milcon, we do not need to increase military construction by some $500 million and, at the same time, cut virtually every new weapon system that we are contemplating.

We cannot spend as much money on environmental cleanup as we have. We cannot spend so much money for peacekeeping that we have in the past. I know the President has stated his strong and deep concerns about continuing funding out of the defense budget of the peacekeeping operations that, frankly, should come from some other source. And also then we get to all this unnecessary spending, ranging in huge size from the B-2 bomber and the *Seawolf* submarine, which are unnecessary—I will not say unnecessary—which are less necessary in today's threat environment than they were during the cold war. And in a very serious setting of priorities, we have to understand that our first priority has to be readily deployable, capable forces that we can send anywhere in the world on short notice in order to fight a conventional conflict.

Mr. President, *Seawolf* submarines and B-2 bombers are nice to have. I was a strong supporter of both before the cold war ended. But we just simply cannot afford it. We have to set priorities. If there is any message in this bill, in this National Defense Authorization Act of 1995, it is that the administration and the Congress have failed to set priorities in keeping with the dramatic reductions of 35 percent reduction in 1985 and an additional 10 percent that is planned by 1999. We have to set priorities or we will end up with kind of a Third World military which has a lot of things to show but really cannot do the job.

Unfortunately, we as a Congress, and the administration as well, have failed to make those tough decisions. We can talk about all the reasons why—the power of different lobbyists, how, when a weapon system is finally adopted, there are subcontractors in basically every district and every State in America and how each of those create jobs and are important, et cetera. Many of those arguments were valid in the days of the early 1980's when we were basically spending whatever it took to fight and win the cold war. And I am very proud of that expenditure. Yes, we are paying the bill for it in the form of an over $4 trillion debt that we have given not only to ourselves but to future generations. But I think it was probably worth it in order to win the cold war, which we did.

But we cannot do it anymore. We have to stop. We have to set priorities. We have to go back and review and pay attention to the Bottom-Up Review, which was carried out by some of the most respected men and women in the military, including former Secretary of Defense Aspin, including former Chairman of the Joint Chiefs of Staff Colin Powell and many others, and stick to that. When the Bottom-Up Review was briefed to the Congress and the American people, I neither saw nor heard any objection to it. Maybe some people had slightly different priorities, but I believe for the first time in a long time it was a document that was well received and said, yes, this is what we need in the post-cold-war era. Why? Because it meets the threats of the post-cold-war era: Proliferation of weapons of mass destruction, the rise of Islamic fundamentalism, the spread of this kind of national strife that we see all over the world from the Balkans to Africa and many other places where it is incipient.

That Bottom-Up Review, unfortunately, if the memorandum of the Under Secretary of Defense is followed, cannot be achieved and, if achieved, which it cannot be, then there is no way it can be sustained.

So we have to go back, Mr. President, and do one of two things: Either re-

evaluate this Nation's vital national security interests and change them —and I do not see how you do that, but perhaps there may be some intelligent and well-versed and knowledgeable people who can do that—or we have to do away with the spending which is absolutely peripheral, or not necessary, in order to maintain the Bottom-Up Review, eliminate that spending and, at the same time, if necessary, come back to the Congress of the United States and do what President Clinton said in his last speech before the joint session of Congress. He said, "Do not allow Congress to cut defense spending any more." Let us just do what the President said and, if necessary—and if necessary—increase defense spending to maintain some certain level of capability and readiness.

In testimony before the Senate Armed Services Committee and other public fora, our highest ranking military officers have expressed concern about the serious declines in readiness now evident. Mr. President, the Air Force depot maintenance backlog is currently at $868 million. The Army's depot maintenance account is only funded at 62 percent of requirements. The Marine Corps is suffering severe cutbacks in combat training and in sustainability because funds and time are being redirected to support peacekeeping operations. The Navy afloat inventories have been reduced by 40 percent since 1989 as a result of a desire to save money on spare parts by centralizing storage ashore, but this means that a ship at sea requiring repairs will now have to sit idly while the necessary parts are transported to their location. Army aviator training is funded at only 76 percent of requirements, a level insufficient to make any progress in redressing the shortfall in skilled Army aviators identified in Operation Desert Storm. Cuts in base operations funding have reduced the standard of living of our troops, which translate quickly into lowered morale and reduced readiness.

Mr. President, I think the American people would be astounded to know that this bill, this very important document, represents the new acquisition of 4 ships—4; 1, 2, 3, 4—4 ships and 24 fixed-wing combat aircraft. A $260 billion authorization of expenditure of funds will now authorize 4 ships and 24 fixed-wing aircraft.

I should add that there are additional helicopters and there are additional systems, and so forth, but when we have reached the point where we are procuring a grand total of 4 ships and 24 fixed-wing aircraft, we are spending a lot of money on the wrong things.

Training and operational mistakes are becoming evident in the tragic shootdown of two Black Hawk helicopters by United States fighters over the Iraqi no-fly zone and in the C–130 training crash in Georgia.

September used to be known as the month where the services scrambled to spend funds which would expire if not obligated before the end of the fiscal year. This was known as the 11th hour spending spree.

Now, in the last month of fiscal year 1994, there is no spending spree. Rather, there is not even sufficient money to conduct normal training and maintenance operations.

On the issue again, Mr. President, of the 4 new ships and 24 fixed-wing combat aircraft, the U.S.S. *Inchon* was stationed off the coast of Somalia for approximately 6 months. Those men and women in the Marines on board steamed off the coast of Somalia for approximately 6 months.

Now, Mr. President, I do not know if many Americans know what it is like to sit on a ship, in the heat, off the coast of Africa for 6 months, and I hope that they never have to know. But I do know that it is a very unpleasant, and in some ways debilitating, experience.

Finally, their mission was finished. In Somalia, for all intents and purposes, the United States was gone. The United States was not going to be called upon to carry out any military operations in Somalia. And they came to their home port on the east coast of the United States.

Obviously, they had a very happy reunion with their families, and 12 days later—12 days, count them, 12 days—after they were at home with their wives and husbands and family and friends, guess what? Guess what? They had to go to sea again, Mr. President, and they sat for about 2 months off the coast of Haiti, again sitting there under very difficult conditions.

Mr. President, we cannot keep men and women in the military if you subject them to that. No one in their right mind would stay.

Mr. President, people will not stay in the military under those conditions.

Reports are now coming in that many units are, essentially, shutting down operations. Navy pilots at North Island Naval Air Station are being told they will have no flying time this month. Mission essential equipment is being mothballed to save on maintenance and training costs. Other equipment is being guarded against cannibalization because of a lack of spare parts. Twenty percent of the Army's spare parts bins are empty. Troops are being used at many bases across the Nation to cut the grass, because money is not available to hire civilians. These troops are foregoing training time to do base maintenance. The Army's training and doctrine command, known as TRADOC, has been directed to cut $20 million from its budget during these last few weeks of the fiscal year, funding which means a base operations cut of $1.5 to $2 million from nearly every Army base in America.

Essential base operations funding is being diverted to pay for peacekeeping in Somalia, humanitarian assistance to Rwanda and, of course, the impending invasion of Haiti. These cuts will create a readiness nightmare across the services, especially in the first part of next year.

Training loss cannot be regained. The Chairman of the Joint Chiefs of Staff has warned repeatedly in the past few weeks that we are cutting into readiness to fund nontraditional operations throughout the world. These warnings need to be taken very seriously before the damage to our military force is irreparable and before the first American life is lost.

I understand that the Army's 10th Mountain Group is preparing to deploy in support of the Haiti operation. This unit returned from Somalia in March and has been home less than 6 months. Further, the 10th Mountain Group, which is the only available unit for Haiti deployment, is trained for mountain terrain and not the terrain of either Somalia or Haiti.

Last week, the Secretary of Defense and the Chairman of the Joint Chiefs testified to Congress that a study had been undertaken in the Pentagon to review the possibility of decreasing normal 6-month deployments. This decrease in deployment time would be required in order to keep more assets on hand to react to the growing number of regional crises in the world. We are already looking at changing the way the United States military conducts business in order to accommodate a declining defense budget and escalating commitments. It is apparent that the Department of Defense does not have sufficient funding to maintain its current level of military capabilities.

Mr. President, the most immediate impact of defense budget cuts has been felt by the men and women in the military. They have already suffered a major drop in living standards as a result of past failures to provide pay increases for inflation, or to keep military pay comparable with increases in civilian pay.

For example, the services estimate annual military pay increases have already lagged 8 percent behind inflation in the last 10 years and 12 percent behind private sector pay increases. The military services estimate that some 20,000 enlisted service members and their families are now eligible for food stamps.

I want to repeat that, Mr. President. Twenty thousand enlisted service members and their families are now eligible for food stamps.

President Clinton's proposed budget called for a 1-year freeze on military pay and benefits in fiscal year 1994, and a 1-percent reduction in the annual pay raise based on the economic cost index. Fortunately, the Congress has corrected this authorization to provide a 2.6-percent pay raise in this conference report. In addition, the Congress acted

to provide funding to redress an inequity in retired pay COLA's between Federal civilian and military retirees. All retired pay COLA's will be calculated in April rather than putting military retirees at an unfair disadvantage by withholding their raise until October.

Many defense experts have concluded that the already reduced budget does not contain adequate funding for even those programs included in the 5-year plan.

Early this year I released a study prepared by Dr. Anthony Cordesman, which contained Dr. Cordesman's detailed analysis of the Bottom-Up Review force and the 5-year budget. The report concluded that the current future years' defense plan is underfunded by as much as $100 billion. In July, the General Accounting Office estimated that the Department of Defense future years' defense plan may be underfunded by about $150 billion. The General Accounting Office cites shortfalls in the administration's budget from inflation, overstated projected management savings, and potential cost increases for base closures, weapons systems cost, personnel pay, environmental remediation, and peacekeeping operations.

Mr. President, I wish to mention the base closure issue. There have been a couple of, fortunately, aborted efforts in this body to delay the 1995 base closings. I feel very strongly that unless we contemplate a significant increase in the defense budget, it does not make sense to delay the base closings.

We do have to look at the increasing costs associated with environmental remediation, which have been dramatically higher than originally estimated. But at the same time, no reasonable business person would run a business with overhead costs three or four times above the level of business actually being done. We have, for the size of the defense budget, too many bases, and the 1995 Base Closing Commission will probably propose the largest base closing in the history of this country.

I regret that. I regret the impact that may be felt in my own State or in other States. But it does not make sense for us to maintain a huge base infrastructure that does not match up with the level of our force structure.

Returning to the budget shortfall, in a recent response to the GAO report, Comptroller John Hamre noted:

> We do have a problem ranging from $26 billion to as much as $40 billion because of inflation and Congressionally-directed pay raises.

Mr. President, I have great respect and even affection for Mr. Hamre. I think he was one of the very outstanding members we had on the Armed Services Committee staff. I do not agree with Mr. Hamre's numbers. I think that the shortfall probably lies somewhere between the $150 billion that the General Accounting Office estimates and the $40 billion that Mr. Hamre points out. But it is a bit disingenuous to blame a shortfall on "congressionally directed pay raises."

Mr. President, Mr. Hamre and Mr. Deutch and Mr. Perry and everyone else over there in the Pentagon know that we cannot maintain an All-Volunteer Force of high quality unless we raise their pay at least to keep level with inflation.

So to put the blame on Congress for a $40 or $26 billion shortfall for directing pay raises is disingenuous at best, because the administration should have come over with a request for a pay raise as part of their budget. They know they should have. But instead, in the decisionmaking process, what they did in the Pentagon was to say, we will leave the pay raise out of the budget that we send over because we know full well that the Congress will add it on.

So do not blame Congress, I say to Mr. Hamre and others. By the way, I know he does not mean to do so. He is an outstanding individual. But let us not have the impression that we are blaming Congress for a $26 or a $40 billion shortfall because the Congress of the United States is going to raise the pay of the men and women in the military by 2.6 percent. Let us make sure we know how much that percentage is, 2.6 percent, which in the case of an enlisted person, Mr. President, is very little money. Yet, the Department of Defense has acknowledged its serious shortage in funding situation, as I pointed out.

Deputy Secretary of Defense John Deutch has directed the services to explore the idea of terminating virtually every major procurement program in their budgets. I am concerned about that, Mr. President, as I said. I think we are given a choice of two unacceptable options. And, clearly, we cannot take either course without paying a severe penalty for it over time.

(Mr. DASCHLE assumed the chair)

Mr. McCAIN. Mr. President, I fully support the administration's focus on military readiness as its number one defense priority. I do not believe it is their exclusive priority, however. I have been concerned for a number of years now that the funding and attention of readiness have been seriously neglected, and I am alarmed at the continuing downward trend in many readiness indicators. In my view, funding for readiness is still too low. I hope to work with the administration to restore these accounts to the appropriate level.

I believe that the Department of Defense, in recognizing its funding shortfall, is unfortunately focusing on the wrong remedy.

Our military services cannot afford to halt every major procurement program in the budget. Modernization and maintaining our technological edge are nearly as essential to future readiness as training and maintenance are to our near-term readiness. Terminating modernization programs puts in jeopardy the ability of our Armed Forces to fight and win in any future conflict.

Mr. President, the great advantage we have over any other nation is the technological advantage in our weapons system, which is a result of the best minds in the world and the finest defense industries. Despite the unceasing attacks that are made on them, our defense industries have produced the finest weapons systems that the world has ever seen. And an ample affirmation of that is the fact that everybody wants to buy them.

So you cannot just cut every major procurement program without paying a severe penalty. The most preferable option, in my view, would be to insist the President allocate additional resources to the defense budget to make up for shortfalls.

The issue here is one of strategic sufficiency.

Is this administration willing to pay the cost of being a superpower? Is this administration willing to pay the cost of ensuring our future national security? Is this administration willing to invest sufficient resources in national defense today in order to avoid the necessity of fighting to restore our security in the future?

I am a realist. I recognize that it is very unlikely that the administration and OMB will increase the defense budget top line. Therefore, I believe that a more feasible approach would be to look for savings in low priority programs in the defense budget.

I have often spoken on the many nonmilitary expenditures funded in the defense budget programs, such as support for international sporting events, defense conversion, and technology reinvestment projects, nonmilitary university research, environmental remediation, peacekeeping operations, humanitarian assistance, and the like.

Another area of the defense budget that could yield significant savings would be the military construction accounts. Again, I would recommend a temporary moratorium on all military construction. The 1995 base closure round is expected to close more bases than all the previous rounds combined—perhaps as many as 100 bases—and it is ridiculous to begin construction projects on bases which may be closed.

Mr. President, I guarantee you that as bases are in the process of being closed, we will see construction projects taking place on those bases. This is outrageous. It will be throwing defense budget money out the window.

In addition to saving the nearly $1 billion in Member add-ons for unrequested projects, the Department could also save approximately $2 billion in other projects if all construction were halted right now. These areas

of the defense budget are not essential to our current and future military readiness and effectiveness. Procurement of modern weapons systems is essential. The Department should look for savings in nonmilitary expenditures of scarce defense dollars.

Again, Mr. President, we should declare a temporary moratorium on all military construction until the 1995 Base Closing Commission makes its recommendations.

I congratulate the authorization conferees for retaining a Senate provision which requires the administration to review the assumptions and conclusions of the Bottom-Up Review and the FYDP to determine the adequacy of resources allocated to national defense. This provision of the bill also expresses the sense of Congress that the President should ensure that the defense budget he submits to Congress provides sufficient resources to support the forces necessary for our national security.

Republican members of the Armed Services Committee have asked for hearings on adequacy of defense funding. I urge the administration to conduct a full and complete review, especially in light of the GAO's estimate of a $150 billion shortfall in future year defense programs and the programmatic decisions that are facing the Department today.

Mr. President, Congress must share a large part of the blame for the skewed priorities in this bill. This year, this budget resolution cuts $500 million in expenditures from overall discretionary funding as a result of the Exon-Grassley amendment, which cut $5 billion over 5 years. Then, it was the decision of Congress to take all of those cuts out of defense; nowhere else. There was nowhere else in this $1.4 trillion budget where we could cut a single penny. We had to take it all out of defense. Mr. President, that was a decision which is almost reprehensible.

Then, to compound the problem, the Appropriations Committee cut the allocation for the Defense Subcommittee and increased the allocation to the Military Construction Subcommittee by $490 million. We increased military construction by nearly $500 million at the same time that we are going to close 100 bases. This transfer was made solely to accommodate congressional add-ons. Rather than protecting the future security of our Nation, we are protecting people's political futures.

We must exercise discipline in our spending habits to ensure that increasingly limited defense budget dollars are spent for high-priority military requirements necessary to our ability to fight and win any future conflict, and not for pork barrel projects.

At the same time, the Department of Defense must take a firm stand in opposing these congressional add-ons. I intend to continue working with Senator GLENN and other members of the Armed Services Committee to ensure that Congress' appetite is restrained.

I want to point out again, Senator GLENN and I set up criteria for military construction projects and also for Federal land transfers. And we had no support from the Department of Defense. I say to the Department of Defense, if they are concerned about things like $500 million cuts in outlays and $490 million being transferred from defense to military construction, they had better stand up.

Another disturbing trend over the past several years is the inclusion of billions of dollars of spending in the defense budget which is not directly related to military capabilities. The Congressional Research Service recently prepared a study of the costs of nondefense activities funded in the defense budget during the 6-year period of 1990 to 1995. The results are astonishing, including environmental remediation of nearly $24 billion. Nearly $24 billion has been spent on environmental remediation. That means environmental cleanups at bases around the country. For defense conversion and dual use programs, nearly $12 billion.

Mr. President, we have found a new word, a new phrase for "pork barrel." It is called "defense conversion." We are using defense dollars to keep companies in business that cannot stay in business and should not stay in business. There are a few that we are helping to really convert. But when I read a list of the money that has been spent on so-called defense conversion, it is nauseating.

In total, the Congressional Research Service reported $52 billion in spending for nondefense programs within the defense budget over the last 6 years—$52 billion. That is not the estimate of the Senator from Arizona, that is the Congressional Research Service's.

This conference agreement funds a number of programs which, in my view, should not take precedence over programs of critical importance to the ability of our military forces to fight and win in the event of a future conflict. For example, the conference agreement includes $400 million for the Nunn-Lugar Former Soviet Threat Reduction Program. This program has been funded at about this level for 4 years now, for a total of $1.4 billion, most of which has only recently been committed for any particular purpose, and most of which has not been spent in the past 3 years. The purpose of the Nunn-Lugar Former Soviet Threat Reduction Program is good. The fact is that very little money has been spent that has been appropriated and authorized in past years, and it is time we stopped until that money is spent.

This bill also contains $3.5 billion for defense conversion—a melting pot of programs designed to assist individuals and industries which have suffered as a result of the defense drawdown. Again, these programs have been funded at a significant level for many years. Let me tell you that the problem with defense conversion is that there are really no criteria or parameters under which we should be spending this money.

So it becomes rife with spending on unnecessary projects, industries, and individuals.

The bill also contains: $13 million—not a lot of money, Mr. President—for Department of Defense support for the Summer and Special Olympics, which was not requested, and I believe should be reimbursed if those games make a profit; $40 million for the Defense Women's Health Center, which was not requested, and which may take away from other ongoing research programs.

The cost of peacekeeping operations consumes billions of dollars every year. The administration requested $300 million in this year's budget to pay our U.N. assessment for peacekeeping operations, traditionally funded out of the State Department budget. Fortunately, it appears that saner heads have prevailed and these funds will not be provided from the Department of Defense.

These misplaced spending priorities must be corrected to ensure that funding is available for the modernization and maintenance of an effective fighting force.

Mr. President, this 1995 Defense Authorization Act authorizes only 24 fixed-wing aircraft and 4 combatant ships, and it is unclear whether the appropriators will set aside sufficient funding for these limited buys.

Procurement funding is at a historically low level. The General Accounting Office projects a $38 million shortfall in funding for the limited number of procurement programs in the defense budget for the next 5 years. The military of the future cannot operate effectively without modern, capable equipment. This budget does not provide for our future technological superiority.

The conference agreement sets aside $510 million for new aircraft and other equipment for the Guard and Reserves. These were not requested by the Guard and Reserves, and the funding for them was taken from other high-priority requirements included in the budget request.

About half of these individual funds are authorized for generic categories of miscellaneous equipment. But the bill specifically authorizes $240 million for the procurement of 10 tactical airlift aircraft for the Guard, for C-130 aircraft. Over the past 5 years, Congress added almost $1.7 billion for C-130 aircraft which were not requested by the President. When will this stop? I fully support the important contributions of the Guard and Reserves to our Nation's security. However, I believe it is unwise to spend money on new equipment

for the Guard and Reserves which is not requested by the Pentagon, especially when the Department of Defense is contemplating terminating every major weapons modernization program in the active duty forces, and when there is insufficient funding for training, quality of life, and other necessities.

As I have said, the 1995 base closure round will affect more facilities than all of the previous rounds combined. Some estimates are that the 1995 round will close as many as 100 bases. In addition, the GAO report states that DOD savings estimates from base closings may be vastly overestimated. If these savings are not realized, the Department of Defense will have to cut other programs in order to pay its bills.

Last month, the Senate passed the 1995 Military Construction Appropriations Act, which contained nearly $1 billion in Member add-ons for unrequested military construction projects. I voted against the bill because it is irresponsible to be spending $1 billion for unnecessary building on bases that may be closed during the 1995 base closure round. In fact, as I said earlier, we should institute a temporary moratorium on all military construction during this year pending the outcome of the base closure round.

I find it an interesting coincidence that most of the projects added in that bill just happen to be in the States of Members who sit on the Appropriations Committee. In the Senate, 66 percent of the additional military construction dollars fund projects in the States of the 24 Senators who sit on the Appropriations Committee. In the House, 72 percent of the add-ons were for projects in the States of the 60 Representatives who sit on the House Appropriations Committee. I am sure, Mr. President, that is a pure coincidence.

This 1995 defense authorization conference report before the Senate contains $974 million in Member add-ons for unrequested military construction projects. This is an appalling concession to pork barrel politics.

At the same time, the authorization conferees dropped language in the Senate bill which would have required an expedited screening process for conveyance of Federal lands to State or local entities. This good-Government approach was rejected by the conferees who preferred to put off until next year discussions on establishing some checks and balances in the process of legislating Federal land giveaways. I intend to work with Senator GLENN to develop and enact such a process as quickly as possible.

Mr. President, I want to talk about the defense industrial base for a minute. While there is a continuing decline in the defense budget, many defense firms are suffering financially. The Department of Defense and the Congress have a responsibility to ensure that the essential elements of our defense industrial base are preserved or can be regenerated in the future, if made necessary by issues of national security.

In 1990, the Congress included a provision requiring the Department of Defense to produce a comprehensive defense industrial base report which could be used to assess future industry requirements. Unfortunately, for almost 4 years, the Department of Defense has effectively ignored the law and has failed to produce a report. I am now told that the Department will provide a report to Congress on September 30, but I understand that the report will address only a portion of the issues required by the law. Apparently, the Department of Defense has decided that the report required by the law is not only too difficult to prepare, but they have identified an alternative methodology for addressing this issue.

What the Department must recognize is that the law is the law. A report required under the law must be filed unless the law is changed. I look forward to receiving the report on September 30. Many deadlines have been set and then ignored. This is one which I urge the Department to meet.

Further, while this report will not technically comply with the law, I urge the Department of Defense to provide its response to as much as possible of the requirements of the legally mandated report. Perhaps Congress will find that DOD's proposed methodology is better than that prescribed by law, and then the Congress can work with DOD to amend the law in order to produce the most useful analysis.

At present, in the absence of a recommendation from DOD, the Congress has taken action and has developed a proclivity to set aside slush funds to preserve so-called defense industrial bases. This practice started with the *Seawolf* submarine when Congress provided $540 million to preserve the submarine industrial base. Today the American taxpayers are burdened with paying for two $5.2 billion submarines, two $5.2 billion submarines, and possibly a third submarine in the future, all of which have no military utility in the post-cold-war world.

The defense authorization conference establishes the following defense industrial base set asides: $93 million for a small arms industrial base; $125 million to preserve the bomber industrial base for 1 year, just 1 year for $125 million.

Mr. President, need I point out a bomber is an airplane?

There is $35 million for the tank engine industrial base, and $2 million for the meals ready to eat industrial base. Now we need to spend $2 million to maintain a production base for food.

The Department of Defense has failed to provide any leadership in this area, and porkbarrel projects are filling the void created by that lack of leadership.

Nearly 4 years ago the Congress directed the Department of Defense to prepare a report on the defense industrial base. That report has never been completed. Congress must have the benefit of the Department of Defense views in order to make educated judgments about the need for proliferating numbers of industrial base funds that are being set up.

This bill does include a provision which prohibits expenditures of certain testing dollars until the legislatively mandated report is submitted to Congress. Let us hope this gets the attention of the Department of Defense.

Mr. President, unfortunately, it appears that the authorization conferees may be moving in the direction of earmarking funds for particular institutions or entities which enjoy the favor of some members of either Armed Services Committee. I refer particularly to language in the university research section, the defense conversion section, and in the Department of Energy division.

In each of these areas, institutions are either named specifically or are included by reference to the House report on the bill. This is a shameful move for a committee which has long been opposed to earmarking in the appropriations process.

The Department of Defense is forced repeatedly to seek supplemental funding or reprogramming authority to pay for day-to-day operation in support of peacekeeping commitments throughout the world. Additional funds for offsetting the costs to send to Rwanda, the no-fly zone over Bosnia, and the forming possibility of a Haiti invasion force. More important, additional funds are necessary for the troops in South Korea because of additional aggression from the north.

Many pressing military requirements lack funding. These requirements must be identified and resources must be provided to pay for them.

Rather than leave the impression that this bill is entirely without merit, let me note a few of the very many provisions which I fully support. I previously mentioned the conference report fully funds the 2.6 percent pay raise for military personnel addressing a serious shortfall in the President's budget submission. The full military pay increase is essential to maintain the high quality All-Volunteer Force we have today.

The conference report provides funds to redress the equity in COLA's for retired and civilian retirees. I commend Chairmen NUNN and DELLUMS after much debate for insisting on authorization for full funding to pay those costs.

The technology reinvestment project. Since the inception of the TRP Program, I was concerned it would be used as a slush fund to prop up failing businesses or reward politically connected organizations with defense grants and

contracts. Both this bill and the Senate version of the defense appropriations bill will establish controls on this kind of program by requiring the Department of Defense to certify that projects funded with technology reinvestment project dollars must have some military purposes.

The authorization conference additionally requires the General Accounting Office to preserve TRP requirements and identify the military utility or lack thereof for each project previously funded in this act. The conferees included the Senate language limiting the cost for two *Seawolf* submarines under construction to $4.76 billion. This instituted some measure of fiscal responsibility into a program where costs increased out of control since inception.

The conferees also included a sense-of-the-Senate language provision which establishes criteria concerning military construction projects not included in the budget request. These criteria constitute a fiscally responsible approach. The House has also informally agreed to consider these criteria during their deliberations next year.

The conference report fully funds the aircraft carrier. The conferees correctly characterized the ongoing debate over the issue of funding the peacekeeping operation out of the defense budget. This issue is and the larger issue of U.S. military participation in the U.N. peacekeeping operation are matters of great importance on which the Congress is deeply divided. I strongly oppose this administration's proposals and I congratulate the conferees for refusing to authorize defense dollars for peacekeeping.

There are many good programs funded in this bill. I cannot support the bill, however.

First, I cannot endorse the inadequate funding level provided for national security programs.

Second, the spending priorities reflected in this bill are unacceptable. Unnecessary spending for industrial based set asides, questionable grant programs, military construction pork, and other nondefense programs is a waste of scarce defense resources and an embarrassment for the Congress as a whole. The American taxpayers and servicemen and women simply deserve better.

Mr. President, I would again say there are many good things in the bill. I applaud the efforts of the members of the committee and the conferees and the staff. At the same time if we continue to cut defense spending in the way and fashion that we are, not only the overall numbers, but the way that we are spending these defense dollars, we are going to have a national security crisis in this Nation. I have no doubt about it.

The Bottom-Up Review cannot be funded. For the benefit of the RECORD, the Bottom-Up Review envisioned a force structure that specified numbers of ships, planes, Army divisions, Air Force wings, that would be necessary to meet the challenges to this Nation's security well into the next century. That Bottom-Up Review was conducted by the most highly qualified men and women I know. That force structure as envisioned by the Bottom-Up Review cannot be maintained by this bill, and in the view of the General Accounting Office is as much as $150 billion underfunded in the future.

My major opposition to this bill is for that reason. Unless we change our priorities, unless we change our vision, and our view of the threats to our national security we, therefore, cannot meet those challenges the Bottom-Up Review describes and, therefore, we may see the sacrifice of the lives of young men and women in the military in an unnecessary fashion.

Mr. President, let me return for 1 minute, and I note my friend from Pennsylvania has been waiting with great patience. Let us return for the moment to the issue of Haiti.

Mr. President, I do not believe the President of the United States is constitutionally obligated to receive approval of the Congress before invading Haiti. I do believe that the President for every other good reason should receive a vote of approval or disapproval from the Congress of the United States.

The lesson of the Vietnam war which is the most compelling is that you cannot embark on a military enterprise without the support of the American people, and right now 7 out of 10 Americans believe we should not invade Haiti.

I am not in the business of giving advice to the President of the United States primarily because it would not do any good. But I strongly recommend that the President of the United States go to the American people in a nationally televised address and tell the American people why he is going to send young Americans into harm's way and lose the lives of some of them, and why there is a compelling reason to do so, and then he should come back to the Congress of the United States and receive an affirmative vote for doing so.

If he does not, he is setting himself up for a very, very dangerous turn of events. If this invasion, which we all know initially will succeed, causes us to be bogged down in the kind of a tar baby which many military experts predict will happen, civil unrest, urban guerrilla warfare, attacks by certain factions upon other factions for which the United States would have to intervene, the role of the United States military being a palace guard for Mr. Aristide, and the ensuing costs of American lives, can cause this President to see the end of his political career.

So, Mr. President, I believe that if the President of the United States would come forward to the American people and to the Congress of the United States, then he would be best served and the American people would be best served.

So I would hope, Mr. President, that this week knowing there is a religious holiday, knowing it is a short week, we could fully debate and vote on this important issue since all indicators are there will be an invasion of Haiti next week.

Mr. President, I appreciate the indulgence of my colleagues, and I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair, and I acknowledge at the outset my appreciation to my colleague from Texas for permitting me to precede her. I will do so with relative brevity.

HAITI

Mr. SPECTER. At the outset, I state that I both agree and disagree with the Senator from Arizona on his comments as to Haiti. I agree with him on the extraordinarily bad public policy judgment to invade Haiti, but I respectfully disagree with him on the issue of constitutionality and on the issue as to whether the Senate of the United States ought to be in the business of giving advice to the President.

I think that is our role. I think that is our role because, constitutionally, the Senate has extraordinary powers on foreign policy, on treaties, on advise and consent, and the Congress as a whole, both Houses, have extraordinary power on the very basic proposition of declaration of war.

Last week, I wrote to the President a very short letter, which I will read.

> DEAR MR. PRESIDENT: I am very deeply concerned about the announcements coming from your administration that you intend to order an invasion of Haiti. I believe that it is extraordinarily bad judgment for you to order the United States to invade Haiti as a matter of public policy. I believe that you do not have the constitutional authority to order an invasion of Haiti without prior congressional authorization on the current state of the record.

There are two questions posed on the Haiti issue. First, what should the United States public policy be on an invasion of Haiti? And, second, who has the constitutional authority to make that decision?

Mr. President, the Constitution is unequivocal. It is only the Congress of the United States which has the authority to declare war. The executive branch, the President, makes the argument that the President has the constitutional authority to make war. That simply does not make any sense. It does not make any common sense and does not make any legal sense. If

the President has the authority to make war, what is the value of the constitutional mandate that only the Congress has the authority to declare war? Absolutely none.

This is a question which I have consistently asked nominees to the Supreme Court of the United States. And it is customary for the nominees to duck that kind of a question. But even the most recent nominee, Justice Breyer, conceded that Korea was a war and the issue of Korea and especially Vietnam show the erosion of the constitutional authority of Congress on its sole authority to declare war.

The analogies of Grenada and Panama are not similar to the Haitian situation. There, at least there was some indicator of an emergency situation for Presidential action, although I will not speak long in defense of the Presidential action there, thinking that the better course in both of those cases would have been to come to the Congress of the United States.

The best analogy is the analogy of United States action in Kuwait, where the United Nations authorized the use of force on January 15. Weeks, months intervened between that declaration and United States preparations to move in to retake Kuwait from Iraq. At that point, many of us spoke out, I among them. It was not a matter of Democrats or Republicans. I said that a Republican President, George Bush, had a constitutional duty to come to the Congress before conducting a military operation in Kuwait. And, similarly, the Democratic President, William Clinton, has the constitutional duty to come to the United States Congress before conducting an invasion of Haiti.

There is no precedent, Mr. President—no precedent at all—in U.S. history for action by the President alone without congressional authority where there is as much time as has elapsed for Congress to act one way or another on this issue. We have had months of the record being established on whatever U.S. interests there are, and under these circumstances it is a clear-cut congressional prerogative.

When we come to the question of what the policy should be, there is an extraordinary list of arguments now being made. The most recent argument, listed No. 1 by administration officials just yesterday, is the credibility of the United States. If our Government is to act on everything that President Clinton declares, we would have a hard time knowing when and where to act with so many changes of policy by President Clinton. He has talked about military action in Bosnia on many occasions. Does that bind the United States? Does that bind the Congress of the United States to military action in Bosnia?

The President expanded the United States operation in Somalia. It was only when the Congress voted to cut off the funds as of March 31 that the United States withdrew the military operation in Somalia.

When you talk about protecting U.S. policy on immigration, we can solve that problem without a war. When you talk about restoring democracy in Haiti, with special emphasis on its being a Western Hemisphere nation, if we are to take that tack, why not around the world? If we are to take that tack even in the Western Hemisphere, there are many nations where we would be intervening.

Haiti has had a 200-year history with very little democracy. We were in Haiti for 19 years after a 1915 invasion. What good did that do? When we talk about the suffering of the Haitians and the human rights issues, that is a matter of enormous concern. But then what about Rwanda, what about Somalia, what about Bosnia, what about north Philadelphia? There are examples given about the rape of a 13-year-old girl, which is atrocious; a murder of a supporter of Aristide. You can go through a litany of crimes in major American cities where there ought to be more help for American citizens.

The figleaf of international support is transparent when the Secretary of State talks about 1,500 from a group of other nations, conceding at the same time that there would be 20,000 U.S. troops involved and the other nations would not have any obligation or intention to come in until the field was secured. So it is U.S. fighting personnel who are going to be exposed to loss of life and limb. This is absolutely unjustified on the state of the record.

I heard about it on the street as I traveled through Pennsylvania during the course of the past recess. I hear about it wherever I go. Last night at the football game in Philadelphia, between the Eagles and the Bears, the principal topic of conversation before the game started was not Randall Cunningham's throwing arm, but what was the United States going to do in Haiti? That is a concern all over this country.

There is no doubt about the sense of the Congress voting 98 to 2 against an invasion of Haiti, the sense of the Senate. When I offered a resolution specifically disallowing the authority of the President to invade Haiti, it was defeated largely along party lines.

Mr. President, on this record, it is clear as a matter of public policy, at least as I see it, that we ought not to invade Haiti. And as a matter of constitutional law, I submit that it is plain that the President ought to come to the Congress before any action on an invasion of Haiti.

Again, I thank my colleague, noting that I have come within the time limit, although it was close.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I certainly do appreciate the Senator from Pennsylvania, both in his comments and also his willingness to stay within the time limit.

OPPOSITION TO INVASION OF HAITI

Mrs. HUTCHISON. Mr. President, I rise in opposition to what appears to be an imminent invasion of Haiti for the purpose of restoring Mr. Aristide to power.

I call upon the President to come to Congress, make the case for what national interests are at stake vital enough to warrant the loss of one American life. I ask the President to seek congressional support in advance of any invasion.

This body has often debated the issue of war powers and the President's authority as Commander in Chief. We are today faced with the real possibility that President Clinton is very close to sending our U.S. military into harm's way, having sought his authority to act in this case not from the U.S. Congress, but from the United Nations.

Since the War Powers Resolution was passed in 1973, Presidents from both parties have questioned the constitutionality of the law which sought to restrict the President's power as Commander in Chief. Even so, all Presidents have selectively complied with the provisions of the War Powers Resolution and have recognized that the President's hand is only strengthened when he seeks and gains the support of Congress and the American people before ordering deployment of military personnel into hostile military environments.

Because Operation Desert Storm was such a brilliant success, few recall today how contentious this issue was when President Bush came to the democratically controlled Congress and sought and gained a resolution in support of Desert Storm. Initially, President Bush did not believe he needed the authority from Congress to act in his capacity as Commander in Chief during Desert Storm. What President Bush did understand, and what I fear is not understood at the White House today, is that when a President makes the case for American involvement and acts in concert with Congress, his authority is strengthened, the resolve of the United States is understood by our allies, and neither our enemies nor our friends can doubt the commitment that the United States is there to stay through the course and see the action through to its conclusion.

Mr. President, the administration claims that there have been numerous consultations with Congress regarding the situation in Haiti. If that is the

case, these consultations can only be described as one-way communications by an administration uninterested in addressing the concerns of a majority of our citizens and of a majority of Congress, concerns which remain today.

The administration has simply failed to make a case for the invasion of Haiti. They have failed to inform the American people what interests are sufficiently vital as to warrant the loss of one American life in the invasion of Haiti. The situation in Haiti fails every rational and prudent test for United States military involvement, except one.

Our military is the best trained, best equipped and most capable fighting force in the whole world. No one doubts their ability to make swift work of an invasion of Haiti. But having the military might to conquer a small island is not a justification. No case—no case—has been made that there is a national security interest important enough to warrant or to bring our military forces to assault Haiti's beaches.

Once President Clinton orders an invasion and our people complete the primary task of conquering Haiti, how long will they be required to stay there? What will their role be? And what is the strategy to bring them home? These are the questions for which the American people deserve complete answers. These are the questions, if ignored, for which there are tragic consequences, as we have seen in Somalia and elsewhere. These are the questions which the administration has thus far failed to address.

Some would like to have the American people believe that a U.S. military invasion of Haiti can be compared on moral and military grounds to Operation Urgent Fury in October 1983, when a joint task force of U.S. forces and those of Caribbean nations liberated the island nation of Grenada. This comparison is not only false, it is foolhardy. Those who push this idea are ignorant of history and the concept of collective security arrangements.

Grenada was controlled by a Marxist dictatorship known as the new jewel movement. The island was used as a transshipment point for Soviet bloc weaponry destined for Communist insurgent groups, such as in El Salvador and those in other countries in our hemisphere.

In the spring of 1983, President Reagan pointed these facts out on national television when he showed photographs of the large runway that the Cubans were constructing on Grenada, the extension of which could only have been necessary if there were a military buildup contemplated. The Government of Grenada was actively trying to destabilize countries in this hemisphere that were aligned with us. In other words, they were assisting the potential overthrow of our allies.

There was also a large group of United States medical students enrolled at the military college on Grenada. In the week prior to the invasion, Maurice Bishop was deposed and executed by a more radical faction of the new jewel movement. Martial law was declared on the island and our medical students were not allowed to leave. Attempts to insert intelligence officers on the island to determine how grave the threat was to U.S. citizens met with failure. Anyone who doubts the threat to our young Americans on the island should look at the news footage when U.S. Air Force C-41 aircraft brought them to Charleston Air Force Base and they got down on their hands and knees and kissed the U.S. soil because they were so thankful for a safe return.

Haiti invites no such comparison. Let us look at the timing issue. It was an emergency in Grenada. Clearly an emergency. We needed swift action, and that is what we accomplished. Swift action. We got in, we did our mission, we rescued our Americans, and we got out. President Clinton has been talking about invading Haiti for some time. He has gone to the U.N. and gotten their support. We have been talking for months about the invasion of Haiti. Why not come to Congress? Where is the emergency? The military dictatorship of Haiti cannot export its form of government to other nations in the region, nor does it act as a surrogate for the Cubans to do so.

Since the President has failed to make his case for an invasion to the Congress and to the American people, it is fair to try to answer some of the questions posed by the threatened invasion.

As we look at the situation in Haiti, it is instructive to reflect on the lessons learned in Somalia and ask if an invasion of Haiti and the subsequent requirement for stationing of United States forces would be worth the cost. Let us be clear about the costs of reinstating President Aristide to power.

Military personnel may die. Military personnel may die if we invade Haiti. That is the first cost. I simply do not believe there is any national interest in Haiti significant enough to warrant the loss of one American life. As I see the Clinton administration moving steadily toward the confrontation of Haiti, I am concerned they have so quickly forgotten the lessons of Somalia. There, a humanitarian mission, filled with good intentions, escalated into a combat mission in which American military personnel were killed attempting to capture an elusive warlord. They did not die in furtherance of an American security interest, but they were sacrificed for an ill-conceived United Nations plan to pacify the country and impose a new political order.

This is the same sort of morass the President threatens to involve us in now. Even if the United States were to invade Haiti, drive out the military junta, and reinstate Mr. Aristide to power, the problems which have sent thousands of Haitians to sea would still persist.

Before embarking on a military adventure, we should consider the effects of the steps we have taken thus far in the name of humanitarian goals. It is the United States economic boycott which has destroyed the subsistence economy and reduced Haitians to desperate struggles for food and fuel. It is the United States economic boycott which has wrecked, not the military junta, but which continues to wreck the economy of the poor people in Haiti but not the lifestyles of the military leaders.

Indeed, President Clinton's Haiti adviser, William Gray, recently admitted that it was the increasingly difficult economic conditions which have resulted in the despair which has caused unprecedented numbers of economic refugees.

Mr. President, the United States should act, but it should act in the interests of both our country and the Haitian people. We should not invade Haiti. We must not place one soldier in harm's way in Haiti. But we should lift the embargo. We should repatriate the 15,000 Haitian refugees that are now in Guantanamo Naval Base in Cuba, and in exchange for lifting the embargo, we should encourage another election, a real, free, democratic, election in Haiti.

Recently, I joined several of my colleagues, on both sides of the aisle, in writing to President Clinton to express concern over his policies in Haiti and to express the view that full and complete consultations with Congress were necessary. The response from the White House was not very comforting. In his reply to our letter, he referred to the passage of the U.N. Security Council Resolution 940 as a critical step. He referred to continuing consultations with Congress and added that he would welcome the support of Congress and hopes that he would have the support if he decided that military action in Haiti is required. Apparently, the administration, having persuaded the United Nations, is less concerned about making the case to the American people and to Congress.

The reason the President has not made his case seems clear. There is no case to be made. Indeed, an invasion of Haiti will indirectly weaken our security. It will be hugely expensive— estimates are almost half a billion dollars in the early stages of an invasion, and the costs will amount to one more budgetary assault on a national defense structure that has already been dangerously weakened by too many cuts and by humanitarian missions that are drawing from our military budget.

Most importantly, Mr. President, the American people do not support this invasion. Using the common sense that seems to be lacking here so often, they have concluded that there is no reason for the United States to invade and take over Haiti. They know that no matter how well planned, some Americans may lose their lives, and there will be widows and orphans and shattered lives. I strongly believe there is nothing to be accomplished in Haiti that is worth the price we will have to pay, and I call on the President to either make his case, consult with the Congress, or call off this invasion.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mrs. HUTCHISON. Mr. President, I do want to support S. 2182, the bill that is before us. The post-cold-war era has brought about tremendous changes in our security environment. Shaping our military forces to meet existing and future challenges requires strong leadership of the type that the senior Senators from Georgia and South Carolina have provided to the committee and to the Nation. As we draw down our military forces to the lowest levels since just prior to the outbreak of World War II, we must be mindful that the threats we face are still global in nature and that the readiness and training requirement of a smaller military must be more vigorous, and we must be able to meet the various threats we face.

Mr. President, while I support and will vote for this bill, I am very concerned that continuing cuts in defense spending will leave us with a military force structure that lacks the manpower and materiel to defend the United States and its vital interests. This would be disastrous, not only for the United States but for our allies and for the peace and stability of the world.

We Americans love peace, but one thing the post-cold-war era has taught us is that the world is still a dangerous place to live; that there are still acute threats to our security and peace that we must meet. The Persian Gulf war should have demonstrated clearly to the doubters the folly of imagining evil and aggression has been banished from the globe. The United States has never had the largest army in the world, although we certainly have the best. I doubt many Americans know that currently our country has the 12th largest standing army in the world. While I do not advocate that we have the world's largest army, I do think we need to keep in mind our national security presumptions are based on this 12th largest army having the capability of fighting and winning two major conflicts simultaneously.

Who knows from where the threats will come in the future. But the magnitude of the challenge for our military forces can be imagined from recent history. We could find ourselves fighting a war on the Korean Peninsula or we could see renewed aggression by Saddam Hussein.

Mr. President, one hopes that this scenario is unthinkable, but it is not. To depend on our slimmed down forces to meet these very real and very terrible threats is an extraordinary expectation, but it is one that our men and women in uniform can fight if we give them the support they need. The unequaled capabilities of our forces was displayed during Operation Desert Storm. Even after the cold war drawdown, our Army, Navy, Air Force, and Marines remained the best trained, the best led and the most formidable fighting force in the world. But all that quality and superb capability is, I am afraid, at risk.

The last 5-year plan from the Bush administration established a hard floor below which the consensus of military analysts agreed we could not go without dangerous diminution of our strength. But not only has this administration and this Congress made additional cuts in our defense budget, we face daunting budget shortfalls in the years ahead that threaten further dangerous reductions in our capabilities. According to the General Accounting Office, current defense level spending will fall as much as $150 billion short of what is needed to maintain force levels to provide the equipment we need to fight at optimum effectiveness. At current spending levels, not only must something give but that something could have profound consequences for our military's ability to fight and win.

Consider just one sector of our force structure—air power. Unless we continue to upgrade our combat aircraft, with the most modern models of the F-16 and other proven fighters and with a new generation of high performance tactical aircraft, our troops on the ground and our ships at sea could pay a terrible price in the future. Unless we move ahead with deployment of badly needed, heavy air transport capability, the C-17, our troops and essential materiel may not arrive at the point of conflict in the amount of time that we need.

With the continuing phaseout of B-52's, only a limited number of B-1's and the freeze of additional B-2 acquisitions, we have arrived at the cusp of a critical shortage of strategic bombing capability. The ability to strike at an enemy's nerve and supply center with strategic bombing is an essential component of our strategy to win major conflicts.

Aircraft programs describe only one aspect of what we must do in order to keep our edge militarily. Correspondingly, vital Army, Navy, and Marine programs must be maintained or there could be dire consequences when we next ask our men and women to go into harm's way.

But equipment only describes part of the quality of our force that we are jeopardizing. The people are the backbone of our military, and they are at risk, too. They are the best trained, most highly motivated and most capable in the world. In order to accommodate budget realities, we are encouraging thousands of skilled, combat-experienced soldiers, sailors, and pilots to muster out. When you consider what we invested in them and what they have invested in themselves, and the quality of their performance, the loss is staggering. We can maintain our capabilities with reduced numbers, but that means training is even more important. Our smaller, leaner forces cannot maintain their edge without the resources for constant intensive training, fuel, ammunition, and equipment. Cut training and resources and readiness decline in direct proportion. This is what is happening.

Furthermore, this very serious situation is being exacerbated by spending for what is known as operations other than war. We are spending too little to equip and train our forces for war, but we are calling on them to take new responsibilities that have little or nothing to do with the vital job of protecting our Nation and its interests.

Let me give some examples of how the diversion of forces to nonmilitary duty detracts from their primary mission to deter war and defend our country. One army infantry battalion from Fort Carson was about to be sent to Fort Irwin, CA, to the Army's national training center. There is no military training in the world short of war that equals this training experience for our soldiers. But that battalion, unfortunately, will not be trained this year. Instead, they were sent to Guantanamo Bay to assist with the Cuban refugees.

Clearly, someone has to do this mission. It may be that it is soldiers on active duty that need to do it. But let us understand the cost. These infantry soldiers have lost an invaluable training experience at the National Training Center which may not be replaced. What is the impact on the individual soldier who joined the Army to do the things soldiers do? The answer is simple. He or she sets up tents in Cuba, fights fires in Idaho, takes part in peacekeeping in Somalia, refugee assistance in Rwanda and disaster relief in the United States. What they do not do is train in their military skills. A soldier, sailor, pilot, or marine that is not trained in military skills cannot be morally asked to take part in a major regional conflict.

The policy of diverting our active military personnel to firefighting and

police tasks is a policy which I do not think we have fully considered, and it is diverting resources from our defense budget and adversely impacting on the training posture of our forces. We must debate this policy fully in order to determine the proper role of our Armed Forces in peacetime and the resources of our armed services in peacetime.

As we look at a military which is becoming increasingly hollow, it is helpful to reflect on the circumstances which prevailed in 1950. When North Korea launched the Korean war 44 years ago, the first United States forces to arrive on the scene were under the command of Lieutenant Colonel Smith. And they were known therefore as "Task Force Smith." The soldiers of Task Force Smith were brave soldiers. But they were disastrously ill-equipped and having spent the preceding years in peacetime occupation duty, completely unprepared to accomplish their military duties. The Army had not been modernized and their antitank projectiles literally bounced off North Korean tanks. Task Force Smith suffered horrendous casualties.

What had become of the military which had defeated the Japanese and the German military just 5 years earlier? Like today, our military was diverted for every mission possible except military training. And like today, calls for modernization had gone unheeded. They did not call it "Operations Other Than War" then, but occupation duty. The result was the same. The soldiers who were sent to Korea to face the North Koreans were untrained and ill-prepared for the enemy they faced, and thousands of them died as a result.

When the current military drawdown began, Army Chief of Staff, General Sullivan, recalled those dark days at the beginning of the Korean war. And he warned that there must not be any more Task Force Smiths. By this he meant that never again should we send soldiers into combat unless they are well trained and properly equipped with the best weapons available.

But despite General Sullivan's commitment, the fact is that there is every chance that very soon we may be in danger of repeating the mistakes which created the conditions where a Task Force Smith could be committed to fight in a battle they cannot win.

I voted for the 1995 Defense Authorization Act with some very serious misgiving about the level of funding. My concern has only grown since that vote. Soon after the Defense Authorization Act passed, the Deputy Secretary of Defense, John Deutch, announced in a memorandum that 10 of the military's top programs were slated for either elimination or delay.

Included among the systems on Deutch's now famous list are the Air Force's F-22 fighter, and the Marine Corps' B-22 Osprey, the Army's Advanced Field Artillery System, and the Apache helicopter. These systems are considered critical to the overall defense modernization effort and to our defense industrial base. But because the military has been engaged in every mission other than their primary mission, funds are now critically short, and the Pentagon has signaled its intention to barter the military modernization requirements of the future for near term savings. This is at least partially attributable to this administration's commitment of our military to missions unrelated to the main purpose for which we have raised our military, and that is to defend our country.

Mr. President, in closing, I must state my deep concern for the continued decline in our defense expenditures. We cannot continue to coast on our cold war buildup, nor on our gulf war laurels. The military strength which we put in place then is becoming increasingly hollow. Readiness is beginning to suffer, and now the critical modernization needed for the future is being mortgaged to pay for humanitarian, peacekeeping, and disaster relief operations. All are worthy in and of themselves but they take money and resources away from our military's primary mission of defending our country.

We should talk about our humanitarian missions, and we should fund them separately. But I fear we are now repeating the mistakes that we made in the 1930's, the 1950's, and the 1970's. By the end of the current 5-year security plan, our defense spending will have declined by 40 percent in real terms since 1985—almost half. Yet, there are those in this Congress and this administration who would cut even deeper. The first responsibility of our Federal Government is to provide for the common defense. If we continue our current force reductions we risk failing in that responsibility with consequences too terrible to imagine for our children and grandchildren.

I will support the authorization bill now before the Senate, but we must reassess what we are doing. In my view, we are verging on a reckless stripping of our military capabilities. We should downsize our forces but we cannot do so in a way that diminishes our readiness. We must do all we can, as General Sullivan, said to make sure there are no more Task Force Smiths. Never again should we send our soldiers into combat ill-trained, poorly equipped, and unprepared. Soldiers died in Korea because they were unprepared. Sailors died at Pearl Harbor because we were complacent. And Americans will die needlessly again unless we are vigilant.

Mr. President, on April 19, 1951, Gen. Douglas MacArthur appeared before a joint session of Congress. One of the memorable lines he delivered was:

> In war there is no substitute for victory.

As we again face a future full of uncertainty and potential dangers, we should remember that in peace there is no substitute for preparedness.

Mr. BAUCUS. I would like to ask the distinguished chairman of the Armed Services Committee, Senator NUNN, to clarify the intent of the conferees to S. 2182, the DOD authorization bill, with regard to section 3411 of this conference report.

But first, I would like to make a general statement on this provision—which incorporates authority under the Civil Defense Act into the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Emergency management in this Nation needs a new Federal charter, building on the Stafford Act, to clarify Federal, State and local responsibilities and shift the emphasis from the civil defense focus of the cold war to domestic emergencies and natural disasters. The Civil Defense Act was enacted in 1950 at the start of the cold war. At that time, Joseph Stalin ruled the former Soviet Union and nuclear weapons had just entered the Soviet arsenal. For the next 30 years, the threat of attack was the driving force behind the civil defense program.

But in 1981, Congress amended the Civil Defense Act to permit States to spend their Federal civil defense funds to prepare for natural disasters if it did not detract from attack-related civil defense preparedness. And since 1981, we have witnessed dramatic changes in the world and the balance of power.

Our civil defense has the new focus of emergency management. It provides the infrastructure of people and resources that exist today to save lives and protect property when disaster strikes. Civil defense today means emergency management.

In the past several years, we have witnessed the effects of the most devastating disasters in the history of the United States including Hurricanes Hugo, Andrew, and Iniki, the Loma Prieta and Northridge earthquakes, the Midwest floods of 1993, the wildfires in my State of Montana and throughout the West, and the most recent floods in Alabama, Florida, and Georgia this summer. These recent natural disasters demonstrate that civil defense has a national mission of emergency management. The real threat to the American people today comes from tornadoes, earthquakes, fires, floods, hurricanes, chemical spills, and daily threats which are clear and present in thousands of communities across the Nation.

In each disaster cited, the level of response was closely tied to the capabilities of the State and local governments that are supported through the funding that has been authorized by the Civil Defense Act.

Mr. President, civil defense funding is the major Federal source of financial assistance to maintain the baseline emergency management infrastructure

at the State and local level. This financial lifeline is critical to building stronger, more consistent emergency management programs to save lives and protect property.

The emergency preparedness measures being transferred to the Stafford Act by this conference report have helped to develop the local infrastructure of both people and resources. This merging of authority is critical to the successful implementation of the disaster assistance and mitigation elements of the Stafford Act.

This shifting of authority is important in that it moves us a step forward in making the Stafford Act a home to all of the legislative steps necessary for a comprehensive response—from preparedness and training, mitigation, response, and recovery. We are shaping and adding to a piece of legislation that will supplement the capabilities of local jurisdictions and States to both prepare and respond. And they will be able to find the authority to do so in one act—the Stafford Act.

The previous scattering of disaster authorities has made it cumbersome for the Federal Emergency Management Agency [FEMA], and its counterparts in the States, to coordinate and combine their efforts. Through this action we are clarifying legislation and improving our emergency management system.

I would like to inquire of the distinguished chairman of the Armed Services Committee—with the repeal of the Civil Defense Act and transfer of this act's authority to the Stafford Act—is it the intent of the distinguished chairman of the Armed Services Committee to consolidate legislative oversight in this area within the jurisdiction of the Environment and Public Works Committee?

Mr. NUNN. I thank my friend from Montana for his question.

Mr. President, a strengthened emergency management structure at the State and local level can prevent many emergencies from becoming major disasters. This emergency management infrastructure can be improved and strengthened by incorporating the Civil Defense Act authorities into the Stafford Act. The consolidation of authority for emergency management into the Stafford Act will streamline the congressional oversight role over disaster programs.

It is the understanding of the conferees that the Office of Management and Budget will transfer the civil defense program from the national security budget function to a domestic discretionary budget account. Along with the shift in legislative authority, the conferees expect a corresponding shift in funding, since the program will no longer have an overriding defense purpose.

The emergency management and preparedness authorities under the Stafford Act are already within the jurisdiction of the Environment and Public Works Committee. As we move from a focus on nuclear attack preparedness to a risk-based, all-hazards approach, it makes sense for the Environment and Public Works Committee to also have oversight responsibilities for the new authority created by this conference report—specifically, title VI of the Stafford Act.

However, should the President's fiscal year 1996 budget request not reflect a shift in funding from the defense budget function into the domestic discretionary budget account, or if Congress does not agree to such a shift, the Armed Services Committee should retain jurisdiction.

Again, I thank the chairman of the Environment and Public Works Committee for his question. I look forward to working with my colleague as we move forward in streamlining the process of emergency management.

Mr. BAUCUS. I thank the distinguished chairman of the Armed Services Committee. I would also like to congratulate him and members of the Armed Services Committee for their tremendous work on this conference report.

Mr. GORTON. Mr. President, I will vote against the fiscal year 1995 Defense authorization conference report because I feel that it does not provide adequate funds to protect our national interests in a still dangerous world.

This marks the 10th consecutive year that we have reduced our defense budget. In that time, we have cut our defense expenditures by 34 percent. We have reduced our military personnel by 23 percent, our ship procurement by 80 percent, and our aircraft procurement by 86 percent. In the next 5 years we will not have an adequate bomber force or strategic lift capability to fight two wars simultaneously.

Most disturbingly, we have reduced our readiness. In a quest to obtain immediate savings we have drastically cut our personnel and maintenance accounts. Our services' Chiefs of Staff have told us that readiness is declining from the Gulf War and that cuts in base operations funding have reduced the standard of living of our troops, and forced us to reduce training.

We have reduced benefits for servicemen and women. We have reduced their pay increase and their retirement benefits. Some 17,000 members of our Armed Services now receive food stamps.

And this budget does nothing to redress these shortfalls. In fact, if we continue to pursue Clinton defense budgets, this situation will dramatically worsen. This year's budget, and the budgets of the next 4 years, do not adequately pay for the programs and benefits that this administration says we need to protect national security. Secretary Perry has admitted to a budget shortfall of $20 billion as a result of underfunded inflation costs. Other credible sources have estimated $60 billion and $100 billion. Regardless, these cuts force our commanders to make difficult choices between combat training and quality-of-life, between readiness and modernization.

Already in Washington State we have had two EA-6B squadrons grounded at Whidbey because of lack of funds—one squadron for 100 days, and another for nearly a month. Last month, the Pentagon threatened the delay or death of nine defense programs, three of which have been contracted out to Boeing. Mr. President, these are the signs of a hollow force. Already, today's Washington Post reports that the administration plans to call up a few hundred reservists in order to invade Haiti. What does this say of our ability to deal with nuclear proliferation in North Korea?

Furthermore, we are continuing to use our defense budget for nondefense purposes, such as environmental cleanup, defense conversion, peacekeeping, disaster relief, and drug interdiction. Since the end of the Gulf War, we have used our military to protect Kurds and Marsh Arabs, to assist Floridians after Hurricane Andrew, to bring food to Somalia, to blockade Haiti, to drop supplies into Bosnia, and to pick up refugees off of Haiti and Cuba. This report includes $3.09 billion to help displaced military personnel, defense contractors and their communities adjust to the decline in defense spending. It includes $1.47 billion for 1994 to cover humanitarian operations in Somalia, Bosnia, Haiti, Southwest Asia, and elsewhere.

All of these programs are fine, but we cannot fund them all with scarce defense budget dollars. Last year, the GAO concluded that:

> For fiscal years 1990 through 1993, DOD allocated at least $10.4 billion to domestic activities. This figure, however, *understates* the full amount spent because data on such activities are incomplete.

We simply cannot use our defense budget in this manner and modernize our Forces and maintain readiness. Earlier this month, General Shalikashvili said:

> The military is beginning to eat into its readiness to fight. Some units are already being forced to cancel training due to lack of funds. The time has come to stop warning that readiness is going to be jeopardized and focus on the problems that are here right now.

This Defense authorization conference report does not adequately address this readiness problem or the shortfall. As we continue to face threats around the world, and consider employing force in areas like Haiti and Bosnia, it is imperative that we act on requirements rather than arbitrary budget figures, and pass an honest defense budget. I will vote against this conference report and I urge my colleagues to do the same.

Mrs. HUTCHISON. Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Tennessee, asks unanimous consent that the order for the quorum call be rescinded.

Hearing no objection, the quorum call is rescinded.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Wisconsin, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. 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 Chair recognizes the Senator from Michigan [Mr. RIEGLE].

INTERSTATE BANKING AND BRANCHING EFFICIENCY ACT OF 1994—CONFERENCE REPORT

MOTION TO PROCEED

Mr. RIEGLE. I thank the Presiding Officer.

Mr. President, we are now about to begin work on the conference report to H.R. 3841, which has been named the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. The Banking Committee passed a substantially similar bill by a vote of 19 to 0 on February 23 of this year, and that bill then later passed the Senate by a voice vote on April 26, again earlier this year.

This conference report was passed by the House on August 4 by a voice vote to, I think, show the broad base of support that exists for this legislation, and that is so because it is very important legislation. There is a strong bipartisan consensus in favor of it, and I urge its swift passage today.

This bill removes current restrictions on interstate banking after 1 year and on interstate bank branching by the date of June 1997. There are a number of provisions in this bill to ensure branching takes place in a manner that preserves the interests of individual States, including that they can apply their consumer protection laws to the branches that come into the State.

It also gives States the right to opt out of interstate branching. Over the past 14 years, each of the previous four administrations has advocated removing these barriers to interstate banking. The Carter administration told Congress back in a 1981 report that restrictions on interstate banking caused "inequities and inefficiencies" and that removing such restrictions would, in their view, serve "the public interest."

Then in April 1983, Treasury Secretary Donald Regan testified on behalf of the then Reagan administration, also before the Banking Committee, and in that testimony in which that administration endorsed congressional efforts to eliminate restrictions on interstate banking, then Secretary Regan noted, and I quote:

> Most such restrictions serve only anticompetitive purposes to the detriment of consumer service and convenience.

Then former Treasury Secretary Brady also advocated removing restrictions on interstate banking and branching. On February 26, 1991, he also told the Banking Committee:

> We have left antiquated laws on the books that prohibit banks from * * * branching across State lines. Banks in California, Michigan and Utah can open branches in Birmingham, England, but not in Birmingham, AL. These laws—mainly enacted in the 1920's and 1930's—are wholly out of touch with reality, and impose unnecessary costs on banks and consumers.

Most recently, our current Treasury Secretary, Secretary Bentsen, stated:

> We currently have a de facto system of interstate banking. But it's a patchwork system, and it's clumsy * * * permitting a true interstate banking system can translate into increased lending, a safer and stronger banking system, and more competitive services for all consumers in all communities.

So eliminating the remaining restrictions on interstate banking will permit banks to better diversify both their deposits and loans and, consequently, provide greater protection to the deposit insurance fund. Geographic restrictions that are now in place make this kind of diversification much more difficult. This tends to leave banks more vulnerable to downturns in local economies where they do their business.

Acting Federal Deposit Insurance Corporation Chairman Hove made this point in his October 5, 1993, testimony before the Banking Committee when he said to us:

> During the 1980's, more than 80 percent of failed-bank assets were in just four States: Texas, Illinois, New York and Oklahoma. Perhaps if there had been more geographically diversified, banks in these States might have been better able to weather the financial storms that beset local and regional energy, agricultural and real estate markets.

The bill also provides for interstate branching within a State. Removing our current restrictions on interstate branching will help promote efficiency in the banking system and again permit banks to serve consumers better. It will reduce administrative expenses for banks that presently operate interstate through separately chartered subsidiary banks of a bank holding company. Permitting expanded bank branching will also increase consumer convenience and reduce banking charges to consumers by increasing the competition. Bank customers will also be better served if they can deal with branches of their home bank when they are out in different States across the country.

Consumers will be rid of the headache of not being able to deposit funds or cash checks from State to State as they commute to work, in many cases across the country, or travel on work purposes, or, for that matter, for recreational purposes as well.

The bill also amends the Community Reinvestment Act to ensure that banks moving across State lines will still serve all the communities in which they operate.

I think we also need to be mindful of making our U.S. banks stronger global competitors around this world economy so that they in turn can help U.S. exporters, meaning that we can put more Americans to work here in the United States making and producing goods and services that can then be sold overseas to foreign buyers. It is interesting that the United States is the only industrial country that restricts bank branching. The globalization of the bank industry means that U.S. banks often cannot afford to continue to base their success on a limited geographic area. Removing the restrictions on bank branching will permit American banks to become stronger global competitors with an enhanced capacity to help U.S. companies sell their goods and services abroad, in foreign markets.

Now, let me briefly say what this bill does. One year after the date of enactment, adequately capitalized and managed bank holding companies would be permitted to acquire control of a bank in any State. Now, States would be permitted to retain provisions setting the minimum age of target banks so long as they require no more than a 5-year age period. Any provisions beyond 5 years would be read as 5 years. Any acquisitions would be subject to a nationwide 10-percent deposit limit and a 30-percent statewide limit except that a State could waive the 30-percent deposit limit or impose a more restrictive limit. The appropriate banking agency with jurisdiction over the transaction would also need to consider the community reinvestment ratings of the insured banks and the views of the State regulators concerning their compliance with applicable State CRA laws.

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Beginning then on June 1, 1997, interstate branching would be permitted as banks would be allowed to merge with one another across State lines, creating a main bank with branches. Any merger would be subject to certain concentration, capital, and CRA requirements and would also require regulatory approval. A State could authorize such mergers earlier than June 1, 1997; in contrast, a State could also choose to prohibit branching by mergers by passing legislation to opt out of that arrangement. States may also permit de novo branching into their borders if they adopt legislation to allow it; that is, if they opt in to de novo branching.

This bill also contains important provisions intended to reduce the competitive advantage that foreign banks now enjoy in the U.S. market relative to U.S. banks. This is an issue in which Senator FORD of Kentucky has been particularly interested, and I very much appreciate the help he gave us in reaching a compromise with the House on this matter.

Concerns about foreign bank competitive advantages stem primarily from the fact that the wholesale branches of foreign banks do not pay deposit insurance premiums, nor are they subject to the CRA requirements. To reduce these and other competitive advantages, the conferees adopted several provisions.

A new section of the International Banking Act limits the activities of Cayman Island and other offshore agencies and branches managed from a foreign bank's U.S. offices. It limits offshore activities to only ones that U.S. banks are permitted to manage in their offshore operations.

Another section deals with the types of deposits that may be accepted by the wholesale direct branches of foreign banks. Presently, regulations issued by the FDIC and OCC govern the types of deposits such wholesale branches may accept. Concerns have been expressed that current regulations permit foreign banks to engage in retail deposit taking in their wholesale branches. Since these wholesale branches are not subject to the CRA nor to deposit insurance premiums, this gives foreign banks a cost advantage. The bill directs the OCC and the FDIC to revise these regulations to tighten the types of deposits that wholesale branches can take so they do not receive a competitive advantage over U.S. banking organizations.

Third, the bill amends the International Banking Act to place CRA requirements on interstate branches of foreign banks established through the acquisition of any existing banks or branches which were subject to the CRA at the time of acquisition. This is a very important provision. This will ensure that foreign banks which expand their U.S. market presence by buying existing banks in this country will not have a competitive advantage over U.S. banks that are subject to the CRA. It will also ensure that U.S. banks that are now subject to the CRA will remain subject to the CRA even if they are acquired by a foreign bank for use as a wholesale bank. A related provision prohibits the establishment of branches and offices primarily for the purpose of deposit production. This prohibition against deposit siphoning from the community applies equally to foreign and domestic banks.

So I might just say parenthetically, as I go through some of these provisions, while they are technical in nature, they are very important and they are constructed to provide a very careful balance here to make sure that this bill works in a positive way and that we both foresee and deal with and prevent negative, unintended consequences.

This bill contains also a number of other provisions, including the Texas State homestead provision. Under the Texas Constitution, a lender may not require a home owner to put up his or her homestead as security for a loan unless it is for the purchase of the homestead, to pay taxes on the homestead, or to improve it. The provision reverses an OTS regulation that preempted that part of the Texas State Constitution.

This conference report also contains a number of coin bills including the 1995 Special Olympics World Games Commemorative Coin Act, which authorizes the issuance of 800,000 $1 silver coins to commemorate the 1995 Special Olympics World Games which will be held in New Haven, CT, on July 5 of next year.

Another provision in the conference report permits the FDIC and the RTC as conservator or receiver of a failed depository institution to revive tort claims that had expired under a State statute of limitations.

I might say this bill enjoys very broad support. In addition to support from the administration, this bill also enjoys the strong backing of all the bank regulators, including the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency. It also enjoys the strong support of, among others, the American Bankers Association and the Bankers Roundtable.

Now, passage of this bill will streamline the interstate banking process and remove laws that burden that process. It will increase the safety and soundness of our banking industry and reduce risks to our deposit insurance fund and, of course, reduce the risk then to the American taxpayers who ultimately back that fund.

I believe it will permit banks to operate more efficiently and to serve their customers better and, I think over time, help drive down the cost of banking services to the customers of banking institutions.

Before closing, I wish to thank Senator DODD for his longstanding leadership on efforts to pass interstate banking and branching legislation. I wish to also express my appreciation to Senator D'AMATO, the ranking member of the Banking Committee, whose bipartisan support has helped make passage in this instance of this legislation a near reality, and I believe soon to be a reality in this Congress.

In addition, I want to express my appreciation to all the members of the Senate Banking Committee for helping to shape this important bipartisan legislation and for reporting it out of the committee by a vote of 19 to nothing.

I know from time to time there are issues here that divide the Congress and divide us along partisan lines. I have tried very hard over the last 6 years as chairman of the Banking Committee to avoid that and to work on a bipartisan basis.

I think one measure of that—along with many others, we have moved a vast amount of legislation through on a bipartisan basis—is this issue which came out of the Banking Committee by a vote of 19 to 0. It meant all Members—all Democrats, all Republicans—were voting in favor of the legislation. That, to me, is bipartisanship. That is the way we ought to try to make the Government work. I think the public wants to see that as well.

Finally, I also want to thank my very good friend and colleague, Senator SARBANES, who served on the conference committee, for moving that this important legislation be named after Congressman NEAL and, very graciously, also myself. I greatly appreciate the honor that my colleagues in both Houses have extended to me in adopting this suggestion.

I would say that this meets the test of being what I consider to be a historic piece of legislation. It finally makes a very needed change in the banking law landscape. I hope we can pass it today and send it on to the President for his signature.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I am a strong supporter of community banks. I believe community-oriented, locally owned banks play an important role in the communities they serve. Community banks know their communities; they know their customers.

That knowledge oftentimes makes them better bankers, and that knowledge helps them meet their communities' financial needs more effectively. It is therefore important to note at the outset that the conference report now before the Senate does nothing to impair the ability of well-run community banks to meet the needs of their communities, and that it does nothing to impair their competitiveness.

At the same time, it is clear that the financial services industry in general, and the banking industry in particular, are in a period of major change. Changes in our economy, changes in technology, new competition, new products, and new needs, are just some of the factors driving the changes in our banking industry.

The Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 is one important step Congress is taking to enable the banking industry to respond to the forces of change, and to respond in a way that enhances the ability of the banking industry to meet the financial needs of consumers, of farmers, of businesses, all the other interests that depend on it.

Consumers increasingly deal with mutual fund companies that operate nationwide. Mortgages are now increasingly turned into securities that trade on Wall Street. The competitors of banks are increasingly not other banks, but other, usually less regulated, financial services companies that can do much of what a bank can do—and oftentimes more. And these competitors do not face the limitations banks face when trying to enter new markets.

This conference report opens up new opportunities and new choices for banks. It will help some banks who want and need to compete through a large network of offices to do so more efficiently and at less cost, while at the same time protecting the interests of local communities across our Nation.

This legislation passed the Senate by voice vote earlier this year, and passed the House of Representatives by voice vote on its Suspension Calendar. Last month, the House acted on the conference report by voice vote. These voice votes demonstrate the broad support this bill enjoys, and are a clear indication that interstate banking and branching is an idea whose time has come.

I want to take this opportunity, Mr. President, to congratulate the distinguished chairman of the Banking Committee, Senator RIEGLE—whose name is on this bill—for his skill and his leadership in putting this bill together, and in bringing it to this final step in the legislative process.

As my colleagues know, Chairman RIEGLE is retiring at the end of this Congress. I will speak more extensively about the chairman's fine record on another, more appropriate occasion. At this time, however, I would like to commend him for being an active chairman, active in promoting the interests of consumers, and of communities, and active in protecting the interests of the American public. And I want to commend Senator RIEGLE, Mr. President, not just for his leadership on this bill, but also for his leadership on other major initiatives, like the Community Development Banking and Financial Institutions Act, which the President will soon sign into law, and on numerous other banking, housings, consumer protection, and securities bills that he was instrumental enacting during his 6 years as chairman of the Banking Committee.

I also want to thank him for all of the friendship and the courtesies he has shown me during the last 2 years as a new member of the Banking Committee.

Mr. President, I want to make only two other brief points before I conclude. First, I want to comment on the thrift statute of limitations issue that I know is of great concern to my good friend from Ohio, Senator METZENBAUM. As my colleague know, I was a supporter of the broader extension that originally passed the Senate, and I continue to support that kind of broad extension of the statute of limitations. I think the scope and extent of the savings and loan crisis demands that we give the RTC and the Department of Justice—and through them, the American people—every possible chance to recover the maximum amount possible from those whose activities caused the crisis that cost the American taxpayer over $100 billion. I want to make it clear that I would support an amendment broadening the statute of limitations extension as the original Senate bill did on another bill.

Second, I want to note that the conference report contains a provision based on an amendment of mine that will result in a comprehensive review of Federal financial services policies. I think that such a review will help provide us with a framework that will be very helpful as the Banking Committee considers additional financial reforms, and as the committee faces new issues.

I think it is critical that we review our financial system from the viewpoint of how it is meeting the needs of the users of the system—the individuals, the communities, the businesses, the exporters, the farmers, and all those who need and depend on our finance system. We live in capital-scarce times, and that means it is imperative that our financial system provides capital to those who need it in the most cost-effective manner possible. We can no longer tolerate inefficiencies due to outmoded regulation.

I am a relative newcomer to the Senate, but it is already clear to me that we need to take a very hard look at the Federal policies and regulations governing our financial services industry generally, and the banking industry in particular. I think Congress needs to consider which of these policies still make sense, and which are no longer appropriate in this new and rapidly changing environment.

I want to conclude, Mr. President, by again commending the distinguished Senator from Michigan, Chairman RIEGLE, for his leadership in bringing this consensus, bipartisan, legislation to the Senate, and to commend Senator DODD, who has worked on this legislation for a long time, and Senator D'AMATO for his leadership. It is time to pass this bill for the last time. It is time to send it to the President for signature. It is time to make this bill the law of the land.

(At the request of Mr. DOLE, the following statement was ordered printed at this point in the RECORD:)

• Mr. HATFIELD. Mr. President, I am pleased to announce my strong support for the Interstate Banking and Efficiency Act. While I am unable to cast my vote in person due to commitments that have kept me in the West today, I strongly urge my colleagues to support the motion to proceed on this measure.

The legislation before us has strong bipartisan support. This legislation represents an important step forward in modernizing our banking laws and will create a stronger and safer banking system. Interstate branching will make banking services more convenient for millions of Americans, enable small businesses to find new sources of credit, and allow large corporation which operate across State lines to meet their banking and financial needs more efficiently.

Removing obstacles to interstate branching by banks has already been addressed by State throughout our Nation and it is long overdue that the Congress continue that process by doing the same. I urge my colleagues to support consideration of this legislation.•

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to proceed to the consideration of the conference report to accompany H.R. 3841, the Interstate Banking Efficiency Act. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—97

Akaka	Cochran	Feingold
Baucus	Cohen	Feinstein
Bennett	Conrad	Ford
Biden	Coverdell	Glenn
Bingaman	Craig	Gorton
Bond	D'Amato	Graham
Boxer	Danforth	Gramm
Bradley	Daschle	Grassley
Breaux	DeConcini	Gregg
Brown	Dodd	Harkin
Bryan	Dole	Hatch
Bumpers	Domenici	Heflin
Burns	Dorgan	Helms
Byrd	Durenberger	Hollings
Campbell	Exon	Hutchison
Coats	Faircloth	Inouye

Jeffords	McConnell	Rockefeller
Johnston	Metzenbaum	Roth
Kassebaum	Mikulski	Sarbanes
Kempthorne	Mitchell	Sasser
Kennedy	Moseley-Braun	Shelby
Kerrey	Moynihan	Simon
Kerry	Murkowski	Simpson
Kohl	Murray	Smith
Lautenberg	Nickles	Specter
Leahy	Nunn	Stevens
Levin	Packwood	Thurmond
Lieberman	Pell	Wallop
Lott	Pressler	Warner
Lugar	Pryor	Wellstone
Mack	Reid	Wofford
Mathews	Riegle	
McCain	Robb	

NAYS—1

Boren

NOT VOTING—2

Chafee Hatfield

So, the motion was agreed to.

INTERSTATE BANKING EFFICIENCY ACT OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report at this time.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 2, 1994.)

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Republican leader on the Senate floor.

As we have discussed previously in a private conversation, it is my hope that we can complete action on this banking bill conference report as soon as possible and today if possible.

I have inquired, and now inquire again, from my colleague whether we will be permitted to go to a vote on this matter today. That is our strong desire to complete action on this measure.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, if the majority leader will yield, I will get back to what the majority leader said in the next 40 or 45 minutes. I have to do some checking on this side.

I know of no desire to hold up the bill. I know one Senator on this side who has a specific problem. I can get back to the majority leader very quickly.

Mr. MITCHELL. Mr. President, I thank my colleague for that.

In light of that, we will withhold any further action on this matter until such time as the distinguished Republican leader is able to do that consultation and respond.

I thank my colleagues.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I wonder if the managers would permit me to use my morning business time. Is the leader time reserved?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE and Mr. MITCHELL pertaining to the introduction of S. 2431 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who seeks recognition?

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, let me thank all colleagues who voted earlier for the motion to proceed on the interstate banking bill.

Mr. MITCHELL. Madam President, the Senate has voted overwhelmingly to proceed to consideration of the banking bill. We are now awaiting a response by the distinguished Republican leader to my request to have a vote on this matter as soon as possible.

I want to inquire of the manager of the bill whether there is any further debate on this matter or whether we can now return to consideration of the Defense Department conference report, which we are still hoping to get action on today as well.

Mr. RIEGLE. Let me just say to the majority leader, it is my hope that we can finish this bill today. I know of no one on the floor at the moment wishing to speak. I know at some point Senator METZENBAUM will want to raise a point with respect to an issue of concern to him that we have dealt with.

Mr. FORD. Madam President, may I say to the floor manager, that I have about a 5-minute statement in favor of the piece of legislation. I will be glad to make that statement at any time he wishes. I can do it now or later, file it for the RECORD if it is his wish—however.

Mr. RIEGLE. I am wondering, in light of the fact that there are other matters that the majority leader wants to go to, maybe filing the statement for the RECORD.

Mr. FORD. I can do that at a later time. It is perfectly all right with me. I will be glad to file it.

Mr. MITCHELL. Madam President, I believe there will be ample time for the Senator to give his remarks later on. I have just been advised that our Republican colleagues are agreeable to resuming consideration of the Defense Department bill and voting on that at 4:45 today, and that the time between now and then be divided between the two. Therefore, may I suggest to our colleagues that I proceed to get that agreement and, following that, we can resume debate on this matter and any Senator will be able to speak for as long as he or she wants. And at that time, we hopefully will be able to get an agreement on completing action on this bill as well.

Mr. RIEGLE. Today, it would be my hope, yes.

The PRESIDING OFFICER. Has the majority leader yielded the floor?

Mr. MITCHELL. Madam President, I am now advised that there has to be consultation with one additional Republican Senator. So I am not ready at this time to proceed to putting the agreement. So I will at this time suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Madam President, I rise to indicate my support for this legislation, notwithstanding the fact that at an earlier point I had concerns and indicated I was prepared to speak at some length in opposition to it by reason of the action of the conference committee. Let me explain what I am talking about.

When the bill went over to the House, it was satisfactory and did not affect the right of the RTC and the FDIC to bring action against those officers, directors, professionals, and others of savings and loans who had defaulted and were subject to being brought to account in the courts of this country. But when it got to the conference committee, certain Members of the House insisted upon limiting the right of the RTC and the FDIC to bring such actions so that only where you could prove certain intentional misconduct or fraud would it be possible to bring an action. That meant that the hands of the RTC and the FDIC were seriously infringed upon, seriously limited and, in the RTC's own words, they felt that it would cost the Government at least $1.6 billion that they knew about, not counting hundreds of millions in cases that they were yet to file, but by reason of the certain court decisions and the actions of the amendments from the Members of the House, that right was being restricted.

With all due respect, Senators RIEGLE and SARBANES made a spirited effort to keep the House from putting in the egregious language. But by reason of the failure of the Republicans on the

conference committee on the Senate side and some of the Democrats, we were not able to prevail. Senators RIEGLE and SARBANES tried their hardest to preserve the Senate position, but the House provision prevailed and, as a consequence, the RTC and the FDIC were limited in their right to go forward, costing the taxpayers of this country literally billions of dollars, $1.6 billion already known, hundreds of millions in other cases yet to be filed against those officers and directors, lawyers and accountants, and other thrift officials who had been guilty of malfeasance, misfeasance, and nonfeasance. The RTC and FDIC were precluded from suing them in the courts.

It was shameful. This Senator had decided and had determined that I would speak at some length and hold up passage of this bill, notwithstanding the tremendous respect I have for the chairman of the committee and the other members of the Banking Committee who have been wonderfully cooperative on this side of the Senate—wonderfully cooperative. I wish I could say the same for some Members on the other side of the aisle. They have been less than cooperative.

But the fact is, there is that limit placed in this bill. So I felt that the only way to preserve the rights of the public was to keep this bill from being enacted into law. That gave me concern because Senator RIEGLE has put much of himself into this bill, and it is a good bill, except for this provision that the House insisted be put into the bill.

Then we learned that the Office of Thrift Supervision had the right, and has the right, to maintain actions on its own, under separate legislative authority, and even has a Federal statute of limitations which is longer than that which was originally contemplated in this bill as it went to the conference. It is an unusual situation. But the sad part was that a responsible leader at the Office of Thrift Supervision, OTS had, by memorandum to members of her staff, indicated that they should not be devoting their time to investigative and enforcement efforts. In fact, the OTS announced this April that it was giving reduced priority to cases involving officials of failed thrifts.

So here you had an agency of Government that had the authority—has the authority—and was not moving forward because somebody over at the OTS said, "Take it easy. We have other priorities. Don't spend your time on this."

I ask unanimous consent that at the conclusion of my remarks, a copy of that memorandum be printed in the RECORD.

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

(See exhibit 1.)

Mr. METZENBAUM. Madam President, so we opened discussions with the leadership of the OTS and said to them, that if you will step into this breach, if you will stand up and meet your responsibilities, I would not oppose this bill and I think we can solve the problems and the rights and concerns of the taxpayers of this country would be protected.

With all due respect, Jonathan Fiechter, the acting Director of the OTS, was particularly cooperative. He indicated his willingness to work to do that which had to be done, notwithstanding that earlier memorandum about which I spoke that had been signed by the head of the legal division of the OTS.

And so Senators RIEGLE, BOXER, JOHN KERRY, PATTY MURRAY, and I, sent a letter to Mr. Fiechter and urged him to move on this subject and to strengthen the OTS position.

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

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, September 12, 1994.

JONATHAN FIECHTER,
Acting Director, Office of Thrift Supervision, Washington, DC.

DEAR MR. FIECHTER: Recent court decisions substantially limit the ability of the Resolution Trust Corporation (RTC) and the Federal Deposit Insurance Corporation (FDIC), as receivers, to bring legal actions to recover funds against those culpable for thrift failures.

We believe that the Office of Thrift Supervision (OTS), as a regulator, has separate, and different, statutory authority which can protect taxpayers in the event of a shortfall in the RTC and FDIC powers.

The OTS's separate statutory authority includes the authority to seek, on its own initiative, administrative orders and affirmative remedies, including civil monetary penalties and restitution from affiliated parties of failed institutions.

According to the RTC and FDIC, the recent decisions, *FDIC* v. *Cocke*, 7 F.3d 396 (4th Cir. 1993); *FDIC* v. *Dawson*, 4 F 3d 1303 (5th Cir. 1993), *cert. denied*, U.S. Sup. Ct. No. 93-1486 (June 13, 1994); and others in the Federal district courts, jeopardize more than $1 billion in pending claims. If these claims cannot be prosecuted, innocent taxpayers, rather than wrongdoers, will pay.

The OTS can prevent this from happening. For example, although the recent court decisions will prevent the RTC and FDIC from pursuing many pending cases due to the expiration of state statutes of limitations, the OTS is not subject to state statutes of limitations. With regard to officials of failed thrifts, the OTS has a six-year, federal statute of limitations. See 12 USC Sec. 1818(i)(3). The six-year statute of limitations is running out on many pending cases.

We write to urge the Office of Thrift Supervision to utilize its authority in cases where the RTC's and FDIC's ability to protect taxpayers has been limited. Time is of the essence. If the OTS will act, it could recover a significant amount of money for the taxpayers.

Sincerely,

HOWARD M. METZENBAUM.
JOHN F. KERRY.
BARBARA BOXER.
DON RIEGLE,
Chairman.
PATTY MURRAY.

Mr. METZENBAUM. Madam President, I am pleased to say that in a letter dated September 13, the acting Director, Mr. Fiechter, who, as I already said, was very cooperative, responded and said:

> I want to assure you that OTS shares your concern about recent court decisions regarding failed thrift institutions. OTS enforcement policy is committed, to the fullest extent permitted by law, to the vigorous pursuit of individuals and entities whose misconduct caused harm to the thrift industry.
>
> One of our specific supervisory objectives is the recovery of losses from institution-affiliated parties of closed thrifts. The OTS policy will not differentiate between open and closed institutions.

He went on to say:

> We understand that our enforcement authority is different from and independent of RTC and FDIC authorities as receiver and insurer.

He went on to say:

> We also recognize that recent court decisions, including the Supreme Court's denial of certiorari in Dawson, will require a greater OTS commitment of resources. The OTS, therefore, will review and, if necessary, streamline the initiation and pursuit of investigations within the Enforcement Division.

It is a strong letter. It is a strong response to the letter sent by Senator RIEGLE, myself, and three other members of the Banking Committee.

Madam President, I ask unanimous consent that the entire language of the letter addressed by Mr. Fiechter to Senator RIEGLE and myself be printed in the RECORD.

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

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, September 13, 1994.

Hon. HOWARD METZENBAUM,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: This is in response to the September 12, 1994 letter from you and your colleagues concerning the authority of the Office of Thrift Supervision ("OTS") to bring enforcement actions concerning closed thrifts.

I want to assure you that OTS shares your concern about recent court decisions regarding failed thrift institutions. OTS enforcement policy is committed, to the fullest extent permitted by law, to the vigorous pursuit of individuals and entities whose misconduct caused harm to the thrift industry. One of our specific supervisory objectives is the recovery of losses from institution-affiliated parties of closed thrifts. The OTS policy will not differentiate between open and closed institutions.

We understand that our enforcement authority is different from, and independent of, RTC and FDIC authorities as receiver and insurer. OTS' authority is not a backup to the FDIC's and RTC's. We also recognize that recent court decisions, including the Supreme Court's denial of certiorari in Dawson, will

require a greater OTS commitment of resources. The OTS, therefore, will review, and if necessary, streamline the initiation and pursuit of investigations within the Enforcement Division. I am also directing the staff to seek a Memorandum of Understanding or other similar formal agreements with the FDIC and RTC to assist the OTS in formulating and funding enforcement actions. This effort will add to a number of existing joint agreements and efforts. We believe that these efforts have been very efficient, recovering millions of dollars for the taxpayers at very little cost to the OTS and the taxpayers.

We look forward to working with you as we implement and carry forward this policy.

Sincerely,

JOHNATHAN L. FIECHTER,
Acting Director.

Mr. METZENBAUM. Madam President, I am pleased to say that by reason of the cooperation of the chairman of the Banking Committee and other members of his committee, and by reason of cooperation of the head of the OTS, this Senator feels we are resolving a problem by going around the corner in order to make it possible to pursue those officers and directors, lawyers and other professionals, and others associated with failed savings and loans who otherwise would have been relieved of their obligations by reason of the House action. I think we have made a step in the right direction. I appreciate the cooperation of all those who have been involved in this effort.

I yield the floor.

EXHIBIT 1

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, January 15, 1993.

Memorandum from Carolyn B. Lieberman, Acting Chief Counsel, re formal examinations and investigations.

To Therese D. Pritchard, Richard Stearns, Bruce Rinaldi, Ken Guido.

During the recent reviews of the enforcement docket with the Regional Directors, it appeared that some cases were initiated without first considering the impact on the current case load, which is an important consideration in view of our increasingly limited resources. Before opening a new formal examination or investigation ("investigation"), it is important that we consider the impact of the proposed investigation on our other work.

To this end, effective immediately, my prior approval is necessary to initiate an investigation. The memorandum recommending initiation of an investigation must include a short summary of the facts giving rise to the investigation and the identity of the known targets of the investigation.

In addition, an investigation may not be commenced without an engagement memorandum executed by the Regional Director or his or her designee. Engagement memoranda must specify the supervisory objective of the action and the time period in which the Regional Director believes enforcement action must be achieved to provide useful supervisory results. The engagement memorandum should specify an investigative plan for achieving the desired supervisory results within the time frame established by the Regional Director. The engagement memorandum must also address the feasibility of completing any necessary investigation no later than thirty days before the end of the period specified by the Regional Director for achieving results.

The cover memorandum transmitting the package to me for review also must identify the lawyers and investigators to be assigned to the matter, the percentage of each lawyer's time that is presently available to handle the matter, and the nature and amount of support that will be required from the supervisory staff. Please also state whether the proposed assignment of attorneys and investigators is likely to result in delays in the completion of other cases and, if so, identify the affected case or cases and specify the length of the anticipated delay.

Finally, in accordance with established procedures, a detailed written plan of investigation must be provided to me within two weeks of initiation of the investigation.

Please distribute this memorandum to your staffs.

Mr. RIEGLE. Madam President, I so appreciate the statement and the leadership of the Senator from Ohio. Few Senators, I think, in the history of this country have given as much or as effectively to the Senate's work than has Senator METZENBAUM. In this area, we have been working as colleagues with a common cause now stretching back many, many years.

In fact, I remember one time during a previous administration, during the Christmas-New Year holiday period, we were on the telephone with one another, and we were jawboning the then Secretary of the Treasury to try to crack down on some of these abuses at that time. So our history together goes back even much further than that, but the Senator from Ohio has been a tireless fighter on this issue.

I think it is fair to say that hundreds of millions, in fact, I think billions, of dollars have been saved and recovered and not otherwise wasted and squandered as a result of his efforts.

When we were in the conference committee with the House, I made arrangements for Senator METZENBAUM to come over, although he is not a member of our committee, to present his views on this issue, and he did so with great effectiveness.

To my disappointment, we were not able to prevail on the vote that we had, although I strongly supported him, as he has noted, and voted with him. We did not have the votes we needed to prevail. I do think that the letter from Jonathan Fiechter, the Acting Director of the Office of Thrift Supervision, which Senator METZENBAUM has inserted in the RECORD, is a very important document. I think it lays down a solid basis for further action here that will mean more financial recoveries.

So I think we have done all we can do within the scope of the leverage that we have to bring at this time in this matter. I appreciate the leadership of the Senator from Ohio on this issue and on the other issues that have come before the Banking Committee.

I might just say again that I think it is rare in the Senate to have someone with the energy and the vision and range of interest of the senior Senator from Ohio, Senator METZENBAUM. He is one of the great ones that has come down the track here and will be greatly missed in the future.

Mr. D'AMATO. Madam President, I rise today in support of the conference report on H.R. 3841, the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994.

The conference report retains many of the provisions in the Senate passed bill, adopts some important provisions from the House-passed bill, and makes pragmatic and reasonable compromises reconciling other differences between the House and Senate passed bills.

Adopting the conference report will significantly advance the development of interstate banking and branching in the United States. This, in turn, will increase the safety and soundness of our banking system, provide increased convenience and services to consumers, and save millions of dollars that are wasted in unnecessary administrative expenses and overhead costs. Funds now being used to pay for unnecessary and duplicative administrative costs will be freed up—making more credit available to our businesses and other consumers.

Interstate banking and branching has been a priority of both Republican and Democratic administrations. In 1991, the Bush administration fought hard for an interstate banking bill similar to the Riegle-Neal bill. That legislation passed the Senate, but not the House. The Riegle-Neal bill, modeled after the 1991 Senate passed bill, is enthusiastically supported by the current administration, academic experts, and industry representatives. According to Federal Reserve Board Governor LaWare, "the elimination of geographic restraints will provide an important tool in diversifying individual bank risk, providing for stability of the banking system, and improving the flow of credit to local economies under duress."

FDIC Acting Chairman Hove, testified before the Banking Committee that full interstate banking will strengthen the Federal deposit insurance funds. Citing the FDIC's experience with bank failures in the 1980's, he noted that the failure of banks to diversify geographically makes them particularly vulnerable to regional economic downturns.

Likewise, the General Accounting Office [GAO] found that 90 percent of the banks that failed in 1987 were in States that allowed only unit banks or limited branching. The GAO noted that "when a bank's assets are not geographically diversified, the quality of its balance sheet can be severely affected by fluctuations in the local economy." Interstate branching will permit banks to diversify their loan portfolio, thus

making our banking system less vulnerable to downturns in any particular community or region.

The Congressional Budget Office [CBO] also found that nationwide interstate banking will enable banks to increase geographic and industry diversification, thereby reducing the probability of bank failure and "lead to a healthier and more stable banking system."

As I mentioned, interstate branching will eliminate unnecessary overhead costs, and make banking more efficient. Some of the larger banking companies have estimated that they could each save between $30 and $50 million per year if they were allowed to consolidate their separate bank subsidiaries into branches. These savings will be used to replenish bank capital, thus increasing the ability of the banking industry to provide the credit essential for the continued growth of our economy.

Madam President, the conference report takes into consideration the rights of the States with respect to interstate banking and branching. Section 101 of the legislation repeals a current provision, known as the Douglas amendment, that restricts the ability of a bank holding company to acquire a bank outside of its home State. Instead, the conference report provides that the Federal Reserve Board may approve an application by an adequately capitalized and managed holding company to acquire a bank outside of its home State. However, a State may insist that the out-of-State bank holding company only acquire an existing bank in that State. Further, the State may, if it so chooses, limit the banks that may be acquired to those institutions that have been in existence for a given period of time, up to 5 years. A State may also limit the size of the institution, based on deposit share, that may be acquired, so long as this limitation does not have a discriminatory effect against out-of-State bank holding companies or banks.

The bill also respects State's rights with respect to interstate branching. Under section 102 of the conference report, beginning on June 1, 1997, banks having different home States may merge into one bank with interstate branches. The resulting bank may establish additional branches at any location where the former separate banks could have branched under applicable Federal or State law. However, a State may opt-out of this provision by passing a law prior to June 1, 1997, that specifically prohibits such interstate mergers.

Madam President, the legislation also protects the authority of the States to tax interstate branches in the manner that they determine appropriate, provided of course that the tax does not contravene other Federal statutes or the U.S. Constitution. Thus, this bill in no way affects the taxation authority that a State otherwise possesses.

The authority of foreign banks to establish interstate branches and agencies is dealt with in section 104. This section provides that, with appropriate regulatory approval, a foreign bank may establish and operate branches and agencies outside of its home State to the same extent that domestic banks may establish and operate interstate branches. However, regulatory approval may not be granted if the foreign bank's financial resources are not equivalent to the financial requirements imposed on domestic banks seeking to establish interstate branches.

Under section 105, State bank supervisors are specifically authorized to examine branches of out-of-State State banks, but not branches of national banks, for purposes of determining compliance with State laws and to ensure that the activities of the branch are not conducted in an unsafe or unsound manner. This section also authorizes State banking examiners to enter into cooperative agreements to facilitate regulatory supervision of State banks with interstate branches.

Other provisions of the conference report provide additional protection for consumers. The bill mandates enhanced disclosures when an interstate branch is to be closed, modifies the Communities Reinvestment Act to take into account the development of interstate branching, and prohibits deposit production offices. The Federal Reserve Board is also required to conduct a study of bank fees.

In addition, title II of the conference report contains several provisions that are not related to interstate branching. Among these provisions is one that I authored expressing the sense of the Senate that the President should work to achieve a clearly defined and enforceable agreement with our allies to establish a multilateral export control system to control the export of products and technologies that could jeopardize the national security of the United States.

Also incorporated into this conference report is an array of commemorative coin authorizations. Included in this package are coins to commemorate the 1995 Special Olympics, World Games, and the bicentennial of the U.S. Military Academy at West Point. I am pleased to have been an original cosponsor of the Special Olympic coin bill and to have introduced, along with my esteemed colleague from New York, Congressman HAMILTON FISH, the West Point Bicentennial coin. I appreciate my colleagues' support for including these provisions in the conference report.

Madam President, while I have some reservations about particular compromises agreed to by the conference committee, the conference committee overall took a balanced approach in resolving the differences between the House- and Senate-passed bills. The conference report takes into consideration the historic role of the States in regulating financial institutions, and the concerns of the Federal Government to protect the safety and soundness of our banking system and to avoid losses to the deposit insurance funds and the taxpayer. This legislation will increase the safety of our financial system, and improve the efficiency and delivery of financial products. It will ultimately lead to a healthier and more competitive banking system to efficiently and effectively serve the needs of our economy into the next century.

We should act now to pass this legislation. I urge my colleagues to vote for this bill.

Mr. FAIRCLOTH. Madam President, we live in a world economy. Capital is the lifeblood of the world economy, and market forces are its master. The time has come to lift the ban on interstate banking, and to recognize the reality of those market forces.

Politicians sometimes try to artificially control the flow of capital. They try to defeat the laws of supply and demand. They may even get away with it for a short while. But in the long run—or the not so long run—the tide of market forces will prevail.

If politicians make our capital markets more inefficient than our international competitors, then that capital will just go somewhere else. Socially desirable goals won't be met. Our society will just be poorer.

The ban on interstate banking makes our capital markets less efficient. Perhaps at one time it made sense to ban interstate banking. If it ever did, it does not make sense today.

Today money can move across State lines or across international borders with a few strokes on a computer keyboard. Banning interstate banking doesn't stop the movement of that money. It just makes managing money more inefficient, which in turn makes it less likely that money will enter our banking system in the first place, which in turn makes our economy less competitive.

Interstate banking will make our capital markets more efficient. By recognizing the reality of interstate banking that already exists, we will eliminate hundreds of millions of dollars in Government-created overhead that makes our banking system less efficient.

Banks will no longer have to file mountains of duplicate paperwork for each of their subsidiaries. Customers will no longer have to put up with the Government-created barriers to banking where they live and work.

By reducing the overhead and inefficiency in our banking system, we will

lower the cost of capital and make our economy more competitive.

In North Carolina we have had a fiercely competitive banking industry for generations. Our small banks and community financial institutions have done will in that environment.

Our small banks in North Carolina have found their place in the shadow of NationsBank, First Union, and Wachovia. They do not fear interstate banking. They fear Government regulation and overhead that makes it impossible to survive as small independent banks.

We cannot fear the future. We cannot fear the markets. Fear of the future and of markets will not stop the tide of market forces. It will only make us weak, and poorer as a nation.

I urge my colleagues to join me in supporting the interstate banking bill, so that we can make our country a stronger and more prosperous place.

Mr. FEINGOLD. Madam President, I congratulate Senator RIEGLE, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, for his work on this legislation. Though I oppose its fundamental provisions, the chairman deserves credit for his hard work on this legislation.

I thank him for his help in addressing a variety of concerns that I had relating to the ability of States to prepare for the significant changes in the structure of our financial institutions.

And I also thank him for his support for including language to ensure that the new banking system structure will not result in the loss of information that is vital to congressional and regulatory oversight.

But, Madam President, I do have several concerns with the interstate banking and branching bill. First, I am not persuaded that consumers, businesses, and banks, in Wisconsin and elsewhere, will benefit from this legislation.

As chair of the Wisconsin State Senate Banking Committee for 10 years, I participated in a number of debates related to structural and regulatory changes for financial institutions. Perhaps the most important of those bills was legislation to permit regional interstate banking.

I opposed that legislation then, and I oppose this measure now in part because of my concern that our well-managed, conservative, stable Wisconsin banks would be attractive prey for out-of-State financial institutions.

In fact, Madam President, in a matter of only a few weeks after passage of the regional interstate banking bill, Wisconsin lost one of its major bank holding companies to an out-of-State bank holding company.

The ability of the mammoth out-of-State institutions to buy up locally owned banks only increases with national interstate banking, and the loss of locally owned and controlled capital cannot be a benefit for either businesses or consumers.

Second, Madam President, this legislation only accelerates the further concentration of capital throughout the country.

Wisconsin's own former Senator William Proxmire has noted that as banking assets become more concentrated, the banking system itself becomes less stable as there is greater potential for system-wide failures.

Beyond that, the trend toward further concentration of economic power and economic decisionmaking is not healthy for the Nation's economy.

Banks have a very special role in our free market system; they are the rationers of capital. When fewer and fewer banks are making more and more of the critical decisions about where capital is allocated, there is an increased risk that many worthy enterprises will not receive the capital needed to grow and flourish.

A strength of the American banking system has been the strong community and local nature of that system. Locally made decisions made by locally owned financial institutions—institutions whose economic prospects are tied to the financial health of the community they serve—have played a critical role in the economic development of our Nation, and especially for our smaller communities and rural areas.

Madam President, I am concerned that this legislation is inconsistent with that tradition, and for that reason, I oppose the measure.

Mr. DASCHLE. Madam President, today this body has an opportunity to take the final step in approving the Riegle-Neal Interstate Banking and Branching Efficiency Act. This fact is attributable in no small part to the unparalleled dedication and hard work of Senator DON RIEGLE, the chairman of the Senate Banking Committee, and Representative STEVE NEAL, the chairman of the House Financial Institutions Subcommittee.

Both men have distinguished legislative records, and their contributions as Members of Congress will be missed long after their retirements this year. Passage of this legislation bearing their names will serve as a small but meaningful tribute to the leadership roles they have played on the Senate and House Banking Committees for many years.

As we enter the hectic final weeks of this Congress and struggle to sort out a crowded legislative agenda, we should not lose sight of the act that the Interstate Banking and Branching Efficiency Act has negotiated the tortuous path through committee, the floor and conference, and that its enactment will benefit consumers and financial institutions alike. Without this landmark legislation, our banking system will continue to suffer under a confusing jumble of State laws that govern bank expansion across State lines, a situation that truly does not benefit anyone.

Most obviously, the restrictions on interstate banking hamper the ability of banks to make rational, economically driven decisions about where and how to expand their operations. In effect, the various State laws place artificial limits on the ability of banks to respond to market realities, limiting both their efficiency and profitability.

In a time when many of us are extolling the virtues of free and open trade for other sectors of our economy, we owe it to our financial institutions to break down some of the unnecessary trade barriers they face within the country.

Less apparent but equally true is the fact that consumers also suffer from the restrictions States place on interstate banking. Because the limits prevent banks from expanding in response to customer demand, customers are not able to choose from among the full array of banking services that otherwise would be available to them.

Without the benefit of a truly competitive financial services market, consumers frequently suffer from unnecessarily high prices and inconvenient service. The Riegle-Neal act would go a long way toward solving these problems, while still offering depositors adequate and effective protection.

Finally, there is some evidence that soundness of our Nation's banking system is impaired by the inability of banks to expand their operations across State and regional lines. Banks that depend on the economic success of one State or region are particularly vulnerable to the regional recessions that we have experienced throughout the 1980's and early 1990's. Not only do the banks occasionally have trouble staying afloat during regional recessions, but the regions that suffer from them have difficulty turning around their economies because of inadequate credit supplies and skittish lenders.

By allowing freer bank expansion, the legislation we are considering today would reduce the system's exposure to regional economic shocks.

I would also like to note that this legislation contains a provision important to efforts to restore and preserve the Mount Rushmore National Monument. The bill would correct a problem created by the 1990 Mount Rushmore Commemorative Coin Act, which authorized the Mint to sell coins commemorating the 1991 golden anniversary of the Mount Rushmore National Memorial.

The Mount Rushmore situation is unusual. Congress attached a provision to the original Mount Rushmore Commemorative Coin Act that required half of the coin surcharge proceeds to go to the Treasury. Almost no other commemorative coin bills have had this same stipulation. To make up for this requirement, the bill authorized twice the amount of coin sales necessary to fund the project so both the

Treasury and the Mount Rushmore Preservation Society could receive their expected proceeds.

When sales fell far below what was expected and only generated $12 million, only $6 million was left for Mount Rushmore—less than a third of what was expected and not nearly enough to fund the planned budget of the Mount Rushmore Preservation Society.

The interstate banking bill addresses this shortfall in proceeds, by dedicating the first $18.75 million of them to the Mount Rushmore Preservation Society and the remainder of them to the Treasury. In effect, this provision will result in the Government transferring to the preservation society the $6 million the Treasury has already collected.

Without this additional revenue the preservation society's efforts, which have been described by the Department of the Interior and National Park Service as "a model public/private partnership" for protecting and improving our national parks, would not be able to successfully complete its planned renovations.

With this money the preservation society will be able to construct a new interpretive center, which will serve as the centerpiece of the educational program at Mount Rushmore. Through this facility, nearly 3 million Americans and foreign visitors annually will learn how the colossal sculpture was carved and, more importantly, why. The story of America's birth, growth, preservation and expansion will at last be fully told in the interpretive center's exhibit halls and theaters.

Once again, I would like to commend Chairman REIGLE for his patience and skill in guiding interstate banking over the long road to passage. The legislation before us has been thoroughly examined and formulated through a broad and open hearing process. It has enjoyed overwhelming support in subcommittee votes, full committee votes, and on the floors of both Chambers. The conference committee was able to iron out major differences between the House and Senate versions, and the final product has garnered the support of the banking industry and consumer groups alike.

Madam President, the Riegle-Neal Interstate Banking and Branching Efficiency Act is worthy of the distinguished names it carries and worthy of our support. We should not delay any longer in taking this step towards a more efficient, stable, and consumer-oriented banking system.

UNANIMOUS CONSENT REQUEST

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of the conference report accompanying S. 2182, the Department of Defense authorization bill, with the time until 5 p.m. today equally divided and controlled between Senators NUNN and THURMOND, or their designees; that 10 minutes of that time be under the control of Senator GRAMM of Texas; that at 5 p.m., without intervening action, the Senate vote on adoption of the conference report. I further ask unanimous consent that on Wednesday, September 14, there be 7 hours of morning business with the time equally divided and controlled between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Madam President, reserving the right to object——

Mr. THURMOND. Madam President, we have no objection.

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, does the majority leader mean by that there could be no other business taken up tomorrow?

Mr. MITCHELL. No, I do not mean that.

Mr. METZENBAUM. Pardon?

Mr. MITCHELL. No, I do not mean that. We have not set the time for the morning business as of yet. This provides for 7 hours tomorrow, but it does not set the specific time for it.

Mr. METZENBAUM. Other action could be taken if that was decided by the Senate?

Mr. MITCHELL. It could, after the completion of the morning business.

Mr. METZENBAUM. That would mean you could not do that until after 7 hours had expired?

Mr. MITCHELL. If the time is used or, of course, by consent the Senate can agree to interrupt that time and take some other action. The Senate could by consent vitiate this and have no other time.

Mr. METZENBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business.

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

The Senator from Montana is recognized.

OPPOSING MILITARY ACTION IN HAITI

Mr. BAUCUS. Madam President, I rise to state my opposition to military action in Haiti.

The Haitian military junta is illegal, it is brutal, and it is a gross abuser of human rights. Few people doubt that we do have a long-term interest in a Haiti which is politically stable, which is democratic, whose rulers are not involved in drug trafficking, and which does not send refugees across the Caribbean.

The question, though, is whether an American military invasion can create such a Haiti. I believe it cannot. And that is why I oppose it.

American service men and women are well-trained and brave. If they go to Haiti I am confident they will carry out their orders professionally, but they will run into difficulty.

The invasion itself and the initial stages of the occupation will probably be relatively easy. General Cedras and other members of the junta will be removed from power and President Aristide returned.

The problems, however, are likely to come later on. As in Somalia, small gangs of Tonton Macoutes, and other thugs will snipe at American soldiers. We will have to retaliate or simply sit there and take it.

In the long term, the Haitian public, as well as the American public, will tire of the occupation, and we will have to bring the soldiers home. At that point, Haitians will have to solve the problems themselves in their own way. And we have no way to make sure tyranny will not return.

So I think there will be serious practical difficulties as time goes by. But most important is that I do not believe an American military occupation will solve Haiti's deep-rooted problems.

The only way to solve those problems is for Haitians to reach a political settlement among themselves that allows the country to develop a stable democracy. No American soldier or Senator or President can make that happen. We can best contribute to the process through patient diplomatic efforts.

Therefore, I share and admire the administration's commitment to democracy in Haiti. But I believe we cannot restore democracy at the point of a gun. I do not think a military solution to this problem exists. Therefore I urge the administration not to introduce any American military personnel to Haiti, on our own or with the help of neighbors.

If, however, the administration is determined to invade Haiti, I urge that the President seek authorization from Congress.

My own judgment is that this military action would be a relatively small-scale event, similar to the invasions of Panama and Grenada, and that authorization is not absolutely mandatory.

I believe the Constitution and the War Powers Act both indicate that this is the right course. Authorization would also provide—as it did in the gulf war—a degree of public unity, which is now clearly lacking.

I, myself, would vote against authorizing the use of force in Haiti. I urge the administration to avoid it. But if the day comes when we must go down that road, I will do what I can to make the effort succeed and to bring the troops home quickly.

Today, however, we still have time to choose another course. I hope the President will do so.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of the conference report accompanying S. 2182, the Department of Defense authorization bill, with the time until 5 p.m. today equally divided and controlled between Senators NUNN and THURMOND, or their designees, with 10 minutes of that time under the control of Senator GRAMM of Texas; that at 5 p.m. without intervening action, the Senate vote on adoption of the conference report; and that on Wednesday, September 14, there be 7 hours of morning business, with the time equally divided and controlled between the majority and minority leaders, or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Madam President, I yield myself whatever time is necessary to complete my statement, and I ask that it appear as in morning business.

The PRESIDING OFFICER. The Senator from New York is recognized to speak as in morning business.

MILITARY ACTION AGAINST HAITI

Mr. D'AMATO. Madam President, I must confess to you that many, many of my constituents have asked me how it is and why it is that the United States would seem to be prepared to undertake a military action against Haiti.

I have to tell you that I find it difficult myself to respond in a logical fashion as to why that should be. More troubling are the statements that come out of the administration, whether they be by Secretary Christopher or Madeleine Albright, our U.N. Ambassador, as it relates to the justification that is being put forth for such an act.

I have to ask myself if the President of the United States can go to the U.N. for approval of such an act, then certainly should not that same consideration be given to the Congress of the United States? Should that case not be made for why it is that an invasion and military action in Haiti is to be undertaken? Should there not be a debate here in the Congress of the United States before the American people?

This is not a question of an invasion or an action being taken in a manner to rescue someone. We had the use of military force in Grenada. One of the reasons that we moved with the speed that we did was that there was the potential for loss of American lives, and Americans were being held hostage at a medical facility there. We quickly extracted our American troops and the U.S. citizens who were endangered there, and this operation was never questioned. That is not the case here.

We have been speaking about this, preparing for this, and now we have a situation where the Haitian junta has been clearly notified of an imminent military engagement. We are not going to be jeopardizing lives by speaking as to whether or not we should or should not invade Haiti. This is not a question where speed and a quick strike is going to make the difference. This really comes down to a question of the justification for independent military action by the President. Haiti is not an unexpected threat to our national security.

I have had people say, well, what about Panama? And I have raised the question that we had American lives at stake and we had vital American interests at stake, the Panama Canal.

In Haiti this is not the case. We have no U.S. lives and no immediate threat to American interests. We do not have the Communists building bases, as they were at that time in Grenada, with both the Soviets and the Cubans making overtures to expand their sphere of influence there.

I would like to note that President Bush sought and received congressional approval prior to the start of the gulf war. He went to the United Nations, but the drums were loud and clear, and he knew that that was not sufficient. If he was going to engage in a military action, he knew that the Congress of the United States should be consulted and there was vigorous debate both for and against.

How is it now that the situation has turned so dramatically? I have heard people say that well, the President and his national security adviser, Mr. Lake, made these pronouncements, and now if he were not to go forward with this "it would jeopardize his standing."

That is not sufficient reason to put any of the lives of our young men and women in harm's way, because of concern over the President's standing. And, by the way, if he has a good case and if there are those in the Congress who feel that he can and he should, well, then, fine; let us do it. But let us not do it in some manner which is not prescribed by law or the Constitution or by logic or emergency. If you have a dire emergency, if U.S. lives are in danger, then we should move, and the President should move quickly, and I would support him in this action. There is no doubt, that is not the case with Haiti.

Now, if this is an invasion and it is being undertaken for political reasons, then, Madam President, it is wrong. It is immoral, and it should not take place. Not one life should be lost or risked for the sake of political advantage.

The people of the United States will rally behind our troops whether we believe in a particular cause or not because they are our young men and our young women. But should we put them into harm's way, should we endanger their lives simply to pump up the polls, as has been suggested? I would say resoundingly no. It does not matter whether one be a Democrat, Republican, liberal, or conservative, they would come down and say, no, we should not be jeopardizing the lives of our young Americans simply for someone or some side to look better in the polls. If that is the reason, then shame on those who would be going forth with an invasion any place at any time.

That is what is taking place here. I would like to know why it is we in Congress should not be consulted. What is the imperative to prevent us from sanctioning such an action?

We know there would be an overwhelming military victory within a relatively short period of time. But do we know what the cost will be in terms of lives as time goes by? How much is this operation costing us? And once we do achieve some military victory, as overwhelming as it might be, what then? What happens then?

How many lives should be placed at risk? I do not think one. But once we have this overwhelming victory and

there are no lives lost—and I do not believe that can be the case, I certainly do not think we could assume that—how long will our young men and women be obligated to defend whatever administration comes to power? What will be the role of our soldiers? How long will they have to stay there? Will they then become, in effect, the policemen for this island of 7 million people? How many of them will be required? What happens if there is an insurrection? Whom do they defend? What acts do they take?

Is this nation building? Do we undertake this action in similar cases as it relates to countries, whether they be island countries or others that are in our hemisphere?

Is this the beginning of a new doctrine, that we go to the United Nations and we get permission to use our troops for this kind of military or police action in our own hemisphere?

These are questions that need to be answered. I do not have all the answers. I think the American people, and I think that the young men and women whom we ask to defend this Nation, take an oath and pledge to do so, place themselves at great risk, and they have a right to know why it is and how it is that they will be expected to put their lives on the line in an invasion of Haiti.

Are we going to be calling up reserves? How many reservists?

Again, what about the costs of this action? I have heard some estimates as high as $500 million. Is that $500 million for what period of time? To the end of this budget year, to when? Is it more if we stay there a longer period of time?

I want to see democracy in Haiti. I recognize this is a very complex and difficult issue. I do not believe that we should tolerate the status quo. I think we should use all of our power and wherewithal in concert with our allies to seek a way to bring about freedom and eliminate those totalitarian forces that have taken charge, the colonels and their goons.

We were able to do that without invasion as it related to Baby Doc Duvalier. We got Baby Doc out of there. He was certainly no paragon of virtue. He had the military under his command. We were able to eventually make him an offer he could not refuse and he left Haiti.

I am not suggesting that the administration has not tried, but I suggest that maybe they have not tried hard enough and thoughtfully enough, and have not brought more pressure to bear on the junta, short of invasion.

Let me tell you, there are dictatorships throughout this world. Do we send troops into each one?

It seems to me that no one has justified national interests and goals and what it will cost in terms of lives and the disruption and the damage to our troops and their families.

So I would hope that this action is not being contemplated to justify or to raise someone's stature in the polls, to look politically better, then this is not the way a great democracy should be conducting itself.

I am deeply saddened to think that we even have come to a point where probably more Americans think that this may be taking place for exactly that reason—political advantage. If we have really reached that point in time in the life of this country, it is a very sad commentary about what the greatest democracy on the face of this Earth has come to represent. If it means that we are so desperate for election and for power that we would place in harm's way our young men and women, then how far have we slipped? And what would our forefathers think about our Nation conducting its foreign policy and the use of the military for these purposes?

I hope that is not the case. I hope that they are not attempting to gain political advantage by the use of the military. That would be a very sorry, sorry situation, a very sorry time in the history of this Nation, a nation that has stood up for democracy, yes, whose young men and women have given their lives, shed their blood for the safety of this country, for democracy to beat down the forces that would deprive us and others of freedom.

I do not believe that we should engage in this kind of action until and unless these questions can be fully answered.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who seeks recognition?

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, I rise today to explain why I am going to vote against the Defense authorization conference report.

I have served in Congress for 15 years and I have always considered myself a very strong supporter of national defense. My dad was a sergeant in the Army. I was born at Fort Benning, GA. I have always believed in a strong defense.

The world has changed dramatically over the last 15 years. We have won the cold war, the Berlin Wall has come down, Eastern Europe has been liberated, and the Soviet Union has been transformed. All of those things were done because America was strong. Even today, in a world where the lion and the lamb are about to lie down together, it is very important that the United States of America be the lion.

I have strongly supported national defense over the years, but this will be the second year in a row that I vote against the Defense Authorization Act. I have done this because I cannot remain silent when we continue the process of tearing down the greatest defense that the world has ever known.

I do not believe that you can justify what we are doing in the way of defense cuts, given the world that we live in. At the very moment when the President is talking about military intervention in Haiti, at a time when we are actually involved in military support activities in Bosnia, at a time when we still are facing a potential confrontation with North Korea over nuclear weapons development, I do not believe that you can justify the cuts in defense that we are making in this authorization bill.

I think even more difficult to justify is the fact that we are spending every penny that we are saving by cutting defense. If we need this money in the future to rebuild defense, we will not be able to get it back because it has already been spent on social programs.

I have one chart here. I know my colleagues want to go ahead and vote on this bill, so I will explain the problem very simply by asking people to look at this chart, which shows defense outlays in real inflation adjusted dollars since 1986. What has happened to defense spending since 1986, with the exception of the gulf war, which is this little peak here, is that defense spending in real dollars has fallen like a rock.

To give you an idea of the problem, this year we are building 4 Navy ships and we are building 28 new fixed-wing combat aircraft, and that is it. Meanwhile, many of our most important modernization programs have been called into question as the Pentagon has finally admitted that the Bottom-Up Review is grossly underfunded. Ten modernization programs, from the new F-22 Air Force fighter plane, which is not scheduled to come into the force until the turn of the century, to the V-22, which will replace the aging CH-46 troop-carrying helicopter, are in the process of being reviewed and are at serious risk of being dismantled.

When America needs its military forces in the future, I want to be sure that I can say that I raised an alarm; that I said I thought we were making a mistake. I do not believe that you can justify this dramatic reduction in real defense spending based on what we see in the world in which we live.

But, Mr. President, the problem is greater than what the numbers show. These numbers give a false picture because much of what we are spending defense money on is not for defense. We have in the bill before us $2.2 billion of expenditures for what is called defense technology conversion and reinvestment. But actually, this money is for an elaborate industrial policy where Defense Department money is used by the Clinton administration to try to dictate investment patterns in American business.

Who could possibly believe that the way to transform defense industry to civilian activity is to have the Federal Government tell them how to do it? Who could possibly believe that you help defense industry find the capacity to create jobs in the private sector of the economy by giving them Government subsidies?

We have in this bill $5.5 billion of expenditures on environmental programs. We have in this bill numerous programs that basically have nothing to do with national defense.

I want to briefly alert my colleagues to several points.

No. 1, we are not building defense down. This is not an orderly reduction justified by the end of the cold war. We have already undertaken and completed that process. What we are doing now is tearing defense down to free up money, every penny of which is being spent on social programs.

No. 2, we are pirating defense spending by taking money that is allocated to the defense budget and spending that money on everything from the environment to health care to industrial policy.

Mr. President, I am concerned that unless this process is reversed, we are going to reach a point where our vital national interests are at stake and the Defense Department is going to be called on to do jobs that it will find difficult to do. I am concerned that if we do not continue our modernization program, we are not going to keep the technological edge that was so important in saving American lives in the gulf war. And, finally, I am concerned that, if these kinds of cuts continue, we are going to destroy our capacity to keep the finest young men and women who have ever worn the uniform of this country in the service.

I am very concerned about what we are doing to defense. It is because I support a strong defense that I am going to vote against this bill.

I am going to continue to speak out on this issue. We cannot justify the cuts that we are making in defense. We certainly cannot justify them when every penny we are saving is being spent on social programs.

HAITI

Mr. GRAMM. Finally, Mr. President, I want to talk about one additional issue.

I read in the polls that 78 percent of the American people oppose invading Haiti.

During the recess, I was all over my State and I was all over the country. In that process, I listened to a lot of people tell me what they thought of our work in Washington, DC.

It was not an A and B report card. A lot of people told me what they thought about Haiti, asked me what I thought was going to happen, asked me if I could give any justification for invading Haiti. I was able to give them a short answer: No.

I did not run into a single person in the State of Texas or a single person in a half dozen other States that I was in during the recess that thought that we ought to invade Haiti.

I remind my colleagues that we have invaded Haiti in the past, and we have never found it to be a fulfilling experience. We have never had trouble getting into Haiti. We have always had trouble getting out of Haiti. The last time we invaded Haiti, we were there for 19 years. I do not understand why the President seems determined to invade Haiti. He does not have my support in that decision. We have demonstrated numerous times that he does not have the support of the U.S. Senate but, more importantly, he does not have the support of the American people.

It is always very serious when a President puts Americans in harm's way—but it is especially dangerous when he does it knowing that the American people do not share his willingness to undertake a mission with such high potential cost.

I know the hour is late on this subject. I know the President has made many statements concerning his position. I hope, Mr. President, that he will reconsider. Backing down on a possible invasion is a lot better than getting Americans killed when our vital national interests are not at stake.

I thank the Chair for his tolerance.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. How much time does the Senator want? I yield an additional 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from South Carolina has yielded 5 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I want to thank our dear colleague, the Senator from South Carolina, for not just his yielding but his leadership on this defense bill. I know it represents his best effort. I know there is nobody in Congress who is a stronger supporter of defense than the distinguished Senator from South Carolina.

Mr. President, I was hurriedly trying to conclude my remarks because I saw your gavel about to come down. Let me go back and restate the point I want to make.

For several months the President has been threatening to invade Haiti, and in the last few weeks, I think the saber rattling has become very loud. We have now gotten down to the moment of truth. I know the President has to be considering what he is going to do next since it seems clear at this point that what he has demanded the Haitians do, they are not going to do.

I hope that the President, in making his final decision, will look not just at the political cost of making a lot of blustery statements and rattling the saber without using it. I hope he will weigh that cost against the potential loss of American life.

One of the important things about the gulf war is that we had a President who told the American people what national interests were at stake. He took the time to explain to the American people what we were going to do in the Persian Gulf and why we ought to do it. And then—ever though he did not have to do it—President Bush came to the Congress and had us vote on whether we supported using American troops in the Persian Gulf. It was a historic debate, a historic moment, and the Congress endorsed the President's policy. We sent troops to the Persian Gulf and we liberated Kuwait, and I think all Americans were proud.

My point is, Mr. President, that was the right way to do it. I think the way the President is proceeding on Haiti is the wrong way to do it. I hope the President will go on television and tell the American people what our policy is and what we are going to achieve by putting Americans at risk.

I have to admit that having read everything that I could on the subject, I do not know the answer to that question, and my guess is most Americans do not.

I hope the President will come to Congress and ask for our support before he makes this decision. I am concerned that if the President acts unilaterally, not having the support of the Congress, not having the support of the American people, that if things go badly—and I hope they do not—that we are going to be right back in the kind of position that we have been in the past where the American people do not support what the President is undertaking.

This is very serious business, and I am hopeful that there can yet be a solution. There is no doubt that if the President commits American troops, that I am going to support any action

in Congress to be supportive of those troops. But I do believe that this is a mistake. I think it is a mistake because we do not have a vital national interest at stake in Haiti. I think it is a mistake because the American people do not support it. I think it is a mistake because Members of Congress of both parties do not support it.

One of the problems with going around threatening people that you are going to do things before you have public support to do them, is you end up in the kind of box the President is in today. I hope—I am prayerfully hopeful—that Americans are not going to lose their lives as a result of the situation that the President finds himself in and, therefore, the Congress finds itself in.

I thank our distinguished ranking member of the Armed Services Committee for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. PRYOR. I thank the Chair for recognizing me, and I thank the distinguished manager for allowing me the opportunity to speak for just a few moments this afternoon.

Mr. President, I would like to address the attention of my colleagues to a particular amendment which has been accepted by the various managers of the defense authorization bill.

I truly believe that this amendment is going to result in a much greater efficiency and effectiveness in the way that the Department of Defense performs its work. This provision—it sounds pretty simple—is pretty far-reaching. It is an amendment that I had added to this bill. I am very indebted to the various managers who have accepted this language.

It has two parts which are designed to ensure that the taxpayers of this country are not paying excessive amounts of money to private contractors.

Mr. President, not long ago the Senate passed the Acquisition Reform Act which was intended to make our Federal procurement system easier for the Government to operate and to make it easier for contractors to deal with the Government. While I did support this legislation, I also thought it was important to recognize that in addition to making our system simpler, we should also strive to make it more efficient, and more accountable.

As I have stated, the provision has two parts. The first section requires that the DOD Inspector General review a portion of the existing service contracts at DOD to determine if these contracts have experienced actual cost overruns. This requirement is necessary due to the simple fact that all too many GAO reports, IG reports, and hearings like the ones that I have held on Government contracts, have documented that all too often these contracts awarded to save money actually end up costing more than the Federal employees who were replaced.

This requirement does not prevent DOD from contracting out any services, but it does, for the first time, give us some independent oversight over those contracts once they are awarded. Perhaps if contractors and the DOD know that the Inspector General will be checking up on these particular contracts, then the taxpayers will not be forced to pay for excessive cost growth that occurs all too often when Government work has been farmed out to contractors.

The second part of the amendment addresses those types of contracts that are not now subject to cost comparison. I am speaking about the consulting services contracted out for by the Department of Defense or, as they are sometimes called, advisory and assistance services. If the Department of Defense wants to contract for, let us say, lawn mowing services, they do it with a cost comparison between the contractor and a Federal employee. However, if the Department of Defense wants to contract for planning, for managing, for analyzing, and other such services, then there is absolutely no requirement that they first compare the cost of using Federal employees versus private contractors. This, Mr. President, I have said for a long period of time, absolutely makes no sense.

Mr. President, again this requirement to conduct a cost comparison does not prohibit the Department of Defense from awarding any contract. However, for the first time in our acquisition history, the Department of Defense and others will at least begin asking a very simple and basic question before awarding consulting contracts. That question is this: Is it going to cost more to use Federal workers or private contractors to perform this same work? This is the first time, as a result of the adoption of this amendment, when this particular question is going to be asked. This is the information that any manager, I think, would like before making a decision that would cost the taxpayers large sums of money.

This is a requirement that allows DOD to consider other factors not related to cost when they are performing these comparisons. For example, these other issues could include the availability of DOD personnel, or whether the work is a one-time requirement or a recurring need.

Mr. President, this amendment sets also a dollar threshold for conducting a cost comparison of $100,000. I think this is a reasonable figure, and when the Senate was considering the acquisition streamlining bill there was much discussion of the need to raise the small purchase threshold from $25,000 to $100,000 in order to reduce the paperwork burden on the various agencies involved.

The Senate was informed that the vast majority of contract actions—close to 90 percent, I think—were under this threshold. This means that the agencies could now begin to focus on the larger contracts, those over $100,000. I think the same logic applies to cost comparison for consulting contracts.

For many years, I have been advocating this very simple reform, and I do appreciate the chairman and ranking member of the Armed Services Committee bringing this cost comparison idea to fruition. In conclusion, these two requirements will provide DOD and the Congress with much needed information on the cost of using private contractors. This is a small but a very critical step to take toward a more efficient and accountable Government.

Mr. President, I urge the adoption of this amendment and once again thank the managers.

Mr. President, finally, there are two other amendments which I am very proud to have had accepted as a part of the authorization bill for the Department of Defense. The first amendment, Mr. President, is the early notification of defense contract termination.

This amendment is designed to provide defense workers early notification of the termination of defense contracts. This early notification will make them eligible for JTPA reemployment and training services earlier and enable these workers to begin their job search much earlier, which will shorten the time that they will be without a job.

This amendment will require the Secretary of Defense to notify a defense contractor of the likely termination of a contract within 90 days of the submission of the President's budget to Congress, or within 90 days of the enactment of an appropriations bill. Contractors are subsequently required to notify the subcontractors, who are required to notify the workers.

This requirement currently in law gives the Secretary of Defense 10 days

to give notice, which does not provide enough time in many instances for these workers to begin the process of looking for a new job or taking advantage of training opportunities.

Mr. President, I see my friend from Wyoming seeking the floor, but if I might have an additional 2 minutes, I will briefly describe the third amendment included in this authorization bill that I think our colleagues need to know about.

This amendment will make JTPA reemployment and training services available to workers who lose their jobs as a result of reductions in defense exports caused by Government policy decisions.

Workers who lose their jobs because of a base closure or cutbacks in Pentagon procurement, currently qualify for JTPA services and I think, it is only fair that defense export workers who lose their jobs because the Government prohibits the export of their product, should be receiving these same services also.

Mr. President, this is a summary of three constructive amendments, not only in the acquisition area, but also in the job training area, to those workers who are employed by defense establishments within our great country.

Once again, Mr. President, I thank the ranking member of the committee, Senator THURMOND of South Carolina, and the distinguished chairman of the committee, Senator NUNN of Georgia, for their cooperation and their acceptance of these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, will the distinguished ranking member, Senator THURMOND, yield time to me?

Mr. THURMOND. Mr. President, I will be pleased to yield to the distinguished Senator 15 minutes.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER. If the Senator will withhold, the Senator from South Carolina controls 9 minutes, so the Chair understood the Senator to mean he will yield the remainder of his time to the Senator from Wyoming.

Mr. THURMOND. I believe I only have 9 minutes. I yield the Senator that.

Mr. WALLOP. I thank the Senator.

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

Mr. WALLOP. Mr. President, the Defense authorization bill does not authorize enough defense to keep America strong. It is really a very simple equation. We do not have enough money in here to close the bases authorized for closing by the Base Closure Commission. So savings to be realized down the road are not going to take place.

Mr. President, top gun is not going to fly for a month at a naval air station because they do not have fuel for the aircraft. I am told that three Air Force fighter wings are not able to fly for training. This, just a couple of short years, Mr. President, after the greatest military force the world had ever known was honed and ready.

It would not have required a lot of extra money. It would not have required the same sustained effort that we were in. But it would have required a little bit of common sense, and it has not been applied.

Mr. President, this defense authorization sets the military of the United States to environmental exploration, it sets the military of the United States into job training, and it sets the United States into a lot of displaced worker programs when defense contractors are putting on hold every piece of new research that we have.

Mr. President, this is a disaster. How big a disaster? The Defense Department said we have to call up the Reserves to invade Haiti. To invade that little miserable island nation, we have to have Reserves. We have spent or will have spent two-thirds of $1 billion by the time the invasion of Haiti has been completed. And for that, Americans get not one piece of safety. They get a big piece of politics. They get a big risk to the reputation of the military.

Let me just tell you what is going to happen when the U.S. troops go down there. All of a sudden, they are going to be confronted with somebody trying to take their lives. And in defense of their lives or their unit, they are going to shoot. And somewhere along the line, a child will be killed, a pregnant woman will be killed, or somebody that ought not to be killed will be maimed or shot or wounded by people who have been put into a position under which no rational human could react differently. But all of a sudden, the reputation of the men and women of the armed services of the United States will be sullied and damaged by a President who put them in harm's way, which does not make any sense in the national interest.

Let me move from there to Cuba.

I have had calls from constituents of mine stationed in Guantanamo that the military presence there is not sufficiently armed to defend itself against a growingly restive Cuban population held hostage, imprisoned, by the United States for the crime of seeking freedom. And when the President of the United States joins with that dictator, Castro, to keep these people in prison and to use his secret service to suppress the desires of other people leaving, maybe we ought to rethink this.

Just think about it for a moment. The Cubans held prisoner in Guantanamo are now devoid of hope. There is nothing for them to look forward to—release from Guantanamo, back to Castro's prison; stay in Guantanamo in prison; go to Panama for 6 months and return to prison. They are not going to be let go. There is no hope. No wonder they are getting restless.

This is a policy that has nothing but failure attached to it. What kind of a role is it for the defense forces of the United States to start shooting people who are rioting because all they ever sought was freedom? Make no mistake about it. In controlling the prison population at Guantanamo, sooner or later that restive population is going to force a person of the U.S. Armed Forces, in defending himself or a comrade, to shoot somebody whose only crime is that they want to be free. What have we done? We have joined with Mr. Castro to use his secret police to suppress the rest of that population.

Now, going back to Haiti, we have a government in exile with Mr. Aristide. The Clinton administration denies that anybody ought to be a government in exile for Cuba. They are going to invade Haiti. But they are going to imprison those who seek freedom in Cuba.

Mr. President, no wonder we are going broke in the defense business. We are spending money for things that are not the role of the military. We are spending money to invade a little island nation; $250 million now already spent, and $490 million yet to go if we invade.

Mr. President, something is very, very wrong when Top Gun cannot fly, when Air Force training flights cannot fly, when the Navy is close quartered, when all of the training operations that we have are coming down, down, and down to the hollow Army that we had, only worse, in the Carter years.

Yet, we have money enough to invade Haiti. We have money enough to assign our forces to the command of the United Nations so that not even the President of the United States nor the Secretary of Defense knew when American aircraft had engaged and shot down Serbian planes in Bosnia. We have time enough to assign them to Rwanda and money enough to do all of this, but not to train them for the roles and missions which they have contemplated all these years. Mr. President, something is very, very wrong.

This authorization bill spends money on civilian programs when the funds could better be spent by purchasing and acquiring the equipment, the fuel, and the research that is necessary to keep us alive. Now we are told that the President of the United States is going to cede to the Russians when Boris Yeltsin comes here all manner of controls on tactical ballistic missiles under new agreements on the antiballistic missiles program, and this without submitting those to the Senate of the United States, in violation of the Nunn-Byrd interpretation of the obligations of the executive branch with regard to the treaty.

We do not have money enough to buy our soldiers gas to train. We do have

money enough to invade a little island nation and put back in power a man who is every bit the infamous dictator as the one we wish to replace. We do have money enough to tell Mr. Aristide that we are going to have 20,000 troops down there, and 7,000 of them are going to be policemen in his nation.

Mr. President, something is very, very wrong when we have money for these kinds of things but not to train America's young men and women for the kinds of roles that will defend this country from harm should it ever arise again. And if the President of the United States does not believe that the world is still dangerous and that we can fritter away the rest of what we have on this basis, then the President of the United States, Mr. President, is wrong.

This Defense authorization bill is a catastrophe because it does not buy Americans the defense they need with the money we are spending, and yet we have money enough to assign the roles to the Armed Forces that are not their roles. They should not be peacekeepers. They are not social experimenters. They are not environmental folks. They are soldiers, sailors, and airmen, whose role is to defend this country. And we are letting them down.

I thank the Chair.

The PRESIDING OFFICER. The time allocated to the Senator from Wyoming has expired.

There are 21 minutes and 26 seconds remaining.

Who yields time?

Mr. WARNER. Mr. President, I wish to speak on behalf of the bill. Is it possible to inquire——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, on behalf of the managers of the bill on this side, how much time does the Senator need?

Mr. WARNER. Six or seven minutes.

Mr. FORD. Mr. President, I yield the distinguished Senator from Virginia 7 minutes.

Mr. THURMOND. Mr. President, I wish to thank the Senator from Kentucky for his kindness.

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

Mr. WARNER. Mr. President, I wish to thank the distinguished Senator from Kentucky and also my good friend and colleague, the ranking member on the Senate Armed Services Committee, Senator THURMOND of South Carolina.

Mr. President, I wish to say that I thought the statement of the Senator from Wyoming was a very interesting one. I associate myself with several of his points. I will address one of those points in the course of my remarks. I first want to again compliment the distinguished Senator from Georgia and the Senator from South Carolina and the membership of our committee for again this year compiling what I believe is a very credible piece of work, strengthened as best we can given the restricted resources for our Nation's defense.

We endeavor to take care of those who serve in our military services. We provided a 2.6-percent pay raise—modest, nevertheless a raise—for military personnel, and we enacted other measures to improve their standard of living and quality of life. We also authorized funding to ensure cost-of-living allowances for military retirees, known as COLA's, which were equal to their Federal employee counterparts. This was a matter in which there was a strong contest here in the U.S. Senate, and I was able to lead the effort, along with several others, to have an overwhelming vote. And I hope the men and women in the Armed Forces found it reassuring that the Senate of the United States wants in every way possible to assure them a good quality of life in return for their heroic work on behalf of our national defense and, more important, to ensure freedom for ourselves and that of our allies.

It was essential that Congress provide the final chapter of funding for the next phase of nuclear power, the CVN-76. Incremental funding was provided over the years, but this was the last chapter. I always view our great country in some respects as an island nation, surrounded by the Atlantic and Pacific Oceans. The sea lanes of the world are literally our lifelines of survival in terms of our strategic defense and in terms of our ability to come to the assistance of our allies and, of course, what is quite obvious, our ability to maintain trade and commerce with the other nations of the world in this one-world market that we have today.

Along with other members of the Armed Services Committee, I am concerned that the future years defense plan [FYDP] is seriously underfunded. This has been commented on by almost all of my colleagues in one way or another. We draw the attention of others not on our committee to the comments of the Secretary of Defense and Deputy Secretary of Defense, who have indicated that the FYDP is underfunded by about $40 billion, while the General Accounting Office reports that the underfunding in the outyears is close to $250 billion. This will be a major challenge for the Armed Services Committee next year to try to analyze that disparity and come to some conclusion and a sense of direction.

The Deputy Secretary of Defense in a recent memo asked the military services to consider the cancellation of 22 of the top modernization programs. Recent reports of canceled training, deteriorating maintenance, and other indicators of declining readiness are also of major concern to the committee and reflect serious underfunding to the future years defense budget.

As I look back on the many years I have been privileged to be associated with defense, America has always been on the cutting edge of technology. We have been able to use our vast resources, research and development, and our magnificent industrial base to buy the very best equipment for those who step forward and proudly volunteer to wear the uniform of our military services. I am concerned that we may fall back in our ability to provide the best airplane, the best ship, the best gun—not gold plated, just the best. When we ask the American families and the young people of this Nation to step forward and volunteer, they are entitled to nothing less than the best equipment to provide not only for their own security in the furtherance of their missions, but the ability to protect our Nation.

Mr. President, I heard the Senator from Wyoming touch on this subject. I want to express concern about the way our military forces are being used more and more for missions with less and less military justification. What effect is this having on our services and on the DOD budget? The continuing use of our military forces for humanitarian purposes is having three distinct impacts, in my judgment. I am not opposed to—and, indeed, I have joined with many here to do so—authorizing the appropriations and expressing the desire for our Presidents to employ our Armed Forces in the cause of helping others in their fight for freedom and in the fight to simply survive. But we should stop and think.

I will be recommending to the chairman and ranking member of our committee that our committee in the coming year make an in-depth study with respect to the use of our Armed Forces for missions which do not have a clear military objective. We spend enormous sums of taxpayer dollars to train the men and women in the Armed Forces to perform those military missions which are central to our national defense. But these are borderline situations in many instances, equally putting in jeopardy the safety of those performing the missions, and is very costly in terms of the American taxpayer. But does that erode from their ability to be trained to perform their specific missions? Does it take the dollars that we need to provide a reasonable lifestyle for these individuals?

In that vein, Mr. President, I commend to my colleagues a recent article by Caren Elliott House in the Wall Street Journal. I know this author and have participated with her in several conferences on defense, and she has written a very provocative piece on this.

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

[From the Wall Street Journal, Sept. 8, 1994]

THE WRONG MISSION

(By Karen Elliott House)

ASPEN, CO.—The U.S. military: Are its troops warriors or welfare workers?

As American society wallows in domestic debates over whether bureaucrats should administer health care and crime bills should finance midnight basketball, the same sort of debate is now engulfing the institution whose mission has always been the clearest.

Since the end of the Cold War—and especially under the Clinton administration—U.S. armed forces are being turned away from their historic role of defending the nation's security interests and toward a new, thankless and open-ended task of administering global social welfare.

An institution that is trained and equipped to protect this nation and, when necessary, to wage its wars is now being deployed in the world's Somalias and Rwandas to deal with the shambles of failed political and economic systems by dispensing welfare to hapless victims.

There are several reasons for this.

First, armies follow orders and get things done. Thus, whatever the task at hand, whether building tent cities for refugees or dispensing food to starving children, the military has the men, material, discipline and efficiency to do what failed governments or well-meaning international relief agencies clearly are less capable of doing.

FASHIONABLE PHILOSOPHY

Second, these days the American military is led by a commander in chief who never served in uniform and who largely buys into the fashionable philosophy that the post-Cold War world poses few, if any, threats that require military preparedness or response. For those who hold this optimistic world view, the logical extension is to shrink the U.S. military and to find "peaceful" uses for what remains.

Third, using the military for humanitarian purposes not only "feels" good to well-meaning politicians but, by their Alice-in-Wonderland accounting, has the additional virtue of being "free." Since the military must absorb the costs of these "humanitarian" missions from its own maintenance and operations budget, Congress can duck decisions to set up large international relief brigades or otherwise appropriate new funds for relief work.

Fourth, this "freebie" plays into the hands of political cynics whose interests have less to do with helping starving peoples than with starving the U.S. military. Every $100 million of defense spending for humanitarian relief is that much less spent on the true purposes for which the U.S. armed forces exist. By the same token, sending troops to dispense aid in Somalia or Rwanda preserves the fiction of an activist foreign policy while relieving pressure on the administration to act in places like North Korea, where real national security interests are at stake.

None of this is to argue that the U.S. should not help alleviate human suffering in distant places or foster political stability and economic development in the Third World. The point simply is that the U.S. military is the wrong instrument to advance these purposes.

That the post-Cold War world no longer has Soviet nuclear weapons targeted on U.S. cities doesn't make it a kinder, gentler world devoid of threats to American national interests. The collapse of one enemy—the Soviet Union—doesn't mean the end of history.

What is more, the "freebie" argument is a fallacy. Taxpayers foot the bill whoever dispenses humanitarian aid, and armies do it most expensively of all. More important, dipping into military budgets for humanitarian missions saps the readiness of the armed forces to deter real threats to the U.S., whether those be an Iran or Iraq intent on controlling Mideast oil reserves or a North Korea intent on developing and spreading nuclear bombs.

Using the military as a social welfare agency is ultimately self-defeating. It places U.S. troops in a succession of situations where no U.S. national security interest is demonstrable. As a result, the U.S. public rebels at the first casualties. Somalia, a humanitarian mission launched by George Bush and inherited by Bill Clinton, was a textbook case. So long as Americans could watch their troops dispensing food, they went along; as soon as the public saw pictures of a U.S. serviceman's body being dragged through the streets of Mogadishu, they wanted their troops home.

Such murky missions will eventually undermine public support for engaging the military even in those situations where national interests are at stake. Worse yet, to cut and run at the first deaths undermines American credibility abroad and encourages the world's aggressors. In the end, the more the U.S. military must dabble in nonmilitary missions around the world, the less likely the public will support its use in another genuine crisis like the Persian Gulf War.

Worst of all, nonmilitary missions eventually destroy the fighting capability of a military force. Armies, in the end, are largely composed of young men and women in uniform, not diplomats and philosophers. Such young men and women can be trained as soldiers or as policemen or as aid workers, but not as all three. As former Defense Secretary Les Aspin says in an interview, "If a soldier reacts like a policeman in a military situation, he's dead; if he reacts like a soldier in a police situation, he creates an international incident." The world offers all too many examples of armies like Canada's that have been reduced to relief agencies and those like Israel's that have been undermined by too much policing.

The broader irony, visible at an Aspen Institute gathering of national security experts here, is that political liberals now want to make increasingly liberal use of a weakened U.S. military, while political conservatives want to conserve a stronger U.S. military for fewer but clearer traditional military missions. Not surprisingly, it is the liberal view that dominates the Clinton administration and Congress.

The conservative position, however traditional and consistent, fails to deal with the initial public demand to "do something" when faced with network footage of starving children. For the liberals, there is a larger burden of needing to sort out the many and ambiguous challenges for which they suddenly are all too willing to commit U.S. forces. Do they really want U.S. foreign policy, including military deployments, set by CNN's Christiane Amanpour rather than by a president who defines America's global priorities?

In sifting these dilemmas one need not be heartless to be hardheaded. There's little debate that the U.S., by virtue of its material wealth and moral standing, has a responsibility to help alleviate massive human suffering when and where it occurs. This, however, requires U.S. political leaders to explain forthrightly to Americans that there is likely to be an "emergency" like Rwanda almost every year ad infinitum; that taxpayers must pay serious new money for an adequate humanitarian response; and that large and effective new civilian institutions will be needed to dispense relief.

A sensible policy also should involve, besides political honesty, a realistic reevaluation of the rule of the United Nations. Both liberals and conservatives sought to find common ground in using the U.N. primarily as an international relief agency. As a corollary, liberals should drop the pretense that the U.N. can be an effective agency for the resolution of international disputes. Conservatives, for their part, should recognize that it is better to fund the U.N. than to watch the U.S. military evolve into the Dutch army.

The prerequisite for all of the above is a U.S. administration with a far clearer sense of America's national interests. What, in fact, distinguishes Kuwait, Rwanda, Haiti and Cuba? All entail some element of human suffering, but not all are humanitarian. Kuwait clearly involved U.S. national security and thus merited a U.S. military response. That's because there was an external aggressor, Iraq, and a threat to U.S. oil supplies. By contrast, Rwanda, like Somalia before it and Burundi and others to follow, amounts to a civil war and involves no U.S. interest beyond the humanitarian.

HAITI AND CUBA

Somewhere in between are Haiti and Cuba. Haiti is not a vital security interest for the U.S., but it does involve a flood of refugees to America and a coup against an elected regime in our hemisphere, where the U.S. seeks to promote democracy. Thus, arguably, there is some national interest and some logic to using military force to dislodge the dictators. But if one buys that logic, how much more compelling the argument for using military force against Cuba's dictator, who is actively exporting an invasion of refugees as a weapon against the U.S.? Regrettably we have a U.S. administration that seems incapable of seeing, much less defining, such distinctions.

There is, of course, a third and more likely alternative to either military or civilian response. And that is apathy. It is all too likely that an American public bombarded with flickering images of starving peoples soon will react to them much as we do to nightly local news reports of murders and assorted mayhem on the streets of our own cities. The eyes glaze over, the heart hardens and the faceless victims are ignored. We should wish for better both at home and abroad.

Mr. GRAHAM. Mr. President, I yield 6 minutes to myself to speak on a subject other than that which is currently before the Senate.

The PRESIDING OFFICER. The Senator is recognized.

INTERSTATE BANKING

Mr. GRAHAM. Mr. President, it is my understanding that shortly after the vote on the Defense authorization bill, we may be taking a vote on the final passage of the conference report on interstate banking, and it is to that issue that I wish to make a few remarks.

Mr. President, I am a strong supporter of the basic thrust of the interstate banking conference report, which is to facilitate the interstate branching activities of domestic U.S. banks. In fact, while I was Governor of Florida and chairman of the Southern Growth Policies Board, the Southern States adopted a plan of regional interstate banking which encouraged banks within the Southeast to branch across

State lines. This was a very similar pattern to that which was being adopted at approximately the same time period in the 1980's by the New England States. So we now have a pattern of experience among States in major regions of the country which has given us confidence that we are now ready to move on a nationwide basis to interstate banking.

I am pleased that we have reached this stage. I am pleased that we have done so in a methodical, thoughtful manner, which gives us confidence that the results of nationwide interstate banking will be positive, positive not only to the institutions but positive to the customers of the institutions and to the components of our economy which they support.

However, Mr. President, while I intend to vote for this bill, I wish to make a few comments about a section of the bill which I think moves in a misguided direction and which I hope we will be able to correct over time. That relates to the branching of foreign banks within the United States.

Mr. President, I am talking about banks which are chartered outside the United States and which have been sanctioned to do business within the United States and are now desirous of doing business at multiple locations through branching.

The basic philosophy of this bill is that foreign banks should be treated the same as domestic banks as it relates to their branching across State lines.

That concept—equality, parity of treatment—has a superficial appeal. However, I suggest that we are trying to treat two quite different sets of institutions by the same rules and, therefore, are resulting in, in fact, a different, disparate, and I believe negative consequence.

Foreign banks are different than domestic banks. One, they deal only in wholesale activities. The typical foreign bank does not accept a deposit of less than $100,000. They do not engage in the kind of retail branching that is the bread and butter of domestic banks.

They also are institutions which do not utilize the various Federal deposit insurance programs which are typical of domestic banks.

They also are institutions which have as their primary customer industries involved in the provision of export financing. I will discuss that in somewhat greater detail momentarily.

Under this legislation, however, these specialty foreign banks and their branches are treated in the same manner as a domestic bank which wishes to branch; that is, they can only purchase an ongoing bank; they cannot establish a de novo or new institution. If they acquire an ongoing bank, they must strip it of its retail activities so that it is left as just a wholesale bank, but they are still required to follow regulations which are designed to relate to retail banks such as the Community Reinvestment Act.

I believe, Mr. President, that the practical effect of those similar treatments of dissimilar institutions will be to make it more difficult and less likely that we will have a flourishing set of international bank branches represented across the country, and one of the documents which I will submit for the RECORD is the statement of the Florida comptroller, who is our State banking commissioner, who states that the consequence of this will be to discourage the expansion through branching of foreign banks.

Why is this important other than to a few foreign banks that want to do business in the United States? It is important because these foreign banks and their branches serve a critical role in expanding the export of American businesses.

I was recently in a conversation with an American business person who is involved in the sale of United States agricultural products, primarily in the Caribbean and Latin America, and that individual told me that the typical transaction, let us say, for the sale of an American agricultural product to Argentina is to have an Argentine bank in the United States provide the letters of credit and other export financing which are the essential ingredients to making the transaction viable. Without ready access to these foreign banks and their branches, it makes that transaction a more difficult one.

In my State, we have had an expansion of representatives of foreign banks. In the Miami area alone, there are some 70 foreign banks represented. Those 70 banks have been a very important component of our State's ability to increase its export activities.

This legislation is going to make it more difficult for that type of representation to be available to other communities within our State, and for our State's export community to continue to be able to expand and provide jobs for Americans while we export American agricultural and industrial products.

Mr. President, I make these comments as a means of noting what I consider to be a deficiency in this legislation and in hopes that we will take an early opportunity for a relook at this issue from the perspective of the users of the system as opposed to the providers of the system, and the result of that early relook will be to make the specialized financial capabilities of foreign banks and their branches available to more communities, not less communities, in the United States and, therefore, greater opportunities for jobs for Americans as we contribute to an expanding international export economy.

Mr. President, many countries around the world are currently restructuring their economic and political systems, creating new trade and investment opportunities. No region is more significantly affected by these changes than Latin and South America. The countries in this region are moving toward economic reform, privatizing former government-run industries and liberalizing rules governing foreign trade and investment. According to the Federal Reserve, the resulting inflows of portfolio capital into the region has tripled in the last 3 years.

Implementation of H.R. 3841, the Interstate Banking bill, will negatively impact cities that want to become international trade financing centers and participate in the regional growth by limiting the ability of foreign banks to branch into new States. The development of American financial centers outside New York into international financial centers will not be successful without the direct participation of foreign banks.

Mr. President, I am specifically concerned that the interstate banking bill will make it harder for international banks in the United States to enter additional States including my State of Florida. International banks have played an important role in Florida's economy by providing jobs and trade financing, and increasing trade with our Latin, South American, and Caribbean neighbors. More than 70 foreign banks have offices in Miami.

The Greater Miami Chamber of Commerce International Banking Committee, in conjunction with the Florida Comptroller's Office of International Banking Bureau, has looked at the impact of the interstate bill and the Foreign Bank Supervision Act of 1991 on Florida. I quote from their report which I will submit at the end of this statement:

TRADE FINANCING AND OTHER BENEFITS

Florida will lose the opportunity to take advantage of the recent trade agreements (NAFTA, Mercousur) and the expected overall growth in world trade if limitations are placed on branching by foreign banks in Florida. It is estimated that within three years of full interstate branching Florida could experience the following benefits:

Trade financing, $2.0 billion.

Salaries and benefits, $22.5 million.

Occupancy (lease and rentals), $3.66 million.

Direct and indirect employment, 860 people.

Limiting foreign bank branching could have a negative impact on Florida's ability to achieve these benefits. Limiting entry of foreign bank branches would in turn place limits on export and wholesale banking activities (pre- and post-export financing, loan participation, and credit enhancement).

Additionally under the Export-Import Bank's foreign guaranteed lender program, the top 10 foreign banks guaranteed $47.4 million in 1988 and have steadily increased their guarantees to

$2,186.5 million in 1993. The top 10 foreign banks have provided $625.1 million through July 31, 1994. Foreign banks in Florida provided no guaranteed loan activity in 1988 but were providing $12.1 million by 1993 and have provided $1.4 million through July 31, 1994.

Finally, a rough estimate by the Canadian Bankers Association indicate the big six Canadian banks have provided approximately $500 million in letters of credit and acceptances for trade financing activity during last year.

Florida has aspired to develop into an even more significant international financial center, particularly for Latin and South America. Yet our ability to reach toward this goal has been severely encumbered. This difficulty occurs first due to the International Banking Act's limitation on foreign banks' interstate activities outside New York. Second the difficulty occurs by the extended delays and procedural redtape that have accompanied their applications to establish offices in the United States in the wake of the Foreign Bank Supervision Enhancement Act of 1991, and now by the procedurally burdensome requirements that will be put into effect by this legislation.

I am separately concerned that foreign banks' direct interstate branching privileges under this legislation, although viewed as equal to those of U.S.-incorporated, FDIC-insured commercial banks, will be seen by our trading partners as de facto unequal. I am concerned that this legislation will only operate in practice to deny foreign banks the equal competitive opportunity to expand geographically in the United States, because of the inherent legal, operational, and marketplace differences between insured U.S. banks and the U.S. wholesale branches of foreign banks. The 1984 U.S. Report to the GATT on Trade in Services observed that equal treatment between inherently unequal domestic and foreign service providers frequently denies national treatment in practice. The superficially equal treatment accorded foreign banks under this legislation is an illustrative case directly on point.

PROVISIONS OF THE BILL

The interstate bill allows international banks to branch to the same extent as domestic banks on a de novo basis. The bill limits the current foreign bank branching system.

The bill would limit this branching ability to one of two ways:

The State legislature must vote to allow interstate branching by domestic and foreign banks on a de novo basis.

It is highly unlikely States will vote to do this any time soon since they would prefer branching to occur by acquisition first.

Second, foreign banks could branch into a new State by acquiring an already established FDIC-insured domestic bank. The foreign bank could buy the retail bank, strip the retail deposits, convert it to a wholesale uninsured bank and fall under the Community Reinvestment Act [CRA]. Foreign banks will find this to be expensive due to the new restrictions now being applicable to foreign banks' U.S. offices. Additionally it is a convoluted way to branch in terms of relatively limited practical value to foreign banks.

Additionally, for the first time the CRA would apply to a financial institution that does not engage in retail banking activities and does not have Federal bank insurance, and in fact is precluded by law from carrying Federal deposit insurance under the Foreign Bank Supervision Enhancement Act of 1991.

Mr. President, let me include for the RECORD a memo from the Florida Comptroller's Office, and I will highlight a letter from the Florida International Bankers Association to my staff, which discuss the impact of this bill on my State. To quote from the Florida International Bankers letter,

> We believe that the disparate treatment of foreign banks will substantially impede trade and international financing activities. Moreover, the de novo branching provisions are contrary to the principle of national treatment of foreign banks.

The Florida Comptroller says,

> The foreign bank branching provisions in the bill make the foreign branch significantly less attractive as an expansion option for those foreign banks wishing to serve Florida. The lack of a viable foreign branch option in Florida limits the ability of United States citizens dealing in trade finance to do business with or take advantage of the trade financing expertise that would be available to them.

I therefore recommend legislation amending this bill to allow States such as Florida to attract foreign banks to establish uninsured wholesale branches outside the State of New York. The amendment would clarify that the States have the ability to expressly permit de novo entry by foreign banks. This would alleviate domestic banking concerns about retail competition from foreign branches and it would allow foreign banks to branch, on a wholesale basis, into the limited States that determine on their own that such branches are in the best interests of their States.

Foreign banks should be given similar flexibility that domestic banks were provided in the Community Development Financial Institutions bill. This flexibility would particularly be helpful in connection with certain provisions of the Foreign Bank Supervision Enhancement Act of 1991 that have resulted in unreasonable delays in approvals by U.S. regulatory authorities of applications to establish offices and related operations in the United States. These delays have also occurred more than a year for the processing of applications by foreign banks merely to establish representative offices.

Representative offices of foreign banks, like loan production offices of U.S. banks, are not even authorized to engage in any business in the United States. Yet, under the Foreign Bank Supervision Enhancement Act, U.S. bank regulatory agencies are subjecting proposals by foreign banks to establish such representative offices to essentially the same application procedures and approval requirements as proposals to establish full branch banking offices and subsidiaries. At the same time, U.S. banks are free to establish loan production offices without any such prior approvals at the U.S. Federal level. The United States cannot afford this regulatory superfluity, and the U.S. financial centers cannot afford this degree of hostility at the U.S. Federal regulatory level toward the international banking organizations the States are working so hard to attract to their cities because of the many benefits they bring with them.

Mr. President, I hope that over the next several years the United States does everything possible to work toward a consistent national treatment policy, and a safe and sound banking regulation and supervision of the U.S. operations of foreign banks. These efforts will enhance the status of our cities as international trading and financial centers. The balance between States rights, national treatment, and overall equivalence of competitive opportunity between U.S. and foreign banks is a goal we should all strive toward.

Mr. President, I ask unanimous consent to print in the RECORD two supporting documents to which I have made reference.

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

FAX COMMUNICATION

Date: August 12, 1994.

To: Ms. Leslie Woolley, Office of Senator Bob Graham, and Mr. Buz Gorman, Office of Senator Connie Mack.

From: Doug Johnson, Wilbert Bascom.

DEAR LESLIE AND BUZ: Thank you for sending us a copy of the Conference Report on H.R. 3841, the *Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994*. As you requested, we have reviewed the bill's international provisions. Wilbert Bascom, as head of our international banking bureau, was in Miami over the last few days, and, during his trip had the opportunity to discuss the bill with members of the international banking community in Florida.

It is our belief, as regulators, as well as the belief of the industry, that the bill, as drafted unduly restricts the international banking activities of foreign banks in several ways.

GENERAL COMMENTS

The foreign bank branching provisions in the bill make the foreign branch significantly less attractive as an expansion option for those foreign banks wishing to serve Florida.

The lack of a viable foreign branch option in Florida limits the ability of the United States citizens dealing in trade finance to do

business with or take advantage of the trade financing expertise that would be available to them.

The public policy desire, as stated in the bill, of ensuring that the domestic branch is not subject to unfair competition from the foreign branch is based on the mistaken impression that domestic and foreign branches serve the same markets, when in fact they do not.

Domestic deposit taking by foreign branches facilitates trade finance, it does not provide additional, and certainly not unfair competition to domestic branches.

DE NOVO BRANCHING

The bill currently does not appear to allow de novo branching for foreign banks, unless a state opts to allow domestic banks to branch de novo.

If this treatment of foreign banks is designed to protect domestic banks from unfair competition from foreign bank branches, it serves no purpose, because foreign Bank agencies and branches do not compete against domestic banks for retail customers. Their markets are totally different.

The Florida international banking community views access to the wholesale deposit market, with a minimum of delay, as a valuable tool to provide an additional funding source for their trade financing activities.

Clarifying that the states have the ability to opt-in for wholesale de novo branching for both domestic and foreign banks would do two things:

It would alleviate domestic banking concerns about retail competition from foreign branches.

It would allow foreign banks to branch, on a wholesale basis, into the limited states that independently determine that such branches are in that state's best interests.

OFFSHORE SHELL BRANCHES

The bill would provide that a U.S. branch or agency of a foreign bank may not, through an offshore shell branch that it manages or controls, manage types of activities that a U.S. bank is not permitted to manage at a foreign branch or subsidiary.

This provision limits the ability of foreign banks to book certain types of investments at an offshore shell branch and in turn manage those investments from a U.S. branch or agency.

The practice of managing off-shore investments (generally booked off-shore for taxation and other reasons) from the United States provides high quality U.S. jobs.

The prohibition of the practice could compel the relocation of the investment management team to a non-U.S. office of the foreign bank—costing the United States jobs.

United States banks might also not be subject to similar limitations on their off-shore activities that they conduct in their host countries.

DEPOSIT-TAKING ACTIVITIES

Foreign bank branches are currently only allowed to accept deposits of less than $100,000 if the total amount of those deposits do not exceed 5% of the branches average deposits.

These deposits allow the bank to provide a fuller range of bank services to those few trade finance customers who are not foreign nationals. In no way does the accepting of these deposits place the foreign bank in competition with the domestic bank for its normal retail customer base.

The bill would require the federal regulatory agencies to, by regulation, lower this current 5% de mimimus standard to 1%.

The committee report states that the public policy objective in lowering the standard is to further restrict the ability of foreign branches to engage to some extent in domestic retail deposit-taking in a manner giving it an unfair competitive advantage over insured U.S. banks and branches.

This perceived competitive advantage does not exist. Foreign branches involved in wholesale banking and trade financing activities serve different markets than U.S. retail banks. There is and will be no unfair competition.

The report further states that the agency's final regulations must take into account the importance of maintaining and improving the availability of credit to all sectors of the U.S. economy.

In that the lower 1% threshold could limit the ability of a foreign branch to fund its trade financing activities, it would be difficult if not impossible to take credit availability into account in any meaningful way when writing this regulation.

Please contact us if you need any further assistance in this matter. We certainly appreciate all of your efforts on our behalf.

[From the Bureau of International Banking, Sept. 3, 1994]

SUMMARY OF NEGATIVE IMPACT OF LIMITED FOREIGN BRANCHING IN FLORIDA

As indicated in the attached appendix, Florida could experience negative impacts in trade financing and other benefits if it does not permit full inter-state branching for foreign banks. The effects of deposit switching, as a result of full inter-state branching, would be minimal.

TRADE FINANCING AND OTHER BENEFITS

Florida will lose the opportunity to take advantage of the recent trade agreements (NAFTA, Mercousur) and the expected overall growth in world trade if limitations are placed on branching by foreign banks in Florida. It is estimated that within three years of full interstate branching, Florida could experience the following benefits:

Trade financing (in billions)	$2.0
Salaries and benefits (in millions)	$22.5
Occupancy (Lease and rentals) (in millions)	$3.66
Direct and indirect employment	860

Limiting foreign bank branching could have a negative impact on Florida's ability to achieve these benefits.

DEPOSIT SWITCHING TO FOREIGN BANK BRANCHES

It is estimated that deposit switching to foreign banks will be minimal and will not exceed one percent of total deposits of Florida state and national banks. Deposits switched will most likely be in excess of $100,000. However, deposit switching may also occur from sources other than Florida, e.g., through branch relocation. It felt that the foreign branches will be able to use these deposits more efficiently since its focus will be on the export sector and wholesale banking.

APPENDIX

The impact disallowing or limiting branching by foreign banks

Interstate branching by foreign banks through acquisition and/or de novo branching would no doubt encourage foreign banks to locate in Florida.

Foreign banks would want to locate in Florida because of the following reasons:

(i) They believe that they would be able to access large deposits (deposits equal or greater than $100,000) that are now held by domestic banks.

(ii) The deposits they would access would be those owned by foreigners and by businesses interested in trade financing and other wholesale banking services that the foreign bank for various reasons may provide more efficiently than domestic banks not involved in such services.

(iii) potential of trade financing is substantial in view of recent trade agreements in the Hemisphere (NAFTA, Mercousur, etc.) and the exploitation of this potential would be facilitated by increased deposit funding.

(iv) While the deposit switching impact will be small, the impact of trade financing, employment and other benefits would be substantial.

Estimated deposit switching to foreign branches

(i) No switching of deposits below $100,000.

(ii) Switching is estimated to be minimal and will be done by large depositors seeking increases in interest rates.

(iii) Switching may also be from sources other than Florida, e.g. through branch relocation, thus enhancing the resources for trade financing in this state. This impact has not been estimated.

Other funding

(i) The trade financing and other activities of foreign bank branches would generate their own deposit resources.

(ii) Deposit switching can be minimized by borrowing to finance asset growth.

Florida exporters and other beneficiaries

Branches of foreign banks would create additional and new types of export and wholesale banking activities (pre-and post export financing, loan participation, and credit enhancement). Limiting entry of foreign bank branches would in turn place limits on export and wholesale banking opportunities. It is estimated that within three years of foreign bank branching, trade financing would increase by $2.0 billion; salaries and benefits, $22.5 million; and employment could increase by 860.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

Mr. GRAHAM. Mr. President, at the request of the Senator from Georgia, managing the time of the Senator from Georgia, will the Chair tell me how much time is remaining?

The PRESIDING OFFICER. There are 4 minutes and 40 seconds remaining.

Mr. GRAHAM. I yield to the Senator from Kentucky.

Mr. FORD. I need some time to talk about the same thing the Senator from Florida talked about, since nobody is going to talk about defense.

Mr. GRAHAM. Is there anyone who wishes to speak?

Mr. FORD. It is positive and not negative.

Mr. GRAHAM. Mr. President, I yield 4 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

RIEGLE-NEAL INTERSTATE BANKING AND BRANCHING EFFICIENCY ACT OF 1994

Mr. FORD. Mr. President, let me follow the Senator from Florida, my good friend, Senator GRAHAM, to say that foreign banks now have $1.2 trillion of the $3.9 trillion business. I think they are doing very well.

Mr. President, I rise in strong support of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. I believe this legislation will mean real progress in a number of ways. It will make our banking system more efficient and competitive. It will offer greater choice to consumers. It will be good for businesses. And it has been carefully structured in a manner which protects important States' rights under our dual banking system and respects the legitimate franchise interests of small community banks.

I compliment the chairman of the Banking Committee, Senator RIEGLE, for his years of hard work and dedication to this particular issue. It is appropriate that the final product bears his name.

Mr. President, I was pleased to play a part in the development of this legislation. In 1991, when there seemed to be a stalemate on this issue, the bankers of my State and many other States came together around a compromise proposal which I offered as a floor amendment at that time. I wish to compliment Ballard Cassady with the Kentucky Bankers Association for the leadership role he played in assembling a national coalition within the banking community. That 1991 compromise amendment which passed the Senate is similar in many ways to the final product we are considering today. I believe it strikes an appropriate balance between competing interests on a very complex issue.

The pending legislation is full of important compromises. There is one in particular which I wish to highlight, because I believe it is an area which we should continue to monitor very carefully. And that involves the language affecting foreign banks.

I would have preferred the original Senate approach on foreign banks, which was simple and straightforward. It said to foreign banks: if you wish to branch interstate, you must play by the same rules as U.S. banks. We will give you the exact same opportunities if you accept the same burdens. You should bear the same costs as U.S. banks if you are going to compete for the same business.

Mr. President, I believe there is growing evidence that foreign banks are increasingly competing for the same loans as U.S. banks. Their market share has grown for commercial and industrial loans as well as commercial real estate loans. Yet our tradition is to treat them as separate creatures. They are a different kind of animal under our traditional view. So foreign banks generally have not had to bear the costs of paying deposit insurance premiums or complying with laws like the Community Reinvestment Act.

All of this has evolved under our interpretation of the concept of "national treatment" under our international agreements. I would suggest to our regulators that they may now be interpreting "national treatment" to mean something that the average U.S. banker neither understands nor supports. It is a very complex area, and it may be time for a reevaluation.

However, given the time constraints involved in putting this legislation together, I believe we reached a fair compromise on foreign banks for the time being.

We are basically saying to foreign banks three important things. First, it should be clear that you are subject to most of the same consumer laws as U.S. banks. This bill specifically mentions 11 different Federal laws which will be extended to foreign banks. Second, if you take retail deposits of less than $100,000 you will have to pay deposit insurance premiums just like U.S. banks, and the definition of "retail" deposits has been tightened. Third, if you branch interstate by acquisition or merger, and you merge with an institution which is subject to the Community Reinvestment Act, you will continue to be subject to CRA just like U.S. banks.

In particular, I would like to compliment Assistant Treasury Secretary Rick Carnell and Pat Mulloy of the Senate Banking Committee staff for their hard work in developing this compromise language. It is a good start, and helps to level the playing field for U.S. banks.

However, I believe we must continue to watch the market trends with respect to foreign banks to make sure they do not have major competitive advantages under this law. This may very well be an area which we will need to revisit in the future.

With those comments in mind, I wish to say again to the floor manager that he has crafted a very positive piece of legislation, and I believe it will contribute toward a more efficient banking sector and a healthier economy. Our State banking commissioner just yesterday suggested that this may be the most significant Federal banking legislation in more than a decade, and I believe he may be right. I compliment the Senator from Michigan for making it a reality.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Republican leader.

Mr. DOLE. Madam President, I ask unanimous consent that I may proceed for 1 minute.

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

Mr. DOLE. Madam President, before we vote on the conference report to the Defense Authorization Act for fiscal year 1995, I want to take a moment to commend the chairman and the ranking member of the Senate Armed Services Committee for their efforts in hammering out this conference report. While they have done the best they could with what they were given, the fact remains that President Clinton's defense budget and his future years defense plan are inadequate. The fact is, our military is going hollow. And while this bill is probably the best under the circumstances, it represents another step down a disastrous road to unpreparedness.

The fact is, the President's defense plan is simply not sufficient to maintain American security and American leadership. The President's defense plan will not meet his declared objectives of fighting and winning two nearly simultaneous major regional conflicts, and the fact is, even this inadequate force is not funded.

We have all heard of the GAO's conclusions—the budget shortfall of the so-called Bottom-up Review force is $150 billion. And we have all seen the headlines that the Deputy Secretary of Defense, in a memo to the members of the Defense Resources Board, directed the armed services to prepare plans for deeper cuts, including the possible termination of a number of procurement programs required to modernize our forces. While the administration attempts to justify these additional cuts by arguing that these funds are needed for pay raises for the troops and to contribute to the quality of life of the men and women in uniform, the fact remains that the administration ignored these issues in their original budget submission. The Congress saw to it that our readiness accounts received more funding and it was the Congress that saw to it that our soldiers receive adequate pay. Their whole line of argument is an attempt to pit the defense industrial base against the troops and their families. It escapes me why the administration must always ply this phony game of "enemies and victims." Only in this case, American strength is the enemy and American security may be the victim.

As has been often stated by my Republican colleagues, this is the tenth consecutive year that the defense budget has been cut. And under the Clinton administration's budget we are facing another 5 years of slash and burn. I won't repeat the budget analysis. The distinguished ranking Republican, Senator THURMOND, and Senator MCCAIN

have both argued the case well. My question is, at what point do we stop this slash and burn of our national security? Next year? The year after? Five more years, as the President wants? Will we have the luxury of a wake up? Or will the realization come too late, as history shows it most always does?

During World War II, it was the leadership of the United States which made victory possible. During the cold war, it was the stalwart leadership of this country that resulted in victory over communist aggression. Now that we have entered a new era, whether we like it or not, the world still looks to the United States for leadership. Leadership on today's world stage still means being militarily prepared to meet any future threat. Leadership requires a commitment to strength. Weakness invites war. These are simple truths, but too easily forgotten.

Yet, if World War II, Korea, the cold war, and Desert Storm have taught us anything, it is the danger of wishful thinking. You cannot just wish threats away. Wishes are no substitute for vigilance and leadership.

We see the signs that we are returning to the hollow forces of the late 1970's. The administration's own panel on readiness recently reported that pockets of unreadiness are already showing up in the Air Force, Army, Marine Corps, and Navy. This is not an honest defense budget. The administration does not have a genuine defense plan. The chairman and the ranking member have done all they can with an inadequate defense budget proposal. While I appreciate the good work of the chairman and ranking member, and while I wish I could support this legislation, I will not endorse another step toward a hollow force.

STATEMENT ON THE SHOOTDOWN PROVISIONS OF S. 2182

Mrs. KASSEBAUM. Madam President, I am deeply disturbed by the so-called shootdown provisions in the conference report for the fiscal year 1995 defense authorization bill.

Section 1012 of the conference report reverses the longstanding U.S. policy of flatly discouraging the use of deadly force against civilian aircraft. Under this legislation, the law of the United States would no longer condemn foreign governments that choose to shoot down civilian aircraft they believe to be involved in drug trafficking. This bill also will permit the U.S. Government to assist foreign governments that choose to use force.

I understand how frustrating it is when the illicit contents and use of an aircraft are known and yet law enforcement agents cannot down that plane. But the alternative in this bill is far worse. To sanction the use of deadly force against civilian aircraft, as this legislation does, is ill conceived. It is a dangerous error of judgment that wisely was rejected by previous administrations.

This bill permits the shooting down of civilian aircraft so long as the plane is reasonably suspected of drug trafficking. And, if that reasonable suspicion is wrong—if an innocent aircraft is mistakenly downed—the bill would shut off legal recourse for survivors or their families. In a deadly game of chance, this legislation lets the United States help foreign governments shoot down civilian planes based on little more than an educated guess. It then shields our Government from liability if the guess is wrong.

Those who advocate this provision argue that it is needed to protect the national security of countries struggling against drug traffickers. But by creating a national security exception to the international prohibition on the use of force against civilian aircraft, the United States will open the door for other countries to do the same. We should not forget that in 1983 the Soviets justified the shooting down of Korean Airlines Flight 007 on national security grounds and that 269 innocent people died as a result.

Madam President, most observers agree that this provision violates international law and U.S. treaty obligations. But legalities are not the most important problem here. The bottom line is that this is plain bad policy. At this point, there is little we can do to remove it from this legislation. But I urge my colleagues to rethink this issue and to take steps in the future to prevent its implementation.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report on S. 2182.

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

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The result was announced—yeas 80, nays 18, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—80

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

NAYS—18

Bennett	Gorton	McCain
Brown	Gramm	McConnell
Coverdell	Gregg	Nickles
Craig	Hatch	Smith
Dole	Kempthorne	Wallop
Feingold	Mack	Wellstone

NOT VOTING—2

Chafee	Hatfield

So the conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

INTERSTATE BANKING EFFICIENCY ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is considering the conference report on H.R. 3841, the interstate banking bill.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. Madam President, I am especially pleased that this legislation contains the 1995 Special Olympics World Games Commemorative Coin Act. The Special Olympics are an international success story. Among other things, they provide a world-class sporting event for athletes with mental retardation and demonstration to a global audience the extraordinary talents, dedication, and courage of persons with mental retardation.

I have been a long-standing supporter of the Special Olympics. Today, nearly 1 million athletes compete in Special Olympics programs throughout the world. There are accredited Special Olympics programs in more than 130 countries.

The 1995 Special Olympics Coin Act directs the Secretary of the Treasury to issue $1 silver coins, emblematic of the 1995 Special Olympics World Games. It mandates that surcharges, collected from the sale of such coins, be paid to the 1995 Special Olympics World Games Organizing Committee to help fund these games.

The Special Olympics are an extraordinarily worthwhile and special international sporting event and I want to

express my gratitude and congratulations to Sargent and Eunice Shriver for their tremendous leadership and success in making the games a reality.

HOST STATE AUTHORITY OVER NATIONAL BANKS

Mr. D'AMATO. I would like to bring to the attention of the chairman a concern that has been expressed with regard to section 105 of this bill. The purpose of that section is to authorize host State bank supervisors to examine and bring enforcement actions with respect to interstate branches of State-chartered banks. The section makes a reference to section 5155(g) of the revised statutes, which, considered alone, speaks to branching by national banks. I understand there is a concern that the section could be construed as conferring on States supervisory authority over interstate branches of national banks.

Mr. RIEGLE. This simply is not the case. Section 105 speaks to the supervisory authority of State banking supervisors over interstate State-chartered banks only. The reference is intended to be to State banks that are members of the Federal Reserve System. They have the same authority to establish branches as national banks under section 5155(g).

The reference to section 5155(g) was added by the conferees as a technical and conforming correction. We intended section 105 of the bill to apply to all State banks, but the language actually only referred to State nonmember banks that are subject to section 18(d) of the Federal Deposit Insurance Act. A correction was needed to fill an unintended regulatory gap that may have prevented host State bank supervisors from examining and bringing enforcement actions against State member banks.

The conferees' intent is clearly stated in the official version of the conference report, where we described section 105 as permitting "the appropriate State bank supervisor of a host State to examine branches of out-of-State State banks * * *."

A different section of the bill addresses supervision of interstate branches of national banks. Section 102 of the bill clarifies that under interstate banking, State-chartered banks will continue to be subject to supervision by State authorities, while national banks will remain subject to supervision by the OCC. Where a national bank is subject to State law, section 102(f) of our bill clearly spells out that those State laws "shall be enforced, with respect to such branch, by the Comptroller of the Currency."

Mr. D'AMATO. I appreciate the chairman's clarification of this matter. I am in total agreement with Senator RIEGLE on this point.

I would like to point out that the printed version of the conference report seems to have prompted this concern. As the Senator said, the official version of the conference report clearly states our intention that section 105 apply only to State-chartered banks. Unfortunately, the word "State" in the reference to "State banks" was omitted in the printed version. This error inadvertently suggested that section 105 could speak to supervision of all banks, not just State banks.

Mr. RIEGLE. The official version of the conference report contained the word "State" in reference to the types of banks covered and so that document correctly describes the conferees' agreement concerning the scope of section 105. The omission of the word "State" from the printed version was a printer's error. The official version of the report clearly shows the section is limited to examination and enforcement by host State officials with respect to out-of-State State banks—not national banks. I ask unanimous consent to print the correct version of the conference report description of section 105 in the CONGRESSIONAL RECORD.

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

EXCERPT FROM HOUSE REPORT 103-651

COORDINATION OF EXAMINATION AUTHORITY REGARDING INTERSTATE BRANCHES

Section 105 permits the appropriate State bank supervisor of a host State to examine branches of out-of-State State banks to assure compliance with host State laws, including those governing banking, community reinvestment, fair lending, consumer protection and permissible activities, and to assure that the activities of the branch are conducted in a safe and sound manner.

The host State bank supervisor, or other host State law enforcement officer (if authorized under host State law) may take appropriate enforcement actions and proceedings regarding the branch.

State bank supervisors are permitted to enter into cooperative agreements to facilitate supervision of State banks operating interstate. Under the Senate-passed bill, such agreements would have been subject to approval of the appropriate Federal regulator. The House-passed bill had no requirement for approval. The Senate receded to the House on this issue. Both bills contained a provision that nothing in the section affected the authority of Federal banking agencies to examine branches of insured depository institutions, and the Conferees included such a provision in the title.

Mrs. MURRAY. Madam President, I rise to discuss an issue that has come to my attention upon closer scrutiny of the Interstate Banking Efficiency Act.

Following conclusion of deliberations of the conference committee, the director of the department of financial institutions in my home State of Washington identified a potential unintended consequence of the wording of section 102 of this bill. This section allows a State to opt out of the interstate branching system by adopting a State law "that—(i) applies equally to all out-of-state banks."

It was the understanding of the director of the department of financial institutions that the intention of this provision was one, to prohibit interstate compacts limited to specific regions of the United States; and 2, to prohibit state legislation that discriminates against national banks doing business in such States.

This bill was not drafted with the intention of creating a disparity between the treatment of State-chartered savings banks and Federal savings banks. I am hopeful that such a situation will not occur.

I ask unanimous consent that the director's letter be printed in the RECORD.

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

STATE OF WASHINGTON, DEPARTMENT OF FINANCIAL INSTITUTIONS,
Olympia, WA, August 16, 1994.

Re Interstate Banking Efficiency Act.

Mr. KERRY KILLINGER, President, Washington Mutual Savings Bank, Seattle, WA.

DEAR MR. KILLINGER: As you are aware, on August 2, 1994 the Conference Committee concluded its deliberations on the Interstate Banking Efficiency Act. I would like to draw your attention to Section 102 Interstate Bank Mergers which creates new Section 44 in the Federal Deposit Insurance Act. There appears to be some unintended results that may impact the competitive viability of state-chartered savings banks to their federal savings association counterparts.

Paragraph (a)(2) of new Section 44 is the state election to "opt out" of the interstate branching provisions. Subparagraph (A) states that, among other things, that the opt out provisions must apply to "all out-of-State banks." Upon inquiry to committee staff, it appears that the intent of this provision was to (1) prohibit the formation of interstate regional compacts and (2) prohibit the possibility that some states may opt out only national banks in order to provide competitive edges for state-chartered financial institution. Thus, the intended purpose of the provision was to assure a "level playing field" among competing financial institutions. However, if it is determined that state opt out legislation must also include savings banks in order for the provision to be operative, state-chartered savings banks are put at a competitive disadvantage compared to their federal savings association counterparts. Since the apparent intent of the provision was to level the playing field, it would not appear that the result against state-chartered savings banks was ever intended.

I would be glad to discuss this issue with you further at any time.

Sincerely,

JOHN L. BLEY,
Director.

Mr. DODD. Madam President, with consideration of the conference report on the Interstate Banking Efficiency Act, we have finally reached the last legislative hurdle to the long-sought goal of nationwide banking and branching.

We have thoroughly debated the merits of interstate banking and branching for many years. At long last, we have arrived at a bipartisan consensus on this important issue. I, and others, have had to compromise and temporarily put aside issues of great importance to us in order to get to this

point. I would have liked to see certain banking-related provisions involving bank sales of insurance included in this conference agreement, but their inclusion might have once again unnecessarily delayed enactment of this important legislation. These matters are still important to me and it will continue to pursue them but this was not the right time.

The swift movement of interstate banking legislation through both Houses indicates just how strong this consensus is. In the 103d Congress, the legislation has received almost unanimous support with only one negative vote cast against it throughout its consideration by both Houses.

This overwhelming consensus demonstrates the widespread understanding that it is high time that we allow our banks to branch into other States. The restrictions on bank branching we have had in place are unprecedented in the industrialized world and must be eliminated if our banks are to remain competitive.

Madam President, the positive impact of interstate banking and branching will be widely felt. Full interstate branching will improve bank efficiencies, ease regional economic slumps, boost consumer conveniences, ameliorate the impact of future credit crunches, and enhance the safety and soundness of the banking industry.

Our banking system will benefit, but most importantly, this conference agreement, when enacted, will be a boon to consumers. Bank customers nationwide will be able to enjoy a fuller range of services available in any State in which their bank operates.

This conference agreement before us today takes into account the many concerns that have been raised about interstate banking and branching over the years. It strikes the proper balance between creating a more efficient national banking system and protecting States rights and the dual banking system. It respects the interests of States by giving them a long transition time and requiring branches to abide by applicable State laws.

The conference agreement contains safeguards to preserve safety and soundness by prohibiting undercapitalized institutions from participating in interstate branching. It meets community needs by maintaining community reinvestment act requirements. It ensures competition and diversity of services by providing safeguards against over concentration of banking assets in any one State.

Here is the crux of the conference agreement: Just 1 year after this conference agreement is enacted, a banking organization will be able to operate banks in any or all of the 50 States just 1 year after enactment. Three years after enactment, a bank will be able to establish branches outside its home State, if the State in which the branches would be located permits it. Foreign banks will have comparable authority to domestic banks to establish interstate operations.

SPECIAL OLYMPICS COINS

There are several additional provisions of the conference report I would like to mention briefly. First, the agreement authorizes the minting and issuance of several commemorative coins. One of these coins—which is of particular importance and significance to me—will commemorate the 1995 Special Olympics World Game to be held July 1 through July 9, 1995, in New Haven, CT. The funds raised by a surcharge on commemorative $1 coins will be used to help fund the cost of the games—the largest sporting event in the world in 1995. The games are a world-class competition which will provide an opportunity for very special athletes to demonstrate their talents, dedication, and courage. The coin incurs no net cost to the Government.

Second, I would like to address two provisions that have aroused much controversy and resulted in some opposition to what is otherwise a noncontroversial bill.

STATUTE OF LIMITATIONS/REVIVAL OF CLAIMS

One of my colleagues is very upset about the provision of the conference report—unrelated to interstate banking and branching—that will effectively extend the statute of limitations for tort claims brought by the FDIC and the RTC. The provision is a compromise proposal, put forward by the other body, that narrows the scope of the provision that was attached to the interstate banking bill on the Senate floor. It will allow the FDIC and RTC to revive expired claims involving fraud and intentional misconduct.

I know we will have the opportunity to debate this issue more fully. However, I would just like to take a minute to try and put this matter in perspective. We have debated the issue of extending the statute of limitations and reviving expired claims many times over the last 5 years. The compromise contained in the conference agreement—a rather extraordinary provision allowing for the retroactive revival of expired claims—is very similar to the compromise that has been struck on several other occasions. It is no better and no worse.

The provision has been widely mischaracterized. It is a true compromise that gives both sides something but does not in anyway take away existing authority from the Government to pursue S&L wrongdoers. It enhances the regulators' ability to recover losses from failed financial institutions—maybe not as much as some would like—but it certainly will not hinder the RTC's or FDIC's ability to pursue claims.

While some of my colleagues might not view it as the ideal solution, it is a balanced compromise that is certainly not a reason to vote against or block this very important banking legislation that has been so many years in the making.

TEXAS HOMESTEAD PROVISION

The other part of the conference report to which a few of my colleagues object, would reverse an Office of Thrift Supervision [OTS] regulation that has preempted the so-called homestead provision of the Texas State Constitution. The Texas Constitution prohibits a lender from requiring a borrower to use his or her homestead as security for many types of loans.

This is a very controversial matter within the State of Texas and while I understand that there are strongly held views on both sides of the issue, I would hope that my colleagues would not allow this provision of the conference report to doom the whole interstate banking bill. The conferees struggled with this issue and it was not an easy decision but I'm sure we will have other opportunities to address it.

In conclusion, the wider economic benefits that interstate banking and branching will bring are too important to delay any longer. Full interstate banking and branching authority will cushion the impact of future credit crunches by bringing badly needed capital to impacted region from other parts of the country. Past bank failures and regional economic slumps might have been prevented if banks had been able to hold loan portfolios with greater geographic diversity that interstate banking will provide.

This conference report is well crafted and establishes a sensible and consistent approach which will promote bank efficiency and growth. We have reached an ideal time to act on this enormously critical legislation which will bolster the long term health of our banking system. I strongly urge my colleagues to support this significant change to our current system.

REMARKS ABOUT CHAIRMAN RIEGLE

I would like to take a moment to say a special word of thanks to our outgoing chairman, Senator DON RIEGLE. This may be the last banking bill he manages on the floor of the Senate. Chairman RIEGLE is to be commended for his strong and persistent leadership in bringing this issue before us today.

In recognition of his efforts on this and other important banking legislation over the years, the conferees unanimously voted to name this historic legislation in his and Chairman NEAL's honor. It would certainly be a fitting tribute to him if we could pass this bill now. I can think of no better way to recognize Chairman RIEGLE's great contribution and his successful term as Banking Committee chairman. He has a record of which he can be very proud. I have enjoyed working with him these many years and wish him much future success.

Mr. DOLE. Madam President, today is an important day for the banking

community. We have just passed the Interstate Banking Efficiency Act of 1994. This bill, among other things, will enable bank holding companies to acquire banks in any State 1 year after enactment of this legislation, and generally enable a bank to merge with a bank in another State after June 1, 1997.

I voted for final passage of this bill, but I did so with caution and reserve. Many bank mergers have occurred in the banking community in recent years. And there seems to be a clear trend toward these mergers in an effort to provide customers with one-stop shopping for banking products. With banks mergers, come more financial products available to local customers, more efficient and less-costly administration, streamlining of banking operations across the Nation. And competition. But with it also comes, perhaps the end of an era. The possible dwindling in the number of local neighborhood banks. Banks where you were greeted by someone you grew up with. Banks who knew not only your business, but you as a person. Relationship banking that could make the determination to lend your startup business the necessary capital to expand because of who you were, not because of what your credit history looked like. This type of banking is what creates the fuel for our Nation's economy—the small businesses across the country.

I voted for this package because I believe interstate banking will foster competition, and will provide a more varied array of financial products to the local communities that do not yet have such alternatives. But I do so with the hope, the belief, that the banking community and Congress will not forget to continually strive toward a healthy balance of relationship, neighborhood banking, and one-stop shopping.

I also had reservations regarding how this bill would affect State rights and State laws. Through many discussions, and changes, I now feel comfortable that consideration was given to ensuring that State's rights would not be preempted arbitrarily. Under this bill, States have the option to opt-out of this legislation or opt-in prior to the June 1, 1997, effective date. Interpretations concerning the Federal preemption of State laws will undergo a process that is more accessible to the public for comments, more responsible, and more open than what we have had in the past—especially as it relates to community reinvestment, consumer protection, fair lending, and establishment of intrastate branches.

All in all, I think that this is a good bill. It may not be a perfect bill, nor even an excellent bill, but I believe that passage of this bill was inevitable. Even without this bill, many banks are already merging across State lines. This bill clarifies the procedure and the intent of Congress in this area. And this clarification is very much needed. And for this reason, I support the bill.

Mr. ROTH. Madam President, I rise in support of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. As a conferee on the legislation, I believe that the report shows the excellent work of many Members and their staffs, both in the House and the Senate. I wish to express my appreciation particularly to Chairmen GONZALEZ and NEAL as well as to ranking Republican LEACH on the House side, and to Chairman RIEGLE and Senator D'AMATO on the Senate side, for their courtesy, patience, and understanding with respect to my concerns.

This legislation allows bank holding companies to acquire banks in any State in 1 year. It also allows bank holding companies to consolidate their subsidiaries after June 1, 1997, in any State unless that State has opted out of interstate branching by that time.

Therefore, while this legislation does unconditionally authorize interstate banking, the same cannot be said of interstate branching. Instead, the legislation gives the policymakers in each State a choice whether or not to allow interstate branching in their State.

In this legislation, we do not make that policy judgment for any State. Rather, we have attempted to construct for the States a fair choice. To make the choice fair, the legislation seeks to protect State interests in three different ways:

First, the conference report—unlike the House bill—gives each State an ample timeframe, from the date of enactment to June 1, 1997, to decide whether to opt out of interstate branching. The House bill would have allowed interstate branching to occur even before a State decided, thereby creating additional constituent pressure in favor of State approval. But the conferees rejected that approach, with the result that each State has at least until June 1, 1997, to decide without such additional pressure.

I say that each State has at least until June 1, 1997, in that any State that desires additional time beyond that date may simply opt-out before that date. Then, under the legislation, it may opt-in at any later time it finally decides. This is a point that is not well understood by commentators seeking to provide a simplified explanation of the legislation. But this is, indeed, how the legislation works. The 1997 date is there for a State to act by such time or be deemed to have elected interstate branching. But if a State needs more time to resolve tax or enforcement issues, for example, it may affirmatively obtain as much time as it needs under the legislation. Each State has the power to write its own script.

At our committee markup of the legislation, I had filed an amendment to provide each State 3 years to act. The bill at that time only allowed each State a single year. At that time, several other items were also unresolved, so as part of a compromise on these matters, the chairman agreed to allow each State 2 years to act. Thereafter, various State organizations voiced their support for 3 years and I was pleased to join in a successful effort on the Senate floor to extend the date to June 1, 1997. This fulfills the purpose of my 3 years amendment, which was to provide a State such as Delaware, whose general assembly meets every spring, a minimum of three legislative sessions to address this complex subject.

This was one of the major issues resolved in conference, and I am pleased to say that the prerogatives of the States are protected in the conference report.

The second area where the conference report protects State interests is that of State taxation. In providing each State with a fair choice on interstate branching, the last thing we wanted to do is to create a threat to any State's collection of tax revenues. Of course, there is no way we could guarantee to every State that tax collections in future years would be the same as the current level. We cannot make such a guarantee even if we don't pass this legislation.

However, when we were last on the Senate floor considering this legislation, I was able to secure a provision as part of the managers' amendment that makes clear that the authority of the States to tax as they are taxing today remains undiminished by this legislation. I am pleased that the provision is retained in the conference report.

Remember that the legislation provides a choice for each State regarding interstate branching within its State. It is quite conceivable that not all States will make the same election under this legislation. But no matter what choice a State may make, my amendment makes clear that the taxing authority of the State, whether or not it elects interstate branching, remains undiminished by this legislation. Of course, it is equally appropriate to note that nothing in the legislation augments the tax authority of any State.

It is my purpose in espousing my amendment to preserve the status quo in State taxation not only between all tax collectors and all taxpayers but also to preserve the current equilibrium among individual States. Only in this way can tax considerations, which are so important to States in establishing State policy and to banks in determining their future plans, be reduced so that States and banks may consider the banking merits of interstate branching.

When a bank holding company participates in interstate branching, it does not act as some amorphous glob,

lacking in distinct legal entities. In adopting a method of taxation, a State is not precluded from treating those entities as it chooses, subject, of course, to any Federal and constitutional restraints. The State of Delaware, for example, treats different entities within a bank's corporate structure differently, treating some as part of the bank, some as distinct taxable entities, and some as either, depending upon the election by the taxpayer. Under this legislation, Delaware will have an undiminished claim on the earnings of the entities it hosts and an undiminished right to maintain or create a tax structure which complements such entities.

This, of course, is true for all the States. My amendment assures that their structural decisions need not be driven by tax considerations and that their tax structure not be driven by interstate branching considerations.

Since this legislation neither decreases nor increases the taxation authority of the States but leaves it where it is today, banks wishing to consider interstate branching will be able to do so more on the basis of banking factors and less on the basis of tax factors. It should be noted, therefore, that my amendment not only protects State interests but taxpayer interests as well.

The third area where State interests are preserved concerns the interstate extension of credit. As members of the Senate Banking Committee will recall, I was the original sponsor of the savings clause in this legislation that provides that nothing in the bill affects section 5197 of the Revised Statutes or section 27 of the Federal Deposit Insurance Act. The Senate Banking Committee included the savings clause in the bill reported by the committee and I am pleased to note that the House and Senate conferees have agreed to adopt this provision.

The credit card industry is a very significant component of the economy of Delaware and the United States. Today, without nationwide interstate branching, a bank that provides credit across State lines may, under section 5197 of the revised statutes and section 27 of the Federal Deposit Insurance Act, charge interest allowed by the State where the bank is located. This is true today even if the bank providing the credit is part of a multistate bank holding company.

Thus, if a Delaware bank that is a subsidiary of a bank holding company provides credit to a customer who lives in a second State where another subsidiary bank of that same bank holding company is located, the Delaware bank may collect Delaware loan charges from borrowers in that second State because the bank is located in Delaware, not in the second State.

Now suppose that under this legislation the Delaware bank and the bank in the second State are merged into a single bank with branches in the two States. Can the branch of the consolidated bank that is located in Delaware still collect Delaware loan charges from borrowers in the second State? I raised this question at hearings on the interstate branching legislation last year. At that time the legislation did not include the savings clause.

As part of the hearing record, the FDIC responded in writing to my question that it was uncertain whether interstate branching might adversely affect the right of a Delaware bank to collect Delaware loan charges from borrowers in other States in which the Delaware bank might establish branches. The FDIC response indicated that provisions of the legislation could be interpreted to mean that Congress intended these bills to prohibit exportation of interest rates by an out-of-State bank—the Delaware bank, in my example—into a State in which it operates a branch, thereby restricting 12 U.S.C. 85 and 1831d—the provisions embraced by the savings clause. Moreover, the FDIC said: "It could be argued that Congress intended any bank choosing to operate a branch in another State to be subjected to that State's interest rate limitations. * * *"

This response greatly concerned me. I immediately began to take steps to address this potential threat not only to Delaware's credit card industry but to all banks that extend credit to borrowers who reside outside the State where the bank or, under this legislation, the branch making the loan or other extension of credit is located.

In order to ensure that banks providing credit to out-of-State borrowers would be unaffected by structural changes brought about by interstate branching legislation, I offered the savings clause in committee, and it is now part of this conference report.

The essential point of my amendment is that a branch of a bank that provides credit across State lines may impose its State law loan charges even though there is a branch of that same bank in the State of its customer. The savings clause is intended to preserve this efficiency of uniformity from the credit-provider's viewpoint, notwithstanding formal or structural changes that may occur through mergers within a bank holding company under this legislation. Essentially, the Delaware branch of a bank providing credit remains located in Delaware even if, through a branch, it may be argued that the bank is also located in the State where the borrower resides. The savings clause means that the establishment of a branch in the borrower's State does not defeat the powers that a Delaware bank enjoys today under section 5197 of the Revised Statutes or section 27 of the Federal Deposit Insurance Act. Of course, the savings clause is not intended to suggest that when a branch makes a loan to a borrower who resides in the same State as the branch that somehow the branch can use section 5197 of the Revised Statutes or section 27 of the Federal Deposit Insurance Act to impose the loan charges authorized by the laws of some other State. When the branch makes such an in-State loan to a local customer, the law of the State where the branch and the customer are located applies.

The statement of managers expressly refers to the potential of a "branch making the loan or other extension of credit * * *" This language underscores the widespread congressional understanding that, in the context of nationwide interstate branching, it is the office of the bank or branch making the loan that determines which State law applies. The savings clause has been agreed to for the very purpose of addressing the FDIC's original concerns and making clear that after interstate branching, section 5197 of the Revised Statutes and section 27 of the Federal Deposit Insurance Act are applied on the basis of the branch making the loan.

Up to this point, I have assumed that the Delaware branch that made the loan performed all aspects of soliciting, processing, approving, closing, and servicing the loan. But that is not always factually what happens. What use may the Delaware branch make of a branch of that same bank located in the borrower's State without causing the law of the borrower's State to apply? On this point, the analysis of the conferees in fashioning section 101(d) is instructive. This section provides agency authority for banks and, in some cases, savings associations as well.

The conferees were very careful in drafting this agency authority, whereby one bank may use an affiliated bank in another State as its agent with respect to some, but not all, aspects of an interstate loan. What the conferees intended was to allow the principal bank in State A to use an agent bank in State B to assist with deposits and loans in a way that the law of State A would be applicable even though the agent bank in State B helped in some respects. The statement of managers correctly characterizes these permissible functions of the agent as "ministerial." Excluded from the ministerial category are the decision to extend credit, the extension of credit itself, and the disbursal of the proceeds of a loan. The House bill had provided for the disbursal of proceeds within the agency authority, but as the statement of managers points out, the conferees deleted this particular authority and substituted the servicing of the loan.

The rationale for this conference amendment is that the actual disbursal of proceeds—as distinguished from delivering previously disbursed funds to a customer—is so closely tied to the extension of credit that it is a factor in

determining, in an interstate context, what State's law applies. Thus, the conferees made certain that such factors were excluded from the agency authorization. In contrast, "ministerial functions * * * such * * * as providing loan applications, assembling documents, providing a location for returning documents necessary for making the loan, providing loan account information * * * and receiving payments * * *" were all included within the authorization, according to the statement of managers.

When one combines the choice-of-law analysis contained in section 101(d) with the savings clause, it is clear that the conferees intend that a bank in State A that approves a loan, extends the credit, and disburses the proceeds to a customer in State B, may apply the law of State A even if the bank has a branch or agent in State B and even if that branch or agent performed some ministerial functions such as providing credit card or loan applications or receiving payments.

Were it any other way, that is, if the branch in State B could not perform at least the ministerial functions of an agent in State B without affecting the authority of the bank in State A to apply the law of State A to the extension of credit to a customer in State B, then Congress would have constructed a significant disincentive to nationwide branching in authorizing agency powers for bank holding companies that do not elect to engage in interstate branching. Such a view misunderstands the basic purpose of the interstate branching provisions of this legislation.

Thus, it is clear that a branch of a multistate bank located in State A that approves a loan application and extends credit to a customer in State B where the bank also has a branch may, under the savings clause, impose loan charges allowed by the law of State A and may, without affecting the applicability of State A's law to such charges, use its State B facility to perform some ministerial functions regarding such extension of credit.

In conclusion, Madam President, this legislation is well-drawn. It provides for interstate banking and erects a framework for the States to decide on interstate branching. It is, for the most part, free of unrelated mischief such as has dogged efforts in the past. Again, I would like to thank Senator RIEGLE, Senator D'AMATO, and other members of the committee who were supportive of my concerns.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—94

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

NAYS—4

Boren	Dorgan
DeConcini	Feingold

NOT VOTING—2

Chafee	Hatfield

So the conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. RIEGLE. Madam President, after the majority leader has spoken, I will make some comments about the bill, and I want to recognize the appropriate staff. I will do that at the conclusion of the majority leader's remarks.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I have had the opportunity to consult with several Members and staff on the remaining matters to be taken up. I will, based upon those discussions, now propound a unanimous-consent request.

I ask unanimous consent that the Senate convene tomorrow, Wednesday, at 9 a.m.; that there be 10 minutes for morning business, and that Senator ROTH of Delaware be recognized to address the Senate for those 10 minutes; that at 9:10 a.m., the Senate proceed to executive session to consider executive calendar No. 1140, the nomination of Adm. Henry H. Mauz, Jr.; that there be 2 hours for debate on that nomination, equally divided and under the control of Senators NUNN and MURRAY; that upon the use or yielding back of the 2 hours, Senator MURRAY be recognized to make a motion to recommit the nomination if she so desires at that time; that if Senator MURRAY elects not to make a motion to recommit, or if a motion to recommit is made and not agreed to by the Senate, then the Senate proceed to vote on the Mauz nomination; and that if the nomination is confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session and proceed to the period of morning business as provided for under the provisions of a previous unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, I am advised by Republican staff that there is one Member who has to be consulted prior to this, and, therefore, I withhold the request just presented until such time as that consultation can occur.

I understand that the Senator from Michigan wished to address the subject of the previously passed banking bill. Therefore, I will now defer to him in the hope that if we are able to get this cleared during his remarks he would permit me to propound the request.

Mr. RIEGLE. I thank the majority leader and I will suspend at any time that he is ready to make that request to the Senate.

The PRESIDING OFFICER (Mrs. BOXER). The request is withheld.

The Senator from Michigan is then recognized.

THE INTERSTATE BANKING BILL

Mr. RIEGLE. Madam President, thank you very much. I thank all Senate colleagues for the vote that was just taken. The interstate banking bill that we had before us was passed by a vote of 94 to 4. That is about as close to a unanimous vote as we often get here in the Senate, and I think it shows very strong bipartisan support for this legislation, and for that I am most appreciative.

This will be the last major piece of legislation that I bring to the Senate floor, having served now as chairman of the Senate Banking, Housing, and Urban Affairs Committee for the last 6 years.

During that period of time we had an extraordinary number of major legislative items to deal with. It would not

have been possible to do that work successfully without very important bipartisan cooperation, first with Senator Garn, who was my ranking member, and then Senator D'AMATO and my colleagues, Democrats and Republicans, on the committee. I want to make comments about that, but I want now to pay particular attention and tribute to the staff members who have assisted me and the committee not just on this landmark measure just passed, but on a succession of bills over the past 6 years, that I will touch on a little bit later.

With reference to today's interstate banking bill and the successful 94 to 4 passage vote, I particularly want to thank Mr. Pat Mulloy, who is seated here with me. He has worked tirelessly over a long period of time to ensure the enactment of this legislation, and he has done an outstanding job.

Major contributions were made by many others; Kay Bondahagen, Tim McTaggart, Marty Gruenberg, Courtney Ward, and Cindy Lasker, among them.

As with every piece of legislation that we have enacted during my chairmanship, this bill was crafted on a bipartisan basis.

The Republican staff, now under the direction of Senator D'AMATO, earlier Senator Garn, is at present extremely ably led by Howard Menell. It was our great good fortune to have him assume that position when Senator D'AMATO took over and, together with Ray Natter and Laura Unger, along with Frank Polk and J.C. Boggs of Senator ROTH's staff, they deserve special thanks and commendation for their work on this bill and others as well.

I also want to recognize the individual efforts of a number of other staff who have been extraordinarily helpful to me in this session, both on the CDFI bill and now the interstate banking bill. CDFI stands for community development and financial institutions. They include Chuck Marr, Christan Givhan, Jonathan Winer, Andy Vermilye, Michele Jolin, Mark Engman, Bill Mattea, Jim Jones, and Rob Mangas on the Democratic side, as well as Wayne Abernathy, Maggie Fisher, Jon Kamarck, Buz Gorman, Glen Downs, Robert Cresanti, and Denise Ramonas on the Republican side.

I want to continue, but I will digress for a minute to say a lot of the times when people see, for example, I think of the breakdown of the process along partisan lines—we have not had that in our committee over the last 6 years, and I am very proud of that fact. I am proud of the fact that I can stand here and salute Members on both sides of the aisle—both Members and staff—for that kind of bipartisan cooperation. It is the way the system ought to work, and it has worked that way in our committee.

I want to now take a little time to pay special tribute and thank other members of our committee staff who have been so extraordinary in their efforts and instrumental in enabling my period of chairman in the last 6 years to be a particularly productive one for the committee.

I want to touch on some of those items, and I will suspend if the majority leader needs to take the floor.

Looking back to our first efforts in 1989, we passed the historic Financial Institutions and Recovery, Reform and Enforcement Act to deal with the problems of the thrift industry. That was an enormously complex task. It was my opportunity to serve as the conference chairman there, and with the help of HENRY GONZALEZ on the House side and Members on both sides we got that job done.

In 1989, though, we also passed and saw enacted into law the HUD Reform Act, an important piece of legislation; the Export-Import Bank Tied-Aid Credit; the Anti-Terrorism and Arms Export Control Act; the Defense Production Act Amendments of 1989; and the Export Administration Act, also of that year.

Then in 1990, the committee enacted and the President signed into law some major securities legislation, including the Securities Act Amendments of 1990; the Market Reform Act; the Securities Law Enforcement Remedies and Penny Stock Reform Act; as well as the historic National Affordable Housing Act. The committee was also active with respect to the Budget Reconciliation Act and the Omnibus Crime Act.

So 1990 was also a very full, productive, year for us. These are major items. I will not take the time to elaborate on them here now.

In 1991, we again passed major legislation in the banking area with the Federal Deposit Insurance Corporation Improvement Act, another major piece of legislation. We, as well, enacted the Defense Production Act Extensions of 1991, and the Intermodal Surface Transport Efficiency Act of that same year.

In 1992, we enacted the historic Housing and Community Development Act, as well as the Federal Housing Financial Safety and Soundness Act. In that year we also took to enactment the Anti-Money Laundering Act; the Export Enhancement Act; the Defense Production Act Amendments of 1992; and the Depository Institutions Disaster Relief Act of 1992. All of these were major items.

In 1993, the Senate again took the lead in funding the RTC, and we saw enacted the Government Securities Act Amendments of that year; the Limited Partnership Rollup Reform Act; the Depository Institutions Disaster Relief Act; the HUD Demonstration Act; and the Multifamily Housing Act.

Of course, this year we have just passed what I am proud to say carries my name, the Riegle Community Development and Financial Institutions Act, now awaiting the President's signature. And today we have passed here the Interstate Banking bill known as the Riegle-Neal Interstate Banking bill.

Again, I am very proud to see that matter moved to conclusion and now ready for the President's signature.

So in every major area within our committee's jurisdiction—consumer protection, banking, savings and loan, securities, credit unions, financial institutions, deposit insurance, export and foreign trade promotion, and housing and urban development, to name several major areas—we have enacted into law over these last 6 years landmark legislation.

I believe we could now say that the financial services industry today is much safer and sounder and far better capitalized than the one that we were dealing with back in 1989 when the staff and I and the current membership started down this track under my chairmanship. I think it is also fair to say that the American taxpayers are now much better protected with respect to our financial services institutions and our deposit insurance system than they have been in many, many years.

I also want to say that I am especially proud of the record of the committee in the area of consumer items. I have given particular attention to that. Members like Senator METZENBAUM and others have cared greatly about that and have assisted us.

But during the 6 years of my chairmanship, we have amended the Community Reinvestment Act to require public disclosure of CRA ratings; amended the Home Mortgage Disclosure Act to require all insured depository institutions and mortgage banks to maintain logs showing the race, income, and census tract of all mortgage borrowers and applicants; and included in the Federal Deposit Insurance Corporation Improvement Act an amendment requiring banking regulators to refer lending-discrimination cases to the Justice Department and the Department of Housing and Urban Development.

Anybody who has been reading the financial pages recently knows that the Justice Department has been taking action in specific cases to bring to bear remedies in the cases where mortgage discrimination and other discrimination has been taking place. It cannot be tolerated, and these laws, duly on the books and being enforced, are making a difference.

In addition, we passed the Truth-in-Savings Act as part of the Federal Deposit Insurance Corporation Improvement Act in 1991. The Truth-in-Savings Act requires uniformity in the calculation of interest payable on deposits to individual savers in insured depository institutions and prohibits a variety of

deceptive calculation practices that have been in widespread use prior to that time.

The Federal Housing Enterprise Safety and Soundness Act significantly expands the mandate of Fannie Mae and Freddie Mac to serve low- and moderately low-income families in inner city neighborhoods by setting specific annual housing goals.

We also amended the Truth-in-Lending Act to provide enhanced consumer protections for certain home equity loans with extremely high interest rates or up-front fees. This legislation also created a special disclosure for reverse mortgages in order to ensure that elderly borrowers, who typically enter into such transactions, are aware of the risks involved.

And in May 1994, the Senate passed the Consumer Reporting Reform Act, which amends the Fair Credit Reporting Act, to comprehensively reform regulation of the credit reporting system.

This is just a partial list.

I might say that earlier in the community development banking bill, we also had several additional items in there. One is to provide for the securitization of small business loans. And that is a matter that, as time goes on, I think will bring a whole new source of capital out of the capital markets and down into loan opportunities and business startup nurturing in our inner cities and elsewhere that otherwise would not be possible.

So a lot has been done, and I am very proud of this record.

I am very grateful and proud of the staff that has done so much of the hard work to make this possible. I suppose every chairman feels this way but I think this record on these issues, for people who understand the significance and the consequences of these matters over the timeframe we are talking about would sustain the view that this has had to be the best professional staff of any committee over this period of time. Certainly, the challenges were the most daunting and difficult, and they have been met one after the other.

There have been a number of our staff members who have moved on over this period of 6 years, but I am extremely grateful to all of them, from the beginning up to the present day.

Extraordinary contributions were made by, among others, Kevin Gottlieb, Don Campbell, Richard S. Carnell, Konrad Alt, Bart Dzivi, Gillian G. Garcia, Darina McKelvie, Kevin Chavers, and Matthew D. Roberts, as well as Bruce J. Katz, Larry Parks, Martha L. Cochran, Lory Breneman, Deborah DeYoung, Cheryl A. Fox, Eileen Gallagher, Taegan D. Goddard, Patricia Hamel, Tara S. Law, Ted Rozeboom, Kim Leslie Shafer, Nancy D. Smith, Michael J. Stein, Laura S. Trachtman, and Angela Chiu.

I also am especially grateful and deeply appreciative to Sharon Heaton, Ken Jarboe, and Jim Tuite, who have all worked in different ways on a number of special matters that I will not enumerate here. They have done exceptional and outstanding work.

So I am very grateful to all of these individuals that I have named. I think around here, people like the ones I am naming, who do not get heard about or get the recognition they deserve, are essential to the work that goes on here that makes such a difference for our country.

Finally, I want to talk about one additional group this year, and stretching back beyond this year, but particularly the productiveness of this year: Mitchell Feuer heads that list; Mark Kaufman, Glenn Ivey, Sarah Bloom-Raskin, as well as Jeannine Jacokes, Clem Dinsmore, Tammy Boyer, and Pat Lawler, who for the past 6 years has done an excellent job as our chief economist and been involved in so many important issues. Ed Malan has done a superior job as the committee's editor, and I would also like to recognize the superb contributions of Sharon Bauman and Elizabeth Rozman, as well as Sarah Frazier.

Finally, saving the most important person for last, I want to thank—and I feel a lot of emotion about this—my friend and my staff director and chief counsel, Steve Harris. Steve is an amazing individual. Steve comes from a very distinguished family. He has carried the traditions of his family, his father, in a way that is truly exceptional. I do not know anybody who works as hard or as long or as well, day in and day out, weekends, through holidays, whatever, and without seeking the limelight. It has always been his practice to give the credit to others, which is a great credit to him. There is no way in the world that we could have done this work over this period of time without the extraordinary leadership and skill and tireless effort of Steve Harris. So I thank him and all the rest of the staff.

So, with that, again, it is a major bill we have passed today. I want to thank all of my colleagues for their help and support. A lot has been done, and we look forward to other challenges ahead.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me commend our distinguished chairman, Senator RIEGLE, the chairman of the Banking Committee, for his efforts on this piece of legislation.

But I would also like to make note, Madam President, that, barring some other circumstance, which this Senator would not be opposed to at all, this may be the last major piece of legislation coming from the Banking Committee in this session of Congress.

I would just like to take a moment to express my deep gratitude, as a member of the Banking Committee, for the leadership of Senator RIEGLE over these past number of years. As a member of his committee, on countless occasions, all of us have our own particular matters of interest. And the job of a chairman is not an easy one, to try to sort out those desires of each of the members of the committee and to try to fashion pieces of legislation to serve the entire Nation. But DON RIEGLE, Chairman RIEGLE, has done that with great success, great fairness, and great equanimity over the years.

And so today, we celebrate the passage of what I think is a very good piece of legislation. I am proud to have played a small part in the drafting of it; in putting it together. I know from time to time I was probably a source of some frustration on a variety of issues that we dealt with, but we all have our points of view and concerns.

I say to my good friend from Ohio, who I am looking at here, we have had our disagreements, honest ones, about what was in the best interest of the country. But, nonetheless, I think we have put together a good bill here.

It is a reflection, Madam President, of the chairman's work over the years. This is not the only example of his good work. It may be the last example of his good work from this committee.

If so, I think all of us in this body, regardless of political persuasion or ideology, whether or not we voted for or against this bill, owe the Senator from Michigan a deep, deep expression of gratitude for his work over many, many years in the U.S. Congress. His presence, his thoughts, his compassion, and his conviction will be missed and the American public will be less well served in many ways because he is not a part of this deliberative process. My commendations to him, my thanks to him, and my best wishes to him as well.

Madam President I would like, if I could, to make a statement. I know my colleague has a matter of some import he would like to address. Let me yield. I have a couple of other matters. I do not know what the order of business is here, but I do have a couple of matters I would like to address regarding Haiti, as well as the situation in Northern Ireland, if I could.

The PRESIDING OFFICER. If the Senator would like to make a unanimous consent request that immediately following the remarks of the Senator——

Mr. DODD. Madam President, I ask unanimous consent immediately following the remarks of the Senator from Ohio that I be recognized for 15 or 20 minutes—up to 20 minutes—on the two matters I have expressed interest in, on Haiti and Northern Ireland.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. I have no objection, but I will seek recognition after the request is granted.

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

The Senator from Ohio.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, a short time ago I propounded a unanimous-consent request under which the Senate would come into session at 9 a.m. tomorrow. Senator ROTH would be recognized for 10 minutes in morning business. At 9:10, the Senate would take up the nomination of Admiral Mauz. There would be 2 hours for debate on that nomination equally divided and, upon the use or yielding back of those 2 hours, Senator MURRAY would be recognized to make a motion to recommit the nomination if she chose to do so at that time; that if she decided not to make such a motion or if she did make such a motion and it was not agreed to by the Senate, then the Senate would proceed to vote on the nomination of Admiral Mauz; and that following disposition of the nomination, the Senate would then have 7 hours of morning business with the time equally divided and under the control of myself and the minority leader.

Now, Madam President, I renew that request.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, there has been some confusion on the exact procedure for tomorrow's business. I certainly understand and respect the rights of the Senator from Washington to seek to vote.

However, during the last vote, it was fairly widely disseminated among Republican Senators that there would only be one vote. So many Senators, including the Republican leader, have made plans on that basis.

It comes now somewhat as a surprise that there possibly could be two votes on this. The suggestion has been made that the vote on the motion to recommit be considered the vote on this nomination. We assume that a second vote on confirmation would be identical to the vote on the motion to recommit. Members who voted to recommit would be those who voted against the nomination so it would not affect the outcome of the vote.

However, because the second vote places certain Members, including the Republican leader, in a difficult situation from a time standpoint, I would be constrained to object to that request.

The PRESIDING OFFICER. Objection is heard to the unanimous consent request.

The majority leader.

Mr. MITCHELL. Madam President, I regret the objection.

First, let me say that, although I have not been personally involved in this matter, I have understood for weeks since this matter first came up that Senator MURRAY was considering a motion to recommit the nomination. I regret it has come as a surprise to anyone and that is possibly the lack of communication on our part. But I have been aware of that for some time.

Second, I think it should be clear there are other Senators besides Senator MURRAY who have an interest in this matter and who believe it should be thoroughly explored.

Third, the result of the objection will be that we could still have the same number of votes but at an uncertain time. I am going to be here so it is not a matter of my personal convenience, but I think that leads to greater inconvenience for a large number of Senators.

Unless our Republican colleagues intend to filibuster the nomination to delay any votes from occurring tomorrow, which I do not think they want to do because I think most of them support the nomination, then we are going to be in the position of maybe having one vote or two votes—I do not know how many—after 11, which makes it less convenient for a larger number of Senators. I repeat it makes no difference to me. But I was just trying to accommodate as many colleagues as possible.

Finally, let me say Senator MURRAY has merely reserved her right to make a motion to recommit. She has not said she will do so. She has presented some questions in writing. I understand she is awaiting or has just received the answers to those questions and appropriately wants the opportunity to review them before deciding on how best to proceed. So I understand the reason for the objection but I think it is unfortunate that it produces a result that is less convenient for a large number of Senators.

What I would like to do now is to propose that the 10 minutes of morning business for Senator ROTH, who has just spoken to me and indicated he would be agreeable to doing that this evening following Senator DODD's remarks—that that be accomplished so he be convenienced and the time be saved tomorrow. So, first, I ask unanimous consent that upon the completion of Senator DODD's remarks, which I understand will follow those of Senator METZENBAUM——

Mr. METZENBAUM. Mr. Leader, I have no problem about yielding to Senator DODD. But I have another matter that I wish to bring to the attention of the Senate.

Mr. MITCHELL. And the Senator was waiting.

Would it be agreeable to Senator ROTH to go after Senator METZENBAUM?

Mr. ROTH. May I ask how long that would be?

Mr. METZENBAUM. I would say 10 to 12 minutes.

Mr. ROTH. No objection.

Mr. MITCHELL. Then, Madam President, am I correct in my understanding that Senator DODD has obtained consent that he be recognized to address the Senate for a specified period of time following the conclusion——

Mr. METZENBAUM. Following my remarks concerning Senator RIEGLE.

The PRESIDING OFFICER. That is correct, Senator DODD has 20 minutes following Senator METZENBAUM's remarks.

Mr. MITCHELL. Then I ask unanimous consent that following Senator DODD's remarks, Senator METZENBAUM be recognized to address the Senate as in morning business for up to 15 minutes?

Mr. METZENBAUM. Ten minutes—fifteen minutes. I will not take that much.

Mr. MITCHELL. For up to 15 minutes. That following Senator METZENBAUM's remarks, Senator ROTH be recognized to address the Senate for up to 10 minutes.

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

Mr. COATS. Reserving the right to object, and I will not object to that request.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I am wondering if the majority leader wants to include in that request a start time for tomorrow for the Mauz nomination debate. Since Senator ROTH will speak this evening, it may be we can advance the beginning times or release some of the time that was reserved for Senator ROTH and that would help expedite the schedule.

Mr. MITCHELL. I was going do that next, but it is so hard to get these agreements. I find it is somewhat better to do them a little bit at a time.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I would like to renew the request I made.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, and I will not object. I just want to explain to the majority leader, I wish to take 5 or 7 minutes to speak about Senator RIEGLE. Immediately thereafter, it is my understanding Senator DODD wishes to speak and has time, 15 or 20 minutes. Subsequent in time to that, I intend to speak on the subject of baseball. I am not sure under the unanimous-consent request that has been provided for.

Mr. MITCHELL. Yes, I have just provided for that, up to 15 minutes.

Mr. METZENBAUM. On baseball?

Mr. MITCHELL. Yes, on any subject you would like. And then following

Senator METZENBAUM's remarks, Senator ROTH will be recognized to address the Senate as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection to that request?

Mr. COATS. Madam President, once again, reserving the right to object and, once again, I will not object, I just want to make the point for the RECORD that, to my knowledge, there is no Senator on the Republican side that objects to the procedures and to the rights that the Senator from Washington has asserted. It is certainly within her right to ask for a motion to recommit. It is certainly within her right to ask for a vote on confirmation. We understand that. There is no attempt by any Senator that I know of to filibuster the nomination. I think most Republican Senators will support that nomination.

We were merely trying to accommodate some Republican Senators, and maybe Democratic Senators, who made plans on, apparently, a misunderstanding believing that there would be just one vote. They have made those plans accordingly and some may have already left the Chamber and are leaving town on that basis.

The feeling is that to change their understanding of that without at least attempting to move the procedure in such a way that one vote would be sufficient is something that is not acceptable to those Senators. For that reason, that is why an objection was lodged. I will not lodge an objection to the current unanimous-consent request that is before the Senate.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I may not object, but I have been waiting now for some time because of the announcement of the Senator from Ohio that he was going to ask for some kind of unanimous-consent request to call up a matter with regard to trust of organized baseball. I intend and want to be here to raise an objection on that when it comes up.

In listening to the discussion, I had assumed that the Senator from Ohio would be making that request in the next few minutes. I am now advised that that request on baseball might follow all of the other unanimous-consent requests for time for speeches.

I would simply like at this time, if anyone could advise the Senator from Nebraska as to how long am I going to be detained here, because I am not leaving town early, but how long I will be detained here this evening to accommodate everyone else so that I might have the opportunity to object when the Senator from Ohio makes his remarks?

Mr. MITCHELL. Madam President, under the proposed agreement, Senator METZENBAUM will be recognized to address the Senate with regard to Senator RIEGLE for up to——

The PRESIDING OFFICER. Fifteen minutes.

Mr. MITCHELL. No. Is there a prior order with respect to Senator METZENBAUM speaking on Senator RIEGLE, parliamentary inquiry to the Chair?

The PRESIDING OFFICER. There is no order yet. But your request was for 15 minutes.

Mr. MITCHELL. No; no.

The PRESIDING OFFICER. The Chair stands corrected.

Mr. MITCHELL. I amend my request. In addition to the speaking times previously proposed, I ask unanimous consent that upon the completion of my remarks and the other consent request I will make, Senator METZENBAUM first be recognized to address the Senate regarding Senator RIEGLE for up to 5 minutes; and that thereafter, the remainder of my request be in effect; and that is, Senator DODD for 20 minutes, Senator METZENBAUM for 15 minutes, Senator ROTH for 10 minutes.

If that is agreed to then, as soon as I can get these orders approved, the Senator from Nebraska will have to wait 35 minutes. So there will be 5 minutes with respect to Senator RIEGLE, 20 minutes for Senator DODD, that is 25; up to 15 minutes for Senator METZENBAUM. A maximum of 40 minutes.

Mr. EXON. I thank my friend. I recognize the difficulty that the leader has. I simply remind the leader and the Senate, once again, having served here for 16 years, I never, ever have been involved in any discussion to say you cannot have more than one vote tomorrow because Senator EXON does not want it. I think that we are deteriorating this place to the situation where it is almost impossible to get anything done.

But in my usual spirit of cooperation, I will be here for 45 minutes, or 1 hour and 45 minutes and I will be here tomorrow without any special attention to be given to the Senator from Nebraska. I only wish some of my colleagues could take a similar view just once in a while. I thank the leader.

Mr. MITCHELL. I renew my request.

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ADM. HENRY H. MAUZ, JR.

Mr. MITCHELL. Madam President, I now ask unanimous consent that at 9 a.m. tomorrow, the Senate proceed to executive session to consider Executive Calendar No. 1140, the nomination of Adm. Henry H. Mauz, Jr.

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

Mr. MITCHELL. Madam President, let me say finally with respect to the Senator from Indiana, I devote a great deal of time and effort to try to accommodate as many Senators as possible. But every Senator knows that one cannot make decisions on travel until an agreement has been reached. I have just spent 20 minutes trying to get an agreement merely lining up four speeches tonight, not any substantive business, just trying to get four speeches. So anybody who decided to leave on the basis of some expectation does so at his or her own risk.

Finally, let me say that I already announced earlier that there would be no votes on Monday of this week and that there would be no votes after 2 p.m. on Wednesday of this week. So the only time the Senate is in session and voting this week is on Tuesday and Wednesday up until 2 p.m. While I like to be as accommodating as possible to everybody, when we shrink the work week for voting down to 1½ days and then someone says, "Well, that's too long a period, we have to shrink it even further to 1 day," it makes it difficult to proceed on this business.

We want to be accommodating. My hope, frankly, is that tomorrow morning, in less than 2 hours, we can dispose of the Mauz nomination and then all Senators who wish to do so can meet their other commitments and we can proceed to the morning business.

I am going to continue to try to accommodate as many Senators as possible but to do so in a manner that permits us to meet our responsibilities and get this done.

Mr. COATS. Will the majority leader yield for an observation?

Mr. MITCHELL. Yes.

Mr. COATS. I appreciate the immense frustration and difficulty of scheduling the majority leader has to undergo practically every day that the Senate is in session. It is fair to point out, however, that the reason the Senate is not in full session this week is that there is a Jewish holiday and we will be breaking for that. We are all, on both sides on this issue, attempting to work out what is best for most Senators, and sometimes that does not always get reconciled in a decision that benefits all.

But, hopefully, in the spirit of cooperation, both sides can work together tomorrow to expedite the debate and to, if possible, have one vote; if not, two votes; but that others will not be unduly inconvenienced.

I do, however, appreciate the majority leader's immense difficulty in setting schedules. I hope it did not have anything to do with his decision to leave the Senate. I was taken by his remark that were he to become Commissioner of Baseball, he would have a 70-percent reduction in frustration in terms of the number of individuals he had to accommodate.

Mr. MITCHELL. I thank my colleague for his generous comments.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, there will be no further rollcall votes this evening. We will now proceed in accordance with the series of orders earlier obtained, and we will try tomorrow morning again to reach an agreement on disposition of the Mauz nomination in a manner that is both consistent with giving full opportunity for Senators to discuss it and debate it and vote on it and also to accommodate as many people as possible.

I especially want to thank the distinguished Senator from Washington, Senator MURRAY, for her patience and cooperation in this matter.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 5 minutes.

TRIBUTE TO SENATOR RIEGLE

Mr. METZENBAUM. Madam President, when I was first elected to the Senate, I met a young fellow by the name of Senator Don RIEGLE. We came to this body together. We have been friends, and we have worked together over that period of time. We never had any disagreements.

Then about 6 years ago, he took on the leadership of the Banking Committee. I want to say that I do not think any chairperson of any committee has ever been more effective, more concerned, more willing to address himself to the issues of the Banking Committee and their responsibilities than has Senator RIEGLE.

There were many occasions when the opportunity for disagreement between him and me was present, but we worked it out, and I think much of that had to do with the fact he shared many of the same concerns I had about protecting the lenders, borrowers, the consumers, those who need protection and do not get protection unless the laws of the United States provide for it.

He has had legislation in the area of banks, savings and loans, the mortgage industry, the SEC—as a matter of fact, in every segment of the financial industry.

Many times, I had found that what he was proposing or advocating caused me some concern, and with no exception, during all of the 6 years of his leadership, we have worked it out and I think, to the best of my recollection, we have always been on the same side.

Don RIEGLE has recognized his responsibility to the industry and his supervision of the laws pertaining to the industry, but he has not forgotten the consumers of this country or the depositors of this country. He has been sensitive to their concerns and has tried to be helpful in enacting legislation. He has not always succeeded, just as none of us in this body always succeed. But with no exception, he was always on the side of seeing to it that those who did business with the financial industry were treated fairly and honestly by the industry itself.

When it came to issues such as mortgage discrimination, which did exist in this country, he played a leadership role. When it came to the Truth in Savings Act, he played a leadership role. I could stand here for the next 15 minutes, even though I only have 5 minutes allocated to me, to talk about all the different pieces of legislation, including the Interstate Banking Efficiency Act that was enacted today. He was willing to stand up against very powerful interests who brought great pressure, such as on the issue that was discussed earlier today having to do with the right of the Government to sue savings and loan officers and directors. He has always been on the right side.

So I say that the Senate will, indeed, lose a giant, and I will lose not a good friend, but I will not see him as often as I see him while we are in the Senate. I wish him well in whatever future career he decides upon, and I express to him on behalf of my colleagues in the Senate, as well as the people of this country, you have paid your dues. You have stood up well. You have fought for the right issues, and the country should be everlastingly grateful to you. Thank you, Senator Don RIEGLE.

Mr. RIEGLE. Madam President, I am sort of overcome by the very gracious remarks of the Senator from Ohio, who has been a mentor in many ways to many of us, not just in our time in the Senate but before that. I am very touched by his remarks.

We have gotten a lot of work done, and I think our laws are stronger and fairer and the people of the country will get a much better and fairer chance to participate within this system. Actually, that is why we all ought to be here, to get that done.

So I am very grateful to the Senator from Ohio for his remarks, and the Senator from Connecticut, who over many long years has had the chance to view this institution and Congress generally, and I feel very proud to be able to associate with them and everyone else in this body.

I thank the Senator.

The PRESIDING OFFICER. The Chair would comment that all the time has just now expired for the Senator from Ohio.

Under the previous order, the Senator from Connecticut is recognized for up to 20 minutes.

Mr. DODD. I thank the Chair.

UNITED STATES INTEREST IN HAITI

Mr. DODD. Madam President, I would like at the outset to express some general thoughts on Haiti, if I may.

It was under the Presidency of George Bush, almost 3 years ago, that a handful of military leaders in the tiny nation of Haiti, only a few miles off the southern coast of our own Nation, overthrew the elected President of that nation and began a reign of terror in that tiny Caribbean country. This illegal and repressive military regime has held onto power in the face of worldwide condemnation, a U.S. naval blockade, and a global embargo on commerce and trade.

Madam President, it has been said over the last several days that Haiti does not deserve to be inflicted with a military invasion, if that option is exercised. Let me state at the outset, I am not enthusiastic at all about such an option. I do not know of anyone who is—certainly not most of the people in this country. But I would also note that we have tried over the last number of years under two administrations now to right a terrible wrong in that country, not just acting alone but in concert with other countries in this hemisphere and around the globe.

We have had countless meetings with organizations, and diplomatic and political efforts, to try to restore a democratic government in that country. We have sought international cooperation to do so. Yet, despite all of those efforts, those handful of people, the military, who hijacked the democracy in Haiti, remain in power.

Many do not think that defending or trying to preserve democracy is a great national security interest. I happen to disagree. I think it is. I think democracy is what most people, if not all, seek to have around the globe as to how they are governed. And certainly, while one does not want to see military power used frivolously or unnecessarily, if we are going to lead in the world at a time when the cold war is over, then I think we are going to have to stand up for those principles where they are threatened or where they have been stolen.

So tomorrow, we are going to have some 7 hours to debate the issue of Haiti and what ought to be done there. But as I listen to some of the people who are talking about this issue, it does not seem to make any difference what happens in Haiti. Let me just remind my colleagues that the wholesale abuse of human rights in this little country is unparalleled in this hemisphere. We have seen other examples of it in the recent past in this hemisphere in places like Argentina and Chile and Paraguay. We have seen it in other nations, in Central American countries. I would love to think that democracy, now that it has been achieved in all but two nations in this hemisphere, all but in Cuba and Haiti, would never again be threatened. Unfortunately, that is not the case. Democracy is a fragile experiment in many nations, and we ought to make sure we are doing everything we can to solidify those democratic gains.

Now, hopefully, that can be done without resorting to military intervention at all. I hope that is not the case. But I also hope that those people who are adamantly opposed to military intervention in Haiti will not simultaneously be offering any kind of comfort to those who stole democracy by suggesting that under no circumstances will this country participate in an effort to try to restore and bring democracy back to that nation, and to give the people of the nation of Haiti a chance to determine their own destiny and their own future.

So in these coming days, I know we are all going to be watching carefully what happens, but I hope the people will exercise some caution, some thought on this matter, rather than just because the polls do not look right, deciding we are not going to do what is right. Had that been the case, President Truman might not have decided to support the Marshall plan.

There have been countless other examples in the conduct of foreign policy that were not popular at a given moment in time but turned out to be the right thing to do. I hope that we remind ourselves here in these coming days that our obligation is to do what is right, not just what the political winds dictate from day to day reading the current polls.

I appreciate that. I am certainly as conscious of them as anyone else. But when it comes to being a leader in the world, to try to exercise responsible authority as the great superpower on this globe, then I think we have to do more than just read polls. We have to try to follow a policy that will help make a difference for people, and in Haiti they are looking to this Nation and to others to see how democracy might be restored, and the thugs who are running the place will not be around that much longer.

Madam President, tomorrow I look forward to engaging in a longer discussion on the subject matter. But I did not want the evening to end without expressing my concern that this heavy-handed rhetoric we are hearing about never, ever, ever in this hemisphere, is heard in a lot of other corners around the globe. We can never say "never, never."

So my hope is, again, that this matter is resolved through diplomatic and political means. But I do not want to be a party to those who are giving comfort to Mr. Cedras and Mr. Francõis and others who murder priests, nuns, and innocent children and dismember those bodies and feed then to the animals on the streets of Port-au-Prince. That goes on every day just a few miles off our shore. Hopefully, we can resolve that problem without exercising the military intervention. But let us not be associated by our aversion to military intervention by suggesting somehow that those who continue to engage in those activities are going to have the benign neglect of the United States of America when it occurs.

IN SEARCH OF A LASTING PEACE IN NORTHERN IRELAND: AN END TO "THE TROUBLES"

Mr. DODD. Madam President, let me turn to a happier subject, if I may, one that has been the subject of great concern over the last two and one-half decades. I refer to Northern Ireland.

I rise this evening to speak today about renewed hopes for peace in Northern Ireland. After a quarter of a century of political conflict and sectarian violence, prospects for peace no longer seem unimaginable.

The reason for this optimism stems from the August 31 declaration by the provisional Irish Republican Army [IRA] of its complete cessation of military operations and its willingness to enter into inclusive negotiations in order to seek a just and lasting settlement to the conflict.

Political leaders in the United Kingdom and Ireland have reacted favorably to these recent developments. The cease-fire was warmly welcomed by Albert Reynolds, the Prime Minister of the Republic of Ireland. While somewhat more reserved in his reaction, Prime Minister John Major of Britain was also greatly encouraged by the IRA's announcement.

And, with more than 40 million Americans of Irish ancestry residing in the United States, President Bill Clinton expressed the hope and expectations of us all in stating his belief that the IRA's decision would "help bring a lasting and just peace to Northern Ireland."

Since 1969 the six counties of Northern Ireland have been the site of a bloody and protracted conflict that has claimed more than 3,100 lives and left more than 30,000 people injured. This tragic affair is only the latest stage of an age-old conflict that is rooted in centuries of ethnic, political and religious hostility. Northern Ireland has been torn between two powerful opposing forces: A Protestant population that mainly favors unification with Britain and a Catholic population that generally favors political ties with the Irish Republic.

The most recent phase of violence erupted in 1969, when British troops were sent to Northern Ireland and peaked in 1972, the year direct rule was imposed by London. Throughout the last 25 years, the challenges that have confronted Northern Ireland have been formidable. Clandestine paramilitary organizations waged bloody campaigns—the IRA a relentless campaign against British rule, and loyalist paramilitary organizations vigilante attacks against suspected IRA supporters. Significant unemployment and economic stagnation have further added to the sense of hopelessness.

While there are few similarities between Northern Ireland and South Africa or Northern Ireland and the Middle East, they do have at least one feature in common: The demands of the warring parties have at some point seemed so far apart and so intractable as to be irreconcilable. In the case of South Africa and the Middle East that has proven to be untrue. Be it South Africa or the Middle East, the momentum of the peace process itself seemed to sweep away many of the real or imaged obstacles to reaching a final agreement. The key ingredient in each case was that all sides were unequivocally committed to finding a solution. I hope such a commitment is developing with respect to Northern Ireland.

The IRA's cease-fire decision last month, in and of itself, will not bridge the sectarian divide that has marked the landscape of Ulster since its creation in 1922, and most visibly since 1969 and the start of "the troubles." But, it can bring an end to the political stalemate that has stood in the way of meaningful efforts to seek a diplomatic solution to the conflict.

Madam President, I have heard skeptical voices question the "Real intentions" behind the August 31 announcement by the IRA, particularly the voices of Protestant unionists politicians. However, I for one believe that Gerry Adams, president of Sinn Fein—the political wing of the IRA—is sincere in his commitment to desist with military operations and in his willingness to try the negotiating track for peacefully ending British rule of Northern Ireland. Mr. Adams' leadership in convincing his colleagues in the IRA of the wisdom of this approach should not be underestimated, nor should the personal risk he has taken in doing so.

In my view, the decision by President Clinton to permit Gerry Adams to enter the United States, last February, was an important factor in Adams' ability to sell the cease-fire proposal. President Clinton deserves credit for making that controversial decision. So too do Senators MOYNIHAN of New York and KENNEDY of Massachusetts and others with a long involvement in Irish issues, who strongly urged the President to act positively on the Adams' visa request in those time sequences and circumstances.

These people have been long involved with the issues involving Ireland. And those who urged the President to act positively with regard to the Adams' visa request I think did so—and I am proud to have been one of them—wisely.

When I met last Friday with Prime Minister Reynolds he told me that the Northern Ireland peace process was at a critical juncture, and that those who want peace must seize upon this historic moment. That conviction inspired him to meet on September 6, with Gerry Adams of Sinn Fein and John

Hume of the Nationalist, Social Democratic and Labor Party [SDLP] to discuss plans for hosting an October, "Forum of Peace and Reconciliation," to which all the political parties of the north are invited to participate in a dialogue for peace.

Prime Minister Reynolds deserves our congratulations and support for his tireless efforts and inexhaustible patience in his quest for a permanent peace for all the peoples of Ireland—north and south.

It was no accident that John Hume was in attendance at last week's meeting in Dublin with Prime Minister Reynolds and Sinn Fein leader Gerry Adams. If I were asked to identify one individual whose work has been indispensable to serious diplomatic attempts to bring peace to Northern Ireland, John Hume would come immediately to mind. John Hume began his political life as one of the first leaders of the movement to bring civil rights and equality to the long-oppressed Catholic community in Northern Ireland. For the last 25 years, John Hume has served in public office in Northern Ireland. He has been elected and reelected to both the British and European Parliaments—and has used these fora, without hesitation, to speak out for justice in the north.

All in all, John Hume has occupied a unique role in the political landscape of Ulster. He and the Social Democratic and Labor Party [SDLP] he leads have long been committed to the nationalist ideal of a united Ireland. Nevertheless, he has consistently spoken out against the ruthless violence of the IRA. By being willing to confront both extremes of the Ulster reality, he has been in a position to play a crucial role in the peace process.

Sixteen months ago, not without some personal political Risk, John Hume began secret political discussions with Sinn Fein's leader Gerry Adams. It was those Hume-Adams talks that prodded Irish and British leaders into more active efforts to reach agreement on a framework for the peace process—encompassed in the Downing Street Declaration of December 15, 1993. The Hume-Adams talks also helped to create the political climate that enabled the IRA to decide to foreswear violence as an instrument for ending British rule. And knowing John Hume as I do, I am confident that he will continue to play a pivotal role as the newly energized peace process gains steam.

British Prime Minister John Major also deserves special congratulations, as well, for making a solution to the crisis in Ulster a priority for his administration. Although he has sought additional clarifications from the IRA concerning its August 31 declaration, he has taken some very constructive steps to further the process. I applaud, for example, his gesture of instructing that British troops in Northern Ireland replace combat helmets with berets—a symbolic but important signal that Britain does have some measure of faith in the IRA's declaration.

Prime Minister Major's continued participation in the peace efforts is critical. Only he can persuade the Unionists that it is in their interest to sit down at the negotiating table and find a political solution to their differences with Ulster's Nationalist Catholic political leaders. Only he is in a position to respond to events as they unfold with gestures designed to build confidence and trust in the negotiating track. Such actions as lifting the broadcast ban on members of Sinn Fein would serve to do so; and in any event, the continuation of the broadcast ban is incompatible with an open political dialog. Returning Republican prisoners currently held in Irish or British jails to Belfast, and downsizing the deployment of British troops in Northern Ireland are also likely to reassure elements of the IRA that there truly is a peace dividend in laying down their arms.

There are those in the United States and particularly in the Irish-American community who are already asking, "What can the United States Government and the American people do to further the peace initiative and end the troubles?" The most important contribution that the United States can make is to assist in the rebuilding of an Ulster economy that has been devastated by decades of conflict and neglect. In the end, peace will be fleeting if there continues to be significant unemployment and economic decay in Belfast.

Both the U.S. public and private sectors have roles to play in revitalizing the Ulster economy. President Clinton has already pledged to provide financial assistance in support of the peace process. I hope that before Congress adjourns next month, we will have given that President whatever authority he needs to make good on his pledge of assistance. More important, in the long run, is the increased interest of the United States private sector in making job-creating investments in Northern Ireland. Without increased employment and economic growth to build upon a political settlement, the permanence of peace is in serious question; in my opinion.

We wait the next steps in the Northern Ireland peace initiative. I am convinced that the moment has arrived to begin the final march toward resolving the troubles so neighbors can live in peace and harmony, without the bullet and the bomb.

Perhaps the historian J. Bowyer Bell stated it best in the concluding sentences of "The Irish Troubles: A Generation of Violence." He wrote,

It is such a small, lovely island and they are such a grand people * * *. Great issues have been fought out in a small compass but not to resolution or exhaustion. And so for the Irish troubles a generation is gone and a century is running out, but not Irish persistence The Irish, whatever else, are indomitable.

Ultimately, it is that indomitable spirit that will produce the peace that all the men, women, and children of Ireland have long sought and have so long prayed for.

My sincere hope is that they will not be disappointed as this process unfolds.

I yield the floor.

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

THE BASEBALL STRIKE

Mr. METZENBAUM. Madam President, I am about to ask unanimous consent to bring up S. 2380, a bill sponsored by Senator HATCH and myself that is designed to end the baseball strike. Because I do not want to disrupt the Senate's business, I would be happy to limit debate on this bill to 1 hour equally divided. I am willing to take this unusual step because I have no alternative. There are no amendable items currently before the Senate, or I would offer the bill as an amendment to another pending piece of legislation. But the baseball bill cannot wait any longer. If we do not act immediately to end the baseball strike, the owners have threatened to declare the season over as early as tomorrow. No more season, no playoffs, no world series, unless we act immediately.

Today I spoke with Don Fehr, head of the Baseball Players' Association. He stated that if we pass S. 2380, with a few minor clarifications, he will recommend that the players call off their strike immediately and resume the baseball season. I want to repeat that Madam President. Today I spoke with Don Fehr, and he said in unequivocal language that if we pass S. 2380, with a few minor clarifications, he will recommend that the players call off the strike immediately and resume the baseball season.

What that means is quite simple: If we act quickly to pass this bill, the baseball players are willing to complete this season, the playoffs, and the World Series. It is only fair to point out that Don Fehr cannot speak for all of the players, but as the leader of that organization, he is in a position to recommend it, and I have every reason to believe that his recommendation would be accepted.

It is very simple. If we pass this bill, I believe the baseball season will be salvaged. That is why it is so important that we pass this strike-ending baseball legislation immediately—not tomorrow, not the next day, not next week, not after the baseball season is closed, although it is only fair to say that I will not give up in my effort

even if the baseball season should be shut down.

Our bill is very simple. It does not eliminate the players' right to strike or the owner's right to lock them out. It is not a blanket repeal of baseball's antitrust immunity—an effort that I have made over a period of many years, but I have not been successful. In the committee it was voted down 10 to 7. I did not have the votes to get it out of committee. But this is a much more limited version. This is a totally knew bill, very limited in its impact. The bill allows the antitrust laws to be invoked only if the owners impose a salary cap or any other terms and conditions on the players. This should take away the owners' incentive to play hard ball and impose unilateral conditions on the players. It should also relieve the players' fear that they need to maintain their strike in order to prevent a salary cap from being shoved down their throats when the season ends.

As everyone knows, I fought hard for years to lift that very exemption that baseball enjoys. It was not a congressional enactment that gave it to baseball. It was the decision by the very distinguished Supreme Court Justice, Oliver Wendell Holmes, who determined that baseball was a sport and not a business. I think the American people now know that it is very much a business—not a small business, a big business. The antitrust laws should be applicable to baseball as it is to football, hockey, soccer, and every other sport in this country.

I believe that revoking the owner's antitrust immunity is the best long-term solution to the mess that the owners and the players have made of major league baseball. However, I decided to offer this compromise bill, with Senator HATCH as a cosponsor, so that we could bring this strike to an end quickly.

The fact is that this legislation has only one purpose: To protect the season for all the fans. It is not for or against a salary cap; it is not for or against revenue sharing; it is not for or against any other proposal the owners have made to the players, and it does not tip the balance of ongoing labor negotiations in favor of the owners or the players.

The fact is I really do not have any special sympathy for the overprivileged owners nor for the very highly paid players, but I care about the fans. This strike is ruining the season for the fans. Right now the big league players cannot use the antitrust laws. If they could, the owners would have to deal with them fairly or face the consequences in a court of law. In other words, what this bill does is it gives the players another tool they can use to avoid striking, go back to work, to bring the strike to a quick end.

The last seven times the baseball players and owners have met at the bargaining table there has been a work stoppage. Seven times across the bargaining table resulted in a work stoppage: a strike or a lockout.

This has not happened in other professional sports because those players could use the antitrust laws to settle labor disputes. Professional basketball players have avoided a strike for 24 years by using antitrust laws. Professional football players have not struck since 1987 because they were able to use the antitrust laws to settle their differences. There has never been a strike in professional hockey over labor issues.

If the antitrust laws applied to baseball, the owners could not force the players to accept unreasonable terms and conditions if their labor negotiations hit an impasse. The players could challenge the owners' unreasonable demands by launching an antitrust suit instead of shutting down the season.

Would that not be a better resolution? Would it not be better to have this matter in the courts rather than have it where it is at the moment with no games being played and nothing happening in baseball? I think that would be a much better deal for the fans, and, frankly, I think it would be a much better deal for the owners as well as the players.

Passing this compromise legislation is the only hope we have of saving the season for the fans and maybe next year's season as well. But it is up to the players and the owners to come to the bargaining table and work out their differences. We, in Congress, cannot make them do that. All we can do is level the playing field so that the owners do not have an unfair advantage over the players because they are immune from our fair competition laws. I, like every other fan in America, want the players to play ball and the owners to play fair. I believe our bill can do just that.

I hope there will be no objection to my unanimous-consent request, but I recognize the rules in the Senate and recognize the right of any Member to object.

Madam President, I ask unanimous consent to bring up S. 2380 for immediate consideration.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. EXON. Madam President, reserving the right to object, I do not suppose there is a person in this body that is more of a baseball fan from longstanding than is the Senator from Nebraska. I am so discouraged and so distraught as a fan that the owners and the players—and they are jointly responsible it seems to me—have brought upon themselves a pattern of these strikes that my long-time friend and colleague from Ohio has brought out with his remarks.

However, I have to feel that it would be a bad precedent indeed for the U.S. Senate in the middle of this kind of a strike or strife, as much as I would like to see the season continued and as much, as a fan, as I would like to see the World Series come about for the annual fall classic, I think that the measure that the Senator from Ohio has authored is something that should be considered, but I think it is an ill-considered move for us as the U.S. Senate to try to step into the breech at this particular point in time. I think it would set a bad precedent. I think it is not essential.

It is very essential for a baseball fan like myself and other fans similarly situated. Certainly it is critical to the interest of the baseball players and the owners of the baseball teams.

I simply will object to this unanimous-consent request because I think a bad precedent indeed would be set here, and I believe that this is not the proper time or action for the U.S. Senate to become involved in the matter of professional baseball.

With those remarks then and assuring my friend from Ohio that I feel and share some of his concerns, I wish to work forward and look forward to working on this again in the future and although the distinguished Senator from Ohio will not be with us next year when we come back and, therefore, will not be able to lead the charge, I will assure him that this is a matter that as one Member of the Senate I will give additional consideration to at the proper time.

But for the reasons that I have expressed, I feel compelled to object to the unanimous-consent request.

The PRESIDING OFFICER (Mr. MATHEWS). Objection is heard.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I expected the objection and I respect the rights of my good dear friend and colleague from Nebraska, and, indeed, I agree with him that there is no greater enthusiastic fan of baseball than is he. He is within his rights in making the objection.

I intend to keep trying to pass this bill to the last moment that I am in this body. Even if we can no longer salvage the season, I want to try to save spring training and next season. I am concerned that there just may not be a next season if we here in the Senate do not do something about the one-sided position we permitted the owners to take.

I respect the fact that the objection has been made, and I yield the floor.

MORNING BUSINESS

ISRAEL AND THE PALESTINIANS—ONE YEAR LATER

Mr. PELL. Mr. President, today, September 13, 1994, is the anniversary of a historic occasion in the march toward

a comprehensive peace in the Middle East. Precisely 1 year ago on the south lawn of the White House, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasir Arafat—with some gentle prodding from President Clinton—shook hands to conclude the signing ceremony for their agreement on mutual recognition. That handshake set in motion a chain of events over the next 12 months that led to the establishment of Palestinian self-government in Jericho and Gaza, and to an agreement for more limited Palestinian autonomy—known as the "Early Empowerment" of the Palestinians—in most of the remainder of the West Bank.

Today's anniversary provides an opportunity to reflect upon the landmark signing ceremony, to assess whether the agreement has lived up to its initial promise, and to ponder what lies ahead in the coming year.

During my time in the Senate, I have attended many functions and ceremonies at the White House. Few of these, however, have been as moving or memorable as the Israel-PLO signing ceremony. Never have I witnessed such a discernable range of emotions and sentiments in a public setting. There was hope that the agreement would bring to a close decades of conflict, mistrust and hatred. There was sadness in the solemn remembrances of lost Israeli and Palestinian sons and daughters. There was an undercurrent of reconciliation in the act of mutual recognition. Above all, there was a sense of certitude among the participants and crowd that history was in the making.

Since the ceremonies and celebrations, however, the Israelis and Palestinians have encountered a great deal of difficulty in implementing the peace agreement. There have been charges of bad faith on both sides, and continuing acts of terrorism—the bombings of innocent Israelis at Afula and Hadeira, and the murder of scores of innocent Palestinians at the Hebron Mosque—have threatened to undermine the process at various times.

I know that many Israelis, and for that matter, many Americans, remain distrustful of the PLO and Chairman Arafat. While I, too, continue to harbor some reservations about Arafat, I think if the last year has proven anything, it is that Arafat and the PLO do represent the will of Palestinian people. Notwithstanding our doubts, we should continue to work with him to advance the prospects for the successful implementation of the peace agreement.

Already the Israel-PLO peace agreement has made the Middle East a safer, more secure place than it was 1 year ago. Equally as important, the agreement has served as a catalyst in Israel's negotiations with other Arab partners, particularly Jordan. My hope is that Israel's negotiations with Syria and Lebanon will now begin to yield some progress.

Mr. President, there are many people to thank and praise for the peace agreement between Israel and the PLO. I want to give special credit to Prime Minister Rabin, who has demonstrated great vision and poise in pursuing negotiations with all of Israel's neighbors. I also wish to thank President Clinton and his administration, which have worked skillfully and diligently on the Middle East peace process. In this regard, I would also particularly praise the work of Secretary Christopher. I hope very much that there is continued success as the Israelis and Palestinians—with the help and support of the United States—embark upon their second year of peace.

THE SIGNING OF THE CRIME BILL

Mr. HATCH. Mr. President, in cities and towns across our country, crime is getting worse.

For example, Utah's gang-related crime problem is getting worse. The Salt Lake Tribune recently reported that Salt Lake County has already seen seven gang-related murders this year. One case involved the murder of a 15-year-old by a 16-year-old named Ben Martinez. Prior to the killing, Martinez had already been arrested seven times for various offenses including weapons offenses and assault. Utah prosecutors will attempt to prosecute Martinez as an adult.

The Republican crime bill amendments, which were stripped from the conference report, would have provided for mandatory adult prosecution for violent juveniles like Ben Martinez; enhanced mandatory minimum penalties; and made such firearms crimes punishable in Federal court. Our efforts to improve the crime bill, had we prevailed, would have also provided over $13 billion to build more prisons for these violent offenders.

Unfortunately, these and several other tough-on-crime measures were not included in the final crime bill.

When asked about how we should deal with recidivist juveniles, Utah's Youth Corrections Director Gary Dalton said, "There has to be a time when we say enough is enough." Utah Detective Kent Cravens said that, "Violent juveniles, ought to get slam-dunked the first time." Yet, does the crime bill President Clinton is signing today slam-dunk violent juveniles? Does it say "enough is enough?" No. Instead, it continues the soft-headed coddling that has gotten us where we are. It does not include the tough-on-crime provisions that Republicans fought for in the Senate.

In a partisan rush to secure a legislative victory at any cost, the other side of the aisle sacrificed substance and padded the bill with still more social spending programs.

For instance, the $50 million community-based justice grants will require social workers' involvement in the prosecution of criminal cases. Participating prosecutors will be required to "focus on the offender, not simply the specific offense, and impose individualized sanctions [such as] conflict resolution, treatment, counselling and recreation programs." These sanctions would be imposed on individuals "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations * * *."

The spuriously labeled "Certain Punishment for Young Offenders" Program provides $150 million for education and job training and aftercare programs for young offenders.

Mr. President, what about the victims—and future victims—of these crimes? When is it time to stop focusing on the offender and start protecting the public?

Senate Republican efforts to improve the bill were rejected because enactment of the crime bill was critical. Today, after nearly 3 weeks of delay, President Clinton will sign the crime bill. During the 3 weeks he was on vacation, Republicans could have made the bill a much tougher, trimmer package.

Even the administration has acknowledged that the crime bill is loaded with wasteful spending. In a recent issue of Newsweek magazine [August 1], an administration official described the crime bill as containing $2 billion in, as he put it, "pure pork." Frankly, the amount of wasteful spending is much higher than what the administration was willing to concede but it is still telling.

As ranking member of the Judiciary Committee, I pledge to do my best to assist the administration in its implementation of the bill. I will be evenhanded, but I expect the effectiveness of this bill will be negligible. A recent Harris poll found that 54 percent of surveyed voters believe that this crime bill contains too much unneeded spending and won't reduce crime [Wall Street Journal, September 9, 1994]. Only time will tell. President Clinton has shown a proclivity for talking about the crime problem. Now we shall see how good he is at doing something about it.

Will the bill place 100,000 new community police officers on the streets? I am not aware of a single neutral expert who has said it will. Already, the administration is seeking to lower expectations. Attorney General Reno announced last week that 40,000—not 100,000—police officers will be hired before the end of President Clinton's term.

This leads me to a second point. The distinguished chairman of the Judiciary Committee has distributed documents that provide detailed estimates

of the amount of money each State will receive pursuant to the crime bill. His estimates even purport to provide us with the number of police each State will receive. For instance, according to the Senator's estimates, my State of Utah will hire 997 new local police officers thanks to the crime bill.

However, with all respect to my friend from Delaware—and he is my friend—these estimates are based on sheer speculation and unsupported assumptions. No independent, neutral analyst has ever stated that this bill will fund anywhere near 100,000 police officers, or that the $75,000 per officer limit on which he relies covers the cost of placing an officer on the streets for even 1 year, much less the 3 years of the grants.

Moreover, the vast bulk of the crime bill's policing grants are distributed on a discretionary basis. Yet Senator BIDEN's numbers assume that these funds will be distributed on the basis of population. The fact of the matter is that Congress could have provided for a formula that would have distributed grants pursuant to population. Indeed, my efforts to insert such a formula in conference were rejected by Senator BIDEN and his Democrat colleagues.

Mr. President, the administration and my Democrat colleagues can be sure that the Congress and America will be keeping a close eye on whether the crime bill lives up to its billing. I believe it will not. For this reason, I am pleased to be joining Senator DOLE in Republicans' ongoing effort to deliver to the American people a true, tough, effective crime bill. The legislation we are introducing today is a worthy first step.

THE 75TH ANNIVERSARY OF THE AMERICAN DEFENSE PREPAREDNESS ASSOCIATION

Mr. NUNN. Mr. President, today I want to salute the American Defense Preparedness Association [ADPA] on the occasion of its 75th anniversary. As many of my colleagues know, ADPA was organized after the conclusion of World War I by Army officers and defense industry leaders, who were concerned about the rapid demobilization of the Armed Forces and the consequent adverse impact on the domestic industrial infrastructure that supported U.S. soldiers and sailors at that time.

The association has grown and matured during the last seven decades. It now represents all of the U.S. armed services and the 700 or so defense-oriented corporations which make up the core of our defense industrial base.

Mr. President, an important part of ADPA's work today is education on national security issues. The organization has been at the forefront of efforts to preserve a prudent and capable national security establishment. ADPA has come to be recognized around the world as a principle voice of the U.S. defense industrial base. Over the years, representatives of ADPA have provided valuable testimony before the Armed Services Committee on a broad range of national security issues, including defense industrial base policies and reform of the defense acquisition system.

Mr. President, the vision and the purpose of the ADPA was recently outlined by its president, Retired Army Lt. Gen. Lawrence F. Skibbie:

> While ADPA acknowledges that the U.S. national security establishment—both military and supporting industry—can and should be downsized, we believe the defense industrial base remains a national asset and, while it will contract in accordance with changing national priorities, it must be guided and nurtured as it inevitably becomes smaller.
>
> The United States must retain a military capability sufficient to counter threats on both the strategic and tactical levels. Implicit in this delicate balancing act is the ability to support U.S. Forces in global contingencies, and to construct larger forces if necessary. Fundamental to this capability is a strong industrial base that is structured to respond as conflicts dictate.

Mr. President, I agree with General Skibbie's assessment. The concerns ADPA has raised recently about the rapid build down of our defense establishment are just as valid today as they were in 1919. We must remember and learn from our experience in past build downs. As we continue to reduce and restructure our defense establishment, we must do so in a way that preserves the essential capabilities that we need to protect our Nation's interests today and in the future.

Mr. President, the American Defense Preparedness Association and its members have made major contributions to the security of our Nation during the past 75 years. I hope my colleagues will join me in congratulating this organization on its silver anniversary.

ST. PETERSBURG COMMISSION: BOLD BUSINESS LEADERSHIP

Mr. LUGAR. Mr. President, I want to draw the attention of the Senate to a bold and creative project aimed at assisting the internal reform process in Russia. The project is called the International Action Commission for St. Petersburg and is sponsored by the Center for Strategic and International Studies [CSIS], a respected public policy research institute in Washington, DC. It provides an example of bold business leadership stepping out as a partner with government, and, in many ways, stepping ahead of government, to assist in crucial reform taking place in Russia. In this case, business leaders are contributing to the groundswell of activity in St. Petersburg and the surrounding oblast that is producing remarkable results in the evolution to a democratic government and a market economy underway in this strategic region of Russia.

Complementing their basic business operations in Russia and the region, business leaders in the commission have undertaken numerous actions and entered into various partnerships that provide mutual benefits to them and to St. Petersburg's growth. The commission's actions support an arbitration court nearly formed, an international school in operation, and 21 projects ready for investment in areas ranging from improvements to the heating and hot water system to training for the emerging commercial banks. Commission members have participated in over 12 joint ventures and are associated with $40 million in new investments which have been made or obligated. They also continue to advise the city and key business leaders on what key steps remain to enhance the region's attractiveness to foreign investors. These steps are leading to grass-roots Russian business know-how and innovation, and to permanent structures at the local level that are necessary for a stable market economy and investment growth.

The teamwork between Russia, the United States and our allies reflects the best of our intentions for programs sponsored by the United States Government and the role United States businesses should play globally. Mr. President, I highly commend CSIS and its president, Ambassador David Abshire, for this important initiative and I ask that some descriptive material about the commission's work be inserted in the CONGRESSIONAL RECORD.

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

[From the Center for Strategic & International Studies, Washington, DC, July 11, 1994]

INTERNATIONAL ACTION COMMISSION FOR ST. PETERSBURG

EXAMPLES OF BUSINESS GROWTH IN NORTHWEST RUSSIA INVOLVING COMMISSION MEMBERS

Selection of Russian sub-contractors and training of Russian sales force by the Procter & Gamble Company:

Formation of Joint Ventures: Pratt & Whitney—Klimov, Comspan—Businesslink, Booz Allen—Baltic Technical Park, Booz Allen—Leninets.

Rapid development of Gillette-Leninets joint venture.

Start-up of joint ventures with non-commission partners: Kirov—Caterpillar, Signal—International American Products Incorporated, St. Petersburg Clothing Exchange—Amerex.

Leninets award from U.S. Department of Defense of up to $5 million start-up funding for a U.S. joint venture to produce commercial products (July 1994).

22 St. Petersburg companies positioned for further U.S. Department of Defense grants for defense conversion joint ventures.

World Bank, EBRD, Finnish and U.S. government investment interest has been focused on: Priority infrastructure projects of the city; Opening of wholesale terminal market for agriculture products; Energy production and conservation projects—meetings

held in Moscow and St. Petersburg; Port Modernization.

Joint business team working on key growth areas: Port Modernization: Port of Maryland, Booz Allen, Finnlines, St. Petersburg Seaport. Energy: Honeywell, Ahlstrom, Metra, Imatra Voyma Oy, Lentek, Lenenergo Agribusiness: State of Maryland, Leningrad Oblast.

Cooperative agreements have been signed: By ICN Pharmaceuticals to modernize and expand a pharmaceutical enterprise and plant in St. Petersburg. Investment will be $40 million and involves a joint venture relationship. By a U.S.-led consortium of U.S. and Russian companies to develop the central historical district of the city. Between a team of the University of Texas and Texas A&M with the St. Petersburg Technical University to develop a business school—$295,000 awarded by USIA.

RJR Nabisco has provided $1.2 million for business education programs conducted by Duke University and St. Petersburg State University.

INTERNATIONAL ACTION COMMISSION FOR ST. PETERSBURG

EXISTING ACTIONS PROGRESS REPORT

The 40-minute television presentation aired on St. Petersburg television in late May, informing the people of St. Petersburg and the region on the benefits of foreign investment and creating a positive image of the private enterprise system. A follow-on business news program is proposed.

The Investment and Development Agency of St. Petersburg is being organized for the first two priority development zones of the city. The Agency will assist businesses and investors to search out, organize and facilitate business start-ups and new investments. The public relations firm Edelman has prepared a proposal to publicize these zones as the focus point for investment in St. Petersburg. The St. Petersburg Regeneration Agency has identified funding for market and growth assessments for the central historic district of the city.

Plans for an international arbitration court are nearing completion; the court will be registered in the coming month, and will begin operations by this fall.

Steps are being taken to educate St. Petersburg businesses on the Russian-American Enterprise Fund. RAEF president Gerald Corrigan will describe the fund's operations in detail at a city conference on small and medium-sized business on June 22, 1994. The city previously conducted a highly successful international conference on foreign investment opportunities for Northwest Russia on November 10–12. City officials participated in an investment forum in New York City in April, 1994 jointly sponsored by our commission, the Citizens Exchange Network and American Express.

The commission has assumed a major role in assisting the development of U.S.-Russia exchange programs to bring Russian business persons and other professionals to the U.S. for work experience. Exchange visits began last month to 10 cities. This pilot effort includes 300 Russians from St. Petersburg and three other regions of Russia.

A list of priority projects needed in St. Petersburg was developed and published by the city to attract investor attention. A further prioritization of these projects is under way to propose to world financing organizations, including the EBRD and the World Bank, for funding.

An international school and medical center opened in St. Petersburg last fall. Additional funding is still needed for the international school.

A standing Russian-Western defense industry diversification committee has worked with the U.S. government to ensure equitable consideration of St. Petersburg defense businesses for grants of up to $5 million each to support joint ventures of Russian defense firms with U.S. and other partners for defense diversification. Commission-member Leninets was one of four Russian companies initially selected for this program. 22 other St. Petersburg companies have been identified for the next phase of this program.

Work continues to identify funding sources for a feasibility study for a technopark in the St. Petersburg region; and to attract investors for projects for improved local telecommunications network capacity.

Establishing a system of guarantees remains a priority concern for the commission in the coming months.

The consortium of 24 St. Petersburg and international universities will meet in St. Petersburg on June 9 and 10, and will continue work on actions promoting international cooperation in higher education to assist business growth in St. Petersburg city and region. The first meeting of the consortium occurred in November 1993.

The four new commission working groups which were organized last fall have met regularly beginning in October. This work has led to 20 possible new actions, and the most promising of these actions will be proposed at our plenary session business meeting on June 11, 1994. Action papers on each action will be provided to all commissioners before the plenary session. Focus areas for these groups are: Improvements to Strengthen Banking and Investment Practices, Energy Conservation and Management, More Rapid Modernization and Growth of Agribusiness, Modernization and Development of the St. Petersburg Port Area.

The U.S. government sponsor for the commission, the United States Agency for International Development, has indicated its intention to provide funding to continue the commission until August 1995. This spokesperson stated that their goal is to commit funding to the completion of our most urgent and promising projects. This situation is not yet final; however, as an initial indicator, it is indeed good news.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business Monday, September 12, the Federal debt stood—down to the penny—at $4,680,078,443,187.46 meaning that every man, woman and child in America owes $17,951.21 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

BOSNIA

Mr. DOLE. Mr. President, on July 30—6 weeks ago—the so-called contact group countries met and pledged decisive action in the event of continued Bosnian Serb rejection of the contact group's proposal. At that time we were told that the contact group countries would work together to increase pressure immediately. That has not proven to be the case.

Instead, these countries—including the United States—hemmed and hawed, held more meetings among themselves and stalled just long enough for Slobodan Milosevic to complete his makeover as peacemaker of the Balkans. Not only has Milosevic said that he supports the contact group proposal—which should be no surprise since it rewards the aggressors with half of Bosnia—but he has promised to get tough on his Serb allies by cutting off supplies to them. For the past 3 weeks the Serbian border with Bosnia has reportedly been closed to all traffic except humanitarian goods.

No doubt, the contact group diplomats breathe a sigh of relief as Milosevic seemingly rescues them from the burden of following through on their tough talk. However, their work is not over—they must find a fig leaf for their continued inaction.

And so today, contact group representatives are meeting in Geneva to discuss the posting of around 130 civilian observers on the Bosnian-Serbian border to monitor Belgrade's announced embargo of the Bosnian Serbs. In return for allowing these 130 unarmed monitors on its borders, Serbia will receive some sanctions relief.

Mr. President, I bet that Milosevic is patting himself on the back for this latest maneuver. It costs him nothing. He agrees to 130 monitors who are unarmed, who cannot stop and search vehicles, who are stretched over a long border with 48 crossing points, and in return sanctions are eased and he is on the road to rehabilitation.

Moreover, the costs to the Bosnian Serbs are questionable. The only way to assess the costs of this embargo to Radovan Karadzic and his forces is to estimate what they have stockpiled. How much ammunition do they have? How great are their fuel reserves? Maybe Milosevic knows something that we don't know, such as how long Bosnian Serbs can withstand being cut off from Serbia. The Bosnian Serbs only have to hold out for as long as it takes to get sanctions lifted because once they are lifted they will be difficult to reimpose—even if Milosevic begins supplying arms to the Bosnian Serbs again.

Furthermore, irrespective of whether or not the Milosevic-Karadzic split is real, irrespective of whether border monitors are deployed, greater Serbia exists on the ground—Bosnian Serb Forces still occupy 70 percent of Bosnia

and Herzegovina and Krajina Serb Forces still hold 25 percent of Croatia; 2 million Albanians in Kosova are still being repressed.

Mr. President, to sum it up, for admitting that he has been the source of this aggression against Bosnia, Milosevic is being rewarded by the international community.

And how are the Bosnians being rewarded for signing up to the contact group proposal? In short, they are not. The Bosnians are in the same terrible position they were in before they signed and before the contact group made its big, empty promises. They are still being denied the right to self-defense. They are still unprotected by the U.N. Protection Forces. They are still being treated as one of the "parties" or "combatants"—as British officials like to say—rather than as an internationally recognized government and member state of the United Nations with fundamental rights—rights that are identical to those of other nations, including Britain, France, and Russia.

Mr. President, in reference to Haiti, the national security adviser said yesterday that "we must make it clear that we mean what we say." Ironically, while the administration claims its credibility is on the line in Haiti, it is seemingly unconcerned about its lack of credibility in Bosnia. Well, to restore United States credibility with respect to Bosnia, we only need to lift the arms embargo on Bosnia and Herzegovina. And for the President to do that no military force is needed, just political will.

CONGRATULATIONS TO EARL L. WILSON

Mr. HEFLIN. Mr. President, I am pleased to congratulate Mr. Earl L. Wilson, who was recently selected for induction into Alabama A&M University's Athletic Hall of Fame. Mr. Wilson is to be formally inducted into the hall of fame on September 16.

A native of Bessemer, AL, Earl Wilson received his bachelor of science degree at Alabama A&M, where he played football for 3 years and served as team captain in 1958. He went on to obtain his master of science degree at Tuskegee University.

During his career, Earl has served as a high school football coach and administrator. He is currently the principal of A.G. Gaston School in Birmingham, and is a member of the Birmingham alumni chapter of the Kappa Alpha Psi Fraternity; the Kiwanis Club of West Jefferson County; and the Alabama Elks. He was named 1993 Alabama Elk of the Year.

Again, congratulations to Earl Wilson, an outstanding selection for the Alabama A&M University Athletic Hall of Fame.

MIDDLE EAST PEACE: ONE YEAR OF HISTORIC PROGRESS

Mr. LIEBERMAN. Mr. President, 1 year ago this week, the world was filled with hope and anticipation by the announcement of a Declaration of Principles between the State of Israel and the Palestinian Liberation Organization. Over the past year, both sides to that agreement have overcome the legacy of distrust between them to negotiate implementation of the objectives set forth in this landmark document. Despite setbacks, and tasks of enormous difficulty still ahead, the Israelis and Palestinians have summoned the courage to continue moving the peace process forward and to implement the agreement.

Meanwhile, long negotiations between Israel and Jordan toward ending their 46 years of war culminated in the Washington declaration of July 1994, which affirmed the determination of His Majesty King Hussein and Prime Minister Yitzhak Rabin to bring an end to bloodshed and sorrow.

These historic steps in the Middle East peace process have created momentum toward a true and lasting peace in that troubled region. Today, negotiations are continuing among the relevant parties and Syria. I am hopeful that the Syrians too will seize the moment for progress toward peace. The challenges are great, but the opportunity to demonstrate courageous leadership is even greater.

We Americans can be proud of our contribution toward Middle East peace during this past year. President Clinton and Secretary of State Christopher have invested enormous time and effort to this worthy cause; they can be justly proud of their accomplishments. Peace can only come when the relevant leaders of the region demonstrate courage and vision. But America's leaders have worked diligently throughout this period to support, encourage, and facilitate the efforts of the courageous men and women on the ground in the Middle East.

Congratulations are due as well to the people of Israel and to the Palestinians in Gaza and the West Bank for their efforts to implement the agreements despite the sometimes violent actions of those opposed to peace. The peoples of the region know from a long and bitter history that the road of peace is neither smooth nor easy to travel. But men and women who care about the future they are shaping for their children and grandchildren will continue to reject the ways of violence and will persist on the path of peace.

Mr. President, as we mark this first anniversary of the signing of the Declaration of Principles, we can be proud of our role so far. But we must also rededicate ourselves to the goals and methods we are now pursuing. The United States must continue to do everything in its power to foster the Middle East peace process and to demonstrate to the participants the political and economic benefits of cooperation. To do so is consistent with our American national interest in a peaceful Middle East, and is in keeping with our best tradition of leading the way to peace and freedom in the world.

G.L. GUTHRIE MEMORIAL

Mr. BINGAMAN. Mr. President, I rise today on the occasion of the loss of one of New Mexico's great citizens, G.L. Guthrie of Las Cruces, NM.

Known throughout New Mexico as Gus, Mr. Guthrie came to Las Cruces in 1925 to join the faculty of what was then New Mexico A&M College. Two years later he became head of the business administration and economics department. In 1964, when the department was raised to the status of a college, Mr. Guthrie became its first dean. He served in that position until his retirement in 1969.

During his 44-year career at the university, Mr. Guthrie was involved in various phases of its activities in addition to his teaching and administrative duties in the business administration department. During the 1930's he held the position of assistant to the college's president. Because of his deep interest and experience in newspaper work, he was instrumental in establishing the first journalism courses and acted as advisor to the college newspaper, the Round-Up. He also helped organize the university chapter of Sigma Alpha Epsilon social fraternity and was its faculty advisor for many years.

He was deeply involved in community affairs. He was a charter member of the Las Cruces Lions Club and served a term as its president. He worked closely with the Boy Scouts and was a former president of the Dona Ana County Chapter of the Red Cross, as well as being a member and president of both the Mesilla Park School Board and the Las Cruces Union High School Board. In 1953 he was appointed a member of the New Mexico Labor and Industrial Commission by Gov. Edwin Mechem.

Mr. Guthrie was born on June 29, 1904, in Milan, MO, and later he moved with his family to Hereford, TX. In 1929 he married Maude Marie Tully.

In addition to his wife, Mr. Guthrie is survived by two sons, Keith, of Arlington, VA; and Kenneth, who resides in Albuquerque.

Mr. President, while the occasion of the death of G.L. is sad, he will always be remembered for the kindness and warmth that he showed to all. He will be missed.

NEW RUSSIAN-CIS MILITARY ALLIANCE?

Mr. DECONCINI. Mr. President, recently, reports have come to my attention that Russia and other former Soviet Republics might be moving toward

the creation of a new military alliance. Apparently, a draft agreement for such a military alliance is to be submitted in early 1995 to the leaders of the CIS that would call for, among other things, the eventual creation of joint armed forces, collective peacekeeping, and a joint air defense system—forces that would, no doubt, be largely dominated by Russia. According to a recent New York Times Op-ed written by freedom House president Adrian Karatnycky, Konstantin Zatulin, chairman of the Russian Parliament's Committee for Commonwealth Affairs, has hinted that Russia may not pressure Ukraine to give up its nuclear weapons should Ukraine and Russia become "strategic partners."

Mr. President, such developments must be monitored closely, given their implications for U.S. strategic and other interests. The prospects of such a union could derail efforts to integrate these New Independent States into Europe, including NATO, following decades of Russian domination. This is particularly troubling considering the possible rise of anti-Western, antidemocratic forces in any post-Yeltsin Russia.

United States policy with respect to the non-Russian New Independent States within the last 6 months has appeared to evolve. We have increasingly recognized their importance and, especially in the case of critically important Ukraine, stressed its independence and territorial integrity. Therefore, I find puzzling and disconcerting recent reports that the United States is prepared to accept an expanded Russian sphere of influence. If true, Mr. President, this cannot help but send the wrong signal to those in Russia who still have not abandoned the goal of recreation of the empire, Equally important, it sends the wrong message—one bound to undermine the recent progress that has been made—to those New Independent States less than eager to once again come under Russia's wing.

Mr. President, while pressing ahead on developing a constructive relationship with Russia, and encouraging positive changes there, we must not waver in our commitment to the independence of the other former Soviet republics. Support for their independence includes well-thought-out policy statements that must not be perceived as even a tacit green light to Russian neoimperialism. We must also extend concrete, effective, and timely assistance in many areas, such as denuclearization, energy, privitization, the environment, and last, but by no means least, democratic institution building.

Both words and deeds are important in making clear to the world the United States commitment to the independence of the former Soviet Republics.

NATIONAL AND COMMUNITY SERVICE

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to this week's formal launching of the AmeriCorps program—the largest of several youth and community service initiatives that we in the Congress authorized 1 year ago this month.

As its chief Republican cosponsor in the Senate, I'm pleased that this important initiative is now recruiting and placing eager and enthusiastic young volunteers in community organizations and agencies all over America. And, I'm especially proud that one of the satellite-linked locations for yesterday's swearing-in of new volunteers by President Clinton was the University of Minnesota in Minneapolis.

It is appropriate that Minnesota played an important role in officially launching AmeriCorps, Mr. President, because of my State's long history of leadership in service learning and youth community service.

One of the reasons I was an enthusiastic supporter of the national service legislation we approved the last year was the degree of flexibility it offers States and local communities to identify and target their own highest priority needs.

Over the past year, Minnesota has made a special effort to integrate the funding authorized by the Federal AmeriCorps program with its own YouthWorks program—creating an even larger number of service opportunities for my State's young people.

In this first round of AmeriCorps grants, Minnesota has received $2 million in funding which will fund six exciting projects:

The city of St. Paul's Future Force—a 76 member corps to be based at Concordia College.

Pillsbury Neighborhood Service's Community Works—a 24-person crew address urban issues.

Neighborhood House Association's Multicultural Communities in Action—a 26-person crew serving St. Paul's West Side and parts of South Minneapolis.

Twin Cities Youth and Housing Initiative—operated by Two or More, Inc., a group of 25 youths who will build and refurbish Minneapolis homes.

The Southeast Minnesota Initiative Fund—which will work in cooperating with Mankato and Winona State universities.

The Red Lake Tribal Council—which has already sponsored two highly successful Summer of Service programs also funded by the Corporation for National and Community Service.

PROGRAM NEEDS CLEAR FOCUS AND PURPOSE

As one of those who strongly supported the passage of national service legislation, I am also among those who believes this program will need to clarify its focus and purpose. That is especially important in light of the smaller scale at which the new program is being launched.

During the 1992 campaign, then-candidate Clinton drew loud cheers whenever he promised to use national service to ease the financial burdens of college for "millions of American young people and their families."

And, after his election, the new President used the same justification to propose a program that would have cost more than $10 billion over 4 years.

But, recognizing today's fiscal realities, Congress was willing to commit less than 15 percent of the President's earlier $10 billion proposal and only a tiny fraction of his even larger campaign pledge.

NOT A COLLEGE EDUCATION

That means those of us who strongly support national service must acknowledge that it will never play a major role in financing higher education.

At a minimum annual cost of $15,000 to $20,000 per participant, we can't depend on this new program to help meet the rising cost of going to college. Our first priority must be to increase our commitment to currently underfunded Pell grants, and to carefully implement the student loan reforms enacted in last year's budget bill.

NOT THE CCC

Second, it is important to distinguish the new AmeriCorps program from previous national service programs like FDR's Civilian Conservation Corps and the Peace Corps and VISTA programs launched in the 1960's.

Those previous initiatives were Federal programs, totally funded and run from Washington. What this newest initiative does is authorize a decentralized infrastructure for States to use in stimulating community service by young people. It is intended to serve as a broad framework for thousands of different programs tailored to meet the diversity of America's young people and the communities they will serve.

The new AmeriCorps program should also leverage State, local, and private sector support for programs that respond to this diversity and that enjoy strong local ownership. If that happens, the impact of this new initiative will reach far beyond what's possible with the limited Federal funding that today's fiscal realities will allow.

SERVICE LEARNING

Finally, as we launch the AmeriCorps program, much greater recognition must be given to the value of other new programs also authorized last year that encourage nonstipended service learning.

In States all around the country, young Americans from kindergarten through college are demonstrating the value of community service that's creatively integrated into the school curriculum.

In Minnesota, for example, more than 100,000 young people are now participating in school-based service learning

programs. These programs are improving educational outcomes and benefiting local communities. And, they're achieving these goals at a fraction of the cost of AmeriCorps and other stipended service programs that dominated last year's national service debate.

WAYNE MEISEL, MY YOUTH SERVICE MENTOR

Mr. President, a driving force behind my own interest in national and community service has been the leadership of Minnesotans. Wayne Meisel—who grew up alongside my own four sons in South Minneapolis—is one of those individuals I have looked to as a mentor on this issue.

That's why I am pleased to report that Wayne was recently recognized for his leadership by the American Institute for Public Service through its Jefferson Award. This prestigious award is used annually to recognize outstanding public service by an individual under age 36.

Wayne Meisel is the founder of COOL—the Campus Outreach Opportunity League, an internationally known platform for students and graduates to lead, sustain, and challenge their peers to service others and to bring about positive change.

In 1983, after graduating from Harvard University, Wayne traveled from campus to campus, effectively using his vision and enthusiasm to start local youth service chapters. COOL now works with 700 colleges and universities nationwide and with international students groups throughout the world.

Working with COOL from 1983 to 1989, Wayne set the tone for organizations run by and for young people. He brought about coalitions between and among individuals, campuses, local communities, and all levels of government. As COOL's director, he conceived and developed "A Day in the Life of Youth Service," an event designed to recognize and support young people in their efforts to serve their communities.

Wayne is now serving as president of New Jersey's Bonner Foundation, where he has created and generated funding for the Bonner Scholars program. This 2,000 member corps of college students requires at least 600 hours of service per year in exchange for college scholarships. Overall, the program provides over 1 million hours of service each year to communities throughout the country.

After passage of 1990 National and Community Service Act, Wayne was appointed by President Bush to the first board of the then-Commission on National and Community Service. From that platform, Wayne argued forcefully for greater involvement of young people themselves in the design and management of youth service programs.

I agree with Wayne's premise that youth involvement is one of the key elements that will determine the long-range success of these programs in local communities all over America. And, in accepting the Jefferson Award, Wayne again made this point in his usual quiet but forceful way.

There is a great deal to be learned from the perspectives that individuals like Wayne Meisel have to offer, Mr. President. And, because of the particular insights Wayne has on the role of young people in national service, I would ask that the full text of his remarks accepting the Jefferson Award be printed at this point in the RECORD.

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

[From the Chronicle of Philanthropy, Aug. 9, 1994]

TO SERVE THE NATION, YOUTH MUST BE HEARD

(By Wayne Meisel)

National service is now a top theme on the American agenda. Large national organizations are gearing up to receive federal money through the new AmeriCorps program, which has its official kick-off next month. But in all the planning for the new service corps, one voice has been conspicuously absent: that of the young people who played a key role in promoting the national-service movement. It is impossible to have a successful service corps without youth leadership.

The Corporation for National Service—which is in charge of overseeing AmeriCorps and other volunteerism efforts—has yet to give young people a serious role in policy making. Just as one can be a friend of agriculture without being a friend of farmers, so to can the corporation be a friend of youth service without being a friend of young people.

Youth leadership is not just a nice idea. It is a critical element to assuring not only that national service will be a success, but that its participants are motivated by a vibrant and powerful vision of social change and justice. Our ability to make youth leadership a key element of all types of service programs will determine whether the newfound interest in national service will be an inspiration and source of support for young people everywhere—or whether it will end up crushing the spirit and creativity of a young people's movement.

Though well-intentioned, the Corporation for National Service has not given young people the opportunity to lead the movement they created. The federal Commission on National and Community Service—the body that led to the formation of the corporation—had recommended unanimously that applicants be required to demonstrate that young people were involved in creating, operating, and evaluating service programs. Yet when the grantmaking regulations were published and sent out, no mention was made of that requirement. A year and a half later, the requirement has yet to work its way into any of the corporation's regulations or guidelines.

In a move that further limited youth involvement, the corporation dissolved the Youth Voice Committee, which the commission had created to make sure that young people had an opportunity to be involved in the policy-making process. Although corporation officials promised to setup some kind of structure to perform the same tasks as the youth committee, they have not yet done so.

Before it was dismantled, the committee oversaw the creation of "From the Hip," a photojournalistic effort to get young people to define and express what youth service was and what it meant. Hundreds of young people teamed up with adult mentors to take photographs and write stories about youth service. The stories that came back were not just about traditional kinds of service like tutoring kids and serving the elderly; they were also about race, sexuality, politics, and religion.

To create a national-service corps that is relevant to young people, we need to know what they think. But the corporation has not taken any action to figure out what young people value.

Federal officials have done further damage to the youth movement by taking over projects that were designed and run by young people. Case in point: the Road Scholars program run by the Campus Outreach Opportunity League.

For the past decade, COOL has sent staff members out to towns and cities across the country that wanted help developing and strengthening campus-based community-service efforts. Initially, the Commission on National and Community Service made a grant to the Road Scholars program that would have allowed many more communities to be served by COOL. But instead of continuing the league's tradition of getting young people to advise and inspire their peers, the Corporation for National Service withdrew federal support and established its own program to provide the same services as COOL.

You cannot hire someone else to implement another person's or group's vision. Through COOL, Road Scholars were able to lead with authority. They were all recent college graduates with experience building successful service efforts. They were accountable not to a large institution or a government entity but to an idea, a common vision, and a shared value. Perhaps that was threatening to federal leaders. The real question is whether in its new training program, which borrows the techniques developed by COOL, the Corporation for National Service will give young people adequate authority.

Officials of the Corporation for National Service have emphatically denied that they are trying to discourage the youth voice.

But they must realize that the corporation, through its influence and sheer size, controls the youth-service movement. The greatest tragedy in all this is that after working so hard to get to the place we are now, the movement finds itself at its most vulnerable point. The corporation's takeover could leave us with uninspired leadership that fails to articulate a clear and powerful message while creating a bureaucracy that becomes an expression of institutionalized mediocrity.

Although I am critical of what has happened so far, there is much that the Corporation for National Service and the foundation world can do to make national service flourish. Among the steps they can take to bring life, vision, and youth back to what can be the most powerful movement of this decade:

The corporation must put into its regulations a requirement that all its grantees have young people involved in the creation, implementation, operation, and evaluation of their programs.

The corporation and foundations need to realize that for community service to have meaning to a broad range of young people, it has to deal openly with issues of race, gender, class, sexual orientation, politics, justice, and power.

Foundations should take a close look at projects the corporation does not support. Private grant makers should consider giving money to efforts that have the potential to break new ground in the way youth-service efforts are run.

The corporation should be encouraged to identify, develop, and support programs that educate non-profit organizations about the importance of youth involvement in policy making and that train them in ways to win youth participation.

Foundations should be inspired to follow the lead of the Lyndhurst and Echoing Green Foundations, which provide fellowships to young people who want to pursue careers in community service and activism.

Many people have worked hard for national service to become a reality. National service is a call to all Americans—regardless of their age—to serve in their communities and to build the country we all dream about. But for youth service to work, young people must have opportunities to be heard. Youth is the leadership of tomorrow only if we procrastinate.

TRIBUTE TO NEIL HAIGHT

Mr. BAUCUS. Mr. President, I rise in recognition of an outstanding public servant, Neil Haight of Helena, MT.

Neil will soon celebrate 25 years of working for Montana Legal Services Association and low-income Montanans. He started with legal services by managing the Lewistown office from 1969–73, circuit riding through the small rural counties in the heartland of Montana. In 1973, he became the director of the association, a position he still holds today.

As director of Montana Legal Services, Neil has capably steered the organization through those difficult years when its very existence was threatened. Today, Montana Legal Services stands on much more secure ground. Neil now faces the challenge of starting to rebuild the strong statewide organization which he managed to maintain during the 1980's. I cannot think of a better person for the job.

Perhaps Neil's greatest contribution to Montana Legal Services Association has been his constant support for its employees. Even though he likens leading legal services lawyers to herding cats, his strong support of their work has motivated them to achieve major legal advances on behalf of low-income Montanans.

Neil Haight is a class act. He is a credit to the Legal Services Association. And he stands for the very best of public service and the legal profession. Throughout his career, he has put the good of the people of Montana before making money. And, through it all, his wife Betty has stood by his side.

On behalf of the people of Montana, I want to say thank you to Neil and Betty Haight. You have made a difference.

ST. PETERSBURG COMMISSION: CATALYZING BOTTOMS-UP REFORM IN RUSSIA

Mr. WARNER. Mr. President, I want to invite the attention of my colleagues in Congress to a unique international partnership formed by the Center for Strategic and International Studies [CSIS], a distinguished policy research institution in Washington, DC. I refer to the International Action Commission for St. Petersburg, on which I serve, and which is successfully increasing investment and business growth and speeding the process of economic conversion in St. Petersburg city and region. Working under the joint leadership of Dr. Henry Kissinger and Mayor Anatoly Sobchak, the 71 commissioners, comprising leaders of business, government and universities from six nations, play an aggressive and direct role in bringing about an impressive number of positive changes in northwest Russia.

Commission actions are developed and implemented through a framework for cooperation involving 11 joint Russian-Western working groups and a consortium of international universities. These working groups have 26 concrete actions completed or underway in areas ranging from arbitration court development to defense industry conversion and energy conservation. Through these actions, and through the partnership that has created them, the commission has sparked joint venture development, growing private and public investment in the St. Petersburg region, job growth, business education, technical assistance, and the building of structures necessary for a functioning free market economy and stable economic growth. These significant and tangible results not only provide clear benefits to the St. Petersburg region, but they also serve as a model for economic conversion for other Russian cities and regions, and cement a healthy working relationship between American and Russian leaders.

The intense activity taking place in St. Petersburg through this commission, the enthusiastic involvement of so many senior leaders, and the early successes already achieved in this effort, underscore the critical importance—to both Russia and the United States—of strong, bottoms-up change in this strategic region of Russia to accompany top-down reform efforts led from Moscow.

Under the leadership of its president, Ambassador David M. Abshire, CSIS's effort on this project merits our admiration and support. I ask unanimous consent to insert in the CONGRESSIONAL RECORD descriptive information about the commission's work.

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

[From the Center for Strategic and International Studies, Washington, DC]

INTERNATIONAL ACTION COMMISSION FOR ST. PETERSBURG

BRIEF OVERVIEW

The International Action Commission for St. Petersburg has moved aggressively to develop and advocate concrete actions which are leading to near-term increases in foreign investment and in Russian and Western business growth in St. Petersburg and the Leningrad Oblast. The commission is co-chaired by Dr. Henry Kissinger and Mayor Anatoly Sobchak. The 71 commissioners are senior leaders of business, government and universities, and are from St. Petersburg, President Yeltsin's cabinet, the U.S., Finland, Sweden, France and the U.K.

The work of the commission is being accomplished by joint Russian-Western working groups which develop promising actions and assist the city, oblast, business community and universities in the timely introduction of these actions. Over 200 persons are involved in the current eight working groups and in a consortium of 26 international and St. Petersburg universities. These eight working groups have 30 actions completed or underway addressing the following areas critical to economic growth and conversion:

Public Education for Business Growth;
Infrastructure Improvement;
Modernization and Development of the Port;
Energy Conservation and Management;
Unstable Business Conditions;
Defense Diversification;
Banking and Investment; and
Agribusiness Development.

The full commission has met in plenary session on three occasions beginning in October 1992 in St. Petersburg, at a 1993 meeting in Baltimore, Maryland and Washington, DC, and returning to St. Petersburg for a June 1994 meeting.

During the June, 1994 plenary session, the commission set a priority on securing needed investment funding for 21 projects developed by the commission working groups over the past year. The commission also agreed to form three new Russian-Western working groups to act on:

Small and Medium Sized Business Growth;
Health Care Improvement; and
Strengthening of Government Processes under New Local and Regional Government.

The three new working groups will meet in St. Petersburg in September 1994, and will propose new actions to be developed, acted upon as quickly as possible. The original eight working groups will guide the funding and execution of developed projects. The commissioners will meet to measure commission progress at a fourth plenary session, scheduled for July, 1995.

This commission is organized by CSIS with Mr. George W. Handy as director and Mr. David A. Pepper as assistant director. Funding is from corporate contributions and a U.S. AID grant.

Cochairs

Henry A. Kissinger and Anatoly Sobchak.

COMMISSION MEMBERS

Europe & the United States

Krister Ahlstrom, President and CEO, A. Ahlstrom Corporation.

Anders Aslund, Director, Stockholm Institute of East European Economics.

Percy Barnevik, President and CEO, ABB Asea Brown Boveri.

Per Benemar, CEO, Petersburg Products International.

Carl Bjornberg, President and CEO, Myllykoski Oy.

Michael R. Bonsignore, Chairman and CEO, Honeywell Inc.

Fred L. Cipriano, Senior Vice President, Booz-Allen & Hamilton.

Robert W. Cox, Chairman, Baker & McKenzie.

Robert Davies, Executive Director, The Prince of Wales Business Leaders Forum.

Georg Ehrnrooth, President and CEO, Metra Corporation.

Bruno Grob, President, Otis Elevator International.

Jukka Harmala, President and CEO, Enso-Gutzeit Oy.

Robert D. Hormats, Vice Chairman, Goldman Sachs International.

Jaakko Ihamoutila, Chairman and CEO, Neste Oy.

Jaakko Iloniemi, Managing Director, EVA.

James D. Jameson, Chairman, Glenair.

Harry Johnston (D-FL), U.S. House of Representatives.

L.J. Jouhki, President, Thomesto Trading Company Ltd.

Seppo Kauppila, Consul General, St. Petersburg, Embassy of Finland.

Jarl Kohler, President, Finnish Forest Industries Federation.

Eugene Lawson, President, U.S.-Russia Business Council.

Joseph I. Lieberman (D-CT), United States Senate.

Harald B. Malmgren, President, Malmgren Group.

Thomas E. Marsh, Regional President, R.J. Reynolds Tobacco International.

Dave McCurdy (D-OK), U.S. House of Representatives.

Jean-Marie Mérillon, Chairman, Crédit Lyonnais Russia.

Jan Meyers (R-KS), U.S. House of Representatives.

Kalevi Numminen, President and CEO, Imatra Power.

Jorma Ollila, President, Nokia Group.

William H. Orton (D-UT), U.S. House of Representatives.

Ambassador Henry Owen, Consultants International.

Milan Panic, President, ICN Pharmaceuticals.

John E. Pepper, President, The Procter & Gamble Company.

Ogden R. Reid, Director, National Patent Development Corporation.

John J. Roberts, Vice Chairman, American International Group.

Blair A. Ruble, Director, Kennen Institute for Advanced Russian Studies.

Robert Rutford, President, University of Texas at Dallas.

Ambassador John D. Scanlan, ICN Pharmaceuticals.

William Donald Schaefer, Governor of Maryland.

S. Frederick Starr, President, Aspen Institute.

Matti Sundberg, CEO, Valmet Corporation.

Peter Wallenberg, First Vice Chairman, Skandinaviska Enskilda Banken.

John Warner (R-VA), United States Senate.

Thomas Wheelock, Chairman, Comspan.

Russia

Vladimir Alexandrov, General Director, Shipbuilding.

Alexander Belyaev, Member, Federal Council.

Alexander Belyakov, Governor, Leningrad Oblast, Member, Federal Council.

Yuri Bokov, General Director, Shipbuilding.

Alexei Bolshakov, Chairman, Railway Project.

Anatoly Chubais, Deputy Prime Minister, Chairman, Committee for Privatization, Russian Federation.

Boris Fedorov, Deputy, State Duma.

Vladimir Gorodniy, Vice President and General Director, Lenvest.

Viktor Ivanov, General Director, Union Industrial & Building Enterprises.

Victor Khalansky, Chief Representative for St. Petersburg, Central Bank of Russia.

Igor Klioutchnikov, Chairman of the Board, St. Petersburg Stock Exchange.

Alexei Kudrin, First Deputy Chairman, of St. Petersburg Government, Chairman, Committee on Economy and Finance.

Vyacheslav Larin, General Director, LenTEK.

Yuri Lvov, Chairman of the Board, St. Petersburg Bank.

Liubov Ogneva, General Director, St. Petersburg Clothes Manufactory.

Vyacheslav Petrov, General Director, Arsenal Production Association.

Vladimir Putin, First Deputy Director, of St. Petersburg Government, Chairman, Committee on External Relations.

Alexander A. Sarkisov, President, Klimov Works.

Peotr G. Semenenco, President, Klimov Plant.

Vladimir Semenov, General Director, Industry and Construction Bank.

Dmitry V. Sergeyev, Deputy Minister of Transportation, Russian Federation.

Anatoly A. Turchak, President, Concern Leninets.

Ludmilla Verbitskaya, Rector, St. Petersburg University.

Vladimir Yakovlev, First Deputy Chairman, of St. Petersburg Government, Chairman, City Development Committee.

Eugene Yelin, President, Currency Stock Exchange.

Valentin P. Zanin, Manager General, Signal.

OVERVIEW

The International Action Commission for St. Petersburg is organized under the co-leadership of Dr. Henry Kissinger and Mayor Anatoly Sobchak to support actions which will increase investment and business growth and speed the process of economic conversion in St. Petersburg city and region. The 71 commissioners, senior leaders of business, government and universities from six nations, work through 11 joint Russian-Western working groups and a consortium of international universities to undertake concrete actions having a near term impact on this strategic city and region of Russia. Periodic plenary sessions bring the commissioners together to assess progress, eliminate obstacles and decide on new directions for action.

THIRD PLENARY SESSION

On June 10 and 11, 1994, the International Action Commission for St. Petersburg met in St. Petersburg for its Third Plenary Session. The highly successful session was hosted by co-chairman, Mayor Anatoly Sobchak, and was preceded on June 9 and 10 by a meeting of the commission's international university consortium. The commissioners assessed and agreed upon 33 concrete decisions contributing to investment and business growth in St. Petersburg city and region; highlights included:

$1.6 million dollars in investments to support 12 actions which have been developed by commission working groups and proposed to the U.S. Agency for International Development for funding.

Continued progress on major investment projects in energy, port, agribusiness and other infrastructure areas totaling potentially several hundred million dollars.

Commission agreement to form three new working groups in the areas of small and medium-sized business growth, improved health care and strengthened government processes (the latter with an emphasis on tax and investment incentives, creation of an ombudsman office and law and order).

Approval by commissioners of a schedule for the year ahead with a meeting of commission and working group co-chairmen in February 1995 and a fourth plenary session in July 1995.

Agreement that the priority effort of the commission in the year ahead would be to help secure needed investments and to support their rapid application, in St. Petersburg city and region.

MAJOR ACCOMPLISHMENTS AMONG 30 CURRENT COMMISSION ACTIONS

Television program on Russian-Western cooperation broadcast on June 11 to the 14 million viewers of the St. Petersburg channel.

Voice of America Radio broadcasts across Russia of commission experience.

Guidelines, sponsors and charters for International Arbitration Court organized; registration expected in several months.

One stop shop agency to assist businesses and investors and to speed city development organized.

U.S. Russia-Exchange programs underway with full St. Petersburg participation.

Russian-American Enterprise Fund introduced to St. Petersburg personally by fund chairman, Mr. G. Corrigan.

International School and Medical Center open and operating successfully.

Leninets award of a U.S. government grant for defense industry conversion of $1 to 5 million scheduled for July; all commission defense enterprises are well positioned for additional grants.

University Consortium expanded to 26 international universities with work underway on distance learning, new courses, exchanges and creation of business schools.

PROJECTS DEVELOPED AND READY FOR INVESTMENT ACTION

The following 12 projects ready for funding have been developed from working group actions and proposed to U.S. AID:

Television program follow-on;

Arbitration court start-up;

Investment and Development Agency public relations plan;

Central historic district development;

Technology park business plan and prospectus;

Bank card system start-up;

General banking training;

Energy efficiency zone and company formation;

Business plan for agribusiness wholesale terminal market;

Agricultural skill training;

Feasibility study for port operations improvement; and

Port operations training program.

Negotiations for major funding are underway with commission working group support for projects developed from joint Russian-Western actions in the following areas:

Infrastructure Improvement Program (World Bank);

Stock Exchange Clearing House;

District Heating Project (World Bank);

Energy Efficiency Center & Zone (World Bank);

Energy Master Plan (Finnish Government, World Bank);

Nuclear Energy Project (World Bank);
Agribusiness Wholesale Market (World Bank, EBRD);
Port Operations Improvements (World Bank, EBRD); and
Guarantee Fund for Environmental Improvements.

RETIREMENT OF DORA JEAN PHILLIPS MALACHI

Mr. MCCONNELL. Mr. President, the autumnal equinox will bring the onset of dark days to the Congressional Budget Office, for on September 22, Dora Jean Phillips Malachi will retire. Ms. Malachi is completing 28 years of splendid service on Capitol Hill and she will be sorely missed.

Dora Jean left her home in Louisville, KY, to join the staff of Senator John Sherman Cooper in 1966. She served, also with distinction, on the staff of Senator Marlow Cook before joining CBO as one of its earliest employees in 1975. At CBO she has served in a variety of administrative positions, and is currently the administrative secretary to the Assistant Director for Special Studies. Unlike the shorter days ahead, Ms. Malachi, in all her tasks, has been the embodiment of ample sunshine, bringing light and warmth to all those who have had contact with her. Beyond that, her ability to procure the most obscure bit of Hill information with a single well-directed phone call, or to secure for her colleagues entree to almost any event in a city in which entree is the coin of the realm, is legendary. The CBO is a much better place as a result of her service; she leaves behind many friends and admirers.

Mr. President, I can assure you that although Dora Jean Malachi will end her 28th year of Federal service a day short of the 39th birthday, after a decade of work for the city of Louisville and Jefferson County and for the Domestic Insurance Co., no child labor law was broken. I have Ms. Malachi's word on this, and that is good enough for me. This government has been well served by this Kentucky Colonel and we salute her and wish her Godspeed on her well-earned retirement.

GUN VIOLENCE

Mr. LAUTENBERG. Mr. President, I rise today to once again call to the attention of my colleagues a fact that the country is all too aware of: gun violence is destroying America's brightest hope for the future—our children.

Here are just two examples taken from the last month. Just two stories that tell us what can happen when children get their hands on guns.

In High Bridge, NJ, a 13-year-old boy shot and killed an 11-year-old friend over a silly, childhood argument.

In Chicago, IL, an 11-year-old boy shot into a crowd, murdered a girl, and was then killed himself—by a 14-year-old and a 16-year-old.

Both tragedies demonstrate what happens when kids can gain easy access to guns in our streets and in our homes.

At a time when our children should be playing in little league, studying algebra, or going to high school dances, they are engaged in deadly street warfare.

Instead of notebooks and pencils, they carry guns and bullets.

Instead of dreaming about college, 15-year-old boys dream of streets, of gangs, and of semiautomatic handguns.

Instead of planning their sweet 16's, 15-year-old girls sit around and plan their funerals.

One woman brought her grandson to 11-year-old Robert Sandifer's funeral in Chicago. She wanted her grandson to see what could happen if he drifted into the world of gangs and guns. She wanted to teach him a lesson. I hope she did; but I know she taught all of us a lesson. She went up to pay her respects and saw how tiny the body was, how strange it was to see this small corpse dressed for eternity in a coffin. "That's a baby in there," she said.

In the words of a New York Times editorial last week—and I ask for unanimous consent that this editorial be placed in the RECORD:

People too young to comprehend death's finality have easy access to death's machines. It gives them status and power. No formula for change will work without a plan to reduce the number of guns on America's streets and in children's hands.

That is what we are trying to do, Mr. President: to get the guns out of our neighborhoods and out of our schools. But each time we try to do it, regressive forces get in the way.

Every day 14 American children—14 kids here in America—are killed by guns.

But every day, the National Rifle Organization gives more than $14 to politicians, orchestrates more than 14 letters, inspires more than 14 phone calls. Few politicians are willing to stand up to such a powerful special interest. So little gets done.

It took us years to pass the Brady bill—a bill which has already proven to be effective and would have saved thousands of lives if it had been passed when it was proposed 10 years ago.

It took us 6 years to get a ban on selected semiautomatic weapons passed. And even then, the NRA wanted to scuttle the entire crime bill—all that money for cops and prisons—if that was the price of keeping semi's in their homes and on our streets.

Well, Mr. President, this time they lost. And we won. Today, President Clinton will sign the crime bill, enacting a ban on 19 different assault weapons and prohibiting gun possession by minors. It is a giant step in the right direction, but we cannot forget that it was almost derailed by the NRA.

We can celebrate today. But we also have to make a commitment today. A commitment to keep going. To keep fighting.

Here is one reason: according to the National Education Association, more than 100,000 students pack a gun with their school things every morning.

Our response was the Gun-Free School Zones Act of 1990 which prohibits the possession of firearms within 1,000 feet of a school. It is a law that can and does work. But it is also a law that is being challenged in the courts.

Next month, the Supreme Court will decide if this law is constitutional. Along with 16 colleagues in the Senate, I have signed a legal brief urging the Court to uphold the law.

We know that guns do not belong in or near America's school yards, and we will continue fighting to keep them away.

We must remember, Mr. President, that this crime bill is not an end to our fight against guns and crime. It is a beginning.

We must restore traditional ideals and the sense of family values. We must give our children the hope and guidance they need to grow up and reject a life of crime. We must continue to fight for reasonable gun control: to stand up to those who put their ideology above the safety of our children.

We have made a start, Mr. President. The crime bill is a step forward. But we have a long way to go. Together, we can get there.

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

[From the New York Times]

"THAT'S A BABY IN THERE"

The speaker of those words was not, we know, referring to a stroller but to a coffin. She was talking about Robert Sandifer, an 11-year-old accused of murdering another child, who was murdered in turn, probably by his own colleagues in crime. The woman had brought her grandson to look at Robert—as had many other adults in this Chicago neighborhood—in hopes that his small body would serve as a warning: Death is permanent. This is where gangs will take you. Beware.

Much has been made in the media this week of Robert's sad story: Abused and abandoned at 3, cared for variously by a grandmother and child welfare agencies, a gang member at 9. But that neglect cannot be the entire explanation. Neighbors and schoolmates of Robert's alleged killers—brothers aged 14 and 16—say those two had good parents. "Their mother and father are real good, nice people," said one. "They just can't control them." Others talked of losing sons and friends to the streets. Children spoke openly of being thankful each day to make it home from school.

Robert Sandifer has quickly become the symbol of something very big and very wrong in America. His alleged crime, his age and his death have combined to provoke a universal revulsion, a feeling that things have gone too far. The question now is: How to harness this moment?

Last month Congress passed a crime bill aimed at making a dent in the appalling conditions in American cities that lead to tragedies like Robert's. It was the culmination of

months of furious debate. Conservatives called for more jail cells and more certain punishment; liberals wanted prevention programs to give kids alternatives to the street culture. A ban on a small number of deadly assault weapons barely passed. The bill itself was mired for weeks in the partisan confusion of competing philosophies on crime. It was saved only by legislators' fear that failure to act would bring disaster on Election Day, since crime has become their constituents' chief preoccupation.

Americans like symbols. Sometimes it takes a particular tragedy to galvanize us, to remove the partisan blinkers from an issue and make it human. Jim Brady's wounding turned the gun debate around, making it respectable for conservatives to support gun control, bringing home the message that gun violence in America needed attention.

Can Robert Sandifer's tragedy do something similar? And if so, what?

Clearly, simply building more jail cells cannot help an 11-year-old so alienated that he must seek approval and kinship from a gang of thugs. Robert's story is as complicated as America's urban disaster. More certain punishment—and, yes, more police and more jail cells—might help to counter the atmosphere of impunity in which urban gangs operate. But just as clearly, city children need a community in which to grow up, some adult structure that will chasten them for doing wrong and show them how to do something right. Too many American children of all races now lack functional families. Boys need career paths other than the drug business; girls need one other than teen-age motherhood that produces more neglected children. No amount of partisan or scholarly disparagement of traditional social programs can change that fact.

Part of what makes this social chemistry volatile is the gun culture. People too young to comprehend death's finality have easy access to death's machines. It gives them status and power. No formula for change will work without a plan to reduce the number of guns on America's streets and in children's hands.

Robert Sandifer's short life and pitiful death—along with the strangers who mourned beside his coffin—illustrate the awful state of America's cities, where even loving parents cannot save children. If they cry out for anything, it is to abandon the demagoguery and partisanship that have characterized the crime debate so far, and to focus some real resources on the neglected cities where the children struggle every day to survive.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, 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. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 1, 11, 17, 32, 33, 38, 47, 48, 49, 50, 52, 53, 54, 55, 65, 66, 77, 80, 82, 86, 87, 97, 103, 104, and 105, and agrees thereto, that the House recedes from its disagreement to the amendments of the numbered 5, 14, 19, 20, 28, 30, 51, 56, 58, 60, 64, 71, 72, 84, 98, 100, 111, 117, and 123 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

At 6:15 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. 3300. An act to amend the act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations.

H.R. 4391. An act to authorize appropriations for the Federal Maritime Commission for fiscal year 1995, and to amend the Shipping Act of 1984 to require that conference agreements authorize members of conferences to take certain independent actions and to prohibit conferences and groups of common carriers from denying or limiting in export foreign commerce compensation to ocean freight forwarders.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4554) making appropriations of Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, 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. DURBIN, Mr. WHITTEN, Ms. KAPTUR, Mr. THORNTON, Ms. DELAURO, Mr. PETERSON of Florida, Mr. PASTOR, Mr. SMITH of Iowa, Mr. OBEY, Mr. SKEEN, Mr. MYERS of Indiana, Mrs. VUCANOVICH, Mr. WALSH, and Mr. MCDADE as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, 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. YATES, Mr. MURTHA, Mr. DICKS, Mr. BEVILL, Mr. SKAGGS, Mr. COLEMAN, Mr. OBEY, Mr. REGULA, Mr. MCDADE, Mr. KOLBE, and Mr. PACKARD as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SMITH of Iowa, Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Mr. SERRANO, Ms. DELAURO, Mr. SABO, Mr. PORTER, Mr. YOUNG of Florida, Mrs. BENTLEY, Mr. BONILLA, and Mr. MCDADE as the mangers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4650) a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, 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. MURTHA, Mr. DICKS, Mr. WILSON, Mr. HEFNER, Mr. SABO, Mr. DIXON, Mr. VISCLOSKY, Mr. DARDEN, Mr. OBEY, Mr. MCDADE, Mr. YOUNG of Florida, Mr. LIVINGSTON, Mr. LEWIS of California, and Mr. SKEEN as the managers of the conference on the part of the House.

The message also announced that House disagrees to the amendment of the Senate to the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference on the disagreeing votes to the two Houses thereon; and orders the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. GLICKMAN, Mr. RICHARDSON, Mr. DICKS, Mr. DIXON, Mr. TORRICELLI, Mr. COLEMAN, Mr. SKAGGS, Mr. BILBRAY, Ms. PELOSI, Mr. LAUGHLIN, Mr. CRAMER, Mr. REED, Mr. COMBEST, Mr. BEREUTER, Mr. DORNAN, Mr. YOUNG of Florida, Mr. GEKAS, Mr. HANSEN, and Mr. LEWIS of California.

From the Committee on Armed Services, for consideration of the defense tactical intelligence and related activities: Mr. DELLUMS, Mr. SISISKY, and Mr. SPENCE.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 601 and 704 of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. KENNEDY, Mr. LAROCCO, Mr. MCCANDLESS, and Mr. CASTLE.

As additional conferees from the Committee on Government Operations, for consideration of section 601 of the House bill, and modifications committed to conference: Mr. CONYERS, Mr. TOWNS, and Mr. CLINGER.

As additional conferees from the Committee on the Judiciary, for consideration of sections 802–804 of the House bill and section 601, 703–707, and 709–712 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. EDWARDS of California, and Mr. HYDE.

The message further announced that pursuant to the provisions of 22 U.S.C. 276a–1, and the order of the House of Sunday, August 21, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on September 8, 1994, did appoint Mr. WILSON to the delegation to attend the Conference of the Interparliamentary Union to be held in Copenhagen, Denmark, from September 12, 1994, to September 17, 1994, on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3300. An act to amend the Act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations; to the Committee on Environment and Public Works.

H.R. 4391. An act to authorize appropriations for the Federal Maritime Commission for fiscal year 1995, and to amend the Shipping Act of 1984 to require that conference agreements authorize members of conferences to take certain independent actions and to prohibit conferences and groups of common carriers from denying or limiting in export foreign commerce compensation to ocean freight forwarders; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3508. An act to provide for tribal self-governance, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 13, 1994 she had presented to the President of the United States, the following enrolled bill:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

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–3269. 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 93-02; to the Committee on Appropriations.

EC–3270. 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 92-81; to the Committee on Appropriations.

EC–3271. A communication from Acting Director of the Office of Dependents Education, Department of Defense, transmitting, pursuant to law, the annual test report of dependents schools for the school year 1993–1994; to the Committee on Armed Services.

EC–3272. A communication from the Assistant to the Secretary of Defense (Atomic Energy), transmitting, pursuant to law, the report relative to the Chemical and Biological Defense Program; to the Committee on Armed Services.

EC–3273. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the U.S. Munitions List articles; to the Committee on Banking, Housing, and Urban Affairs.

EC–3274. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the credit card operations of depository institutions for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 12, 1994:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 3672: A bill to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service (Rept. No. 103–363).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1629. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes (Rept. No. 103–364).

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. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. GRAMM, Mr. LOTT, Mr. BURNS, Mr. D'AMATO, Mr. NICKLES, Mr. COCHRAN, Mr. MCCONNELL, and Mr. PRESSLER):

S. 2431. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the amount of social spending, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2432. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for Fiscal Year 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Mrs. KASSEBAUM):

S. 2433. A bill to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NUNN:

S. 2434. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 2435. A bill to amend title 28, United States Code, regarding appointment of an independent counsel; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. GRAMM, Mr. LOTT, Mr. BURNS, Mr. D'AMATO, Mr. NICKLES, Mr. COCHRAN, Mr. MCCONNELL, and Mr. PRESSLER):

S. 2431. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the amount of social spending, and for other purposes; to the Committee on the Judiciary.

THE CRIME CONTROL IMPROVEMENT ACT

Mr. DOLE. Mr. President, instead of signing the so-called crime bill, President Clinton should have used today's White House ceremony to send the bill back to Congress marked with four simple letters: V-E-T-O. Veto.

The President should have told Congress to cut out the billions and billions of dollars in wasteful social spending, toughen up the penalties, and send him a new-and-improved crime bill that matches his own tough-on-crime rhetoric.

And that is exactly what Senate Republicans tried to do last month, when we were ready to offer a series of 10 amendments, all designed to improve the crime bill by stripping out the pork and toughening up the weakest parts of the watered-down conference report.

Republicans tried to save the taxpayers nearly $5 billion by cutting such phony crime-fighting measures as the Local Partnership Act, the Model Intensive Grants Program, the National

Community Economic Partnership—even something called the Ounce of Prevention Program, which in reality is not an ounce, but a multimillion dollar ton of pure, unadulterated pork-barrel spending.

Republicans sought to establish mandatory minimum penalties for those vicious criminals who use a gun in the commission of a crime and who sell illegal drugs to children.

Republicans tried to ensure the swift deportation of illegal aliens who have committed violent crimes while in the United States.

Republicans attempted to tighten up the crime bill's prison language so that funds will be used to build "brick and mortar" prison cells, rather than warm-and-fuzzy prison "alternatives" such as half-way houses and juvenile detention centers. Believe it or not, there is no guarantee that one dime of the crime bill's $30 billion will be used to build a single prison cell.

And, Mr. President, last month, Republicans sought to ensure that first-time violent offenders are kept behind bars by encouraging States to adopt real, meaningful truth-in-sentencing reform.

Although a full 2 weeks have elapsed since the Senate's passage of the conference report and today's signing ceremony, Republicans were nonetheless blocked—shut out is the word—from using just several hours to debate our 10 amendments, toughen up the crime bill in the process, and potentially save the taxpayers nearly $5 billion.

So, Mr. President, today's signing ceremony may be a legislative victory for President Clinton, but it is a very expensive lesson for the American people.

The American people are not dumb. They know that the crime bill is more hype than tough-on-crime substances. They know that it fully funds only 20,000 new police officers, not the 100,000 claimed by the administration.

And the American people understand that the most effective way to prevent crime is not with the pork-barrell, but with the prison cell.

Although Senate Republicans came up a bit short last month, this temporary set-back does not mean we have given up. On the contrary: Republicans will continue to push ahead—with greater effort and with even greater resolve—until the American people get the kind of tough, no-nonsense, crime-fighting plan they deserve, and one that is 100 percent fat free.

That is why I am introducing a bill today—the Crime Control Improvement Act—that incorporates all 10 amendments proposed by Republicans during the debate last month: a $5 billion cut in wasteful social spending, tough mandatory minimum penalties for those who use a gun while committing a crime, tough mandatory minimums for those who peddle drugs to minors and employ minors to sell drugs, the swift deportation of criminal aliens. And real truth-in-sentencing for first-time violent offenders, not for the second-time offenders, as the crime bill now provides.

The Senate should have adopted these amendments more than 2 weeks ago. The crime bill would have been vastly improved as a result, and the American people would not be so skeptical today of the overblown claims made by President Clinton and by the bill's most ardent supporters.

No doubt about it, the Senate missed a golden opportunity by preventing Republicans from offering our amendments. But one lost opportunity does not mean we should not keep on trying, and that is exactly what Republicans intend to do in the weeks and months ahead.

Mr. President, I ask unanimous consent that the full text of the Crime Control Improvement Act, as well as a section-by-section analysis, be reprinted in the RECORD.

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

S. 2431

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 "Crime Control Improvement Act of 1994".

SEC. 2. ELIMINATION OF MODEL INTENSIVE GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle C.

SEC. 3. ELIMINATION OF LOCAL PARTNERSHIP GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle J.

SEC. 4. ELIMINATION OF LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM, FAMILY AND COMMUNITY ENDEAVOR SCHOOLS PROGRAM, COMMUNITY-BASED JUSTICE GRANT PROGRAM, URBAN RECREATION PROGRAM, AT-RISK YOUTH PROGRAM, AND POLICE RECRUITMENT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking section 30402, section 30403(b)(2), and subtitles B, G, H, O, and Q.

SEC. 5. ELIMINATION OF NATIONAL COMMUNITY ECONOMIC PARTNERSHIP PROGRAM, COMMUNITY SCHOOLS PROGRAM, OUNCE OF PREVENTION PROGRAM, FAMILY UNITY DEMONSTRATION PROJECT, GANG RESISTANCE EDUCATION AND TRAINING PROGRAM, AND DRUG COURTS PROGRAM.

The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) in title III by striking section 30401, section 30403(b)(1), and subtitles A, D, K, S, and X; and

(2) by striking title V.

SEC. 6. AMENDMENT OF VIOLENT OFFENDER INCARCERATION AND TRUTH IN SENTENCING INCENTIVE GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional prisons to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

"(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veteran's benefits to which they are entitled; and

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws which require that persons convicted of violent crimes serve not

less than 85 percent of the sentence imposed; or

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

"(C) has increased the percentage of sentence which will be served inprison by violent offenders sentenced to prison; and

"(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

"(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) for that fiscal year shall be allocated as follows:

"(A) 0.25 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

"SEC. 20104. MATCHING REQUIREMENT.

"The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

"SEC. 20105. RULES AND REGULATIONS.

"(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

"(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

"The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

"SEC. 20107. EVALUATION.

"The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

"SEC. 20108. DEFINITIONS.

"In this subtitle—

" 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

" 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $175,000,000 for fiscal year 1995;

"(2) $750,000,000 for fiscal year 1996;

"(3) $1,000,000,000 for fiscal year 1997;

"(4) $1,900,000,000 for fiscal year 1998;

"(5) $2,000,000,000 for fiscal year 1999; and

"(6) $2,070,000,000 for fiscal year 2000.".

SEC. 7. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.".

SEC. 8. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) EMPLOYMENT OF PERSONS UNDER-18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) In subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. 9. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.'."

SEC. 10. DEPORTATION OF CRIMINAL ALIENS.

(a) EXPANSION OF DEFINITION OF AGGRAVATED FELONY.—

(1) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or

(i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or budgetary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 33 months;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense that—

"(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

"(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(L) an offense relating to perjury or subornation of perjury if the offense involved causing or threatening to cause physical injury to a person or damage to property;

"(M) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(N) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

"(O) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(P) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section;

"(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

"(R) an attempt or conspiracy to commit an offense described in this paragraph,

including any such offense under Federal or State law or the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to convictions entered on or after the date of enactment of this Act.

(b) DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

(1) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(f) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216 or 216A) at the time that proceedings under this section commenced.

"(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

"(5) Pending a determination of deportability under this section, the Attorney General shall not release the alien. An order of deportation entered pursuant to this section shall be executed by the Attorney General in accordance with section 243. Proceedings before the Attorney General under this section shall be in accordance with such regulations as the Attorney General shall prescribe and shall include requirements that provide that—

"(A) the alien is given reasonable notice of the charges;

"(B) the alien has an opportunity to have assistance of counsel at no expense to the government and in a manner that does not unduly delay the proceedings;

"(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

"(D) the determination of deportability is supported by reasonable, substantial, and probative evidence; and

"(E) the final order of deportation is not adjudicated by the same person who issued such order.".

(2) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(A) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(B) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(C) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(3) TECHNICAL AMENDMENTS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(A) in subsection (a)—

(i) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—

"(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(B) in subsection (b)—

(i) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(ii) by striking "respect to an" and inserting "respect to a permanent resident";

(C) by striking subsection (c);

(D) in subsection (d)—

(i) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(ii) by inserting "permanent resident" after "in the case of any"; and

(iii) by striking "(2)" and inserting "(B)";

(E) in subsection (e)—

(i) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(ii) by striking the second sentence; and

(iii) by striking "(2)" and inserting "(B)";

(F) by redesignating subsection (f), as added by paragraph (1) of this subsection, as subsection (c);

(G) by inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be deportable from the United States."; and

(H) by amending the section heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

(c) JUDICIAL DEPORTATION.—

(1) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the Service, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief

from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(2) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to alter the privilege of being represented at no expense to the Government set forth in section 292 of the Immigration and Nationality Act.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

(d) RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.—

(1) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final. For purposes of this section, the term 'sentence' does not include a sentence the execution of which was suspended in its entirety.".

(2) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(A) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(B) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

(e) ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.—

(1) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(A) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(B) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(2) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(A) in paragraph (1)—

(i) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(ii) by striking "5" and inserting "10";

(B) in paragraph (2), by striking "15" and inserting "20"; and

(C) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(3) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(f) CRIMINAL ALIEN TRACKING CENTER.—

(1) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(2) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1995 and $6,000,000 for each of fiscal years 1996, 1997, 1998, and 1999.

(g) MISCELLANEOUS AND TECHNICAL CHANGES.—

(1) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media, in the discretion of the special inquiry officer, or, where waived or agreed to by the parties, in the absence of the alien.".

(2) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.—No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(3) AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Sections 130001, 130002, and 130004 of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made by those sections are repealed effective as of the date of enactment of this Act.

SEC. 11. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) any criminal history points under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense;

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other law, a defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act, or of a crime of violence for which imposition of a mandatory minimum term of imprisonment is required, shall be sentenced to an additional 5 years' imprisonment.

(d) REPEAL OF TITLE VIII OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Title VIII of Violent Crime Control and Law Enforcement Act of 1994 and the amendment made by that title are repealed effective as of the effective date specified in subsection (c).

SEC. 12. EQUITABLE DISTRIBUTION OF DISCRETIONARY GRANTS.

It is the sense of the Congress that all grants authorized under the Violent Crime Control and Law Enforcement Act of 1994 and not required to be distributed according to a formula prescribed by law shall be distributed in a fair and equitable manner that ensures that rural states receive a fair and proportional share of the funds.

THE CRIME CONTROL IMPROVEMENT ACT
SECTION-BY-SECTION ANALYSIS

Section One. Short Title. The Act may be cited as the "Crime Control Improvement Act of 1994."

Section Two. Elimination of the Model Intensive Grant Program. This section strikes the $625.5 million Model Intensive grant program, contained in subtitle C of Title III of the Violent Crime Control and Law Enforcement Act of 1994. Under this program, 15 cities are hand-picked by the Administration and given complete discretion over how to spend the funding. Program funds may be spent for any purpose loosely tied to crime reduction. The Model Cities Intensive grant program was not part of the Senate-passed crime bill.

Section Three. Elimination of Local Partnership Grant Program. This section strikes the $1.62 billion "Local Partnership Act," contained in subtitle J of Title III of the Violent Crime Control and Law Enforcement Act of 1994. The Local Partnership Act was not part of the Senate-passed crime bill.

Section Four. Elimination of House-passed Social Spending. This section strikes approximately $737 million in social spending programs, contained in subtitles B, D, G, H, O, and Q of Title III of the Violent Crime Control and Law Enforcement Act of 1994. The programs eliminated by this section include the Local Crime Prevention Block Grant program, the Family and Endeavor Schools program, the Community-based Justice Grants program, the Urban Recreation program, the At-Risk Youth program, and the Police Recruitment program.

Section Five. Elimination of Senate-passed Social Spending. This section strikes over $1.9 billion in social spending programs, contained in subtitles A, D, K, S, and X of Title III and Title V of the Violent Crime Control and Law Enforcement Act of 1994. All of the programs eliminated by this section had passed the Senate as part of the Senate crime bill. However, in some instances the authorization levels for the programs were increased in conference. The programs eliminated by this section include the National Community Economic Partnership, the Community Schools program, the Ounce of Prevention program, the Family Unity Demonstration Project, the Gang Resistance Education and Training program, and the Drug Courts program.

Section Six. Prison Grants. This section amends subtitle A of Title II of the Violent Crime Control and Law Enforcement Act as follows:

The Act currently allows prison funds to be spent on alternative correctional facilities in order "to free conventional prison space." This section requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

This section removes from the Act a provision which would have conditioned state receipt of the prison grants on adoption of a comprehensive correctional plan that would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used exclusively to build and operate prisons.

This section also amends the Act to condition prison grants on state adoption of truth-in-sentencing for first-time violent offenders. The Act only requires that states adopt truth-in-sentencing for second-time violent offenders.

Finally, this section amends the Act by deleting a "reverter clause" which provides that truth-in-sentencing grants that are not quickly spent will revert back to non-incentive grants. This reverter clause essentially removes any incentive for states to adopt truth-in-sentencing reform.

Section Seven. Increased Mandatory Minimum Sentences for Criminals Using Firearms. This section establishes a mandatory minimum penalty of 10 years' imprisonment for anyone who uses or carries a firearm during a crime of violence or drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum penalty of 20 years' imprisonment. If death results, the penalty is death or life imprisonment.

Section Eight. Mandatory Minimum Prison Sentences for Those who Use Minors in Drug Trafficking Activities. This section establishes a mandatory minimum sentence of 10 years' imprisonment for anyone who employs a minor in drug trafficking activities. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Section Nine. Mandatory Minimum Sentences for Those who Sell Illegal Drugs to Minors. This section establishes a mandatory minimum sentence of 10 years' imprisonment for anyone 21 years of age or older who sells drugs to a minor. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Section Ten. Deportation of Criminal Aliens. This section provides for the expedited deportation of non-permanent resident aliens convicted of certain violent felonies upon completion of the prison sentence. The amendment would also allow federal judges to enter deportation orders at the time of sentencing. Once the sentence is served, the criminal is automatically deported.

This section, originally proposed by Senator Simpson, was included in the Senate-passed crime bill.

Section Eleven. Flexibility in Application of Mandatory Minimum Sentence Provisions in Certain Circumstances. The Senate-passed crime bill contained a narrowly circumscribed mandatory minimum reform measure that returned a small degree of discretion to the federal courts in the sentencing of truly first-time, non-violent drug offenders. To deviate from the mandatory minimum, the court would have to find that the defendant did not finance the drug sale, did not sell the drugs, and did not act as a leader or organizer.

This section restores the Senate-passed measure and also adds a section ensuring that the so-called "safety valve" will not be abused by the courts. This added improvement requires certification by federal prosecutors that the defendant cooperated with law enforcement authorities.

Section Twelve. Equitable Distribution of Discretionary Funds. This section expresses the Sense of Congress that all grants authorized under the Violent Crime Control and Law Enforcement Act of 1994 and not required to be distributed according to a formula prescribed by law shall be distributed in a fair and equitable manner that ensures that rural states receive a fair and proportional share of the funds.

Mr. MITCHELL. Mr. President, I had hoped that the debate on the crime bill was a thing of the past now that the Senate has acted. But, in light of the comments made by the distinguished Republican leader, I feel constrained to reply.

The first point made and the point repeatedly made during debate on the bill was on the level of spending in the bill, popularly called by our Republican colleagues pork. But the fact of the matter is, of course, that is not the reason why they opposed the bill.

The fact of the matter is that when the Senate passed the crime bill just a few months ago, 42 out of 44 Republican Senators voted for the bill even though it had more spending in each of the years that were common to the two bills.

I want to repeat that. Forty-two out of forty-four Republican Senators voted for a crime bill that had higher levels of spending, more money, than was included in the bill that the Senate passed a few weeks ago in those years which were common to the two bills.

If they are so concerned about spending, why did they all vote for a bill that had more money in it in each of the years common to the two bills than was in the bill they now criticize? The answer is, of course, that is not their concern. That was a made-up excuse at the last minute. Everybody knows that. Every Member of the Senate knows that. The reasons for their opposition to the bill had nothing to do with the spending.

Second, if their concern was about spending, why did they reject the offer that we made which would have permitted a vote on the conference report to cut out $5 billion of the spending? We offered to them, even though conference reports are not ordinarily amendable, that we would permit an amendment to this conference report which would eliminate $5 billion of the spending, and they rejected the offer. They do not want a vote to cut it. They want to talk about voting to cut it.

Finally, Mr. President, I want to make a prediction. When the grants are made for police officers, for prisons, for prevention programs back in each of the 50 States under this crime bill, I predict to you that our Republican colleagues will be right there in the front of the parade, standing there next to the police chief, standing there next to the mayor, holding the scissors in their hands to cut the ribbons for the very programs which they now deride.

I made that prediction a year and a half ago when we took up the economic stimulus program and Republican Senator after Republican Senator got up and denounced the programs in that bill—the community development block grants, for one. I predicted that our Republican colleagues, after standing here on the Senate floor and denouncing the program and the bill, would be out there at home taking credit for the grants made under the CDBG program through the regular appropriations process.

And my prediction proved to be accurate. In case after case, our colleagues, after standing here and calling the CDBG program pork barrel, go back home and say to their constituents, "Look what I got for you." They cut the ribbons, they wave to the crowd, they shake hands with the mayor, they embrace the police chief to take credit for the very things which they stand here and oppose.

I ask all Americans to check your local television news and check your local newspapers when the grants are made under this crime bill. You will see right there, banging into the microphones and brushing up against the photographers and running down the mayors and the police chiefs on the way to get in the front line, our very colleagues who spent so much time here opposing the bill.

But, finally, I want to repeat: Every American should know this has nothing to do with the level of spending.

And I want to repeat this fact over and over and over again: 42 out of 44 Republican Senators voted for a crime bill just a few months ago that had higher levels of spending in it in each of the years that were common to that bill and the bill which passed the Senate a couple of weeks ago—higher levels of spending in each of the years that were common to that bill and the bill that passed the Senate. And the reason this bill that finally passed had more money than the earlier one is that it covered more years.

It is obvious, if you have one bill that covers 5 years and one bill that covers 6 years, and the levels of spending are about the same, the 6-year bill is going to add up to more than the 5-year bill. And, of course, that is what happened in this case. And our colleagues seized upon that, because they obviously did not want to stand up and acknowledge a complete reversal of position as a rationale for reversing their position.

So no American should be fooled by this discussion. The crime bill was a good bill. It was a solid bill. I did not agree with every single provision. I doubt that any one Senator or any one American would agree with every single provision. But, on balance, it will do something for this country.

Most of all, anybody who attended that ceremony this morning could not fail to observe and be struck by the fact that there were so many obviously police men and women there to celebrate this legislation. And police official after police official came up to me and said, "Thank you for what you did for our men and women."

The police men and women of this country form a thin blue line between a civilized and orderly society and the chaos of the human jungle. Every day and every night, thousands of men and women put on a blue uniform, pin the police badge on, and go out and risk their lives so that the rest of use can have some sense of security.

When we voted for that crime bill, we voted for those police men and women. We said to them, "We support you. We know that you risk your lives every day and night. And we know that when you leave home in the morning, your spouse and children don't know if you are going to be back that night."

Every major police organization in this country supported that crime bill enthusiastically, strongly, because they recognize that their men and women are at risk in this society. They are exposed to great risk. They are underpaid. They are not sufficiently recognized. And we chose this one time to say to the police men and women of this country: "We support you. We want to help you. We admire what your are doing."

This bill represents something for them. I hope every Member of the Senate will recognize that.

Mr. President, I yield the floor.

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2432. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1994

Mr. KERRY. Mr. President, I am pleased to join today with Senator STEVENS to introduce the National Oceanic and Atmospheric Administration [NOAA] Authorization Act of 1994. This bill provides a 1-year authorization for those atmospheric, coastal, ocean, and fishery programs and activities conducted by NOAA that are not authorized specifically by separate statutes such as the Magnuson Fishery Conservation and Management Act or the Coastal Zone Management Act. In addition to the authorization of appropriations for NOAA programs, this bill also contains several legislative provisions. The most noteworthy of these provisions is the mandate for a study of the responsibilities and activities of the NOAA Corps in supporting the missions of NOAA.

Mr. President, NOAA's fundamental mission, stated simply, is to "promote global environmental stewardship." Such a mission, however, is no easy task to achieve. The components of NOAA's mission include: First, conservation, protection, and management of the Nation's fishery resources, marine mammals, and endangered marine mammals; second, protection of the coastal environment including the management of developing coastal economies; third, weather forecasting; and four reliable science-based predictions of climate and global change. NOAA's activities have a direct impact on the Nation's economy whether it is coastal zone management or climate assessment for farmers. We also rely on NOAA to ensure public safety in the protection of coastal communities

against hurricanes, and inland communities against tornadoes.

In order to carry out its mission, NOAA identifies three broad priorities for fiscal year 1995 in its strategic plan: First, continued modernization of the Nation's weather services; second, management of our marine resources including maintaining and enhancing coastal ecosystems health management; and third, investment in global change research. After years of underfunding, the budget submitted for fiscal year 1995 finally provides NOAA with the much-needed funding to carry out the priorities set forth by the Agency's strategic plan.

In short, Mr. President, this bill authorizes funding for NOAA's atmospheric responsibilities such as the continuation of weather service modernization, satellite observing systems, and climate and air quality research, and the Agency's oceanic responsibilities such as mapping, charting, geodesy activities, undersea research activities, and fishery programs. Funding also is authorized for necessary program support including construction, operation, and maintenance of facilities, and operations and maintenance of NOAA's ships and aircraft.

NOAA's programs meet many critical environmental and economic needs of this country. I urge my colleagues to support the reauthorization of these vital NOAA programs, and to join Senator STEVENS and me, and the entire Commerce Committee in moving this legislation to enactment.

Mr. STEVENS. Mr. President, I am pleased to cosponsor this bill with Senator KERRY to authorize important National Oceanic and Atmospheric Administration [NOAA] programs for fiscal year 1995.

NOAA's activities are vital to the people of Alaska.

From the information provided by the National Weather Service, to the fishery management efforts of the National Marine Fisheries Service, to the charts provided by the National Ocean Service, Alaskans depend heavily on the services provided by the agencies within NOAA.

In addition to authorizing the broad programs within NOAA, the bill we are introducing today also authorizes two specific projects important to Alaska.

The bill would authorize the Secretary to acquire and install a new weather buoy and three new weather stations in Prince William Sound, AK.

Currently, much of the weather information in Prince William Sound is provided by private vessels operating in the sound.

Much of the time, captains and skippers cannot find out what the weather is like in the sound until they are out in it.

The equipment our bill authorizes would dramatically improve the real-time weather information available to fishermen and to tank vessels operating in Prince William Sound.

It will prevent the loss of life as well as the potential for oilspills.

I would like to thank the Prince William Sound Regional Citizen's Advisory Council for its help in making the need for the new stations known.

The bill also includes language to authorize the Secretary of Commerce to clean up sites and facilities abandoned or conveyed by the Federal Government on the Pribilof Islands.

This property, formerly used by NOAA, contains dump sites, debris, storage tanks, and other hazardous conditions and contaminants, many of which pose risks to public health and to the vast bird and wildlife concentrations on the Pribilofs.

The provision will help to make the cleanup of the Pribilofs the priority that it should be.

It authorizes the Secretary to contract with, and to provide financial and technical assistance and training to the State of Alaska and to local entities in order to obtain their services for the cleanup.

This should help speed up the completion of NOAA's cleanup responsibilities on the Pribilofs.

Our bill would also require the Secretary to contract with local entities to the maximum extent feasible.

The agency can save considerable money by hiring local workers rather than flying in outside workers and paying expensive transportation and housing expenses in these remote islands.

I would like to thank Senator KERRY for his work on this bill.

We hope that our colleagues will support the reauthorization of the important NOAA programs in our bill, and that we can pass the bill into law before the 103d Congress adjourns.

By Mr. KENNEDY (for himself and Mrs. KASSEBAUM):

S. 2433. A bill to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes; to the Committee on Labor and Human Resources.

THE NURSING EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT OF 1994

Mr. KENNEDY. Mr. President, today, I am introducing the Nursing Education Consolidation and Reauthorization Act of 1994. This legislation reauthorizes several vital nursing education and training programs.

In the half century since the Federal nursing scholarship program began in 1943, Federal support for nursing education has made a continuing contribution to the Nation's supply of professionally trained nurses and the enhancement of the nursing profession.

The Nursing Training Act of 1964 authorized support for nursing schools and students. The support included grants for construction of new nursing education facilities or renovating existing facilities; project grants to strengthen, improve, or expand nursing education programs, and student scholarships, loans, and loan repayment programs.

In 1983, a report by the Institute of Medicine urged greater attention to recruitment, retention, career mobility, and educational outreach to alleviate the maldistribution of nurses. It also urged advanced training in clinical specialties and primary health care.

In the 1990 report by the Health Resources and Services Administration, the States identified the top two major problem areas in health personnel as the shortage of registered nurses and the shortage of primary care practitioners. There were 49 States that had a shortage of registered nurses, 22 States had an inadequate supply of nurse practitioners, and almost a third of the States reported a shortage of nurse midwives.

One of the main objectives of health reform is to place greater emphasis on primary care and prevention. Nurses will play an increasingly important role as health providers under all of the reform proposals that Congress is considering.

A major source of primary care for medically underserved and rural communities is nurse practitioners and certified nurse midwives. Many hospitals rely solely on nurses for anesthesia services. In fact, they are the only providers of these services in 85 percent of rural hospitals. Without their presence important surgical procedures must often be postponed. Clearly, we need to train more advanced practice nurses, and we need to train them in shorter periods of time.

In light of the growing role of nurses in providing quality health care services, Congress has consistently sought to alleviate the shortage of nurses through the Nursing Training Act.

This legislation will assure attention to high-priority national nursing needs, while allowing flexibility to pursue special initiatives to meet new requirements for nursing services. The multiple existing grant and contract authorities would be consolidated under three headings to achieve this flexibility.

Funds can be used for development and support of training programs, faculty development, model demonstrations, and scholarship and loan assistance. The bill authorizes $67 million for fiscal year 1995 and such sums as may be necessary for the next 2 years.

Investment in nursing education will pay off many times in the availability of better health care, and the delivery of a wide range of health care services. I look forward to working with Congress and the administration to enact this legislation.

I ask unanimous consent that the full text of the legislation may be placed in the RECORD.

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

S. 2433

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 "Nursing Education Consolidation and Reauthorization Act of 1994".

SEC. 2. PURPOSE.

It is the purpose of this Act restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS

"Subpart I—General Program";

(3) by redesignating subpart III as subpart II;

(4) by striking section 837;

(5) in section 846, by striking subsection (d) and inserting the following new subsection:

"(d) BREACH OF AGREEMENTS FOR OBLIGATED SERVICE.—

"(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this subsection referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.";

(6) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) NEW PROGRAMS.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

"(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded

under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title.

"(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(e), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

"(1) 2 shall be selected from full-time students enrolled in schools of nursing;

"(2) 3 shall be selected from the general public;

"(3) 2 shall be selected from practicing professional nurses; and

"(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

"(b) DUTIES.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement.

"(c) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"SEC. 809. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"SEC. 810. RECOVERY FOR CONSTRUCTION ASSISTANCE.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school,

"(2) the facility ceases to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE OF CHANGE IN STATUS.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

"(c) AMOUNT OF RECOVERY.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

"(B) TIME PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover if collected.

"(d) WAIVER OF RIGHTS.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIMITATION ON LIENS.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means individuals trained in advanced degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs that received funding under this title on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—

"(1) IN GENERAL.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(A) meet guidelines prescribed by the Secretary in accordance with paragraph (2); and

"(B) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

"(2) GUIDELINES.—After consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs described in paragraph (1).

Such guidelines shall, as a minimum, require that such a program—

"(A) extend for at least one academic year and consist of—

"(i) supervised clinical practice directed toward preparing nurses to deliver primary health care; and

"(ii) at least four months (in the aggregate) of classroom instruction that is so directed; and

"(B) have an enrollment of not less than six full-time equivalent students.

"(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(2) SET ASIDES.—Of the amount appropriated under paragraph (1) for a fiscal year—

"(A) not less than 60 percent of such amount shall be made available for projects to enhance the training and practice of nurse practitioners and nurse midwives; and

"(B) not less than 6 percent of such amounts shall be made available for projects to enhance the training and practice of nurse anesthetists.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged racial and ethnic backgrounds underrepresented among registered nurses by providing student scholarships or stipends, pre-entry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League of Nursing, the Association of American Colleges of Nursing, and the Black Nurses Association.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

"(1) improving nursing services in schools and other community settings;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and battered women;

"(3) providing case management, quality improvement, delegation and supervision, other skills needed under new health care systems;

"(4) developing cultural competencies among nurses;

"(5) providing emergency health services;

"(6) promoting career mobility for nursing personnel in a variety of training settings cross training or specialty training, and among diverse population groups; or

"(7) other priority areas as determined by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $12,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997."; and

(8) by redesignating section 855 as section 808, and transferring such section so as to appear after section 807 (as added by the amendment made by paragraph (7)).

SEC. 4. SAVINGS PROVISION AND TECHNICAL AMENDMENTS.

(a) SAVINGS PROVISION.—In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 3, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

(b) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(a)(3)) is amended to read as follows:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.".

(c) TECHNICAL AMENDMENTS.—Section 839 of such Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1994, or the date of enactment of this Act, whichever is later.

By Mr. LEVIN:

S. 2435. A bill to amend title 28, United States Code, regarding appointment of an independent counsel; to the Committee on Governmental Affairs.

INDEPENDENT COUNSEL APPOINTMENT AMENDMENT ACT OF 1994

• Mr. LEVIN. Mr. President, on August 5, 1994, the division of the court of appeals which appoints independent counsels selected Kenneth Starr to assume control of the Madison Guaranty investigation. Questions immediately arose about Mr. Starr's recent partisan political activity and whether because of it, he lacked the necessary appearance of independence to handle this matter.

Mr. Starr has recently participated in and cochaired a highly partisan Republican congressional campaign in Virginia. He had also recently participated in a televised debate on the Paula Jones lawsuit, one of the most politically charged cases in recent memory.

In 15 years of operation of the law, no independent counsel appointment has evoked such public skepticism and concern. Ironically, the court had decided

against retaining Robert Fiske, the regulatory independent counsel who, by necessity, has been appointed by the Attorney General, because it wanted to ensure, as the court put it, "an apparent as well as an actual independence on the part of the counsel."

On August 12, I wrote the court asking it to apply the same standard to Mr. Starr that it had applied to Mr. Fiske by obtaining a complete accounting of Mr. Starr's recent partisan political activities and issuing a supplemental opinion determining whether these activities impaired the appearance of independence critical to public confidence in the independent counsel process. By formal order, the court responded on August 18 that, because the appointment had already been made, the court has no authority to request additional information from Mr. Starr or to address the appearance issue.

I believe the court chose an excessively narrow reading of its appointment authority. In so doing, it has not only left unanswered the appearance problem of Mr. Starr, but also raised questions about the scope of its authority to reconsider its appointments in light of new and important information.

Because the law does not spell out how an appeal of a court ruling in this area may proceed, legal research was needed to determine the feasibility of filing an appeal to the Supreme Court. A review of the relevant case law suggests, however, that it is highly unlikely that, as a Member of Congress, I have the necessary legal standing to bring such an appeal. Moreover, the question of standing would require months of litigation to resolve, and the pending proceedings could possibly placed a cloud on Mr. Starr's authority to operate. For these reasons, I have decided not to appeal the court's August 18 order.

An alternative to prevent similar problems in the future is to make explicit in the independent counsel law what has been implicit until now—that the court has the obligation to select a person to serve as independent counsel who has no actual or apparent personal, financial, or political conflict of interest. That is the purpose of the legislation I am introducing today. A similar bill has been introduced by Congressman JOHN BRYANT in the House. It is my hope that such a statutory clarification of the court's legal obligation in the appointment process will receive bipartisan support.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFLICT OF INTEREST.

Section 593(b)(2) of title 28, United States Code, is amended by inserting after the second sentence the following: "The division of the court shall appoint as independent counsel an individual who is without an actual or apparent personal, financial, or political conflict of interest.".●

ADDITIONAL COSPONSORS

The following were added as additional cosponsors on September 12, 1994:

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 2046

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2046, a bill to amend the Public Health Service Act to provide for the establishment by the National Institutes of Health research centers regarding movement disorders, and for other purposes.

S. 2410

At the request of Mr. GRAMM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2410, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. SARBANES], the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from West Virginia [Mr. BYRD], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week".

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 218

1At the request of Mr. WARNER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Dakota [Mr. DORGAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Rhode Island [Mr. PELL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. STEVENS], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 218, a joint resolution designating January 16, 1995, as "Religious Freedom Day."

SENATE CONCURRENT RESOLUTION 64

At the request of Mrs. MURRAY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Concurrent Resolution 64, a concurrent resolution expressing the sense of the Congress regarding the Guatemalan peace process and the need for greater protection of human rights in Guatemala.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution concerning the ban on the use of United States passports in Lebanon.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

ADDITIONAL COSPONSORS

The following were added as additional cosponsors on September 13, 1994:

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 1881

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1881, a bill to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics

and Space Administration, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Wisconsin [Mr. KOHL], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1898

At the request of Mr. RIEGLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1898, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purposes.

S. 2257

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2257, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes.

S. 2312

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2312, a bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes.

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 211

At the request of Mr. GRAHAM, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. DORGAN], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Tennessee [Mr. MATHEWS], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Mr. SARBANES], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 211, a joint resolution to designate the second Sunday in October of 1994 as "National Children's Day."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the United States rice industry, and for other purposes.

SENATE RESOLUTION 70

At the request of Mr. MCCAIN, his name was withdrawn as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. ROTH. Mr. President, the Committee on Veteran's Affairs would like to request unanimous consent to hold a hearing on the nomination of Kenneth W. Kizer to be Under Secretary for health of the Department of Veterans Affairs. The hearing will be held in room 418 of the Russell Senate Office Building at 2:30 p.m. on Tuesday, September 13, 1994.

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

ADDITIONAL STATEMENTS

THE "CENTURION"

• Mr. D'AMATO. Mr. President, the *Centurion*, our new attack submarine, is a child of Congress. We initiated it, and we established affordability as the primary goal of development.

Unfortunately, the design trade-offs that have shaped the gross characteristics of the ship have cast doubt on the affordability of the program.

I ask that excerpts from the House and Senate Defense Appropriations reports be inserted in the RECORD at this point, so that I may comment on the language.

The material follows:

EXCERPT FROM HOUSE REPORT 103-562

NEW ATTACK SUBMARINE

The budget request includes $508 million in fiscal year 1995 for development of the New Attack Submarine (NAS). The Department of the Navy has reported to the Congress that the total development cost of the NAS is expected to be $3.5 billion and procurement costs are expected to be $57.8 billion. The Committee believes that an investment of this scope must be very carefully reviewed to achieve the highest possible return in capability at the most realistic cost. The Committee further believes that a program of this magnitude deserves special attention early in its development phase to ensure that the Congress and the Department are fully aware of financial implications for the future, in particular the potential drain on budgetary resources available for other Navy shipbuilding programs as well as overall Department of Defense requirements.

Much of the testimony and correspondence received by the Committee this year has concentrated on preservation of the submarine industrial base. The Committee recognizes the importance of this aspect of the NAS program and also notes that the end of the Cold War has not resulted in an end to submarine mission requirements.

At this time the Committee is prepared to offer a limited endorsement of the role NAS plays in the Navy's overall plan for preservation of the submarine industrial base. However, the Committee is concerned that the current plan needs to be refined to control total program cost while keeping open the option for improvements to adequately address the threats of the future.

First and foremost, the Committee has added $100,000,000 to the fiscal year 1995 budget request for Advanced Submarine System Development (P.E. 0603561N). The funding is to be dedicated to improvements in "producibility" with the overall goals to be (1) a reduction in risk associated with the program, (2) a reduction in follow-ship procurement cost to no more than $1.2 billion versus the current estimate of $1.54 billion, and (3) allow for future insertion of new technology. Along these lines, the Committee directs the Navy to incorporate full modular reconfigurability into the design for NAS. Such reconfigurability at a minimum must allow for insertion of large-scale new technologies that become available or adapt the design to shifts in mission focus or operating environment. Such modularity must also include the ability to accept replacement of machinery plant, entire propulsion plant (machinery and reactor), sail, and the forward end, as well as insertion of special mid-hull mission modules forward of the reactor plant.

Second, the Committee recommends a reduction of $137,322,000 for Ship Contract Design (P.E. 0604567N). This is the total amount specified in project F2199 for New Design SSN. The Committee has deferred embarking on the new design effort until completion of producibility studies to reduce future costs. The Committee further recommends a reduction of $62,678,000 for New Design SSN Development (P.E. 0604558N) for similar reasons. The Committee has recommended no reduction to the funding request of $82,412,000 for S9G nuclear propulsion plant development (P.E. 0603570N) since this effort is essentially in its sixth year of development and the Committee believes it is too late to re-think

the size and power of the system. However, the Committee directs the Navy to use a portion of the funding requested to continue efforts to find better and cheaper ways to produce the propulsion plant.

The Committee advises the Department of Defense that future funding for NAS will be dependent upon the Secretary of Defense certifying that the follow-ship procurement cost goal of $1.2 billion in constant dollars will be met and that the Navy cost estimate has been verified by an independent Department of Defense cost estimate. In addition, the Committee directs the Secretary of Defense to submit detailed quarterly reports to the Congress on the efforts being undertaken to reduce the cost of the submarine. The first report is to be submitted on March 31, 1995.

EXCERPT FROM HOUSE REPORT 103-321

Submarine plans—Over the next 5 years, in constant fiscal year 1995 dollars, the Navy plans to spend $7,690,000,000 to develop and produce the first new attack submarine and to complete payment on the SSN-23. Over 10 years, the costs would be $18,600,000,000. The Navy plans would develop the new attack submarine as a lower cost alternative to the seawolf program. The Navy argues, that production of one Seawolf every other year is adequate to sustain the nuclear submarine industrial base in the near term, but it must purchase the new attack submarine to lower total costs and, because continuing Seawolf production at this rate would be insufficient to sustain a force structure of between 40 and 55 attack submarines in the long term. Further it argues, that a new submarine design is needed to sustain the industrial base for submarine design capability.

Clearly the concerns expressed by the Navy while not inconsequential are based on costs and future force structure requirements. It appears, based on the 30-year life of the Navy's SSN-688 class submarines, that a shortfall will not begin until the middle of the second decade of the next century, raising questions about the need to finance a new low-cost alternative to the Seawolf during the current 5-year plan. The quandary is how can DOD best protect the industrial base at the lowest cost until it is time to purchase a relatively large number of SSN-688 replacements.

The cost of the Seawolf, at approximately $2,500,000,000, is expensive. However, the first new attack submarine will cost more than $3,100,000,000 to produce, in 1995 constant dollars. This is about 25 percent more than the SSN-23 is expected to cost. Furthermore, in conjunction with ordering the first NAS, the Congress will need to provide an additional $2,068,000,000 to complete development of this alternative submarine. Recently, Deputy Secretary Deutch instructed the Navy to reduce its NAS spending by $1,000,000,000 over the 5-year plan. One alternative would be to delay the NAS. The Committee finds that the NAS program could be delayed 8 years and still satisfy the requirement to maintain an acceptable attack submarine force structure. However, this alone will not sustain the submarine industrial base.

If an alternative submarine construction program continued during this 8-year period, the industrial base could be sustained. The Committee notes, for example, that purchasing one Seawolf every other year through 2004 while delaying continued NAS development until 2003 would cost approximately $4,700,000,000 over the 5-year plan, and $14,400,000,000 over the next 10 years. This amounts to a savings of nearly $3,000,000,000 over the next 5 years and nearly $5,000,000,000 over the 10-year period compared to the current plan. Such an approach would minimize the financial burdens facing the Navy and the Defense Department over this period, and could allow for the much needed recapitalization in other areas, such as Marine Corps amphibious ships.

The Committee shares the Navy's concern that the submarine design base would not be entirely safeguarded by this type of approach. The Committee believes continuation of a technology demonstration program studying advanced submarine concepts, especially with the objective of reducing the costs of the new attack submarine would be a useful and cost-effective method for sustaining these design skills. A $1,000,000,000 program over the 8-year period could offset this need. Together, this approach would still save the Navy nearly $2,400,000,000 over the next 5 years, including more than $900,000,000 next year alone.

The Committee directs the Navy to consider an alternative to the new attack submarine program before going forward to milestone III. The Committee expects this review to be completed before the Navy will need to obligate more than 50 percent of the fiscal year 1995 development funding associated with the new attack submarine. It therefore, directs the Navy to withhold from obligating 50 percent of the fiscal year 1995 new attack submarine funds until the review has been completed and a report on the review has been submitted to the congressional Defense committees.

* * * * *

New attack submarine combat system.—The Committee supports the Navy's stated goal of employing an open hardware and software architecture to connect and operate the 15 command and surveillance subsystems comprising the combat system for the new attack submarine. This goal also attempts to maximize affordability, flexibility, and performance of the combat system. The Committee further believes that an open competition for the combat system should ensure the greatest possible use of open system interfaces and commercial electronics.

The Committee has been informed that the Navy is reconsidering the strategy for developing this combat system. Previous Navy plans to use only current combat systems as the baseline for the new submarine's system were criticized convincingly by an independent panel (the Reynolds panel) chartered by the service. The Committee believes that competition for the new attack submarine combat system at the system level must be pursued to optimize private sector expertise to develop and integrate an affordable, open system architecture using advanced technology. Therefore, the Committee prohibits the use of any fiscal year 1995 funds to develop, modify, or otherwise evolve the current Navy submarine combat systems as candidate systems for the new submarine, except as part of a fully competitive process.

The Committee further directs that no fiscal year 1995 funds shall be obligated for design, development, or integration of a combat system for the new attack submarine until the Assistant Secretary of the Navy (research, development, and acquisition) reports to the congressional defense committees on the service's revised strategy for a competition for a combat system integrator. This report, which shall be submitted no later than December 31, 1994, also shall describe how the service is responding to the specific recommendations and conclusions of the independent panel with respect to development of the combat system.

Mr. D'AMATO. Ultimately, the *Centurion* debate will turn on the definition of affordability. The Navy defines an affordable *Centurion* as anything less expensive than the *Seawolf*. Congress defines an affordable *Centurion* as a submarine that will fit within the shipbuilding and conversion budgets of the future, both the Congressional Research Service and the Pentagon's Cost Analysis Improvement Group have raised this issue. I believe ours is the proper perspective.

If we want to avoid a repeat of the *Seawolf* debacle, we must impose budget discipline now. With the release of fiscal year 1995 funds, and the onset of detailed design, Congress will cede control of the cost and character of the *Centurion* to the Naval Sea Systems Command. Unless we tie the release of fiscal year 1995 funds to specific cost caps, we are likely to find ourselves anguishing over the termination of yet another unaffordable submarine in the not too distant future.•

WE AREN'T DOING MUCH TO KEEP THE PEACE—IT'S UP TO US TO DEFUSE THE RWANDAN TIME BOMB

• Mr. SIMON. Mr. President, during the Labor Day recess, Prof. Ivo H. Daalder of the University of Maryland, and S. Frederick Starr, president of the Aspen Institute and former president of Oberlin College, had excellent op ed pieces on the situation in Rwanda.

The reality is we are responding too late and too feebly to this kind of crisis.

We must learn our lesson.

I wish the Rwanda situation could be the end of this kind of crisis.

We will face more crises along this line, and we have to learn to move more speedily and more effectively.

In that connection, I am also asking to insert into the RECORD an op ed piece I did for the St. Louis Post-Dispatch commenting about how we got where we are and the inadequacy of our response.

I ask to insert all three items into the CONGRESSIONAL RECORD at this point.

The material follows:

[From the Washington Post, Sept. 6, 1994]

WE AREN'T DOING MUCH TO KEEP THE PEACE

(By Ivo H. Daalder)

In Central Africa, the United States launches a massive aid operation to alleviate the suffering of 1.2 million Rwandan refugees. But this only after the Clinton administration had done nothing to stop the genocidal massacre of a half-million people that led to the exodus in the first place. In Bosnia, the United States and its four partners in the "contact group" can only muster agreement on a weak plan for new sanctions. This after the Bosnian Serbs responded to an ultimatum to reach a settlement of the brutal conflict by resuming the strangulation of Sarajevo, with U.N. acquiescence at that.

What's going on here? The most powerful nation on earth stands paralyzed as the

world around it is enveloped in chaos. Writing in The Post [op-ed, July 31], Brian Atwood, Clinton's Agency for International Development administrator, suggests that this sudden emergence of chaos represents "a strategic threat that increasingly defines America's foreign policy challenges." His proposed cure: "crisis prevention."

He's right, of course. But what are we to do with those crises that are not prevented? Should we stand by and watch as the terror accompanying chaos unfolds? Is sending transport aircraft and small contingents of military forces on humanitarian operations all the United States can do? Should we deal only with the symptoms and not the causes of today's multiplying crises?

At one-quarter of a trillion dollars annually, the United States spends more on its military than the rest of the world combined. Yet even the limited use of these resources in Rwanda is sufficient cause for the American military to fret about the cost (at less than 0.2 percent of its annual budget) and worry about the impact on the military's fighting edge. No sooner were American forces on the ground in Goma, Zaire, than Gen. Gordon Sullivan, the Army chief of staff, cautioned that "everyone has to recognize that the ultimate purpose of the Army is to fight and win the nation's wars."

And there's the nub of the problem. The failure of the United States to act more forcefully in stemming chaos around the world is not because of the incompetence of President Clinton's leadership as Republicans charge, though incompetent that leadership has been. Nor is it because of the supposed reluctance of the American public to get involved abroad. Polls have shown that most Americans support U.S. intervention along with others to end genocide and other massive violations of human rights. It is rather that the political leadership in this country has accepted the military's insistence that it cannot use even a small portion of the military's abundant resources to engage in what are, after all, small operations, for these are not "the nation's wars."

Becoming involved isn't part of the military's mission statement: to fight not one, but two major wars nearly simultaneously. But after the Cold War, where are these wars to come from? Korea? Perhaps, and the United States should stand ready to fight and win should war come on the peninsula. The Persian Gulf? Maybe, but with the defeat of Iraq and continued containment of Iran, not on a scale of even three years ago. Both at the same time? Highly improbable.

In the meantime, chaos is all around us. Societies are disintegrating, states are failing and innocent people everywhere are the victims of terror, genocide and mass starvation. The United States has the means to do something about many of these crises. Once engaged, the U.S. military performs the tasks of humanitarian relief superbly, and it has unique capabilities to support these operations. The United States also has a singular ability to lead, for once it gets involved, others invariably follow.

But the political leaders in Washington have failed to use the means at their disposal. Like its predecessor, the Clinton administration has blithely accepted the military's longstanding view that the use of force is a question of all or nothing. And since all is too risky and costly, Washington has mostly done nothing. That's unconscionable and a betrayal of the values Americans supposedly hold dear. It's also a massive waste of resources. How long can we afford spending a fifth of the nation's budget on capabilities we're not willing to use?

The fact is, the U.S. faces a critical choice in deciding how to deal with the new strategic threat of chaos: Either we use the military forces we have, or we don't. But if we're just going to stand by watching chaos unfold, let's at the least not waste billions on capabilities we never plan to use.

[From the Washington Post, Sept. 6, 1994]

IT'S UP TO US TO DEFUSE THE RWANDAN TIME BOMB

(By S. Frederick Starr)

The cycle of horror in Rwanda is far from over. This became clear last week to members of a presidential mission touring the region. Led by Rep. Donald Payne (D-NJ.) and C. Payne Lucas of Africare, the multiracial delegation, of which I was a part, inspected the vast refugee camps at Goma, Zaire; met with leaders of the U.N.'s High Commissioner for Refugees and visited hospital and aid facilities in the war-battered Rwandan capital of Kigali. The group also met with the president and prime minister of the new government formed by the Popular Front of Rwanda and interviewed the president and minister of defense of Burundi, the country adjoining Rwanda that could be swept into the holocaust of remorseless killing that cost some 1 million lives in Rwanda itself.

True, the picture we saw had a few bright spots. Americans can take pride in the way the U.S. armed forces and private groups opened supply routes to Rwanada and provided water and sanitation that cut the death rate at the sprawling refugee camps from several thousand a day to barely 100. Beyond this, the Tutsi-dominated government in Kigali seems ready to welcome Hutus into positions of leadership and to discipline members of its army who engage in reprisals against those suspected of having participated in this April's genocide. And in Burundi, a few sober voices genuinely seek reconciliation and democracy as an alternative to a further blood bath in their country.

Yet we also detected danger signs on every side. More than 2 million Hutu refugees from Rwanda have created makeshift "cities" not only in Zaire but in Tanzania, Uganda and Burundi. Among them are thousands who participated in the genocide. The former government of Rwanda never surrendered and instead called for tactical retreat across the border. Its leaders are now in the camps. They have enough money to pay the 25,000-man Hutu army, which is also in the camps and still partially armed. This government in exile also is able to maintain a network of tens of thousands of militiamen throughout the camp system. It clearly intends to return to Rwanda and eventually reclaim the reins of power. Until then, the Hutu army and militia forces have shown themselves to be ready to murder anyone who sets out for home on his own.

Many may soon choose to do so. The approach of the rainy season is threatening to reverse recent gains in sanitation in the camps. Disease-bearing flies already are resistant to several powerful pesticides. Thus, the refugees are caught in a deadly grip between their own exile government and the forces of nature.

The new government within Rwanda can offer little encouragement to those in the camps who yearn to return to a normal life rather than participate in a fresh round of butchery. With neither electricity nor working telephones in its half-deserted capital, it is incapable of providing even the most rudimentary services to the traumatized population. And if further strife erupts, can this Kigali government really control its army of AK-47-wielding 16-year-olds?

Burundi too, remains a tinderbox. Only last October some 100,000 people were slaughtered in this beautiful country adjoining Lake Tanganyika. The international community scarcely took notice. Members of the mission sensed that Burundi's acting president, Pasteur Bizimungu, understands the need for ethnic reconciliation and democracy in his country. But only days before we arrived in the capital of Bujumbura, there were rumors of a coup, and nightly murders in both the city and the countryside have continued for months. These acts of violence are the work of rival ethnic bands, many inflamed by calls for genocide spread by a clandestine Hutu radio station.

What, if anything, can the United States do to avert further horrors in Rwanda and Burundi? It already may be too late, but at least five steps could make a difference.

The former Rwandan army ensconced in the refugee camp near Goma in Zaire must be disarmed. United Nations forces are not authorized to carry out this mission, which will require the cooperation of Zaire's dictator, Mobutu Sese Seko. The United States must work to broker this deal, distasteful though it may be.

Leaders of the former government and army must be separated from the camps at Goma in order to prevent further intimidation of those seeking to leave peacefully and repatriate themselves.

The United States and other countries must provide the aid to reestablish rudimentary infrastructures in Rwanda.

Private organizations should redouble their efforts to improve sanitation in the camps. The U.S. Air Force should again be charged with ferrying supplies as needed.

The United States must work with other countries to establish an international tribunal to bring those responsible for the genocide to justice. This is an essential for social reconciliation among the ethnically divided population of Rwanda. It would provide the strongest possible signal to Burundi as well. The Rwandan government has promised to cooperate with this effort, but genocide should be the concern of all countries.

Our government can and should undertake each of these tasks in consort with other countries, whether through the United Nations or other groupings. This should not be America's responsibility alone, but with both practical and moral issues at stake, the United States should be willing to provide leadership. This country, after all, sat on the sidelines while a million people were hacked to death in April. Our passivity in turn crippled the United Nations' ability to take action when it was most needed.

Now our national attention has shifted to Haiti and Cuba, as if we have somehow fulfilled our moral and political obligations in Central Africa. Nothing could be further from the truth. To walk away from Rwanda and Burundi would be to admit that we have learned nothing from the other instances of genocide in our century, whether in Armenia, under the Third Reich or in Cambodia. It is time to say "never again" and to mean it.

[From the St. Louis Post-Dispatch, Aug. 28, 1994]

OUR NATIONAL RESPONSIBILITY—U.S. SHOULD WORK TO PREVENT TRAGEDY

(By Paul Simon)

The world watches French troops leave southwestern Rwanda in the care of U.N. peacekeeping forces, but few noted another

landmark turnover in the Rwanda saga. Aug. 20 marked the departure of Canadian Major-Gen. Romeo Dallaire, who had served as force commander of the U.N. Assistance Mission in Rwanda since its creation last October. He handed the mission's baton to a fellow Canadian and major-general, Guy Tousignant.

Dallaire first came to Rwanda in June 1993 as chief U.N. military observer to a country entering into a shaky peace. Fourteen months and hundreds of thousands of lives later, he leaves behind yet another shaky peace.

Some say the atrocities in Rwanda were permitted to drag on without international response because of U.N. ineptitude. In fact, in Dallaire and his force, the United Nations had a capable team that understood the situation in Rwanda but whose hands were tied by decision-makers in New York and Washington.

The general's pleas for U.N. troop reinforcements fell on deaf ears. His 2,500-strong force, employed to monitor implementation of a peace agreement between the Rwandan Patriotic Front and the government of President Juvenal Habaryimana, had orders to engage in combat only in self defense.

When 10 Belgian peacekeepers were slaughtered in early April, "It ripped the heart out of the operation," said Dallaire. Belgium and Bangladesh pulled out their troops. The 500 or so soldiers who remained, mostly Ghanaians, were forced to look on helplessly as civilians were abducted and murdered. At last, the Canadian had to admit that the lives of his U.N. troops were in significant danger. By the end of April, the U.N. Security Council voted to strip the mission to a bare-bones force of 270.

In a telephone conversation with Sen. James Jeffords, a Vermont Republican, and me on May 12, Dallaire said that if he could get 5,000 to 8,000 troops on the ground quickly he could stabilize the situation inside Rwanda and bring an end to the massacres. A few days later, the Security Council finally agreed to an enhanced force of 5,500. U.S. concerns over "getting bogged down in another Somalia," however, led to a further month-long delay in redefining the mission's strategy and scope. On June 22, U.N. Secretary General Boutros Boutros-Ghali told The New York Times that deployment was still three months away.

That report stunned me. I called the State Department, and it said that the United States would be willing to fly a battalion (800 men) of African forces to Rwanda, but that there were technical hangups. The secretary general for the Organization for African Unity, Salim Salim, visited my office and appealed for help, saying he had commitments from Mali, Ghana, Senegal, Tunisia and Ethiopia for the necessary troops, but no means to get them to Rwanda. His sense of urgency was not shared by many.

In the meantime, Dallaire stretched our thinking about what a U.N. force can do with minimal resources. He came up with his own definition of the rules of engagement—between traditional peacekeeping and more muscular peace enforcement. His lightly armed forces undertook daring rescue operations of civilians across frontlines; he and his staff were tenacious negotiators. He experimented with joint patrols of U.N. and Patriotic Front soldiers to enhance his limited U.N. capacity, allowing a measured transfer of security responsibility.

The United States at last fully reacted to Rwanda—after hundreds of thousands of deaths—when television pictures of the refugees' plight brought the issue into the living rooms of America. Dallaire was then given the opportunity to make his appeal for more troops in person to Defense Secretary William Perry, who, to his credit, visited Rwanda. Suddenly what had been insurmountable administrative and legal obstacles to the deployment of African forces to join the U.N. mission were set aside in the interest of saving lives.

Dallair supported the Clinton administration's decision to move U.S. troops into the region to enhance and safeguard Kigali airport and to set up water purification systems, both critical steps in the humanitarian response. He remained frustrated, however, by the U.S. reluctance to play a larger role. The United States kept its troop mission narrow, in light of post-Somalia considerations about troop security and "mission creep," as well as concern about congressional reaction.

Meanwhile, thousands of relief agency personnel and U.N. troops are operating throughout Rwanda without incident. Many critical needs such as overland distribution of aid and rehabilitation of utilities—items that will increase stability and encourage people to return home—still go unmet for lack of adequate personnel and resources. Approximately 2,000 U.S. troops are in the region, many sitting on their hands.

Rwanda shows us that we need to rethink our mechanisms for crisis response and—more important—crisis prevention. We must examine the changing role for the U.S. military in these efforts, and that means re-evaluating the perceived threats to our national security. If, as I believe, the greatest threat to the world today is instability, then the U.S. role within the United Nations potentially represents the greatest hope for stability. Our continued failure to quicken and strengthen the U.N. mechanism exposes our Achilles heel to would-be aggressors. U.S. leadership and resources are critical to creating an effective multilateral crisis response.

Our political leadership must make a case to the American people that deterring these situations is a cause worth our involvement—sometimes with our troops, sometimes without. We owe it to a future Gen. Dallaire—and to the hundreds of thousands of Rwandans who might have been saved.•

TRIBUTE TO VIETNAM ERA SERVICEMEN FROM CANADA

• Mr. SMITH. Mr. President, I rise today to commemorate the service of Canadians who served in the United States Armed Forces during the Vietnam war.

The United States and Canada have a long history of friendship and cooperation in both peacetime and in war. New Hampshire, with our strong French-Canadian heritage, has for over two centuries held a strong cultural bond with our northern neighbors. As former Canadian Prime Minister MacKenzie King spoke in 1925 regarding Americans who served in the Canadian forces in World War I, "Few countries enjoy the bonds of goodwill and friendship that the United States and Canada share. Our common border remains the largest unguarded frontier on Earth, and our nations have shared triumphs and tragedies throughout history."

Approximately 40,000 Canadians served in the U.S. Armed Forces during the Vietnam war. Many of these men and women volunteered to serve for they had no obligation to military service in this country. Estimates run as high as 400 Canadians killed in action and 4,000 wounded. Of the 58,132 men and women who are listed on the Vietnam Veterans Memorial in Washington, DC, 113 are Canadians. To this day, there are still servicemen of Canadian descent unaccounted for from this conflict.

I am proud to highlight the service of two Canadian resident aliens who served in Vietnam: Gaetan Jean Guy Beudoin and Guy Andre Blanchette, both of Manchester, NH.

Gaetan Jean Guy Beudoin and Guy Andre Blanchette served in the New Hampshire National Guard, 3d Battalion, 197th Artillery during the Vietnam war. In September 1968, the New Hampshire National Guard was activated into Federal service for a year-long tour of duty. During its tour, the 197th Artillery suffered six combat deaths. Five of these deaths occurred on the same day when an Army vehicle struck an enemy land mine. Gaetan Jean Guy Beudoin and Guy Andre Blanchette were killed on that day 1 week before they were scheduled to return home to New Hampshire. New Hampshire and, indeed, their adopted country are proud and grateful for their courageous service.

On July 15, 1995, the Canadian Vietnam Veterans Coalition is hoping to dedicate a memorial to Canadians who gave the supreme sacrifice in Southeast Asia. As a Vietnam veteran, I applaud the efforts by Canadian veterans to memorialize their fallen comrades. I look forward to the day when Canadian citizens will have the opportunity to pay tribute in their capital to their friends and relatives who unselfishly joined forces with the United States during the Vietnam war.•

"THE ARMENIANS IN ETHIOPIA: A COMMUNITY OF SURVIVORS"

• Mr. SIMON. Mr. President, one of the ethnic groups that is not a large group in our country but contributes in a significant way are the Armenians.

Like the Jews, they have been a persecuted people over the years and experienced their own holocaust almost 80 years ago.

Also, like the Jews, they are a scattered people. And recently in the magazine published by the Armenian General Benevolent Union, I read an article about the Armenians of Ethiopia. Because it presents an insight into how a small group survives in another country and in another culture, I thought it might be of interest to my colleagues, and I ask to insert it into the RECORD at this point.

THE ARMENIANS OF ETHIOPIA

(By David Zenian)

ADDIS ABABA.—A Boeing 757 passenger jet has more seats than the number of Armenians living in Ethiopia, but there is more to what a community means than simple arithmetic.

From a high 1,200 to a low of less than 150, the Armenian community today functions despite the drastic loss of manpower. It's school is open, and so is the Armenian church and club.

A handful of activists are keeping the community infrastructures alive in Ethiopia. Prominent businessman Vahag Karibian is busy revitalizing the AGBU which has already financed the purchase of new furniture for the Armenian community school. Others like Arakel Sakadjian are involved with the academic well-being of the school and various aspects of community life.

"It's all a matter of faith in why you need to preserve your culture and heritage. There is nothing old fashioned about this," Archdeacon Vartkes Nalbandian said in a recent interview.

Once a community of influential traders, factory owners and goldsmiths, the Armenians of Ethiopia are gradually resembling a lost tribe, effectively isolated from fellow Armenians not only in such nearby African countries as Egypt and Sudan, but also the rest of the Diaspora and even Armenia.

"We have no newspapers and no organized communication with other Armenian communities. Most of us do not know what is happening in Armenia, and the very little we hear is from the Armenian broadcasts of *Voice of America*.

"We are like a lost tribe which has survived hundreds of years simply by faith and a lot of hard work . . . but the question is for how much longer?" community elder Avedis Terzian said.

"You might find this strange coming from a 90-year-old Armenian born in Ethiopia, but with the wave of emigration the New Armenians are the Armenians of the United States, France, Canada, Australia and other western nations where people have a chance to develop into a new breed of Diaspora Armenians," Terzian said.

Hundreds of Ethiopian-born Armenians have already settled in California and Canada, but for those who have chosen to stay "in the land of our grandfathers", the battle of survival continues.

And given the size of the community, the battle sometimes resembles a full-fledged war.

Take the Armenian Kevorkoff Community School. Opened in 1935, the K-to-elementary school today has about 100 students of which only 11 are Armenians—including six children of mixed parents.

"Our annual budget is 12,000 dollars, and if we were to keep non-Armenians out of the school, we should have closed and gone home a long time ago," says school principal Emma Gueverian.

"Our kids need an Armenian education, and we can sustain that by accepting people from outside the community," she says. The school's weekly schedule includes ample hours of instruction in the Armenian language, history, geography and religion.

Today, the school has a multi-national student body—including the children of several Egyptian embassy diplomats who prefer the Armenian community school over other private institutions because of "the clean family atmosphere at Kevorkoff."

For the academic year ending June, 1994, three Armenian children will graduate from the Armenian elementary school and will, like others before them, hopefully make their way to the Melkonian Educational Institute of the Armenian General Benevolent Union in Nicosia, Cyprus.

But the number of graduates will drop in the coming years if the demographic structure of the community does not improve with new births and less deaths.

According to available figures, two Armenian youngsters will graduate from Kevorkoff in 1995, but none in 1996 and 1997, and only one in 1998, two in the year 1999 and up to three again in the year 2000. Not an encouraging picture, as Archdeacon Vartkes Nalbandian sees it.

The community today consists of about half a dozen under 12 years old, five over 12 years old, 10 between the ages of 20–25, some in their mid-40's and a majority of 60 to 80 year olds.

According to church records for the period 1979–1994, there have been nine Armenian weddings in Addis Ababa, 37 births and 55 deaths.

"This community is not growing in numbers. We are facing a very difficult future," says the electromechanical engineer turned Archdeacon.

The St. Kevork Armenian Church, built in 1934, lost its last "real" clergyman in 1980, leaving the parish in limbo.

"The Armenian and Ethiopian Orthodox churches are very close, but this community was not ready to get a clergyman from a non-Armenian church to bury its dead or baptize its children," Nalbandian said.

"For a while after the last priest left we used a tape recording of Holy Badarak as the centerpiece of our Sunday service. Imagine a handful of people sitting in church listening to the Devine Liturgy on tape," he said.

"This was not adequate, and as an ordained Archdeacon, I somehow took over. Now, for the past 14 years, I am a chemical engineer during the week and a man of the frock on Sundays.

"I do the occasional baptisms and a lot of funerals—and weddings if I am sure of the background of the couples involved. I also do the Holy Badarak every Sunday of the year—without any exceptions," the forty something Nalbandian said after a recent Sunday service at which his wife led the choir and his teenage son played the electronic organ.

"The last wedding was in 1990, and it involved a couple from Canada who wanted to get married in their place of birth for sentimental reasons," he said.

While the Armenian school and Church keep the community together, the Armenian Club helps cover the costs of maintaining the much-needed infrastructure.

And it does that with style.

The "Ararat" Armenian Community Club has in recent years been widely recognized as the "place to be" for Addis Ababa's diplomatic corps and visiting businessmen.

The Club's restaurant, also called Ararat, is "by reservation only" and foreign diplomats and others gladly pay annual membership fees to join.

"This is one of the few places you can eat in Addis Ababa. It serves authentic Armenian food, and it is home cooking at its best," a Swiss diplomat commented recently.

A good income generating enterprise, the Ararat Club and restaurant pay for the facility to stay open, and produce enough cash to help the Armenian school and church balance their budget.

"With such a small community, we have learned to improvise. The old rich Armenians left many years ago, and now we have to take care of ourselves without a single cent of financial aid from outside. It is not easy, but we do it," Nalbandian said.•

KING HUSSEIN AND THE ROAD TO PEACE

• Mr. DURENBERGER. Mr. President, as citizens of the world's only superpower it is sometimes difficult for us as Americans to relate to the traditional problems of statecraft. For over two centuries, we were protected by two oceans, and subsequently by the status of being a nearly unchallengeable superpower.

Indeed, one of the most searing experiences of our lifetime was to recognize—in Vietnam—that even our power had its limits.

For most of the world, the United States exists in a state of unimaginable geopolitical luxury. They know that in order to relate to their struggles, we have to invest an enormous effort of the imagination. And too often, we fail to make that effort.

I think that our foreign policies are often weaker as a result of this failure of sympathetic imagination—and I would like today to discuss one particular area in which I have noticed this problem.

The Middle East is legendary for the harshness and complexity of its politics. In this political landscape, survival itself is a virtue, an indication that one has the strength and the prudence to do what's necessary to keep oneself alive.

The State of Israel is an excellent case in point. Surrounded by hostile forces, this island of democracy has succeeded through sheer toughness in bringing its region to the brink of a lasting peace. Our country's emotional ties to the Sate of Israel have made its struggles relatively well known to Americans, though even here our appreciation is somewhat short of being adequate. Another example of strength of character in this region has received even less attention. I am referring to the statesmanship of Hussein ibn Talal, the Hashemite King of Jordan.

It is my contention that the historic Rabin-Arafat peace accord of 1993—and the whole peace process that is currently making progress in the region—would not have been possible without the quite, deliberate, and often misunderstood leadership of King Hussein.

The secret meetings with Israeli officials are now well known. But the interest of King Hussein in a comprehensive peace long predates these relatively recent contacts.

As long ago as the 1950's, Hussein was being branded a "tool of the West" by confrontational pan-Arab nationalists like Nasser of Egypt. And by the late 1960's, radical Palestinian activists were using the territory of Jordan as a staging area for guerrilla raids into Israel.

It is against this background of Arab suspicions King Hussein put down the PLO forces with full-scale military action. In 1970 and 1971, he succeeded in driving the radicals out of Jordan.

His actions brought him to the brink of war with Syria—but he knew that that was a chance worth taking. Though he had treated his Palestinian subjects liberally, he judged correctly that there was no future for guerrilla warfare against Israel. And he would not let Jordan be a party to it.

The Arab community punished him by denying him a role as spokesman for the Palestinians. Again, he judged this a chance worth taking. By expelling the Palestinians, he let the Israeli presence in the region ripen into a fait accompli, decreasing the risk in an eventual recognition of Israel's right to exist.

If King Hussein had launched himself into a primarily rhetorical role, he could easily have expanded his own regional importance, but at the expense of both the long-term interests of the Palestinians and the long-range prospects for peace in the region.

The true statesman must make time his greatest ally. And King Hussein's foreign policy has indeed been based on the principle that was best expressed in English by Shakespeare: "Ripeness is all."

In 1979, recognizing the political lay of the land, he was unreceptive to the idea of playing a role in the Camp David peace process. This established his bona fides with the Arabs.

But 3 years later, in 1982, he was willing to take on a role in the Reagan Middle East peace proposals. On President Reagan's behalf, King Hussein entreated the PLO to accept U.N. Resolution 242 and recognize Israel, or at least allow Jordan to negotiate with Israel on its behalf.

The emotional climate in which Hussein undertook this initiative is perhaps best illustrated by Abu Jihad's shout to reporters: "What's in it for the PLO?"

This is psychologically illuminating. At a time when the PLO was concerned about itself, King Hussein was concerned about the Palestinians.

By this time, he was strong enough to risk failure—so that when Yasser Arafat backed out of the proposed joint Jordanian-Palestinian delegation, thereby dooming the Reagan plan, King Hussein was confident that this would not be he end of the peace process.

Events have proved him correct. And now that the glimmer of hope for the Middle East is getting stronger—and self-rule for the Palestinians is becoming a reality, along with the recognition by the Arab nations that Israel has the right to exist in peace—let us take a moment to thank somebody who played a largely unsung role in making it happen.

Future generations in the Middle East should be grateful to King Hussein for his perseverance. And we in the West would do well to study the example of this Jordanian King who was born in a Jewish hospital, and helped bring to fragile birth a new era in the history of the Middle East.•

SENATE INACTION THREATENS BIODIVERSITY TREATY

• Mr. SIMON. Mr. President, one of the recent pluses that has taken place for the State of Illinois was when Howard Buffett moved from Nebraska to Illinois. He is now serving as vice president and assistant to the chairman for the Archer Daniels Midland Co. of Decatur, IL.

Recently, Howard Buffett had an op-ed piece in the St. Louis Post-Dispatch that merits wider distribution.

Real candidly, until I read his commentary about the need for follow-through on the Rio Earth summit, I was not aware of what is taking place and about the lack of U.S. participation in the follow-through on the Rio Earth summit.

I do recall that at the Rio Earth summit, among the people who were there were Senators ALBERT GORE and JOHN KERRY, both of whom provided leadership.

I know that both these Government leaders continue their interest in this issue, but both in the administration and in Congress, we should make sure we follow through.

I ask to insert Howard Buffett's observations into the RECORD at this point.

The article follows:

[From the St. Louis Post-Dispatch, Aug. 31, 1994]

SENATE INACTION THREATENS BIODIVERSITY TREATY

(By Howard G. Buffett)

A powerful, far-reaching agricultural issue was overlooked by the U.S. Senate, an issue that affects all humankind—the conservation and sustainable use of the world's animals, plants and ecosystems. The world is getting smaller and needs a global effort to preserve its biological diversity; unfortunately, due to inaction, the United States will not participate fully in this effort.

It has been two years since the Convention on Biodiversity was unveiled at the Rio Earth Summit. This November, a conference of the signing parties will convene to finalize the rules of procedure and debate biosafety protocol. However, the United States will be a silent bystander because the Senate recessed without ratifying the treaty by its Aug. 30 deadline. Knowing the impact of biodiversity on medicine, biotechnology, agriculture and pharmaceuticals, it is incomprehensible that the United States has relinquished its negotiating position.

Decisions affecting rules of procedure and biosafety protocol will be made without our input or influence. The Senate may have left Washington without acting on this important issue, but make no mistake about it—the rest of the world will not stand still because we failed to act. This conference will move forward, and our decision not to be at the table reflects poorly on our commitment to future generations.

Every year, the U.S. government spends billions of dollars to idle fertile cropland in an effort to support prices. At the same time, countless developing nations subsidize intensive production on fragile soils. The resources necessary to produce food for the world's nearly 6 billion people are literally eroding daily, even in countries with strong conservation traditions.

We live in a world where fewer than 20 plant species produce 90 percent of the food supply, and we live in a country where more than 99 percent of commercial crop acres are planted with plant species introduced from foreign countries. We are dependent on our ability to constantly adapt varieties of plants and animals to overcome disease and enhance yields necessary to fee our rapidly expanding population. As a country, we rely on the world's supply of diverse plant and animal genetic material. World interdependence has never been more evident than in the struggle to produce food.

Given our country's position among world producers, does U.S. agriculture have anything to fear at the Convention on Biological Diversity? I think the answer is clearly no. Under the convention, we maintain sovereign control over our natural resources and are not subject to binding dispute resolution procedures. The convention provides a framework for developing stores of strategic genetic resources here and abroad.

The foreign germ plasma that boosted the soybean from a green manure crop 50 years ago to one of the nation's leading cash crops today is just one example of material that will find greater protection and development. Hybrid vigor in both plants and animals will be enhanced through increased cooperation under this agreement.

Our position as the world leader in biotechnology requires that we be in a position to educate the rest of the world about the safety of new products and the economic benefits of improved varieties. We cannot influence other nations on these issues if we remain isolated and refuse to embrace this attempt to generate additional understanding.

The greatest benefit to U.S. agriculture, however, might just as well accrue in the area of soil and water conservation. The convention will not force any constraining new conservation regulations on U.S. farmers. U.S. producers have for years been out front on voluntary adoption of conservation practices. Witness the extensive use of no-till farming and the reduction of nitrogen levels in row crop systems. The benefits will come as developing nations reduce unsound farming practices and reliance on monoculture.

If the world's food supply is to keep pace with population growth, the emphasis must shift to producing more on fertile, well-managed soils and less on fragile areas. The United States stands to gain significantly under such a shift. Any move to transfer the billions being paid to idle our most fertile acres into more productive ventures will not only add to the viability of agriculture but boost the U.S. economy as well.

The economy will not be the only area affected. The consumer, when looking at availability of products, quality of products, maintaining reasonable price levels and having access to more nutritious varieties, will also be effected. Whether you observe from a global perspective and are concerned with general food security or whether you localize the impact, the conclusion is the same: Biodiversity is critical to our future.

Examples can vary greatly. When you walk into a store, one out of four drug-related items that you pick off the shelf is derived from a living organism, a product of biodiversity.

We don't always think about biodiversity when eating french fries, but the connection is very real. At least 13 species of potatoes have been used in developing the varieties currently grown in the United States. And the next time you grab a handful of peanuts, remember that this popular food is largely dependent upon germ plasm from abroad.

In the 1970s, U.S. farmers were devastated by a severe disease epidemic referred to as southern leaf blight fungus. The salvation of our corn crop was found in diverse varieties resistant to the disease. It is the closet we have come to breakfast without cornflakes.

Today, the U.S. wheat crop is under siege from a foreign insect known as the Russian wheat aphid. Our only sources of resistance is this pest originated from countries of southwestern Asia and Eastern Europe.

Soybeans, one of the most important agricultural products and exports from the United States, could tremendously benefit from a stronger, disease-resistant variety. Other industries—from walnuts to grapes—depend heavily on the contribution made from biodiversity. The products affected cover every shelf in a grocery store. The consumer should look to the Senate to provide this biological diversity insurance policy.

It is quite clear that U.S. participation in the Convention on Biological Diversity offers no realistic threat to American agriculture. The real fear should come from a lack of cooperation among the world's food-producing nations as we enter the 21st century.•

ADMINISTRATION CODDLING OF FOREIGN DICTATORS

• Mr. D'AMATO. Mr. President, I rise today to again address some very disturbing practices of the Clinton administration in the realm of foreign policy.

In President Clinton and Vice President GORE's campaign book, "Putting People First, How We can all Change America," they write, "A Clinton-Gore administration will never forge strategic relationships with dangerous, despotic regimes." Yet, one need only look back through the first 2 years of this administration's foreign policy to see the beginning of a contrary policy. With six countries which by most standards are recognized as "dangerous, despotic regimes," the administration has held dialogs, contradicted its previous hands-off policy in regard to, or taken preliminary steps toward establishing relations with in some form or another.

With regard to Cuba, at the beginning of the recent refugee crisis, the President said that he would not negotiate with Fidel Castro. Over this past weekend, the United States did just that and allowed Castro to dictate our immigration policy by forcing us to greatly increase the number of Cubans allowed to enter the country, despite claims by the President and the Attorney General that they would not allow Castro to do so.

With regard to Vietnam, the President, over the objections of a great many Vietnam veterans, lifted United States trade sanctions against that country and established liaison offices in both capitals. Vietnam's human rights record is certainly nothing to brag about, and for an administration that claims to be very concerned about the progress of human rights, they seem to be off the mark.

In China, another human rights disaster, the President, when he was a candidate, criticized the Bush administration for its dealings with China. Despite China's human rights record, the Clinton administration has now done just the same. In publicly decoupling human rights practice from trade relations, the President chose to ignore the thousands, perhaps millions of Chinese political prisoners languishing in the Chinese gulags. This is a dangerous step. The linking of human rights with trade has been a well established tenet of American foreign policy for over 20 years. This linkage worked with the former Soviet Union and while China is not the same, China certainly should not be rewarded for its horrible record of abuses.

North Korea, another despotic regime, has been courted by this administration. While the circumstances are different, instead of dealing tough with the Communist thugs in Pyongyang, the administration at first offered economic aid, then trade relations, and now is negotiating with this dictatorship on some form of diplomatic relations. So much for rhetoric on acting tough with Communist tyrants.

Candidate Clinton attacked President Bush for coddling Syria. Well, the President's December 1993 meeting with Hafez al-Asad did little to convince this Senator that the President meant what he said when he vowed to not "cast a blind eye on Syria's human rights abuses and its support for terrorism."

Finally, in Serbia, the administration is talking about partially lifting sanctions on that country, in return for the placement of foreign monitors on its borders. The administration is forgetting that it has been Serbia that has been providing comfort and support to the genocidal murderers in Bosnia.

All told, President Clinton's main foreign policy dealings have been concessions to dangerous, despotic regimes. This is unfortunate considering the fact that his main attacks against President Bush during the campaign were accusations of coddling dictators.

Apparently, this President feels that coddling dictators is more important than condemning them.•

"IS GAMBLING EXPANSION NEVER-ENDING?"

• Mr. SIMON. Mr. President, municipalities, States, Indian reservations, and other entities are desperate for funds, so desperate that more and more are looking to gambling as a source of revenue.

We know from our own history that there are problems with that, exactly how serious the problems are and to what extent we should view this as a serious problem for the future, I do not know.

I do believe it is a subject that ought to be examined and is not now seriously being examined.

Recently, my hometown newspaper, the Southern Illinoisan, had an editorial titled, "Is Gambling Expansion Never-Ending?"

It asks some questions about the State of Illinois that we should be asking around the country.

We cannot expect governments to forego a desperately needed source of revenue, but we also have to recognize that we are creating some future problems for our Nation.

I ask to insert the editorial into the RECORD at this point.

The editorial follows:

IS GAMBLING EXPANSION NEVER-ENDING?

If electronic gambling really attracts bettors to the tracks, then how long will it be before horse-racing becomes an afterthought to the track owners, who now are de facto casino operators? If that occurs, then horse-racing as we know it may no longer exist anyway.

In the never-ending quest for more and more gambling, there's a proposal afloat to put video poker games and slot machines at racetracks to help the horse racing industry compete with riverboat casinos.

Whao! Hold your horses. It's time to stop this upward spiral of anything-goes-to-make-a-buck gambling.

Represetatives for racehorse owners and other racetracks told a legislative panel recently that riverboat gambling has severely cut into their profits since its introduction in 1990. The legislature currently is studying proposals to add more licenses for riverboats.

The horse-racing industry has also opposed casino gambling in Chicago on the grounds that it would further erode the ability to make money.

We recognize that horse racing is the grandaddy of Illinois gambling and that it helps support agriculture in downstate Illinois. But at some point, someone has to develop the intestinal fortitude to say, "the buck stops here."

Givig racetrack operators more gambling tools to compete with other sources makes little sense. It only continues escalating the promise of easy money. And that easy-money appeal that grabs the gambler also grabbed a lot of our state officials along the way.

The horse-racing industry makes a valid point when it says that riverboats have an unfair advantage over racetracks because they can operate 24 hours a day all year. The answer isn't to go hog-wild with yet another tier of gambling in the state.

Horse-racing interests complained in 1986 that the lottery was hurting them. Tracks then received tax cuts and the ability to operate off-track betting parlors. Now riverboats are the villains. Perhaps a combination of revising some restrictions that exist, plus the horse-racing industry itself developing comprehensive marketing strategies,

would serve us better than new toys. If electronic gambling really attracts bettors to the tracks, then how long will it be before horse-racing becomes an afterthought to the track owners, who now are de facto casino operators? If that occurs, then horse-racing as we know it may no longer exist anyway.

While many lines have been crossed in the continuing spread of gambling, that doesn't mean a total abandonment of standards. And those standards don't necessarily have to be grounded on morality.

More to the point is the state's willingness to promise grandiose results from "just one more" form of gambling. Heck, we've saved education with the state-run numbers racket; we've saved tourism with riverboat gambling; and we may yet save Chicago with some sort of expanded casino gambling. Surely, we must be fair and save horse-racing as it's existed for 100 years.

The state has yet to realize that the gambling revenue is finite. If we put electronic gaming at horse-tracks, that vicious circle will only continue. Maybe riverboat gamblers will want to wager on animals racing around the decks.

Proponents of all these different measures see dollar signs. More money if we expand, the end of this or that industry if we don't. It's time to call a bluff or two and figure out exactly what the stakes are before we're in over our heads.•

A BIRTHDAY TRIBUTE TO JOHN W. KLUGE

• Mr. BREAUX. Mr. President, if I had to choose one thing about America which makes our country great, it is the ability of a single individual to use his or her God-given talents to the maximum and succeed beyond anyone's wildest expectations. This individual success, of course, is the basis for the overall success of the country.

Far too little attention is paid to the role that individual investors and entrepreneurs play in America's success. We often fail to fully appreciate that these individual investors and entrepreneurs create most of the jobs in this country; they are also frequently on the cutting edge of new technologies and innovation. The genius of the American free enterprise system is that it allows, and even provides the incentives, for an individual to take business risks which reward the individual, at the same time creating opportunities for a better life for all citizens.

Having said this, I would like to salute today perhaps the best living example of the American entrepreneurial spirit. The individual to whom I refer is John W. Kluge, who on September 21 will celebrate his 80th birthday.

No novelist could have created a better example of the American dream come true. John Kluge immigrated to this country with his mother at the age of 8 from Germany. He worked three jobs to pay for his college education.

Mr. Kluge began his remarkable career in communications by acquiring his first radio station in 1946. He eventually purchased 13 radio stations and 7 UHF television stations, and in 1959 he acquired an interest in Metropolitan Broadcasting Corp.—formerly Dumont Broadcasting Corp. Metropolitan Broadcasting Corp., of course, became Metromedia.

Mr. Kluge's interests did not stop with broadcasting; he later became a giant in the cellular and outdoor advertising businesses. His privately held company has been active in the motion picture, hospitality and restaurant businesses, automotive equipment, medical equipment, as well as in computer software and information technology, such as interactive multimedia networks.

The breadth of his undertakings and accomplishments over the years is truly a marvel to behold. How many people have been so successful in so many different fields for so long a period of time? Not very many. And how many people have created as many good jobs for his fellow countrymen? Very, very few.

What is just as remarkable are the simple, basic principles which have guided him. These are captured in his own words:

If I have any advice it would be don't go into something just for the sake of going into it. Go into something because you really like it, and then do it with a drive and enthusiasm so that it isn't work.

My philosophy all my life has been the pursuit of excellence.

Young entrepreneurs should spend an awful lot of time thinking about what they want to get into. The last thing you want to do, unless it's a very unusual situation, is to invest money. You should have a fund of knowledge of something and out of that you make up your mind. Money is not a fund of knowledge.

Work isn't really work for me. I don't think I have ever "worked" in my life, because "work" to me means that you are really doing something that you don't like.

If we have had any success, it's because we are people-oriented. Assets are cold. What brings them to life are the people who operate those assets. So we have a commitment to the business and to its people.

There is a simplicity and clarity to those quotes that represent the essence of John Kluge. Despite his success, his wealth, and all the honors, he remains unimpressed with himself. "I wouldn't write a book," he once said in an interview, "because saying the word 'I' over and over again would nauseate me."

But Mr. Kluge is more than an incredible successful businessman; he also takes seriously his responsibility to the larger community. Over the years, he has given generously to many good causes, in particular education by endowing many millions of dollars to scholarship funds for minority students.

In short, Mr. President, John Kluge represents the very best of the American dream—hard work, dedication, the willingness to take calculated risks, humility, generosity, and devotion and allegiance to friends and employees who have made possible his success.

So it is with great pleasure that I salute John W. Kluge on his upcoming 80th birthday.•

"RACE AND PERSONAL STANDARDS" SKILLS AND VIRTUE TRANSCEND INFURIATING STEREOTYPES

• Mr. SIMON. Mr. President, recently, my hometown newspaper ran an article by Rachel L. Jones, an alumna of Southern Illinois University in Carbondale, that appeared originally in the Detroit Free Press.

Rachel Jones' article speaks candidly about something that is usually not discussed but should be.

We want to create opportunities for everyone in our society, but we cannot do that by lowering standards. In fact, some of the attempts at lowering standards, clearly, are patronizing attempts at charity that do not recognize that all people have ability, regardless of race, religion, or ethnic background.

I ask to insert the Rachel Jones article into the RECORD at this point.

The article follows:

[From the Southern Illinoisan, Sept. 1, 1994]

RACE AND PERSONAL STANDARDS: SKILLS AND VIRTUE TRANSCEND INFURIATING STEREOTYPES

(By Rachel L. Jones)

Twelve years ago, Newsweek magazine literally gave me my journalistic calling card, the proverbial foot in the door, by publishing my opinion about the use of Black English in America.

I was 21 years old on Dec. 27, 1982, and the only valuable possessions I owned were my mind and the ability to order my thoughts in persuasive, cogent style. In that issue's My Turn column, I wrote that although Black English is a valid part of African-American history, young blacks must be proficient in standard English to succeed in this society.

I ended that column by saying, "I don't think I 'talk white,' I think I talk right."

Then, I was a sophomore at Southern Illinois University in Carbondale. More than a decade later, I'm left shocked by this week's Newsweek cover story on Simpson, called "Day & Night." A so-called psychological profile, it is filled with characterizations of O.J. Simpson's poise, charm and drive for success as "trying to act white."

Make no mistake. I'm not defending Simpson, and stopped being interested in the minutiae of his murder case weeks ago. But whether Simpson committed a double homicide or not, that Newsweek allowed dubious, unnamed sources to decry his fame and wealth as "trying to act white" makes me ashamed I was ever published in that magazine.

As a black woman who has spent my life immersed in language, who has polished and developed my communications skills to advance my career, I'm left thinking that maybe Newsweek never really got it, never really understood what I was trying to say, or forgot over the passing years.

Even at 21, I had a strong sense that race was not the defining issue when it comes to mastering communication in this country. I consider myself very anchored to my ethnicity, proud to be African American. I'm also determined to exploit the tools this society designates as mandatory for success.

Because I was bucking the prevailing Afrocentric, black pride sentiment surrounding the Black English issue, Newsweek editors may have suspected that my heartfelt, youthful opinion would help sell magazines. And maybe they were right. I received almost 500 letters about that column, and virtually all were positive. I spoke on radio talk shows and worked as a student reporter at the New York Times and the Washington Post because of that column. I still receive reprint requests for it, for inclusion in college textbooks.

I read this week's Newsweek cover story with a mixture of dread and disgust. As a child, I heard the same chant over and over: "Why are you trying to act like a white person?" I was threatened and harassed because I liked to read, for using correct English, and for striving to articulate my words as my older brothers and sisters had taught me. To this day, I'm grateful to them for darn near smacking me upside my head to make me think and speak clearly, to communicate my thoughts with confidence and clarity.

UGLY ASSERTIONS

But then as now, the idea that these skills are the domain of white people infuriates me. And if I get started on my diatribe about how this mind-set is rooted in white supremacy, and how labeling the standards of success in this society as "white' does irreversible damage to the self-esteem of young blacks, I know I'll be branded a neo-revolutionary.

So be it. Painting American success as a white attribute smacks of white supremacy. It's another not-so-subtle message to blacks that being black, in whatever guise, will never be good enough in this country, and that the only way to even approach the pinnacle of success is to strip away that blackness and mimic the ultimate standard—white people.

The Newsweek editor who wrote the article, Evan Thomas, says it was not meant to be a commentary on race. Instead, he called it little more than a character sketch based on "a lot of reporting from a lot of O.J.'s friends and acquaintances."

Two lead reporters were black, and based on two months of interviews with several dozen people, Thomas says, he wrote a piece "intended to be a picture of a guy who was tormented."

"We weren't placing a value judgment on the way he was behaving," Thomas says. "But his attempt to fit into a white corporate world where he had to change his style and his manner of speaking was perceived by his friends as an attempt to be white."

But the article went too far. Publishing anonymous criticism of Simpson because he took diction lessons and went to private country clubs is an absolute abomination. Mentioning his "taste for white women" in such a tawdry manner (Unnamed Source: "Most womanizers I know go for any woman, but not O.J.—it was white or nothing") was so far beneath what I used to think were Newsweek's standards that I cringed.

If we follow that logic—that everything he did was to mimic whiteness—where does it stop? Was Simpson's penchant for cocaine and random sex "white" behavior? Are his ego and his domineering, violent nature acting white? And if he's found guilty of the crimes he is charged with, was his homicidal rage another offshoot of his manic drive for whiteness?

That's the irony of this issue. Because after you read that article, you don't come away with the impression that the violent parts of his behavior were attempts to act white. Instead, all the negatives, the pathological, poverty-rooted underpinnings, the drugs and wild sex, are decidedly black.

Thomas doesn't see it that way. Newsweek reporters concluded from their reporting that all this pressure to erase his poor black background and fit into the "white" world, and the attendant rejection by blacks, indirectly contributed to his cracking up.

"O.J. lived two lives, and the constant switching back and forth was an enormous strain," Thomas says.

But I couldn't pin Thomas down on just what the two lives were. Was the charming, affable, articulate Simpson white, and the druggie, sexual predator black? He strenuously denies that Newsweek had that intention, but you'd be forgiven for drawing that conclusion, based on the reporting and writing.

A PROUD HERITAGE

I've wanted an answer to this question all my life: Who's setting the standards? Most of my success as a journalist has come because I've insisted on writing about African Americans wherever I've worked. In health and fitness columns for this newspaper, I make a concerted effort to write about black professionals, and blacks who are active fitness enthusiasts, because it's important to me that our images are prominent and positive, and that our voices are included at the table.

And while I haven't worn my dashiki recently, I consider myself quite Afrocentric, quite aware of my blackness. I'm certainly no Whoopi Goldberg, chafing at the "African-American" label and insisting on being "Just American." One look at my deep, dark skin, and it's obvious that a whole lot of my ancestors came from somewhere on the African continent. I don't need to unearth some Native American, or Asian or slave owner's blood to try and make my blackness more acceptable to white America.

Basically, what I am is an articulate, professional black woman who, like Simpson, pulled herself out of poverty. I wasn't a gang member, nor have I ever had many violent obsessions, but in some ways we were in the same boat at birth.

So am I trying to act white?

I thought I was through answering that question after I left junior high in 1975. I thought I was through even having to think about that question. But the writers at Newsweek felt comfortable presenting this flawed perception that Simpson's rush toward success was "white."

I don't know whether O.J. Simpson is guilty of murder or not. But Newsweek is definitely guilty of setting the issue of what's black behavior and what's white behavior back about 20 years. Following in Time Magazine's clumsy footsteps, Newsweek has lent further credence to W.E.B. DuBois' assertion that the biggest challenge we face today is "the problem of the color line."

And you can't whitewash that issue.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that over the last 21 days, there were 54 homicides by gunshot in New York City. That brings this year's total to 698.

Three weeks ago, in my last report on the death toll by gun violence in New York City, I praised my colleagues in the Senate for passing a crime bill that, among other things, places a ban on 19 types of semiautomatic assault weapons. Six days after the bill passed, an heroic employee of the NBC "Today Show" was murdered on West 49th Street in Manhattan by a crazed North Carolinian with a Chinese-made model of the AK-47. The man had tried to get into the set of the "Today Show" where the whole Nation might have witnessed a massacre. Thank God that did not happen.

Mr. President, assault weapons are designed to fire the greatest number of bullets in the shortest period of time. An Uzi can fire 30 rounds in 5 seconds. These guns are weapons of war; they have no legitimate sporting purposes. They are merely the weapons of choice in this country for terrorists and drug traffickers. It is time we disarm our criminals.

Today I joined the President on the south lawn of the White House as he signed into law the Violent Crime Control and Law Enforcement Act of 1994, thus putting into effect the long-overdue ban on these pernicious weapons. This is a vital step in our fight against the crime epidemic, and it will make a difference.•

GRIDLOCK, GREEDLOCK, OR DEMOCRACY?

• Mr. SIMON. Mr. President, I have reluctantly come to the conclusion that some modification of our filibuster rules are in order.

There should be occasions when more than a majority is needed to pass something. The Constitution spells out eight of those different types of occasions, and I favor a ninth, when we create deficits.

But the filibuster has been so abused that it is used on things that totally lack a major significance.

Recently, our former colleague, Charles "Mac" Mathias, has an op-ed piece in the Washington Post that explains his position. I ask to insert it into the RECORD at the end of my remarks.

If we were to change the rule to 55 to have cloture or something like that, or a requirement that a certain number of people has to sign before 41 Members of the Senate could block consideration for 3 weeks, so that Congress would not, in an emotional frenzy, do something unwise.

I don't know what the modification should be, but I do believe we have abused the filibuster and change is in order.

The article follows:

[From the Washington Post, June 27, 1994]

GRIDLOCK, GREEDLOCK OR DEMOCRACY?

(By Charles McC. Mathias)

When I came to the Senate in 1969, a filibuster was a major event. In order to prevent a majority from voting to pass a bill, determined opponents would refuse to end debate.

Their strategy was to bring all Senate action to a halt until the Senate gave up its attempt to pass the legislation.

It was a rare and awesome maneuver played on the national stage in full glare of the spotlights. It focused national attention on the issue being considered while it reduced the Senate legislative schedule to shreds. Drama mounted as filibustering senators talked through the night and troops brought Army cots to Senate corridors so beleaguered senators could camp on the job for days at a time.

Today, filibusters are far less visible but far more frequent. The filibuster has become an epidemic, used whenever a coalition can find 41 votes to oppose legislation. The distinction between voting against legislation and blocking a vote, between opposing and obstructing, has nearly disappeared. In the last four years alone, the Senate has had to attempt to end filibusters an average of 22 times per year—compared with less than once a year in the half-century before I entered the Senate.

Senators no longer need to talk through the night to sustain their filibuster; they often need not talk through the day or hour. In times past, the majority leader occasionally asked for and received unanimous consent to temporarily suspend the filibuster in order to dispatch some critical business in which time was essential. Thereafter, the filibuster resumed. This practical response to an emergency has now become routine. Today a single senator may simply inform the Senate leaders that he or she won't allow a vote on a particular bill. The Senate then typically agrees to temporarily put that bill aside and move on to other business.

Since the Senate's Rule 22 says it takes 60 senators—three-fifths of the entire Senate—to break a filibuster, 59 senators seeking to take action can be blocked by 41 or fewer. The only reminder that a filibuster is in progress may be an occasional vote on "cloture" to see whether supporters of the bill have been able to assemble the necessary 60 votes. Often the issue simply withers away in obscurity. If the public is aware of the filibuster at all, it often mistakenly assumes that the "gridlock" it sees occurs because a majority can't agree on action.

The majority must accept paralysis or meet the demands of the minority—often by agreeing to legislation so eviscerated or loaded with interest group favors that it can't begin to meet our nation's challenges.

In just the past few years, filibusters have blocked, delayed or forced changes in bills dealing with crime, campaign finance reform, gun control, environmental protection, school improvement, labor law, Head Start, National Service, Hatch Act reform, family medical leave, voting rights, inoculation of children against disease, and dozens of other issues.

Scores of other bills are changed to avoid filibusters. For example, while Americans may be unsure which health care proposal is better, they do know we need action on health care reform. Yet some senators are already suggesting they may block majority action. And in the "bidding war" to find a 60th vote to end or prevent a filibuster, corporations with millions of dollars at stake (and millions to spend) will be on the prowl to find one or two senators willing to demand favorable provisions in return for letting the Senate vote.

Last month the federal government was required by law to sell mining rights to an estimated $8 billion of gold on federal land for only $9,765. Why? Because a threatened filibuster has blocked changes in Gold Rush-era mining laws. So taxpayers convey potential billions in forced sales to mining corporations—and then pay for the cleanup when thousands of used-up mines leak dangerous toxins into streams and rivers.

No principle is more central to democracy than the principle of majority rule. Today, that fundamental principle is in grave jeopardy in the U.S. Senate. Over and over again, Congress' ability to make decisions is thwarted because a minority of senators filibuster.

As a Republican whose party was in the minority for two of my three Senate terms and my entire service in the House, I know the majority must allow adequate time for minority views to be heard. I also know the frustration that fosters the filibuster. On rare occasions, I even succumbed and voted against cloture myself. But it becomes clearer each year where this path leads.

Those who wrote our Constitution struck a delicate balance. Separation of powers, federalism, bicameralism and the Bill of Rights protect minorities. The approval of two-thirds of senators present is required for a few extraordinary actions, such as constitutional amendments and presidential impeachment. But our Founding Fathers understood, as James Madison explained, that if they required more than majority approval for other actions, "the fundamental principle of free government would be reversed. It would no longer be the majority that would rule; the power would be transferred to the minority."

Filibusters are not limited to any party or ideology. The issue is not whether particular bills are good or bad. It is whether we believe in democracy, or a tyranny of the minority. It is whether we want a government capable of making decisions, or one hamstrung by gridlock and greed.

"If the . . . smaller number can overrule the greater," warned Alexander Hamilton, the result will be "tedious delays, continual negotiation and intrigue; contemptible compromises of the public good."

Our Founding Fathers never considered Rule 22, or dreamed that some senators would circumvent majority rule by refusing to allow a vote at all.

To safeguard our democracy, each of us must look beyond our own support or opposition for any particular legislation. We must call upon all senators to respect majority rule, stop abusing the filibuster, and get on with the business of meeting America's challenges.•

BOB MICHEL'S FREEDOM MEDAL

• Mr. SIMON. Mr. President, I was pleased that President Clinton recently awarded the Medal of Freedom to Congressman BOB MICHEL.

He has been a real "class" Member of Congress, who has contributed much to his district, my State, and much more important, to the Nation.

The award was richly merited.

I ask to insert into the RECORD an editorial from the Peoria Journal Star regarding the award of the Medal of Freedom to BOB MICHEL.

The editorial follows:

BOB MICHEL'S FREEDOM MEDAL

We echo the accolades heaped upon Bob Michel by President Bill Clinton Monday in awarding the 38-year Republican congressman the Presidential Medal of Freedom, the nation's highest civilian honor. That it comes from a Democratic president, in an age when rancorous partisanship has made the public's faith in effective government almost nonexistent, makes it all the more meaningful.

Michel "served our nation well, choosing the * * * harder course of conciliation more often than the divisive but easier course of confrontation," Clinton was quoted as saying.

Indeed, we praise Michel today for the same reasons that many in his own party have snubbed him—for trying to make government work rather than fostering gridlock, for practicing pragmatism rather than politics when compromise served the greater good, for trying to be a problem solver rather than a problem maker. Given a choice between a Bob Michel and a Newt Gingrich—or even a Sen. Phil Gramm, who promised just this week to "use every power that I have" to stop a Clinton health plan from becoming law (the key word being Clinton)—we much prefer Bob Michel.

Sure, we have disagreed with Michel here and there over the last four decades, but we also believe that on matters of significance, he genuinely tried to act in the best interests of America and the Peoria area. He tried to do the right thing, and in so doing earned respect on both sides of the aisle. He did not cheapen the term "public servant," but elevated it.

That is why Michel received the Medal of Freedom this week, and why the likes of Gingrich and Gramm probably never will.•

"VIDEODROME"

• Mr. SIMON. Mr. President, recently, the August 13, 1994, issue of the Economist, a British publication, had an article titled, "Videodrome" about television violence and our conduct.

It is of interest because it goes beyond the American studies and points out that there have been similar studies in Israel. Poland, Australia, among other countries that reach the same conclusion—that television violence is a part, if only a small part, of the cause for violence in our society.

For example, the article says "the common-sense view remains that a boy who watches chainsaw massacres all day is going to be a rougher character than the one who favours romantic comedies." They also cite a British study: "Britain designed a more rigorous project in 1978, interviewing 1,500 12- to 17-year-old boys about their viewing habits, backgrounds, school and police records." The report concluded that "high exposure to television violence increases the degree to which boys engage in serious violence."

I ask that the entire article be placed into the CONGRESSIONAL RECORD at this point.

The article follows:

[From the Economist, Aug. 13, 1994]

VIDEODROME

When a judge sentenced the two ten-year-olds who had attacked and killed James Bulger, a toddler, in Liverpool last year, he implied that violent videos might have helped to turn naughty boys into killers. Neither the police nor the prosecution ever

claimed such a thing. Nevertheless, it is popular in Britain to believe that "Child's Play 3", a violent video that was found in one of the boys' homes, did play a role in the tragedy. Thus one more exhibit in the case being built up for tightening the rules about film and TV violence.

In fact, it is almost impossible to establish that a particular TV show or video has ever led to a particular crime. "What has never been demonstrated", says James Ferman of the British Board of Film Classification, "is that media violence is either a necessary or a sufficient cause of violence in real life." The film and TV business uses this argument to fend off further restraints on what it produces, particularly in America. Television shows and films reflect society, the industry asserts, rather than influencing it—an argument that they do not, one suspects, make to advertisers. But the commonsense view remains that a boy who watches chainsaw massacres all day is going to be a rougher character than one who favours romantic comedies.

Researchers have been trying to work out the truth for more than 30 years, producing over a thousand studies in America and dozens in Europe. Does screen violence stimulate aggressive behaviour, particularly in children? If so, to what extent? Consensus is elusive in the murky world of the social sciences; but the broad answers seem respectively to be yes, and not a lot.

The best-known study tracked the viewing habits and behaviour of a group of American schoolchildren, starting in 1960 when they were eight years old. Further interviews followed in 1971 and 1982. The researchers found that there was a correlation between the amount of TV violence watched and aggression among the eight-year-olds. There was also a correlation between watching violence at eight and aggressiveness at 19. By the time the guinea-pigs had reached 30, those who had watched most TV violence as children tended to have more criminal convictions, to be more likely to batter their spouses and, in their turn, to have more aggressive children.

Similar studies by the same researchers, Rowell Huesmann and Leonard Eron, in Israel, Poland and Australia have found the same pattern. As Mr. Huesmann sums it up, "early aggression predicts later aggression; and exposure to media violence correlates with early aggression." Mr. Eron concludes that "youngsters, by consistent viewing of violence got more and more aggressive."

In 1972, when concern about rising violence in America was simmering, the surgeon-general's advisory committee on television and social behaviour decided to look further. Researchers assembled a group of four-year-olds. Some were shown violent cartoons, others neutral or positive films. When the two groups were put together, the children who had seen the violent cartoons were more likely to call other children names, hit them or take things from them.

Britain designed a more rigorous project in 1978, interviewing 1,500 12-17-year-old boys about their viewing habits, backgrounds, school and police records. The report concluded that "high exposure to television violence increases the degree to which boys engage in serious violence."

Suggestive evidence also came from a Canadian town to which television was introduced in 1974. Researchers studied the town's children and judged that two years after TV's arrival they were more aggressive than before. Similar before-and-after studies of murder rates in the United States and South Africa have come to the same conclusion. Of course, this suggests only that TV, not necessarily violent TV, has an effect; but the result remains intriguing.

An analysis of 217 studies done between 1957 and 1990 has found that they showed "positive and significant correlation between television violence and aggressive behaviour." The American Psychological Association's commission on violence and youth concluded last year that "there is absolutely no doubt that higher levels of viewing violence on television are correlated with increased acceptance of aggressive attitudes and increased aggressive behaviour."

CHICKEN AND EGG OR STORK AND BABY

It sounds pretty conclusive—and a good case for censorship for children. Yet the evidence is not in fact clear-cut, and even if it were, correlation is not the same as causality. Consider the counter-evidence first. An American attempt in 1982 to repeat the Huesmann/Eron work, and a more recent study in Holland, both found little link between watching and committing violence. Japan is famous for its nasty pornographic comics and gory cartoons, yet it suffers less than other rich countries from violence.

In April the Policy Studies Institute in London published the results of a study in which the authors had interviewed juvenile offenders about their viewing habits, comparing their responses with those of a group of schoolchildren with no criminal records. They found much more overlap than difference between the two groups. The striking thing about the offenders was how little they had in common with each other. None had seen any of the "video nasties" that have recently been provoking public concern. (Three-quarters, though, read one of the tabloid newspapers regularly.) "The most noticeable thing was the chaos and change they were living in," says Ann Hagell, one of the authors. "TV and movies played a relatively small part in their lives."

As for causality, Jonathan Freedman of the University of Toronto, perhaps the best-known sceptic about the effects of TV violence, says that even research showing that a link exists may not support many researchers' claims. Kids who like to play football will watch more football than those who don't; in the same way, aggressive kids are more likely to watch shoot-'em-ups. That says nothing about cause and effect.

Here is the nub of the debate. Even sceptics agree that most of the studies of the subject show some correlation between violence on TV and the real thing: those who watch violent shows tend to be more violent. What they question is whether the watching causes the doing. There is a correlation in Germany between the decline of the stork population and the falling human birth rate. That does not prove that storks bring babies.

Those who believe that there is a link between media and real-life violence say that it is not necessary to prove strict causality, because there are so many influences on human behaviour. An analogy is drawn with smoking. To a purist, it cannot be conclusively proved that smoking causes lung cancer: not everyone who smokes will get it, and some who do not smoke will. But the correlation between smoking and lung cancer is so strong that it is usually accepted as a causal factor. The same is true for violence, say Mr. Huesmann and most others who have looked into the subject. Not so, say Mr. Freedman and his (fewer) allies.

There is, however, a degree of common ground around the idea of "vulnerable minorities—that some media violence can affect some children some of the time. Most children can watch a violent film, or even lots of them, and not go out and fight afterwards. They may feel more aggressive, the same way they may feel like singing after watching "The Sound of Music", but not act on it. But for a few children, often those not bright enough to see clearly the difference between reality and fiction, or without the moral capacity to know right from wrong, watching may indeed be a prelude to acting.

Ron Slaby of Harvard University identifies four ways in which media violence can play itself out in a child's personality: the aggressor effect, an increase in meanness; the victim effect, an increase in fearfulness and mistrust; the bystander effect, an increase in callousness; and the appetite effect, an increase in the desire to see or commit violence. Simple imitation may also play a part. A 1988 study found that the number of railway suicides among West German boys aged 15–19 rose sharply following a TV programme that showed a teenager jumping under a train. Similarly, there was a rise in deaths from Russian roulette after the release of the film "The Deer Hunter".

It is hard to put a figure on the extent to which such an influence is felt, though some brave researchers have tried. Aletha Huston, who works at a research centre on the influence of television on children, estimates that 4–6% of violence can be accounted for by media influence. Such a number may seem significant; but it is worth remembering that violence finds its way on to TV in different guises, not all of them easy to avoid—news, sports and documentary programmes can all show strong stuff, as well as the films and drama that usually draw campaigners' fire.

The impetus to curb media violence is not, however, that it is conclusively linked to real violence; or that reducing screen violence will make much difference. It is that it is easier to regulate what goes out on the tube, or to stop youngsters renting certain videos, than to deal with the more significant social forces for producing rotten kids. Sadly, nobody has yet worked out how to prevent people from being bad parents.•

THE 12 COMMANDMENTS ON MIXING FAITH AND POLITICS

• Mr. SIMON. Mr. President, we are spending a great deal of time these days discussing church-state relations, and one of the most practical examples of balance in this field has been provided by Andrew Herrmann of the Chicago Sun-Times.

It is not a complicated treatise that people should have a hard time understanding but gives down-to-earth, practical advice that I believe Thomas Jefferson and James Madison would find sensible.

I ask to insert it into the RECORD at this point.

The article follows:

[From the Chicago Sun-Times, Aug. 27, 1994]

THE 12 COMMANDMENTS ON MIXING FAITH AND POLITICS

(By Andrew Herrmann)

Looks like God did want 100,000 more cops in America

Must have, right?

Just a few weeks ago, a panicky President Clinton was pounding the pulpit in a Maryland church, asking the congregation to pray for the resurrection of his stalled crime bill. "The will of God" was how he described it.

Well, it happened. We've got our crime bill, and that's a good thing. But Clinton's abhorrent manipulation of religion was the worst since the GOP charged the Democrats with "leaving God out" of the last Dem party platform.

Religion is a part of life; politics is a part of life. But how much should the two mix? It's slippery, indeed.

Consider: when Gov. Edgar was growing up, talking politics in his Downstate Baptist church was considered bad form, he said. But early in his political career, Edgar was invited to speak at a black, Chicago church. He started giving a speech about Martin Luther King Jr. "They said 'no, no—talk about what you're going to do if you're elected.' I said this is a pulpit. And they said, 'Well, what are you here for?' "

There are no unbreakable commandments when it comes to religion and politics. But the People for the American Way, a Washington-based liberal group, recently came up with "Twelve Rules for Mixing Religion and Politics." The word rules makes me uneasy, but the list does contain some good ideas.

1. Religious doctrine alone is not an acceptable basis for government policy. Because we all have different religions, religious reasoning is not open to reasonable debate.

2. No religious test for public office. You don't have to be religious to run.

3. Officials have the right to express their private beliefs but no right to use their office to proselytize others. Simply put, it's OK to ask for God's help in crisis but not OK to force personal religious beliefs on the public.

4. Government has a right to demand that religious institutions comply with reasonable regulation and social policy. Not only must priests pay their traffic tickets, but—and this is controversial—when religions get involved in the financial aspects of politics, they should lose their tax-exempt status.

5. Religions can cooperate with government in programs supporting the common good. Religious social agencies do tons of great work with government money.

6. No government approval or disapproval of religion.

7. Political discourse should respect religious differences. No put-downs about "Baptist thinking."

8. No politician should say he or she represents a religion. He or she shouldn't say he speaks for, say, "Christians."

9. Politicians can discuss the moral dimension of public issues. "Murder is morally wrong." But . . .

10. Morality is best applied to common good, not private conduct. "House the homeless, but stay out of their bedrooms."

11. Don't claim to speak for God. Man cannot say that God is on any political side.

12. Religion should not be used as a political club. Pols shouldn't compare religious beliefs to opponent's.

As the authors of the guide correctly conclude: "Those in our political process who use religion to divide Americans, or to create a hierarchy of faith for political purposes, do violence to the political process [*and*] the institution of religion."•

BRIDGING THE GAP

• Mr. SIMON. Mr. President, I have frequently said that one of the most stimulating and thoughtful educators on the American scene today is Albert Shanker, president of the American Federation of Teachers.

I turn to his column regularly when I read the Sunday New York Times.

Recently, he had an article titled, "Bridging the Gap," in which he quotes from an article written by Jeffrey Mirel and David Angus.

I have not seen the original article, but the general thesis that we have to be fair but tough on everyone seems to me to be absolutely sound.

I ask to insert the Albert Shanker column into the RECORD at this point.

The column follows:

[From the New York Times]

WHERE WE STAND—BRIDGING THE GAP

(By Albert Shanker)

One of our most troubling problems is the large and persistent gap between the achievement of white, middle-class students and that of poor, minority youngsters. This gap puts minority children at a terrible disadvantage. It also threatens the health of our democratic society. There is no dispute about the seriousness of the problem, but there is plenty about how to solve it.

Minority kids often go to schools with poor quality curriculums where little is expected of them. Should we set higher standards and work with these youngsters to help them meet the standards? Or is this another form of unfairness? Is it better to try to bring the youngsters along gradually by offering them a curriculum that doesn't expect too much of them?

In "High Standards for All" (American Educator, Summer 1994), Jeffrey Mirel and David Angus reveal that this debate on how to achieve equity in education is nothing new—it goes back at least 70 years. More important, they present evidence that minority youngsters are not turned off by high standards. When more is demanded of them, they produce more. Standards, Mirel and Angus say, are the most powerful lever we have to achieve equity in education.

Early in the 20th century, when large numbers of youngsters from white working-class and minority families began staying in school past the elementary grades, educators were somewhat uneasy. They believed equity demanded that they "educate" these youngsters—which meant keeping them in school until they got their diplomas. But educators had serious doubts about the youngsters' ability to master an academic curriculum—what we would now call a core curriculum—of English, history, mathematics, science and foreign languages. If the kids were pushed into these courses, educators believed, they would drop out in huge numbers.

Their solution was to differentiate and dilute the curriculum. And the result can be clearly seen in the high school course-taking patterns that Mirel and Angus follow over a 60-year period, from 1928 to 1990. The number of different courses that were offered skyrocketed from about 175 in 1922 to 2,100 in 1973—as Mirel and Angus say, "curricular expansion run amok." At the same time, the percentage of academic or core courses being taken went steadily downward. In 1928, over 67 percent of the courses taken were academic; by 1961, the number had dropped to 57 percent. This sounds like the phenomenon described in The Shopping Mall High School—when kids are offered a choice between easier courses and tougher ones, they choose the easier.

The impact on working-class and minority children was particularly significant:

"While these curricular decisions sought to promote equal educational opportunity, in reality they had a grossly unequal impact on working-class and black children. * * * Beginning in the 1930s, these students were disproportionately assigned to non-academic tracks and courses and to academic classes that had lower standards and less rigorous content."

However, that's not the end of the story. Thanks to various reform initiatives, course-taking patterns began to change direction again in the 1970s. Students started taking more academic courses, and the percentage of academic courses has risen steadily until it is now over 66 percent—close to the 1928 high. Minorities have shared in this increase in academic course taking, and it has led to some remarkable changes for African-American and Hispanic students, both in terms of the percentage of academic courses taken and improved achievement, as shown in standardized tests.

For example, in 1982 only 28 percent of African-American students took four years of English, three years of social studies and two years of math and science. By 1990, 72 percent were taking these core courses. Did this increase in the academic course work lead to a big increase in dropouts? Not at all. In fact, the dropout rate for African-American students fell from 18 percent to 13 percent. And SAT scores for these youngsters rose 21 points on the verbal section and 34 points on the math.

The gap that remains between black and Hispanic students and white students is enormous and unacceptable, but the way to close it is to ask more of minority youngsters, not less. Students will not all be able to learn exactly the same material in exactly the same way—though these differences have nothing to do with racial or ethnic background: "The idea that all students should meet high standards (and essentially follow the same curriculum) does not deny that there are educationally relevant differences among individuals in interests and abilities."

Goals 2000 offers states and communities a chance to develop standards and curriculums and assessments that take individual differences in "interests and abilities" into account while pushing all youngsters to achieve their best. As Mirel and Angus warn us, we must be sure that we don't repeat the mistake of 70 years ago and confuse being easy with being fair.•

ORDERS FOR TOMORROW

Mr. EXON. Mr. President, as the acting majority leader and on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. on Wednesday, September 14; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately thereafter, as provided for under the previous unanimous-consent agreement, the Senate proceed to executive session to consider the Mauz nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, I ask unanimous consent that upon the conclusion of the remarks of Senator ROTH the Senate then stand in recess as previously ordered.

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

The Senator from Delaware has 10 minutes and is recognized.

THE 1-YEAR ANNIVERSARY OF THE NATIONAL PERFORMANCE REVIEW REPORT

Mr. ROTH. Mr. President, last Wednesday marked the 1-year anniversary of the administration's publication of its National Performance Review report. Led by the Vice President, the National Performance Review was an effort to begin a process that has sometimes been described as "reinventing government."

I would like to take a few moments here to comment on the progress to date on the effort.

The NPR report contained 384 recommendations for changes in the way the Federal Government is organized and operates. At the time of its release, I commended the administration on the scope of this effort. While not necessarily agreeing with every single item in the report, I thought the NPR asked many of the right questions about how to make government do more, with less—and that the report's recommendations were generally headed in the right direction. I still feel that way today. Any concerns I have lie largely in the area of execution of the reforms.

Let me say, first, that much of what they have done is commendable—starting with the administration's enthusiastic support for my legislation, the Government Performance and Results Act. This new law, enacted last year, was described by then-OMB Director Leon Panetta as being the foundation for reinventing government. They supported my call for a series of pilot projects in program goal-setting and performance measurement, to be followed by full governmentwide implementation in 1997—and in fact have expanded the number of pilot projects to 71 Federal programs.

I am sure that the administration recognizes what was emphasized in a recent report published by the Brookings Institution, an independent Washington think tank—that the Government Performance and Results Act "may well prove to be the keystone of the Federal Government's reinvention movement," and that it is "the most promising source of glue to hold the movement together and promote the right incentives."

It may seem ironic that a Republican-authored bill is the keystone—the very foundation—of a Democratic administration's major government reform program. Perhaps, but it does show that there are indeed areas where we should be able to work in the kind of bipartisan spirit that the American people expect.

I am also pleased to have been able to work with the administration on two other reforms that rightly fall under the umbrella of reinventing government—procurement reform, and legislation mandating the downsizing of the Federal work force by 272,900 through buyouts and attrition. We are reinventing the Federal procurement system by making it more results-based, rather than process-based. And if we follow on our work force downsizing with a true reinvention of our Federal pay and personnel systems, we will indeed be able to do more, with less.

However, it is here that I must raise one concern I have about implementation of NPR recommendations. I know that the administration plans to propose soon a reform of the Federal personnel system. It is my hope that the proposal will be revolutionary—calling for a comprehensive overhaul of the way we hire, classify, promote, pay, and fire Federal employees. My fear is that what is coming will be just some marginal modifications to the existing system.

But marginal fixes are not enough. Not if we are going to eliminate management layers, giving the remaining managers and supervisors more discretion in their decision-making, while holding them more accountable for program performance. Results-oriented government requires results-oriented management, pay, and personnel systems. The Federal Government is a long way from those kinds of systems. They need reinvention, not modification.

Another concern I have is that I see the various reforms coming out of the National Performance Review as being advanced as a series of discrete, unconnected efforts. Budget process reform is unconnected to financial management reform, which is unconnected to customer service reform, which are all unconnected to civil service reform.

However, to really make reinventing government work, all of these pieces have to be interrelated. The Government Performance and Results Act envisions such an interrelationship—by trying long-term strategic planning, to annual program performance plans, which in turn should be tied directly into agency budgets. The law also encourages giving managers more flexibility, if their pay is linked to improved program performance. Improved customer service should be one key element in a program's annual performance plan.

But what I have not seen from the administration is a real understanding of the need for connecting, in a meaningful way, all of these pieces of government reform. NPR implementation is beginning to look like a scattershot effort—a laundry list of good ideas, but no coherent plan for tying them together into a comprehensive, interconnected scheme. And there does not seem to be an effective strategy for getting congressional support.

As a result, we see things unraveling at times. For example, last October the administration had introduced into Congress H.R. 3400, a 150-page bill containing 70 miscellaneous proposals from the NPR. That has now been whittled-down to a 17-page bill, with a small handful of items, that is still in the process of working its way through Congress.

As I said at the beginning, Mr. President, I applaud the administration—and particularly the Vice President—for the effort begun by the National Performance Review. I know they remain committed to this effort. And I want to help them get it enacted and make it work. But doing so will require more comprehensive policy coordination, better legislative strategizing, and closer cooperation with both sides of the aisle in Congress. And most of all, we must remain bold in our vision of how to reinvent the Federal Government.

Mr. President, I yield the floor.

RECESS UNTIL TOMORROW AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 9 a.m., Wednesday, September 14.

Thereupon, at 7:16 p.m., the Senate recessed until Wednesday, September 14, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1994:

DEPARTMENT OF STATE

THOMAS E. MCNAMARA, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROBERT L. GALLUCCI.

JEROME GARY COOPER, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

GERALDINE A. FERRARO, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF COMMERCE

MARTHA F. RICHE, OF MARYLAND, TO BE DIRECTOR OF THE CENSUS, VICE BARBARA EVERITT BRYANT, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE JAMES H. DUFF, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

PATRICIA HILL WILLIAMS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2000, VICE JAMES R. WHELAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN G. LORBER, 482-48-7661

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HOWELL M. ESTES III, 578-56-5497

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EVERETT H. PRATT, JR., 257-64-0526
MAJ. GEN. RONALD W. IVERSON, 518-46-6582

IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WARREN A. TODD, JR., 426-82-6098
COL. STEPHEN N. XENAKIS, 149-38-1499
COL. HAROLD L. TIMBOE, 569-58-9807